

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

January 27, 2016

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

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs Robert A. Levy Lynn Stoner Peter S. Tingom Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald Lunny
City Clerk:	Susan K. Slattery

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2. Opening remarks were made by Councilmember Jacobs.

The Pledge of Allegiance followed.

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ITEMS SUBMITTED BY THE MAYOR

Jim Romano, Parks and Recreation Director made the following announcements:

- Doggie Palooza – January 30th - Happy Tails Dog Park 10 a.m. – 3 p.m.

Mayor Bendekovic presented service awards to the following employees:

Joseph Gallignani	Police Department	25 years
Sharon Kent	Parks & Recreation	15 years
Eric May	Fire Department	15 years

Mayor Bendekovic made the following announcements:

- The American Heart Association honored the City of Plantation with the 2015 Platinum Award for the third year.
- Mayor's Council – February 3rd at 6:30 p.m. at Plantation Preserve.
- Share-A-Pony – Sundays, 9:30 – 11:30 a.m., Plantation Equestrian Center

- Broward County Property Appraisers office will have Saturday hours on February 20, April 30, August 27, and September 10.
- The deadline to submit photos for the 2017 Plantation calendar is April 29th. The theme is animals of Plantation.
- Farmers Market every Saturday.

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CONSENT AGENDA

Dennis Conklin pulled Item 8 from the Consent Agenda to be voted on separately.

3. Request to approve a purchase order to Auto Nation Chevrolet in the amount of \$34,225.00 for (1) 2016 Chevy Tahoe - Police rated (Budgeted-FD).
4. Request to award a contract for RWWTP-Injection Well MIT- ITB No. 076-15 in the amount of \$68,900.00 to All Web's Enterprises, Inc. (Budgeted-UT).
5. Request to award a contract for RWWTP-Headworks Repair- ITB No. 055-15 in the amount of \$38,300.00 to Leonard Graham, Inc. (Budgeted-UT).
6. Request for approval of a "competitive procurement exemption" and authorization to issue a purchase order to Electrical Contracting Service, Inc. to supply and install lighting at Kennedy Tennis Courts in an amount not to exceed \$83,154.95. (Budgeted - Parks & Recreation).
7. Request for approval of a "competitive procurement exemption" and authorization to issue a purchase order to TASER International, Inc. to supply TASERS, Battery Packs, and 4 year warranty in an amount not to exceed \$27,500. (Budgeted - Police Capital Outlay).
9. Approve renewal of Agreement with WHH Solutions, LLC to provide services as Chief of Police.
10. **Resolution #12213**
RESOLUTION assessing a lien on certain property for the cost to the City of Plantation of its mowing and clearing said property - 1301 SW 69 Avenue.
11. **Resolution #12214**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period **January 07, 2016** through **January 20, 2016** for the **Plantation Gateway Development District**.
12. **Resolution #12215**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period **January 07, 2016** through **January 20, 2016** for the **Plantation Midtown Development District**.
13. **Resolution #12216**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period **January 07, 2016** through **January 20, 2016**.

14. Resolution #12217

RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period **January 07, 2016** through **January 20, 2016** for the **City of Plantation's Community Redevelopment Agency**.

Motion by Councilmember Tingom, seconded by Councilmember Jacobs, to approve the Consent Agenda as presented with the exception of Item 8. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Jacobs, Levy, Zimmerman
Nays: None
Mayor Bendekovic voted affirmatively on Item No. 14.

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8. Approve Memorandum of Understanding for Article 33, Retirement of the FOP contract effective 10/1/2012 - 09/30/15.

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A memo from Horace A. McHugh, Chief Administrative Office and Margie Moale, Director of Human Resources follows:

On March 26, 2014, City Council approved the ratification of the Collective Bargaining Agreement (CBA) effective 10/1/2012 – 9/30/15 between the City and the Fraternal Order of Police, Lodge 42 (FOPA). The proposed Memorandum of Understanding (MOU) for Article 33 "Retirement" is an administrative housekeeping need regarding the hours of overtime reduction from 300 hours to 50 hours. The Agreement states that this change would be effective October 1, 2014.

When staff attempted to implement this change in October 2014 as agreed upon, it was discovered that the payroll system is only able to accommodate unilateral changes on a calendar year basis, not a fiscal year basis. Meetings were held with FOP representatives Joe Mercogliano and Brian Radziwon and it was agreed that the City would delay implementation of this provision of Article 33 "Retirement" until January 1, 2015. The change was made as agreed upon in January 2015, however the MOU was not proved to Council of official approval.

To satisfy the legal requirements for the police pension plan, this MOU is presented to Council for official approval. Your consideration is appreciated.

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Mr. Conklin was in favor of the approval of the Memo of Understanding.

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Motion by Councilmember Levy, seconded by Councilmember Tingom, to approve the Memorandum of Understanding for Article 33. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Jacobs, Levy, Zimmerman

Nays: None

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ADMINISTRATIVE ITEMS

15. Discussion concerning Funding for Capital Projects

After discussion, consensus was reached to move forward. The Council requested staff contact local banks and compare the cost of a private loan verses a general obligation bond; the Council requested the “real” cost of the bond be brought back for discussion.

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LEGISLATIVE ITEMS

Mr. Laystrom, representative for the developer, agreed to waive the Quasi-Judicial proceeding for Item 18 and have it heard under Legislative Items.

16. Deferred Public Hearing and First Reading of an ordinance 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 10.84 plus or minus acres of property from “commercial” to “commercial and residential all within a dashed line area with an overall density of 25 dwelling units per acre” (Lakeside Apartments).

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A Staff Report follows:

REQUEST: Land Use Plan Amendment (LUPA) to change the land use designation from “Commercial” to “Commercial and Irregular Residential all within a dashed-line area with an overall density of 25 dwelling units per acre”

PRIOR CITY COUNCIL ACTION: On December 16, 2015, the Council took no action on the site plan and did not approve the applicant’s request for a land use plan amendment. The City Council then voted to continue the deliberations on the land use plan amendment to the January 27, 2016 City Council meeting. Staff has re-advertised and re-noticed the land use plan amendment, which will allow the City Council an opportunity to receive public and other relevant input and act on the applicant’s request during the public hearing on January 27, 2016.

For tonight’s meeting, the Staff Report is materially the same as before, except:

- A. A draft copy of the Clerk’s Supplement (Council Minutes) of the December 16, 2015 meeting is attached for your reference;
- B. Planning and Zoning Staff Comment No. 1 has been expanded to better explain the project process (these matters were previously highlighted in the companion Site Plan Application Staff Report;
- C. The Legal Department has added three comments on page 3 and 4 to address the status of two items that have been under discussion with the Applicant’s attorney; and,
- D. Section 2 of the Ordinance has been revised in light of the City Attorney’s comment recommendations. The Staff Report now follows.

EXECUTIVE SUMMARY: LAND USE PLAN AMENDMENT

The applicant is requesting a change in land use designation from “Commercial” to “Commercial and Irregular Residential within a dashed-line area with an overall density of 25 dwelling units per acre”. The amendment site is located south of American Express and north of the Manor Apartments (Veranda 2) between Pine Island Road and American Expressway. The companion site plan proposes 271 apartments and a large parking garage in the northwest corner of the Lakeside Office Building parking lot.

The City has various policy considerations (including but not limited to Future Land Use Element Policy 1.16.1, listed in Exhibit A). These policy considerations are weighed when evaluating an application to change a future land use designation.

- a) In Staff’s considered opinion, this application does not adequately meet many of these considerations based on the project not meeting code requirements.
- b) It is also Staff’s opinion that the City should at this point in its redevelopment stop the conversion of commercial property to non-commercial purposes. Continued reduction in the City’s already limited commercial areas inhibits job creation, the most important component of economic development. This recommendation is based in part on the Updated 2015 land use inventory (see below) which indicates that tax-exempt land comprises more than 30% of the City.

2015 Land Use Inventory

- Residential: 49.0%
- Commercial, Industrial, and Office: 9.5%
- Tax-exempt: 31%*
- Commercial Recreation: 5%**
- Water Areas (excluding OPWCD) 2.5%
- Vacant: 3.0%

Source: Plantation Planning, Zoning, and Economic Development Department

**Community facilities, religious institutions, public parks, utility and public road ROW, Plantation Preserve, OPWCD properties, charter schools, and private schools (American Heritage has a total*

assessed value exceeding \$20M and pays approximately \$13,000 in taxes and is considered tax exempt for this analysis).

***Includes private golf courses.*

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; *draft* Ordinance; Clerk's Supplement (City Council *draft* Meeting Minutes of December 16, 2015).

LOCAL PLANNING AGENCY RECOMMENDATION: Approval (4/2; October 6, 2015).

REVIEW COMMITTEE RECOMMENDATION: Application sufficient; means the application contains the minimum information necessary to review the plans (July 28, 2015).

REVIEW COMMITTEE RECOMMENDATION: Application insufficient (May 26, 2015).

