

**MINUTES
BROWARD COUNTY PLANNING COUNCIL**

February 25, 2010

MEMBERS Levoyd Williams, Chair
PRESENT: Mayor Lamar Fisher, Vice Chair
Vice Mayor Angelo Castillo, Secretary
Commissioner Suzanne Boisvenue
Vice Mayor Claudette Bruck
Sara Case
E. Gerald Cooper
Scott J. Cooper
School Board Member Maureen Dinnen
Commissioner Bobby DuBose
Dan Hobby
Vice Mayor William Julian
Commissioner Lisa Mallozzi
Louis Reinstein
Broward County Commissioner Stacy Ritter
Les Stracher
Mayor Michael Udine
Bett Willett

MEMBERS

ABSENT: Mayor Anne Castro

ALSO Andrew Maurodis, Planning Council Attorney

PRESENT: Henry A. Sniezek, Planning Council Executive Director
Barbara Blake Boy, Planning Council staff
Leah Von Leu, Real-Time Reporter

(A sign in sheet reflecting those present is filed with the supplemental papers to the minutes of this meeting.)

A meeting of the Broward County Planning Council was held at 10:17 a.m., on Thursday, February 25, 2010 in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida.

CALL TO ORDER

The Chair, Mr. Williams, called the meeting to order and requested that everyone rise to recite the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all.

ROLL CALL

The Real-Time Reporter called the roll and the Chair declared a quorum present. Following the roll call, the Chair took time to officially thank former Planning Council member, Dr. Gay Ferguson Outler, for her past service by presenting her with a plaque.

Dr. Outler stated it had been very educational and fulfilling to serve as a member of this Council and as such, felt this experience would greatly enable her to serve the citizens in the community.

CONSENT AGENDA

- C1 APPROVAL OF FINAL AGENDA FOR FEBRUARY 25, 2010**
- C2 FEBRUARY 2010 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE**
- C3 APPROVAL OF MINUTES OF JANUARY 28, 2010**

A motion was made by Vice Mayor Castillo and seconded by Mayor Fisher to approve the Consent Agenda, consisting of C1, C2, and C3.

The Chair called for a vote on the motion which passed by a majority vote with Commissioner Boisvenue voting no.

REGULAR AGENDA

- R1 LOCAL PLANNING AGENCY REVIEW: PROPOSED REVISIONS TO THE BROWARD COUNTY CODE OF ORDINANCES, CHAPTER 5, ARTICLE IX, "LAND DEVELOPMENT CODE," PROVIDING FOR THE DEDICATION OF LAND FOR REGIONAL AND LOCAL PARKS AND RECREATION FACILITIES**

The Chair noted that the Land Use/Trafficways Committee reviewed R1 earlier this morning and that it met their approval. He then invited Mr. Sniezek to explain it in further detail.

Mr. Sniezek stated that this is a change to the Land Development Code to incorporate some practices that County staff has already been doing which addresses park requirements for plats, fee schedules, impact fees, or dedication of land.

He further clarified that in some cases an applicant may propose to do both; a partial fee payment and a dedication of land. He also noted that this was reviewed by the Land Use/Trafficways Committee and they recommend that the Planning Council forward it favorably to the Broward County Commission.

On motion of Commissioner Mallozzi, seconded by Commissioner Boisvenue and carried unanimously, the Planning Council approved R1.

R2 COUNSEL'S REPORT

No report presented by Mr. Maurodis.

R3 EXECUTIVE DIRECTOR'S REPORT

Mr. Sniezek pointed out that a packet including a color chart was given to each of the members this morning, and reported that this packet contained new information received as of yesterday afternoon.

He then reminded everyone that there is an overflow room, Room 302, located downstairs with internet hookup so that those sitting in that room will be able to hear the meeting and know when their name is called, if they signed up to speak.

He also pointed out that a cafeteria, The Terrace Café, was located on the third floor should the meeting go for a long period of time and the audience seeks refreshments.

Mr. Sniezek then reminded the audience as well as the Board members that PH1 – PH8 are Public Hearings for Land Use Plan Amendments and that the Council's job is to give a recommendation to the Broward County Commission.