STAFF COMMENTS:

PLANNING AND ZONING:

1. The Lakeside property, the northern portion of the master plan, is 12 acres in area and developed with a 136,864 square foot office building. The applicant is proposing construction of a 271-unit apartment building with a parking garage on 5.1 gross acres for an effective site density of 53 units per acre. This additional residential acreage will exceed the 40% rule based on the application of comprehensive planning rules pertaining to the award of Flexibility and Reserve Units. Therefore, in order to achieve its desired multi-family residential development densities, the applicant is seeking a new "Dashed Line" Future Land Use Designation, and is not seeking an award of Flexibility Units or Reserve Units. Specifically, the applicant is proposing to utilize 10.84 acres of their 13.1 acre lakeside site for a land use plan amendment (PD14-0003) which is being reviewed concurrently with a site plan so as to convert the 10.84 acres of the Lakeside parcel from a "Commercial" future land use designation to "Commercial / Irregular Residential Density" with a dashed line. The remaining 2.251 acres of the Lakeside site must be allocated to the Veranda developments identified above to avoid bringing the southern portion of the master planned site into non-conformity from a comprehensive planning perspective. This strategy will require two (2) different allocations: the first being an external allocation so as to allocate 2.251 acres of the Lakeside property externally to the Veranda Condominiums, and the second being an internal allocation so as to have the office portion of the Lakeside development allocate all of its residential entitlements under the requested future land use designation to the proposed residential portion of the Lakeside Development. These allocations will be in the form of Declarations of Restrictive Covenants that will be approved by the City Attorney if the Land Use application is approved.
2. Comprehensive Plan Policy 1.16.1 requires the City to consider policy considerations, in addition to all other appropriate policy considerations stated elsewhere in this Plan, when making a decision on whether to change the future land use designation for a parcel of property. *The applicant and staff have submitted responses to each criteria (see Exhibit A).*
3. This request must undergo a local concurrency review for parks, water, sewer, streets, drainage, and solid waste. The standard single-page form is available in the Planning and Zoning Department. The applicant must present the form to the appropriate City departments for sign off prior to City Council approval. The applicant is responsible for City impact fees, payable at the time of permitting.
4. The applicant shall contact the Broward County School Board regarding school impact/mitigation fees prior to Planning and Zoning Board consideration. *Applicant has submitted the required Preliminary School Capacity Availability Determination to verify impact on the public school system.*

LEGAL:

1. Declaration to Address Residential Entitlement Allocations. Should the City Council desire to approve this matter, a Declaration of Covenants and Restrictions shall be needed to evidence the external and internal allocations referenced above, and this will need to be executed and recorded prior to the transmittal of the local plan amendment for interagency review.

The better management and legal practice for the external allocation (i.e. 2.251 acres of the Lakeside Property being allocated external of the Lakeside Property and towards the Veranda projects within the Master Plan) would be to require all of the owners of the overall 28.69 acre master planned site to join in the Declaration. This way, the City could be satisfied that everyone was in agreement with how the allocation was calculated. The City suggested that for the condominiums, every unit owner would not need to execute the Declaration in the event an opinion could be rendered that under the relevant condominium documents, the Association had the legal authority to execute the Declaration on the Unit owners' behalf.

The Applicant has expressed concern that some owners may not want to sign the Document, and has requested the Legal Department to accept a Declaration for the external allocation which is only signed by the Lakeside Property owners. While this would meet the minimum requirement necessary to effect an allocation, the City would not be assured that all of the master planned property owners would have agreed to the allocation. The Applicant has offered the City an indemnity to address any foreseeable legal risk in this regard, which is similar to a procedure used by the County when consents cannot be obtained. The Legal Department does not have the authority to accept the applicant's alternate method of effecting the allocation in view of the circumstances of the matter. However, the development documents have been drafted and are being reviewed as if the City Council will authorize the Legal Department to proceed along these lines, and any approval by the Council will be construed as such authorization unless the Council specifically instructs otherwise.

2. Should the City Council desire to approve this matter, a second, "procedural" Declaration of Covenants and Restrictions should be required which ensures that the City will have all of its discretion in considering the matter at the adoption hearing, and which ensures that the project will get built as contemplated. Once the local plan amendment is transmitted, the Planning Department advises that after the new State Planning Act's administrative procedures were implemented on the state and local level, it is possible for the County Plan Amendment to be completed prior to the City's second reading of the local plan amendment. This happened recently with respect to the Broadstone Development. From a legal perspective, once the County completes its County Plan Amendment, arguably, the City's local plan amendment will be required to be in substantial conformity with the County Plan. It is possible that the Applicant would then be able to assert that the City's discretion to deny the local plan amendment is constrained. Also, it is possible for the land use to be changed in contemplation of the improvements on the Site Plan, and then for the Site Plan to expire and different improvements be proposed. To avoid these "Catch 22's", a second "process" Declaration of Covenants and Restrictions is also needed so that the City can rescind its land use approvals and take all action required to change the operative land use classifications back to "Commercial" should the City not approve its local plan amendment or should the inducing development reflected on the Site Plan for the City's change in land use is not constructed. The Applicant has agreed to this condition.

3. The above matters will be addressed prior to transmitting the proposed Local Plan Amendment for Interagency Review and language to this effect has been added to Section 2 of the Draft Ordinance.

ENGINEERING DEPARTMENT: See comments provided in Application PP14-0032 (Site Plan Report).

TRAFFIC CONSULTANT: See comments provided in Application PP14-0032 (Site Plan Report).

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

1. Staff is concerned that the proposed tree canopy removal is excessive. As per City codes every reasonable effort must be made by the proponent to incorporate existing trees in the development project and to minimize the number of trees removed. (An estimated 116 trees are noted to be removed with only 21 small trees to be relocated and 45 palms to be relocated). Staff does not support the removal of mature Live oak and Mahogany trees. The amount of canopy proposed for removal is substantial. PLEASE NOTE: Approximately 31,681 sq. ft. of tree canopy are proposed for removal with only about 6,070 sq. ft. of tree/palm canopy to be relocated.
2. Additional comments provided in Application PP14-0032 (Site Plan Report).

BUILDING DEPARTMENT: The Building Department does not review land use plan amendments.

FIRE DEPARTMENT: The Fire Department does not review land use plan amendments. Fire Department site and building plan comments are provided in Application PP14-0032.

POLICE DEPARTMENT: The Police Department does not review land use plan amendments. Site plan comments provided in Application PP14-0032 (Site Plan Report).

UTILITIES: No objection to the LUPA request as plant capacity does exist to support this project; no capacity is reserved until capacities are paid in full. However, the proponent must agree they will be responsible for any on and offsite water and sewer improvements needed to support this project. See also comments Application PP14-0032.

O.P.W.C.D. Comments provided in Application PP14-0032 (Site Plan Report).

WASTE MANAGEMENT: Comments provided in Application PP14-0032 (Site Plan Report).

Exhibit A

LAKESIDE APARTMENTS **RESPONSES TO CITY COMPREHENSIVE PLAN POLICY 1.16.1**

Policy 1.16.1

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

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

APPLICANT RESPONSE: The subject site is located in the City's Midtown District. The Plantation City Council designated 860 acres as the Plantation Midtown District in 2004. The last few years have seen changes in development occur to nearby properties including the development of the Veranda I and II as well as the Manor residential developments immediately to the south. The recent changing nature of the area and District provide the subject site with the opportunity to capitalize on its location in the District. The proposed commercial and residential land use offers greater opportunities for the site to respond to changing conditions and to be developed in a manner more suited to the vision of the City's Midtown District.

Staff Response:

There has been no change in population, socioeconomic factors, or physical development of property nearby or affecting the subject property to justify the land use plan amendment. The existing shopping center, Veranda and Manor multi-family and office building were part of a master plan approved prior to adoption of current SPI-3 zoning and completed nearly 10 years ago. The property to the north, west, and east is unchanged as is most of Midtown north of Broward Boulevard.

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

APPLICANT RESPONSE: The attached report demonstrates minimal impact of the proposed land use on public facilities and services.

Staff Response:

Comments provided in Application PP14-0032 (Site Plan Report).

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

APPLICANT RESPONSE: The development permitted by the proposed commercial and residential land use is compatible with the land uses surrounding the site. Commercial land uses are located to the north and south. The proposed land use is also compatible with the residential – Medium 16 land use to the east and west. In addition, any development occurring on the site will be consistent with the City’s land development regulations which ensure compatibility between properties through the use of setbacks, buffers and other regulations.

Staff Response:

Buildings in excess of code limitations are not compatible because they exceed what the City has legislated as being acceptable. In this case, the building proposes a 200% increase in density and a 7% increase in Floor Area Ratio.

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

APPLICANT RESPONSE: The subject site is located in the Plantation Midtown District. The proposed use is consistent with the GOPs of the District. The proposed commercial and residential land use will allow for a greater variety of development potential on the subject site.

Staff Response:

Plantation Midtown: Neighborhood Goals, Objectives, and Policies.

Objective 1.1 states, “Implement the Plantation Midtown Conceptual Plan that ensures the highest quality development, a safe environment, and an appropriate mix of uses and functional circulation”.
The development associated with the LUPA does not implement the Midtown Plan in terms of the “ensuring the highest quality of development.”

Failure to meet minimum code requirements does not compel a conclusion that the project is “the highest quality of development”. More specifically:

- 1) *The development proposal exceeds the applicable SPI-3 code requirements for Floor Area Ratio (Maximum 0.85 allowed, 0.98 proposed);*
- 2) *Because this is a freestanding apartment building, the code limits maximum density in terms of the SPI-3 equivalent site area (EQSA) calculation. Applicant has incorrectly calculated the EQSA to allow 192 units. Calculating the EQSA as per code, the maximum density is 128 units, less than ½ the 271 units proposed by applicant;*
- 3) *The project as designed does not provide the building tower step-back as required by the SPI-3 Zoning Code. While Veranda and the Manor do not provide the step-back requirement (approved prior to SPI-3), neither project exceeds 200 units when compared to the 271 units at Lakeside.*
- 4) *The project as designed does not meet the 50% 10’-20’ build-to-line required adjacent to American Expressway; and*
- 5) *110 apartments (40% of the total) do not meet the minimum size requirements.*

Policy 1.3.4: Applicant proposes a freestanding apartment building. The development proposal is inconsistent with Policy 1.3.4 in that it does not “promote multi-story commercial/office/residential mixed-use developments and multi-story office use developments in the Plantation Midtown District”.

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

APPLICANT RESPONSE: The proposed land use is not in conflict with the GOPs of the City’s Comprehensive plan and is compatible with adjacent uses. Section XIV of the LUPA report outlines GOPs with which the proposed land use is consistent. In addition, the proposed land use offers greater opportunities for the site to respond to changing conditions and to be developed in a manner more suited to the vision of the City’s Midtown District.

Staff Response to Criteria No. 5

Future Land Use Element:

Policy 1.6.1: The Future Land Use Plan map shall achieve a sound balance between the competing demands of environmental conservation, economic growth, and prevention of future incompatible land uses.

The project does not promote economic growth. The project does not create a material increase in full-time, sustainable jobs needed to expand the employment base of City of Plantation.

Since 2005, approved plus in-process (excluding Fashion Mall) conversion of commercially-designated land (Commercial, Office, and Industrial) to residential will reduce available commercial land in the city from 10% to 9.5%. While a 0.5% reduction in commercial appears insignificant, consider the estimated land allocation for other uses in Plantation in 2015.

- Residential: 49.0%
- Commercial, Industrial, and Office: 9.5%
- Tax-exempt: 31%*
- Commercial Recreation: 5%**
- Water Areas (excluding OPWCD) 2.5%
- Vacant: 3.0%

Source: Plantation Planning, Zoning, and Economic Development Department

**Community facilities, religious institutions, public parks, utility and public road ROW, Plantation Preserve, and OPWCD properties, charter schools, and private schools (American Heritage has a total assessed value exceeding \$20M and pays approximately \$13,000 in taxes and is considered tax exempt for this analysis).*

***Primarily private golf courses.*

With over 30% of the city property tax exempt and 49% residential, it is hard to argue that the continued conversion of commercial-type land to residential promotes economic growth.

Objective 1.18: *Encourage innovation in land planning and site development techniques by achieving an on-site mix of residential and commercial uses and by promoting multi-story commercial/office/residential mixed-use development and multi-story office use developments in the Plantation Gateway/CRA and Plantation Midtown redevelopment areas. Multi-story use is as defined by the City's land development code.*

The application is inconsistent with Objective 1.18 as it proposes a freestanding apartment building and not a multi-story commercial/office/residential mixed-use development.

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

APPLICANT RESPONSE: **The proposed use offers a greater variety of compatible potential development on the site. Development under the proposed use will comply with the City's land development regulations.**

Staff Response:

As mentioned in No. 4 above, the application fails to meet several zoning code requirements.

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

APPLICANT RESPONSE: **The proposed land use allows for the development of uses which provide residential and commercial opportunities while furthering the City's vision for the Midtown District, including positive economic impacts to the area.**

Staff Response:

Since 2005, approved plus in- process (excluding Fashion Mall) conversion of commercially-designated land (Commercial, Office, and Industrial) to residential will reduce available commercial land in the city from 10% to 9.5%. While a 0.5% reduction in commercial appears insignificant, consider the estimated land allocation for other uses in Plantation in 2015.

- Residential: 49.0%
- Commercial, Industrial, and Office: 9.5%
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- Water Areas (excluding OPWCD) 2.5%
- Vacant: 3.0%

Source: Plantation Planning, Zoning, and Economic Development Department

*Community facilities, religious institutions, public parks, utility and public road ROW, Plantation Preserve, OPWCD properties, charter schools, and private schools (American Heritage has a total assessed value exceeding \$20M and pays approximately \$13,000 in taxes and is considered tax exempt for this analysis.

**Includes private golf courses.

The City should at this point in its redevelopment stop allowing commercial property from being converted to non-commercial purposes. This continued reduction the City's already limited commercial base stifles job creation, the most important component of economic development.

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

APPLICANT RESPONSE: The proposed land use retains commercial as a permitted use while adding residential uses, thereby offering additional development opportunities than under the existing land use.

Staff Response:

Staff believes that approving the LUPA is a response to current market conditions that favor investment in residential rental development. Staff believes considering only what the lenders favor today is not a basis for long term planning decisions.

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

APPLICANT RESPONSE: The proposed land use compliments the future land use and zoning needs of the community by providing residential use opportunities in a manner consistent with the City's vision for the Midtown District.

Staff Response:

Based on the current land use composition of the City, it is vital to the City that no additional loss of commercial be allowed (see response to Criteria 7 above).

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

APPLICANT RESPONSE: The proposed use is compatible with adjacent land uses and the goals and objectives of the Midtown District.

Staff Response:

See Criteria 1 – 9 above.

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

APPLICANT RESPONSE: The proposed use does not and will not result in contamination of groundwater sources used to supply potable water.

Staff Response:

To be determined by the Broward County Environmental Protection Department.

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

APPLICANT RESPONSE: The proposed future land use will not have a negative effect on the City’s water supply.

Staff Response:

See Utility Department comments in Application PP14-0032 (Site Plan Report).

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Councilmember Zimmerman disclosed Exparte Communications between himself and the applicant. He stated it will not influence his decision which will be based upon evidence presented tonight.

Motion by Councilmember Jacobs, seconded by Councilmember Stoner, to pass the Ordinance on first reading. Motion carried on the following roll call vote:

Ayes: Stoner, Jacobs, Levy, Zimmerman

Nays: Tingom

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- 18.** Request for master plan, site plan, elevations and landscape plan for Lakeside Apartments; located on the west side of American Expressway approximately 690 feet south of Cleary Boulevard (PP14-0032).

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A Staff Report follows:

REQUEST: Consideration of a request for master plan, site plan, elevations, and landscape plan approval for Lakeside Apartments

EXECUTIVE SUMMARY

The Planning and Zoning Board recommended approval of the site plan but denied of the parking waiver and building step-back waiver along American Expressway. Staff has expressed its concerns regarding the conversion of the additional commercial property to residential use in the companion land use plan application.

If the City Council chooses to approve the site plan application, staff recommends approval be subject to the staff comments, which include Planning and Zoning Board denial of the parking and building step-back waivers.

EXHIBITS TO BE INCLUDED:

- Development Review Application
- City Council Meeting (Clerk’s Supplement): The City Council took no action on the site plan at the December 16 public hearing. The site plan has been re-advertised for January 27, 2016 public hearing.

PLANNING AND ZONING BOARD RECOMMENDATION: DENIAL of parking waiver and step-back waiver; **APPROVAL** of other waivers; **APPROVAL** of site plan subject to staff comments (6/0; October 6, 2015).

LANDSCAPE PLANNING REVIEW BOARD RECOMMENDATION: APPROVAL subject to staff comments (3/1; October 6, 2015)

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward for further review (July 28, 2015).

REVIEW COMMITTEE RECOMMENDATION: OBJECTION to the project moving forward for further review due to incompleteness (May 26, 2015).

WAIVER REQUESTS:

- From: Section 27-624(a)(2), which requires the maximum allowable density to be calculated Based on the equivalent site area (5.12 acres) and allows a maximum of 128 residential units.
To: Base the residential density on 10.84 gross acres and allow 271 residential units.
- From: Section 27-624(d)(2), which limits the floor area ratio to .85 (922,346 square feet.)
To: Provide a floor area ratio of .975 (1,057,788 square feet.)
- From: Section 27-624(d)(5), which requires a 750 square foot minimum unit size for a one-bedroom unit
To: Allow 110 one-bedroom units (A1, A2, and A2A unit types) to range in size from 667 square feet to 716 square feet.
- From: Section 27-624(c), which requires that a minimum of 50% of the property street frontage must have a building within the 10 to 20 foot build to zone.
To: Provide 32% of the property street frontage to have a building within the build to zone.

5. From: Section 27-624(e), which limits the portion of the building face within the required Build-to zone to 3 stories or forty-five feet in height. Any portion of the building that exceeds this height must be “stepped-back” at least 20 feet from the building façade.
To: Not provide the required building setback.

The P & Z Board recommended denial of the step-back waiver. Staff concurs.

6. From: Section 27-626(b)(1)(vi), which requires that if the building exceeds 250 feet in length, a pedestrian pass-through is required.
To: Not provide a pedestrian pass-through.