After today's hearing, Mr. Sniezek explained that the Council's recommendation will be forwarded on to the Broward County Commission and they will hold a hearing but that staff will be in touch with the city and the applicants and interested parties as to when that hearing will occur.

R4 CORRESPONDENCE

No correspondence referenced.

R5 EXCUSED ABSENCES

- Mayor Anne Castro

PUBLIC HEARING AGENDA

The Chair, noting the size of the audience and the amount of speakers wishing to comment, requested a motion to reduce the time to speak from three minutes to two minutes.

Commissioner Boisvenue moved and Mayor Fisher seconded a motion to cut the time from three minutes to two minutes for speakers who wanted to make comments. It was noted at this time that this would not apply to the applicants.

Ms. Willett stated the speakers should not be penalized by cutting their time to comment due to the size of the audience. Vice Mayor Julian echoed her statement by noting that a lot of people took time off from work to come speak this day.

Following confirmation regarding the number of speakers signed up to comment on PH 4, 5, 7, and 8, the Chair called for a roll call vote on the motion to reduce the speaking time from three minutes to two. It was denied by a majority vote and the speakers were granted three minutes each to make their comments.

A motion was made by Vice Mayor Castillo and seconded by Vice Mayor Julian to approve PH 1, 2, 3, and 6, however, Commissioner Boisvenue pulled PH 2, 3, and 4, and School Board member Dinnen wished to comment on PH 1.

On motion of Vice Mayor Castillo, seconded by Commissioner Mallozzi and carried by a majority vote (Commissioner Boisvenue voted no), the Planning Council approved PH 6.

PH 1 AMENDMENT PC 10-7

Second Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – City of Hallandale Beach.

(Ms. Dinnen pulled this item for a comment.)

Mr. Sniezek explained that this is a small scale amendment, second hearing, and that it was heard by the Planning Council last month and that it was unanimously recommended for approval.

He reported it's approximately 2.7 acres located in the south side of NW 2nd Street between NW 2nd Avenue and NW 3rd Avenue. The change is from Low-Medium 10 to Medium-High 25 Residential and staff recommendation which was approved by the Planning Council was to approve Irregular 19.63 dwelling units per acre on this site.

Ms. Dinnen called attention to part of the document that is labeled VI or 6-1, stating that this is recognition that if there is a change that the recorded declaration of restricted covenant has no impact to public schools at this time, and wanted to make sure for the record, that if there is a change, there is an agreement that this issue will be revisited.

On motion of Mayor Udine, seconded by Mr. Reinstein and unanimously carried, the Planning Council approved PH 1.

PH 2 AMENDMENT PC 10-8

Second Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – City of Hollywood .

(This item was pulled by Commissioner Boisvenue.)

Mr. Sniezek gave a brief description stating this is a small park parcel just over half an acre in Hollywood that is being requested to be designated to be Recreation and Open Space. He reported the recommendation last month was unanimous for approval. Upon inquiry, Mr. Sniezek reported there were no e-mails received regarding this item.

On motion of Ms. Willett, seconded by Commissioner Mallozzi and unanimously carried, the Planning Council approved PH 2.

PH 3 AMENDMENT PCNRM 10-1

First Public Hearing on Amendment to the Natural and Cultural Resource Map Series of the Broward County Land Use Plan.

(This item was pulled by Commissioner Boisvenue.)

Upon inquiry, Mr. Sniezek went over the section that the wedge covers. Mr. Sniezek explained that the wedge is a triangular piece of land located just north of County Line Road and south of Loxahatchee Road.

He reported that it's been annexed recently by the State Legislature from Palm Beach County to Broward County, and that this is simply a request to update the informational map series of natural and cultural resources to include this area.

Following a request by Mayor Udine to be the maker of the motion due to the amount of work regarding the annexation and comments commending Mayor Udine on his successful efforts, **on motion of Mayor Udine, seconded by Commissioner Boisvenue and unanimously carried, the Planning Council approved PH 3.**

PH 4 AMENDMENT PC 10-7

First Public Hearing on Amendment to the Broward County Land Use Plan – City of Pompano Beach.