7. From: Section 27-626(b)(3)(iii)(c), which prohibits residential sliding glass doors on street facades.
To: Allow sliding glass doors along the street façade.

Staff recommends denial of the waiver. Staff will accept ground floor elevations as shown on the current site plan stamped received by PZED October 20, 2015.

8. From: Section 27-623(d)(4)(vi)(a), which requires a minimum 2-foot wide continuous paving strip along the curb of parallel spaces abutting a street.
To: Provide connections to the public sidewalk that do not run the entire length of the parallel parking space.

9. From: Section 27-743, which requires 506 spaces for the office building.
To: Provide 318 parking spaces for the office building.

The P & Z Board recommended denial of the waiver. Staff agrees. Shared parking arrangements within parking garages are difficult if not impossible to enforce. Veranda Condominium (primarily rentals today) has prohibited shopping center customers and employees from parking in the open ground floor of the garage, contributing in part to the ongoing parking shortage at the shopping center. Midtown 24 installed a gate at the entrance to the parking garage after the building was occupied. Guests unable to access the garage, park in unapproved locations in the nearby hotel and medical building parking lots.

10. From: Section 27-747, which requires 6 loading zones.
To: To provide two loading zones.

11. From: Section 27-742(m)(2) which requires the parking garage drive aisle width to be 25 feet.
To: Provide 24-foot wide drive aisles.

12. From: Section 27-743(m)(4), which requires parking spaces next to walls or columns to be 10 feet wide by 18 feet deep.
To: Provide 9-foot wide spaces adjacent to the support walls.

Staff does not support this waiver. The 9-foot wide parking space is the national standard for a parking space width located in surface parking lots. When a parking space is located next to a sheer wall inside a parking garage, the driver has less room to enter and exit the parking space without damaging his/her car or swinging wide and overlapping into the next parking space.

13. From: Section 27-626(b)(2)(v), which requires service and support elements such as Loading docks to be screened from public view.
To: Not provide a screening wall and gate around the loading area.

Staff recommends denial of this waiver. The applicant's sanitation plan requires mobilization of seven trash containers at least three times per week for pickup in the loading area.

Staff recommends an opaque fence or wall (in addition to a six foot hedge) to screen the adjacent apartments from the view of the loading and trash receptacle area. Staff also recommends an opaque recessed gate be installed at the entry of the loading area to the screen loading and trash activities area from the publicly accessible drive-aisle connecting Pine Island Road with American Expressway. The gate requirement is subject to the approval of the Engineering and Fire Departments at time of permit. The applicant has indicated that this waiver is not required. Staff disagrees. Veranda, Midtown 24, and the Fountains Shopping Center have all provided screened loading areas from publicly accessible roadways within the respective developments.

14. From: Section 13-41(a) (b). Pedestrian zones along building facades.
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.)
To: Reduce the required 21' – 35' lpz along the southern façade – 13.3' has been provided
Reduce the required 21' – 35' lpz along the eastern façade – 15' has been provided
Reduce the required 21' – 35' lpz along the western façade – 11.5' has been provided

15. From: Section 13-41(a). Pedestrian zones along building facades.
Recognizing that it is universally accepted that trees and other plantings function to visually and aesthetically buffer and enhance building facades to reduce air and noise pollution and to conserve energy within the structure, there shall be a landscaped pedestrian zone along the length of all building walls not directly adjacent to vehicular approaches. The depth of this pedestrian zone and the degree to which it is landscaped shall be determined by building height and function.
To: Reduce the required 21' – 35' lpz along the northerner façade – 20' has been provided

ANALYSIS:

In February 2004, prior to adoption of the SPI-3 zoning district, City Council approved a master plan for the 28.7 gross acre site located on the northeast corner of Pine Island Road and American Expressway. The master plan included the existing Lakeside office building and the addition of a retail shopping center, sixteen (16) townhomes, and two multi-family buildings encompassing 382 residential units (181 units in the north building and 201 units in the south building). The site was rezoned to SPI-3 concurrent with adoption of the SPI-3 zoning district for Midtown in May 2004.

The retail component and the south multi-family building (Veranda) were completed in 2008. In 2011, City Council approved a site plan modification for the townhouse and northern multi-family parcels. The 16 townhomes and the 181-unit apartment building (The Manor) were completed in 2014.

At the time of these approvals, the City Council approved the assignment of flex units to allow residential development on the commercially "land use designated" parcel. Freestanding multi-family residential uses are permitted utilizing flexibility provided that the gross residential acreage does not exceed 5 acres (within Plantation Midtown) or 40% of the total gross acreage of the commercially designated parcel, whichever is greater. The maximum acreage for residential development within the master plan, based on the 40% rule, is 11.5 acres. The acreage of the existing residential development is 7.1 acres.

Current Proposal:

The Lakeside property, the northern portion of the master plan, is 13.1 acres in area and developed with a 136,864 square foot office building. The applicant is proposing construction of a 271-unit apartment building with a parking garage on 5.11 gross acres for an effective site density of 53 units per acre. This additional residential acreage will exceed the 40% rule based on the application of comprehensive planning rules pertaining to the award of Flexibility and Reserve Units. Therefore, in order to achieve its desired multi-family residential development densities, the applicant is seeking a new "Dashed Line" Future Land Use Designation, and is not seeking an award of Flexibility Units or Reserve Units. Specifically, the applicant is proposing to utilize 10.84 acres of their 13.1 acre Lakeside site for a land use plan amendment (PD14-0003) which is being reviewed concurrently with this site plan so as to convert the 10.84 acres of the Lakeside parcel from a "Commercial" future land use designation to "Commercial / Irregular Residential Density" with a dashed line. The remaining 2.251 acres of the Lakeside site must be allocated to the Veranda developments identified above to avoid bringing the southern portion of the master planned site into non-conformity from a comprehensive planning perspective. This strategy will require two (2) different allocations: the first being an external allocation so as to allocate 2.251 acres of the Lakeside property externally to the Veranda Condominiums, and the second being an internal allocation so as to have the office portion of the Lakeside development allocate all of its residential entitlements under the requested future land use designation to the proposed residential portion of the Lakeside Development. These allocations will be in the form of Declarations of Restrictive Covenants that will be approved by the City Attorney if the Land Use applications are approved.

The proposed residential development is six and seven stories in height with a seven story-parking garage. The building architecture is contemporary and incorporates some but not all of the Midtown design standards. Fifteen (15) waivers are being requested, including 13 zoning waivers and 2 landscape waivers. It should be noted that waivers for an increase in the number of allowable units, an increase in floor area ratio, a reduction in required parking, and an exposed trash staging area are all typically signs of property overdevelopment.

STAFF COMMENTS:

Planning:

1. See application PD14-0003, which is the concurrent land use plan amendment for additional Planning comments.
2. This request must undergo a local concurrency review for parks, water, sewer, streets, drainage, and solid waste. The standard single-page form is available in the Planning and Zoning Department. The applicant must present the form to the appropriate City departments for sign off prior to City Council approval. *Acknowledged by applicant.*
3. The applicant is responsible for City impact fees, payable at the time of permitting. *Acknowledged by applicant.*
4. Applicant to submit the required Preliminary School Capacity Availability Determination to verify impact on the public school system. *Submitted with land use plan application.*

Zoning:

In General:

1. The Planning and Zoning Board recommended denial of the following waivers:
 - Zoning waiver #5 to eliminate the required step-back of the building at the fourth floor.
 - Zoning waiver #9 to reduce the required parking.
 - Landscape waiver regarding the number of shade trees (Waiver no longer needed - the applicant has addressed this requirement).
 - Landscape waiver regarding surface parking medians (Waiver no longer needed - the applicant has addressed this requirement).
2. The City Attorney has requested a density allocation document for the Lakeside property. This information was submitted late and is being reviewed by the city attorney
3. Any new or amended unified control documents, cross access agreements, operating agreements or restrictive covenants will require review and approval by the City Attorney prior to the issuance of a building permit.

Site Data Table:

4. The “equivalent site area” calculation required by the code {Section 27-624(a) (2)} is intended to regulate density for freestanding apartment buildings within the SPI-3 zoning district. The “equivalent site area” calculation would allow approximately 128 dwelling units, less than ½ of the 271 dwelling units proposed by the applicant. The applicant is requesting a waiver from the unit count limitation of the equivalent site area calculation.
5. Lot coverage and floor area ratio requirements are intended to regulate the mass and bulk of buildings and other structures. The maximum allowable floor area ratio is 0.85 {Section 27-624(d) (2)} which would allow no more than 177,410 square feet of additional development on the master planned site. The applicant proposes 312,880 square feet of additional residential development, which creates a floor area ratio of 0.975, exceeding code by 135,470 square feet. The applicant is requesting a waiver to increase the floor area ratio.

Site Plan:

6. If approved, the applicant is requesting a phased construction plan. The first phase is to construct the parking garage and the reconfigured parking area to the west of the proposed parking garage. The second phase will be construction of the multi-family residential building. Should the garage be constructed and the residential building not be constructed, the unembellished south and east faces of the garage will be exposed to American Expressway. As a condition of approval, staff recommends that the applicant obtain the permit for construction of the apartment building OR that the applicant add architectural treatments to the south and east sides of the parking garage (to match the architectural treatments proposed on the north and west elevations) prior to issuance of the certificate of occupancy for the parking garage.