(This item was pulled by Commissioner Boisvenue.)

Upon inquiry whether there were speakers, Mr. Sniezek reported the attorney representing the applicant, and only if there were any questions.

On motion of Mayor Fisher, seconded by Mr. Hobby and carried by a majority vote (Commissioner Boisvenue, Commissioner Mallozzi, and Ms. Willett voted no), the Planning Council approved PH 4.

PH 5 AMENDMENT PCT 10-3

Amendment to the Broward County Land Use Plan text revising the "MainStreet – Coconut Creek Regional Activity Center," in the City of Coconut Creek.

Mr. Sniezek explained that this is a proposed amendment to the Coconut Creek Regional Activity Center which is approximately 500 acres and reported that the City is requesting to add an additional 800,000 square feet of commercial use, 244,500 square feet of office use and an additional 3,750 multi-family dwelling units.

Mr. Sniezek stated that staff's analysis found that there would be a traffic impact from this proposal and as a result, the applicant has offered to do a combination of roadway construction to mitigate as well as offering to donate \$5.9 million to improve the Regional Transportation Network which would also include transit facilities, bikeways, and greenways. He noted that staff is recommending approval recognizing that commitment.

Speaking in support of PH 5:

Michael Moskowitz

Mr. Dennis Mele, on behalf of the applicant
Mayor Marilyn Gerber, Coconut Creek

Discussion ensued regarding Mr. Moskowitz's comments regarding the impact to the School Board and Ms. Dinnen stated that she understood there were negotiations going on between his client and the staff and hoped that would continue with the inclusion of the School Board Attorney. She also expressed the desire to have this brought to the School Board directly if this should occur in the future.

The Chair clarified that this issue has nothing to do with the vote to be taken by the members this day and Ms. Dinnen and Mr. Sniezek agreed it did not.

Upon inquiry, Mr. Mele, on behalf of the client, stated his client is putting up the \$5.9 million and that they are pleased to be able to do it. He pointed out that the School Board staff did recommend approval of this amendment and the applicant will be doing exactly what they have been asked to do.

Mr. Mele also reiterated that this is a matter that this Board does not have jurisdiction over but hoped the School Board, the City, and the County will talk and take care of the issues.

Ms. Dinnen reported the School Board has no problem with PH 5 at this time, but noted there will be an amendment to the tri-party agreement and that it is something the School Board wants to see happen.

Following Mayor Gerber's comments that the MPO is strongly in support of PH 5, **on motion of Mr. Hobby, seconded by Mayor Fisher and unanimously carried, the Planning Council approved PH 5.**

PH 6 AMENDMENT PC 10-4

First Public Hearing on Amendment to the Broward County Land Use Plan - City of Parkland

(Previously approved.)

PH 7 A. AMENDMENT PCT 10-2

First Public Hearing on Amendment to the Broward County Land Use Plan Text

B. AMENDMENT PC 10-2

First Public Hearing on Amendment to the Broward County Land Use Plan – City of Hallandale Beach

Mr. Sniezek reported there were several speakers signed up to speak on this change to designate a Regional Activity Center (RAC) in Hallandale Beach located along U.S. 1 and Dixie Highway.

He further went on to state that PH 7 is not proposing any new densities or intensities and that it's similar to other mixed use amendments done in south Broward recently.

Mayor Julian noted this RAC is the beginning of corridor redevelopment to induce business. He said it will not affect the residential areas and that this is consistent from Hallandale north on Federal and takes a left turn on Foster Road. He added that he's in favor of it.

Speakers in support of PH 7:

Richard Cannone, Director, Development Services for the
City of Hallandale Beach
Christine Williamson
Gerald Dean

Vice Mayor Julian commented for the record that the majority of the Hallandale Beach City Commission was in favor of PH 7.

Speakers against PH 7:

Fred Burton
Dorothy James
Commissioner Keith London, Hallandale Beach

Commissioner Ritter inquired as to how the residents of Hallandale Beach were informed and discussion ensued with Mr. Cannone from the City of Hallandale Beach, regarding the RAC application and process for informing the residents of the plan.