7. Section 27-624(c) requires that a minimum of 50% of the property street frontage must have a building within the 10 to 20 foot build to zone. The applicant is proposing approximately 32% of the property street frontage to have a building within the build to zone. The applicant is requesting a waiver.
8. Section 27-624(e) states that the portion of the building face within the required build to zone shall not exceed 3 stories or 45 feet in height. Any portion of the building that exceeds this height must be set back a minimum of twenty feet from the building façade. The applicant has not provided the required “step back” from the building pedestal. Revise the site plan and architectural plans accordingly. The applicant is requesting a waiver. The Planning and Zoning Board recommended denial of this waiver at their October 6, 2015 meeting. Staff concurs.
9. The building exceeds 250 feet in length. A pedestrian pass-through is required (Section 27-626(b) (1) (vi)). The applicant is requesting a waiver.
10. Ground floor units on the west side of the building face the loading zone and trash pick-up areas. Upper level units on the south side of the garage are located directly above the loading zone. Staff recommends enclosing the trash staging area inside the building (similar to Midtown 24), or, at a minimum, providing a decorative wall and a hedge to screen the apartments from the trash staging area. If the loading zone is not screened, a waiver is required and has not been requested. See zoning comment #18. {Section 27-626 (b) (2) (v)}. The applicant is proposing shrubbery to screen the loading zone area from these units.

Floor Plans:

11. The minimum unit size for a one-bedroom unit is 750 square feet (Section 27-624(d) (5)). The A1, A2, and A2A unit types do not meet the minimum size requirement. These units range from 667 square feet to 716 square feet. The applicant is requesting a waiver.

Elevations:

12. Section 27-626(b) (3) (iii) (c) prohibits residential sliding glass doors on street facades. Replace typical sliders with a decorative door style and label plans accordingly. Provide door details. The doors at the balconies are not labeled accordingly. The applicant is requesting a waiver. Staff recommends denial with the understanding that the existing ground floor elevations (except with respect to screening of the loading and trash mobilization area), are acceptable as provided on the most recent site plan stamped received October 20, 2015.

Parking and Loading:

13. Section 27-747 requires six loading zones. The applicant is proposing two. The applicant is requesting a waiver.
14. Curbside parking (Section 27-623(d) (4) (vi) (4)) requires a minimum 2-foot wide continuous paving strip along the back of parallel spaces abutting a street. The applicant is proposing 5-foot wide connections to the public sidewalk that do not run the entire length of the parallel parking space. The applicant has indicated that these spaces will not be reserved. The applicant is requesting a waiver. Staff has no objection to this waiver.
15. Installation of the six curbside parking spaces along American Expressway requires relocation of existing trees that were planted at the City’s expense. See the Landscape Department comments for additional information.
16. The required office parking is 506 surface spaces and 318 surface spaces are provided. The Planning and Zoning Board recommended denial of the parking waiver and staff concurs. Shared parking arrangements within parking garages are difficult, if not impossible, to enforce. Veranda Condominium (primarily rentals today) has prohibited shopping center customers and employees from parking in the open ground floor of the garage, contributing in part to the on-going parking shortage at the shopping center. Midtown 24 installed a gate at the entrance to the parking garage after the building was occupied. Guests unable to

access the garage today, park their vehicles in unapproved locations at the adjacent hotel and medical building parking lots.

17. The parking garage:

- a. The required drive aisle width is 25 feet (Section 27-742(m) (2)). The applicant is proposing 24-foot wide aisles. The applicant is requesting a waiver.
- b. Parking spaces next to walls or columns shall be ten feet wide by eighteen feet deep (Section 27-743(m) (4)). The applicant is proposing 9-foot wide spaces next to the support walls. The applicant is requesting a waiver.

18. Screen the loading zone from public view (Section 27-626(b) (2) (v)). PZED Staff does not support this waiver. The loading/trash collection area is not screened in such a manner as to meet code requirements adopted subsequent to construction of the Lakeside Office Building. Section 27-626(b)(2)(v) states that “unsightly service and support elements such as loading docks, mechanical equipment, waste containers, etc., shall be located at the sides or rear of buildings and shall be screened from public view by appropriate means.” The applicant has located the loading area and the trash room to the south of the building. There are two loading bays with roll up doors as well as one trash room interior to the building.

- a. Since adoption of the SPI-3 zoning in 2004, Section 27-626(b) (2) (v) has been applied to developments (commercial and residential) in the SPI-3 district. The Fountains Shoppes of Distinction loading areas are screened with walls (rear of the shopping center) to minimize the visual impact upon future residential development. Midtown 24, Veranda, and the Manor have located loading and trash areas inside parking garages away from public view.

Details:

19. Note: Per Section 27-647, outdoor equipment must be screened (FPL, backflow preventers, etc.) The applicant has made note on sheet SP-1.

20. Note: Prior to building permit submittal, please obtain an approved “Paint Color Approval and Agreement” form from the Planning & Zoning Department. The applicant has made note on sheet SP-1.

Signage:

21. Note: Signage is not part of this review. Any ground signage will require a special exception. The applicant has made note on sheet SP-1.

ENGINEERING DEPARTMENT:

Site Plan Comments:

1. Please provide details for the “Underground Storage Tank”. *07-14-15: The plan shows that the FF Elevation of the tank in NGVD. Please revise to NAVD. Old Plantation Water Control District will have to approve the plan prior to issuance of a permit.* **09-17-15: Comment addressed. The plan will still need OPWCD approval.**

Traffic Engineering Comments:

1. 09-17-15: Traffic Study Comments:

- a. Appendix E – Intersection Capacity Analyses. Please contact Engineering to discuss the inputs used for the intersection analyses. **11-23-15: The analysis shows that at the intersection of Cleary Blvd/American Express Way the northbound left-turn movement will operate deficiently during the PM peak hour. The developer agreement will need to include a provision for the analysis of this intersection one (1) year after CO providing there is at least 80% occupancy.**

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.
3. A Maintenance of Traffic (MOT) plan will be required. Please meet with Engineering to discuss.
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 may be required and a copy(s) provided to the Engineering Dept. at the time of permit review.

The Applicant will be required to execute a developer agreement and post security for all engineering and landscape related improvements at the time of permitting

TRAFFIC CONSULTANT: Please see Engineering comments.

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

- ❖ *As per City codes every reasonable effort must be made by the proponent to incorporate existing trees in the development project and to minimize the number of trees removed. (~116 trees are noted to be removed with only ~21 small trees to be relocated, 45 palms to be relocated). Staff does not support the removal of mature Live oak and Mahogany trees. The amount of canopy proposed for removal is substantial (~31,681ft² of tree canopy to be removed with only ~6,070ft² of tree/palm canopy to be relocated).*





‘Good’ condition, mature Live oak, Mahogany, Magnolia, & Royal Poinciana trees “to be removed”. Staff does not support the removal of “Good” quality, Live oak, Cypress, Mahogany, Magnolia, and Pink tabebuia trees throughout the site.



Examples of locations for existing trees to be relocated.

- All site plan and planting plan comments from the Department of Design, Landscape and Construction Management must be responded to in writing at time of permitting.
- 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.
- This review is preliminary. The final review could generate additional comments.

SITE PLAN:

Chapter 13 – Commercial Parking Area:

1. ***Staff has concerns with the proposed parking lot modifications in the existing Commercial Parking Area – these modifications displace ~ 7 good quality trees with ~ 3,000 ft² of tree canopy including ~ 2,200 ft² of good condition, mature Live oak trees.***



Tree #5, Live oak 18" Caliper



Tree #19, Live oak 16", Tree #20 & #21, Ligustrum



Tree #12, Live oak 18" Caliper

Good condition, mature Live oak trees "to be removed" for the modifications to the existing commercial parking in the western parking area. This does not include trees and palms to be relocated nor does not include trees in fair or poor condition to be removed.

Plantation Midtown Code – Chapter 27 SPI-3:

2. City code required a landscaped pedestrian zone along the length of all building walls not directly adjacent to vehicular approaches. The depth of this pedestrian zone and the degree to which it is landscaped shall be determined by building height and function.

a. 21' – 35' lpz is required along the northern façade – 20' has been provided

Waiver required. Staff has no objection to this waiver request.

3. 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.)

a. 21' – 35' lpz is required along the southern façade – 13.3' has been provided

b. 21' – 35' lpz is required along the eastern façade – 15' has been provided

c. 21' – 35' lpz is required along the western façade – 11.5' has been provided

Waiver required. Staff has no objection to this waiver request.