The following topics and issues were additionally discussed:

- mailings sent out to the residents as notification
- workshops held within the community
- explanation of how RAC could facilitate redevelopment away from existing development
- height restrictions along corridor
- bring development closer to town center
- preservation of single family neighborhoods in the northwest and southwest
- intent to build new single family homes/offer affordable housing
- focus commercial into the corridor as well as the higher density development into the corridor which is served by transit
- encouragement of commercial business
- inquiry regarding what will happen to residents in this area now
- grants available to residents/residential and commercial programs
- current height restrictions
- increase in density

Mr. Sniezek clarified that the County Land Use Plan amendment process is not where the City applies flex, so there's no flex allocation associated with this amendment.

Vice Mayor Castillo reminded everyone in attendance that the role of the Planning Council is that of an advisory committee that provides a recommendation to the County Commission whether an application submitted from a City for development, meets the regional and city requirements of the County Land Use Plan.

Discussion continued with City of Hallandale staff and the members on the following topics/issues:

- density and affordable housing
- rezoning of property for Plan Development District (PDD)
- City Commission must approve anything less than 1.5 acres

- parking would be an issue
- residents comfortable that no structure will be in their backyard
- intent to strengthen so no towers allowed
- zoning regulations to be put in place as protective measures
- no homes will be taken
- issue of gentrification
- dollars programmed for affordable housing/improvements
- property appraiser available for explanation at community meetings
- Palm Community Coalition/approximate numbers/involvement
- if approved, start process for second reading of RAC for zoning and land use plan amendment to protect residents

Following a request for clarification by Vice Mayor Castillo, Mr. Maurodis stated the Planning Council could approve a recommendation for approval with the understanding that this Board would like to see the progress the City of Hallandale has made with regard to the implementation of zoning regulations when this returns for another hearing before the Planning Council in May.

Upon Mr. Gerald Cooper's request, Mr. Connone stated those who still have unanswered questions could call his office at (954) 457-1376, or can e-mail him at rcannone@hallendalebeach.fl.gov.

Discussion continued regarding the proper procedure regarding zoning issues coming before the City Commission as zoning typically follows the RAC.

The Chair then called for a roll call vote. On motion of Mr. Stracher, seconded by Vice Mayor Julian, and carried by a majority vote (with Commissioners Boisvenue, DuBose, and Mallozzi, Ms. Case, Mr. Gerald Cooper, and Ms. Willett voting no), the Planning Council approved PH 7 with the additional request that the City provide a progress report of its zoning regulations when it returns for a second hearing regarding the designation of a RAC in Hallandale Beach along U.S. 1 and Dixie Highway.

(The Chair recessed at 11:36 a.m. and reconvened at 11:54 a.m.)

PH 8 A. AMENDMENT PCT 10-1

First Public Hearing on Amendment to the Broward County Land Use Plan Text

B. AMENDMENT PC 10-1

First Public Hearing on Amendment to the Broward County Land Use Plan Text

Barbara Blake Boy, Planning Council staff, stated the proposed amendment is a change to the Local Activity Center (LAC) designation. It's approximately 96 acres and generally located north of Hallandale Beach Boulevard in the City of Hallandale Beach in an area also known as the Diplomat Golf Course.

Ms. Blake Boy noted that the majority of the site currently allows for recreational uses which is reflected in the golf course and ancillary hotel uses and that this proposed change is to an area of residential, commercial, hotel, and golf course uses.

She highlighted the following issues:

- open space; the proposed amendment will preserve the existing 13 golf course holes on approximately 75 acres
- the applicant has provided additional information regarding its commitment to Affordable Housing and the County Planning & Redevelopment Division has determined that the applicant's Affordable Housing proposal meets the policy requirements
- Phase I and II Environmental Assessment – issue remains unresolved between the applicant and the County's Environmental staff
- traffic; Planning Council staff prepared standard analysis which gives credit for potential development under existing land use
- recognize great concern regarding traffic impact; however, the analysis does not show adverse or significant impact to regional transportation facilities
- recognize local level impacts that could occur due to traffic
- City and applicant working together to identify local improvements to mitigate local traffic issues
- Planning Council staff's recommendation of denial focuses on two primary issues; inconsistency of criteria of the local activity center classification and incompatibility

Upon inquiry whether the members need to disclose if they've spoken to anyone regarding this issue, Mr. Maurodis stated no, as this is not a quasi-judicial matter.