General Comments:

4. The North arrow is on page SP-3 is incorrect.

PLANTING PLAN:

Plantation Midtown Code – Chapter 27 SPI-3:

1. ***Prior to the commencement of work to be done along the American Express Greenway (City Street Scape along NW 82nd Avenue/American Expressway) please contact Engineering, Public Works and the Department of Design, Landscape, & Construction Management regarding existing trees, irrigation, lights, colored concrete sidewalks, colored curbs, etc.). At time of permitting Public Works shall be provided with a copy of the plans for review.***

2. ***The 20' landscape buffer along the eastern perimeter has been reduced to 10' greatly affecting the current landscape easement, existing trees, etc. In addition, trees along American Expressway are being relocated into small area to accommodate 6 curbside parking spaces. Staff recommends the existing condition remain as is.***

General Comments:

3. The proposed sewer lateral along the eastern LPZ as well as along the swale on American Express Way is within 8' of existing City trees and less than 3' from proposed trees (please clarify how this will be done

without destroying the existing trees); staff has a concern with this (this matter shall be discussed and agreed upon with the Utilities Department).

4. Do not plant trees within 10' of edge of pavement. (i.e. Hong Kong Orchid trees < 4' from the sidewalk in several locations, Gumbo Limbo trees within 3' of proposed sidewalks, Royal palms 2' from the sidewalk throughout the landscape pedestrian zones on the west side of the building, etc.).
5. Planting to screen the Sanitary Lift Station along American Expressway shall be coordinated with the Utilities and Design, Landscape, & Construction Management Departments.
6. Royal palms are highly susceptible to Potassium, Manganese, and Boron deficiencies as well as the Royal Palm Bug. The landscape plans submitted propose the planting of 11 Royal palms throughout the landscape pedestrian zones; staff recommends limiting the use of this palm as this species requires fertilization 3-4 times per year. Due to the heavy palm fronds staff does not support the planting of Royal palms in the vicinity of pedestrian pathways.
7. Staff has a concern with the planting of 17 Coconut palms in the courtyard by the pool; the coconuts are rather heavy when they drop. Staff does not support the planting of this species in the proposed locations.
8. The *Phoenix sylvestris* is highly susceptible to Lethal yellowing disease, gets to a height of 50', prefers well drained sandy soils, and is armed with spines. Staff does not recommend the planting of this species.
9. Please note - fg/bb, Bulnesia trees that are FL #1 or better in quality are difficult to located n the nurseries.
10. Bald cypress trees with an installed height of 10'-12' should have a minimum caliper of 2"-2½".

General Information Comments:

11. All proposed trees to be removed or relocated require ISA approved mitigation values/appraisals based on Rule Chapter 140.030 of the Florida Administrative Codes. City staff with work with the applicant as this project moves forward.
12. Performance bonds are required on all trees to be relocated as per City codes. Staff with work with the applicant as this project moves forward.
13. 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. City staff with work with the applicant as this project moves forward.
14. City staff will verify all trees proposed to be removed, remain, and/or relocated. City staff with work with the applicant as this project moves forward.
15. All landscape areas shall be provided with an automatically-operating underground irrigation system; with a minimum of 100% coverage, with 50% minimum overlap in ground cover and shrub areas. The rain sensor must be installed as well as a rust inhibitor if applicable. Irrigation plans must be submitted at time of permitting.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT:

Comments 1 - 9 on the Staff Report to the Review Committee Meeting of May 26, 2015

Fire Dept Reply (7/28/15) and Comments 10 - 11 on the Staff Report to the Review Committee Meeting of July 28, 2015.

Fire Dept Reply (10/6/15) on the Staff Report to the Planning and Zoning Board Meeting of October 6, 2015.

Fire Dept Reply (11/23/15) on the Staff Report to City Council Meeting of December 9, 2015.

1. All aspects of fire and life safety shall comply with Florida Fire Prevention Code 5th Edition.
Applicant Response: Comment noted.
Fire Dept Reply (7/28/15): Complied.
2. As alternate for not being provided with fire department emergency access to both sides of every apartment for emergency operations, this whole structure shall comply with high-rise requirements.

Applicant Response: The alternate to access is that the structure shall comply with the high-rise requirements of smoke control in the corridors and pressurization of stairwells as discussed and agreed with Chief Martins of the Fire Department at our meeting on June 9, 2015.

Fire Dept Reply (7/28/15): All high-rise requirements shall be met, including, but not limited to, smoke control of all means of egress and any other common area as deemed necessary during proper plan review.

Applicant Response: Comment noted.

Fire Dept Reply (10/6/15): Complied.

3. Parking garage will require mechanical ventilation.

Applicant Response: The garage has been modified to accommodate mechanical ventilation. The applicant reserves the right to modify at time of building permit if detailed calculations show the code is being met for natural ventilation per Florida Building Code.

Fire Dept Reply (7/28/15): Complied.

4. During pre-development of "The Manor", it was agreed by all parties that, during fire department emergencies, the first arriving units would stage in the adjacent parking lot of the Lakeside Office Building. Because this structure removes this agreement, the following options are available to allow for staging of fire emergency vehicles on access roadway off American Expressway between both buildings: provide a mountable median of an approved width/length or provide area adjacent to this new building AND to existing "The Manor" building.

Applicant Response: A meeting was held with Fire on June 9, 2015. At the meeting Fire agreed to eliminate the requirement of a mountable median since an additional pull-off for the fire department is being provided. The additional pull-off is located just south of the Office Building loading area on along the west side of the main roadway.

Fire Dept Reply (7/28/15): Staging areas for the first arriving fire department apparatus shall be a minimum of 12' x 60' with an adjacent sidewalk; left exiting firefighters will not be in the way of traffic; right exiting firefighters will be on proper hard surface; there is no issue with location of both areas.

Applicant Response: Staging area has been modified to 60' adjacent to leasing center / lobby entry.

Fire Dept Reply (10/6/15): Staging area adjacent to this building is required to be a minimum width of 12'; the present 9' width with a staging fire apparatus will obstruct bypass by another apparatus coming from American Express Way; additionally, left exiting firefighters will be in the way of traffic. As for the length of both staging areas, the 60'x12' and 50'x12' rectangles are required to be within the respective staging area.

Applicant Response: The staging areas have been revised as directed by the Plantation Fire Department on October 27th, 2015. The two staging areas have been modified to be 50'x10' and the entry and exit tapers have been updated accordingly. See sheets SP-1 and C-4. All plans have been revised to show this shift in the

Fire Dept Reply (7/28/15): Complied.

5. Provide dedicated fire command room, accessible from the exterior only, on south side of structure adjacent to access roadway off American Expressway.

Applicant Response: A dedicated Fire command room was previously shown at the resident lobby on the southwest corner of the building.

Fire Dept Reply (7/28/15): Fire command room shall be a minimum 100 sq. ft. to allow room for all life safety control devices being placed inside and for personnel during fire incident command operations.

Applicant Response: See Sheets SP-1 & A1.1 for the Fire command control room minimum square footage and location.

Fire Dept Reply (10/6/15): Complied.

6. Whole structure, residential and parking, shall be supervised by a single fire alarm system
Applicant Response: *Comment noted.*
Fire Dept Reply (7/28/15): Complied.
7. Fire sprinkler systems shall be hydraulically calculated based on City of Plantation drought standard of 45-PSI static, 40-PSI residual, at 1100-GPM flow.
Applicant Response: *Comment noted.*
Fire Dept Reply (7/28/15): Complied.
8. All required Fire Department Connections (minimum two remotely located) shall supply all fire sprinkler systems for the whole structure.
Applicant Response: *As discussed at our June 9, 2015 meeting with the Fire Department, an additional fire department connection and fire hydrant have been added to the south side of the building.*
Fire Dept Reply (7/28/15): After further review and analyzing possible fire operations, the FDC supplying fire pump room needs to be relocated to south island adjacent to the garage entrance and its corresponding fire hydrant to the island south of that, no further than 25' apart. As for the second remote FDC, it shall be located on American Express Wy with its corresponding fire hydrant within 25'. This fire hydrant shall be supplied by a water main different than that of the water main supplying the fire protection system and the west fire hydrant.
Applicant Response: *The plans have been updated as requested. See sheet C-5.*
Fire Dept Reply (10/6/15): Complied
9. The applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.
Applicant Response: *Comment noted.*
Fire Dept Reply (7/28/15): Complied.
10. Provide emergency life safety electrical generator.
Applicant Response: *See Sheets A1.1 and SP-1..*
Fire Dept Reply (10/6/15): Complied.
11. Provide hard surface walk to fire pump room.
Applicant Response: *Provided see Sheets SP-1 and A1.1.*
Fire Dept Reply (10/6/15): Complied.

POLICE DEPARTMENT:

External Lighting – Recommendations.

1. Photometric site plans (SE-1). Statistics for parking lots are in acceptable fc range.
2. The following is the police department's **recommendations**.
3. Parking lots, vehicle roadways, pedestrian walkways and building entryways should have "adequate" levels of 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
4. These levels may be subject to reduction in specific circumstances where after hours use is restricted.
5. Use metal halide/LED exterior lighting.
6. A system of lighting fixture identification should be developed.
7. The lighting fixture identification system should enable anyone to easily report a malfunctioning fixture.
8. Exterior lighting should be controlled by automatic devices (preferably by photocell).
9. Exterior lighting fixture lenses should be fabricated from polycarbonate, break-resistant materials.

10. Light fixtures below 10' in grade should be designed to make access to internal parts difficult (i.e. security screws, locked access panels).
11. All switches, breakers and electrical panels that control lighting should be inaccessible to the public.
12. If exterior lights are not being used at night exterior motion-detection lighting should be installed to detect the presence of intruders.

UTILITIES: No objection however the following comments apply. Please note, no capacities are reserved until paid for in full.

1. **This review is preliminary and considered conceptual.** If approved, final comments will be provided at time of Construction plan submittal and subject to outside agency approvals/comments. The final review could generate additional comments.
2. A Trust account must be maintained with Utilities during the entire project
3. Offsite and onsite improvements and equipment will be required at proponent's expense to support project.
4. Show all new and existing water and sewer lines and easements on landscaping and drainage plan
5. Maintain all utilities and utilities easements for water and wastewater system access.
6. Full Utilities plan review & approval is required prior to permitting. No plans are for construction until marked "FINAL".
7. No structures are allowed to be installed in Utility easements.
8. Proposed onsite lift station to remain private.
9. If approved and prior to a Building Permit being issued, the following must be provided:
 - * \$500.00 review fee must be submitted to the Utilities Department
 - * Water and Sewer Utility plans must be submitted to the Utilities dept. for review and approval.
 - * BCHD and BC EPD Permits must be approved
 - * Utilities Agreement must be executed
 - * Utilities Performance Bond must be posted
 - * Utility Easements must be executed
 - * Utility Inspection fees must be paid
 - * Capacity Charges must be paid in FULL.

Contact: Danny Pollio if you have any questions, 954.797.2159

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:

1. Please contact Adrian Moore, Commercial Supervisor at Waste Management, for review comments at 954-917-0388.

* * * * *

Motion by Councilmember Jacobs, seconded by Councilmember Stoner, to approve the wavier and the site plan subject to staff and council comments. Motion carried on the following roll call vote:

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

* * * * *

QUASI-JUDICIAL ITEMS

17. Resolution #12218

RESOLUTION approving a 4,501 square foot day care (Chabad) as a permitted conditional use, to be located in the B-7Q (Planned Commercial Development) Zoning District, property lying in Section 6, Township 50 South, Range 41 East, and described as that portion of Jacaranda Parcel 521, as recorded in Plat Book 114, Page 5, of the Public Records of Broward County, Florida, being further described in Exhibit "A", attached hereto and located at 10359 West Broward Boulevard, and providing an effective date therefore. (CHABAD)

-AND-

Request to approve a site plan, elevations and landscape plan for the Chabad mixed-use Commercial Building located at 10359 West Broward Boulevard. (PP13-0029).

* * * * *

A Staff Report follows:

REQUEST #1: Conditional use approval to allow a 4,501± square foot day care center in a B-7Q zoning district; and

REQUEST #2: Site plan, elevation, and landscape plan approval to construct a two-story 12,844 square foot mixed use building.

WAIVER REQUESTS:

- 1) From: Section 27-743, which requires 42 parking spaces for daycare, deli and office use;
To: Reduce the required parking from 42 spaces to 31 spaces.
- 2) From: Section 27-689(c), which requires the building to be setback from the north and west property line a distance equal to 42' (1 ½ times the building height);
To: Reduce the required setback from 42' to 18'-3" along the west property line; and
To: Reduce the required setback from 42' to 16'-11" required along the north property line.
- 3) From: Section 13-41(a)(b). 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: 13' required along the southern landscape pedestrian zone – 0' provided.
- 4) From: Section 13-41(a)(c). Pedestrian zones along building facades.
One tree shall be installed in the landscape pedestrian zone per each 30 lineal feet, or fraction thereof, of façade width.

To: a) 4 trees required along the northern façade – 0 provided. *Required perimeter trees do not count towards required trees throughout the landscape pedestrian zones.*

- b) 4 trees required along the southern façade – 2 provided (3 palms = 1 tree). *Palms planted in planting areas <3' do not count towards required trees – this is not adequate planting space for trees/palms.*
- c) 2 trees required along the western façade – 0 provided. *Required perimeter trees do not count towards required trees throughout the landscape pedestrian zones.*

- 5) From: Section 13-40(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: 10' is required in the terminal island at the NE corner – 6' provided
- 6) From: Section 13-40(b)(c)(1). Interior landscaping for parking areas:
No landscaped area shall have any dimension less than 5'.
To: 5' landscape area required in the LPZ on the SE corner of the building – 3.5' provided.

EXHIBITS TO BE INCLUDED: Planning and Zoning Division report; subject site map; Conditional use/site plan application; Planning and Zoning Board Meeting minutes of May 6, 2014; Landscape Planning Review Board Meeting minutes of June 3, 2014; and Review Committee Meeting minutes of October 22, 2013. E-mail from Emerson Allsworth confirming that second floor offices will not be used for assembly unless a use variance is approved (use variance not included in this application).

PLANNING AND ZONING BOARD RECOMMENDATION: APPROVAL subject to staff comments (4/0; May 6, 2014)

LANDSCAPE PLANNING REVIEW BOARD RECOMMENDATION: APPROVAL subject to staff comments (4/0; June 3, 2014)

REVIEW COMMITTEE RECOMMENDATION: NO OBJECTION to the project moving forward (October 22, 2013).

ANALYSIS:

City Council approved the Nob Hill Village Master plan (currently developed with a drugstore, car wash facility, retail store, service station, and self-storage facility) in June of 1989. The subject property is zoned B-7Q, consists of approximately 1.01± acres, and is the last parcel within the master plan to be developed. The subject site is bound by a self-storage facility and gas station within the same master plan to the north and east, Broward Boulevard to the south, and multi-family residential use to the west.

The applicant requests site plan approval to construct a two-story 12,844 square foot mixed use building, associated parking, and landscaping. Proposed uses for the building include a 4,501 square foot daycare center with an outdoor play area on the north side of the building together with a 900 square foot deli on the first floor and office use on the second floor. Tenants have yet to be identified for the deli and office space.

The building has a contemporary design with a flat deck roof. Building finishes include smooth stucco with a thin brick veneer. The second floor features balconies on the north and south sides of the building.

The proposed office and deli use is an allowable use in the B-7Q zoning district (per Ordinance No. 1654); however, the daycare use requires conditional use approval. The review of a Conditional Use request should

include consideration of the criteria noted in Section 27-768 of the Land Development Code, which is attached hereto as Exhibit "A".

STAFF COMMENTS:

PLANNING AND ZONING: No objection.

Planning:

1. The proposed use is consistent with the Commercial land use designation on the adopted Future Land Use Map. Day care center is a permitted use in this land use category.
2. Per Section 20-61, 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 must present the form to the appropriate City departments for sign off prior City Council consideration. *Acknowledged by applicant and concurrency form submitted.*

Zoning:

In General:

1. The first floor plan is designated for child care and a small deli (estimated 20 seat capacity). The second floor contains four large offices, (672 sq. ft., 706 sq. ft., 804 sq. ft., and 1,490 sq. ft.). Staff has advised the applicant that assembly is not a permitted use in this zoning district. Applicant has submitted an e-mail acknowledging that assembly use is not permitted unless a use variance is granted. This application does not include a use variance for assembly.

Site Plan:

2. The development must be consistent with the site and elevation plans entitled "New Commercial Building: Chabad Daycare Center", prepared by JORGE D. MANTILA, and stamped received DEC 09, 2015. If changes to the site and elevation plans are subsequently pursued, appropriate approvals will be necessary.

Parking Area:

3. Based on the floor plan, 42 spaces are required, with 31 spaces provided. The required parking calculation for the office area is one space for each 200 gross square feet, and one space for each 400 gross square feet for the day care. The code requires one space per 4 seats for a deli (open to the public). Based on the current plan, provided parking is approximately 26% short of the code requirement. The extent to which parking demand may exceed parking supply will depend, in part, on the "occupancy intensity" of the second floor office. Because this is not a shopping center, overflow parking would be forced to use parking spaces owned by others. Staff is not aware of any shared parking agreement with nearby commercial uses.

Outdoor lighting:

4. No lighting fixtures are shown on the proposed building elevations. Building up-lighting designed to flood the building elevations in light are not permitted by the sign code.

Signage:

5. Note: Signage is not part of this approval.

ENGINEERING DEPARTMENT:

1. *There are no dimensions on the Paving, Grading and Drainage Plans. Please indicate clearly what is being removed and what is being added, include limits of asphalt, curb, etc. Please provide grades in the drive aisles (only existing is shown, not proposed), there is not sufficient detail for review. 01-20-16: The demo plan shows what is being removed. Please do not show the existing curb and asphalt areas (that have been removed by demo) on the Paving, Grading and Drainage plans as they will not be there. Response states that the plan is conceptual and that grades will be determined in the field. As stated in the permit comments, drainage will need to be approved by OPWCD and calculations submitted for review. Any variations in the approved plan set will need to be reflected in the as-builts.*
2. *Please remove the existing conditions on the Signing and Marking plan and show only proposed conditions. 01-20-16: Please do not show the existing curb and asphalt areas (that have been removed by demo) on the Signing and Marking plans.*
3. **01-20-16: The concrete for the sliding gate is shown going over an existing catch basin. This is a conflict. Please provide a detail of how this will be addressed.**

Traffic Engineering

1. Please provide a trip generation table for the proposed uses, using the current edition of the ITE Trip Generation Handbook. *01-27-14: Please provide the documentation from the ITE Trip Generation Handbook. Please provide the information in a table, include data based on number of students. Please remove the pass by information as it is not applicable. Further review of this information will be required. 04-15-14: The requested information has not been provided. Please provide copies of the Land Use Codes trip rates used from the ITE Trip Generation Handbook as documentation of the numbers in the table. The information needs to be verified. 07-30-14: The ITE Trip Generation data was provided. A traffic impact analysis will not be required.*

Permitting Comments (Requirements to be applied at time of Permitting)

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 and the following requirements will apply.

6. 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.
7. An erosion and sedimentation control plan on the existing site, including all appropriate details. Site data indicates the site is over 1.0 Acre, which will trigger an FDEP NOI requirement. Provide a copy of the NOI.
8. A Maintenance of Traffic (MOT) plan. Please meet with Engineering to discuss.
9. Drainage calculations pursuant to City Ordinance 2508, signed and sealed by a professional engineer registered in the State of Florida.
10. Surface water management permit(s) through Old Plantation Water Control District (OPWCD) and/or SFWMD may apply to this project. Copy(s) of said permit(s) will be required.
11. A developer agreement and approved form of financial assurance for engineering (excluding water/sewer utilities) and landscape related improvements will be required.

TRAFFIC CONSULTANT: No objections

DESIGN, LANDSCAPE & CONSTRUCTION MANAGEMENT:

Site Plan:

1. Islands shall be provided to separate parking bays from major internal access drives and shall have a minimum width of 10', not including curbing.
 - a. 10' is required in the terminal island at the NE corner – 6'-10" provided
Waiver required.
2. Code requires landscape pedestrian zones (lpz) to extend the full width of each façade abutting a parking or vehicular use area; the minimum width shall be ½ the height of the proposed or 10' (paved areas in the lpz may not constitute more than 5' of the required lpz).
 - a. 13' lpz is required along the southern façade – 0' has been provided.
Waiver required.
3. As per City codes, no landscaped area shall have any dimensions less than 5' wide.
 - a. 5' landscape area required in the LPZ on the SE corner of the building – 3.5' provided.
Waiver required.
4. Do not place lighting in landscape islands where trees are required by code. Light poles must be a minimum of 15' from any tree planting to avoid interference as the tree/s mature. (i.e. Planting island on the SE corner of the building.)
5. The location of the proposed hydrant and associated equipment is less than 4' from proposed Pitch apple trees. Do not place fire hydrants or associated equipment in planting islands and/or landscape pedestrian zones where trees are required by code.
6. To facilitate review, please submit plans where all pages are oriented in the same direction; many of the submitted sheets are upside down making review difficult.

Planting Plan:

1. A minimum of 1 tree is required every 30 lineal foot, or fraction thereof, of façade width (3 palms = 1 tree).
 - a. 4 trees required along the northern façade – 0 provided. *Required perimeter trees do not count towards required trees throughout the landscape pedestrian zones.*
 - b. 4 trees required along the southern façade – 2 provided (3 palms = 1 tree). *Palms planted in planting areas <3' do not count towards required trees – this is not adequate planting space for trees/palms.*
 - c. 2 trees required along the western façade – 0 provided. *Required perimeter trees do not count towards required trees throughout the landscape pedestrian zones.*
Waiver required – staff requests mitigation for required trees if this waiver is approved.
2. Please adjust the planting location of the proposed Crape myrtle and Pitch apple trees along the northern perimeter; the plans show these trees to be planted 2' off the existing wall.
3. Staff does not support the placement of a drive isle within 4' of an existing Live oak tree.
4. Include tree #15 on your tree disposition plan (plant list).
5. 3.5' is not adequate planting space to plant Palms.
6. Please clarify the impact the proposed irrigation lines will have on the existing and proposed tree canopy; you are proposing lines directly under mature, existing trees in areas throughout the site which will adversely impact the trees.
7. Include spacing on all proposed hedge and groundcover.
8. Label existing Sabal palms #18-20 on the planting plan.
9. The 3 Clusia trees proposed along the eastern landscape pedestrian zone are shown to be planted 2' from the sidewalk; trees should be planted a minimum of 8' from paved surfaces with a root protection barrier to prevent damage to the sidewalk as the tree matures.
10. Please adjust the planting location of the proposed Crape myrtle and Live oak trees along the northern perimeter; the plans show these trees to be planted 1' off the existing wall.

11. Please show utility easements in gray scale on the planting plan as well as above and below ground utilities and associated equipment.
12. Include a north arrow on the landscape plans.
13. Comment #14 under “notes” reads “All trees to be planted a minimum of 1’ from curbs” – trees should be planted a minimum of 8’-10’ from curbed/paved areas.
14. Please show on the landscape where the root barriers are to be placed (A root barrier system shall be installed in situations where a tree or palm is planted within 10’ of a paved surface or infrastructure.)
15. Tighten the spacing on the proposed plant material (hedge & ground cover); tips of plants should be touching at time of planting as per City codes.
16. A category 1, large shade tree, is required per City code in the terminal island along the eastern perimeter in lieu of 2 Crape myrtle trees.
17. Planting plans show the planting of 3 CM trees – there are 4 CM trees proposed on the plant list, please clarify.
18. Planting plans show the planting of 1 RE – this species is not on the plant list; please clarify the proposed specie for RE.
19. Please include caliper on all proposed trees.
20. Sycamore trees are best suited for large open spaces in planting zones 9A – 4B in lieu of S. Florida.
21. The Silver buttonwood tree is more suited for planting along the east coast with the sandy soils and salt spray; this species does not perform well further inland.
22. Please include General Landscape Contractor’s notes.
23. Staff will work with the applicant with regards to the species and planting locations of trees in the swale along W. Broward Blvd.; the species and planting locations must be approved by the Engineering and Utilities Department prior to installation.
24. Include tree protection details as per City codes on the demo plan.
25. Include a note that an ISA certified arborist will root prune any tree within 15’ of work to be done throughout the site on the demo plan.
26. Use the City of Plantation tree planting details in lieu of those submitted.
27. 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.
28. City staff will verify all trees to proposed to be removed, remain, and/or relocated.

General Comments:

- All site plan and planting plan comments from the Department of Design, Landscape and Construction Management must be responded to in writing at time of permitting. When responding to staff comments, please bubble plan changes and specify the page number corrected in the written responses.
- 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 @ 954-797-2248 directly to obtain required permits.

BUILDING DEPARTMENT: No objection.

FIRE DEPARTMENT: No objections as to this conditional use and site/elevation/landscape plans with the confirmation that the fire department comments of 5/6/14 were satisfactorily addressed by attached proponent letter for 8/13/14. The applicant and/or owner are aware that conditions may arise upon review of all required permitting plans.

POLICE DEPARTMENT: No comments

UTILITIES: No objection however, if approved and prior to a Building Permit being issued, the following must be provided:

\$500.00 review fee must be submitted to the Utilities Department

Water and Sewer Utility plans must be submitted to the Utilities Dept. for review and approval.
BCHD and BC EPD Permits must be approved.
Utilities Agreement must be executed.
Utilities Performance Bond must be posted.
Utility Easements must be executed.
Utility Inspection fees must be paid.
Capacity Charges must be paid in FULL.
- Contact: Danny Pollio if you have any questions, 954.797.2159

This review is preliminary and considered conceptual. Final comments will be provided at time of Construction plan submittal and subject to outside agency approvals/comments. The final review could generate additional comments.

A Trust account must be maintained with Utilities during the entire project.
Onsite improvements and equipment may be required at proponent's expense to support project.
Show all existing water and wastewater facilities on site plan.
Provide plan for vacating easements as necessary.
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".
No structures are allowed to be installed in Utility easements.
All new mains must be pigged.
All meters to be installed in green area.
All new mains must be installed, tested, certified and accepted by City prior to any mains being abandoned.
All abandoned main must be grouted or removed.
No Category 1 trees allowed in utility easements.
Existing 8" water main may need to be reconnected. This will be determined at time of permit submittal.

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 Stormwater Inspection Report will be required prior to issuance of a Certificate of Occupancy.

WASTE MANAGEMENT: No objection.

* * * * *

Motion by Councilmember Tingom, seconded by Councilmember Stoner, to approve the conditional use and site plan modification, including waivers and subject to staff comments. Motion carried on the following roll call vote:

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

* * * * *

COMMENTS BY COUNCIL MEMBERS

Councilmember Levy

- He reminded the public about Doggie Palooza on Saturday, January 30th.

* * * * *

Mayor Bendekovic

- She reminded the public about the Mayor’s Council scheduled for February 3rd at 6:30 p.m.

* * * * *

Public Requests of the Council Concerning Municipal Affairs:

Dennis Conklin, 4581 NW 6 Court – he spoke about repealing Resolution 10481, the Green Local Government, adopted on January 28, 2009.

Rico Petrocelli, 5492 SW 1st Street – requested the legal costs associated with the Hyatt lawsuit be made public.

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Meeting adjourned at 10:00 p.m.

* * * * *

Councilmember Chris Zimmerman, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed Minutes was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2015.

Susan Slattery, City Clerk