Discussion then ensued with staff on the following topics/issues:

- documentation to prove golf course will remain golf course
- clarification of staff's reason for denial – contamination issue, compatibility issue, and issue regarding LAC criteria
- request for speakers to give proximity of their homes to subject parcel

Following the Chair's request to hold questions until all the speakers have spoken, Mr. Gerald Cooper inquired of counsel if the Chair had the right to do this. Mr. Maurodis stated he did but that it could be challenged by a motion and subsequent vote. Mr. Gerald Cooper stated he was not willing to do that.

The Chair then invited the applicant, Ms. Debbie Orshefsky, to speak first.

Discussion ensued on the following topics/issues in response to the presentation from Ms. Orshefsky:

- whether added density necessary
- impact from traffic related to density
- ancillary hotel uses allowed
- needs assessment/made and met standards per staff's report
- 98% of Hallandale Beach built out already
- staff reports no significant or adverse traffic impact as measured by a land use amendment
- housing shortage in 2030 for Hallandale Beach
- synergy between residential development and golf course/need amenities to have that kind of community
- economics of maintaining golf course
- build out will create \$10 – \$15 million in ad valorem taxes
- difference between all commercial and what is being proposed
- Plumbers & Pipe Fitters Union owns Diplomat Hotel
- investment and return
- why residential full-time homes must be involved in order for golf course to survive/need for balanced resort
- residential play would make up 40-50%
- golf course in place since 1950's
- why residential community living there now can't support golf course/affordability issue currently
- golf course will remain 18-holes as long as LAC is in place
- demographics is changing on all golf courses
- calculation of jobs that will be created
- assessed value of property now versus build-out of project
- proposed height of buildings/compatibility
- license for environmental cleanup/standards/results
- Audubon certification/first step completed

- cost of building residential parcel
- timeframe of project
- Parcel B/contamination issues related to past/can be remedied
- desired demographics of golf community versus Affordable Housing issue/comply with City's request
- deed restriction/golf course will remain as long as LAC stands
- 950 units will be buying into golf course community
- alternative plans regarding concern with Parcel B

The Chair concluded discussion between the members and Ms. Orshefsky at this time and invited public testimony to begin:

Speakers in support of PH 8:

Speakers against PH 8

Debbie Orshefsky
 Daniel Reynolds
 Kenny Scott
 Louis Marnott
 James O'Donnell
 Joe Kessel
 Harvey Brown
 Frieda Dragif
 Jerry Natelson
 Dana Klein
 Jacquelyn Rosenau
 Kimberly Russell
 Craig Farquhar
 George Teune
 Ina Lee
 Richard Cannone
 Joe Fernandez
 Russell Bailey
 Patricia Genetti
 Steve Muti

Charlotte Greenberg
 Kathleen Cunningham
 Don Boudria
 Csaba Kulin
 Herb Hoffman
 Luis Paredes
 Louis Arcand
 Terry Cantrell
 Catherine Kim Owens
 Commissioner Keith London

The Chair noted that staff recommended denial from a conservative standpoint and stated the issue is whether to expand the interpretation of the LAC, or keep it the same.

He further stated his personal belief that the future needs to be looked at, rather than the past and asked the members to look at how this will affect the future as far as LAC's, with the golf course being the center of it to make it a viable economic engine for growth through a community tied together.

The Chair requested Mr. Sniezek to comment on the expansion aspect via the guidelines. Mr. Sniezek addressed the issue of compatibility and talked about staff's understanding of the plan, and noted staff's professional opinion is that this doesn't rise to the level of what they know an LAC to be. However, he added for the record, that if the Council wants to move forward, a precedent will be set and future applications will be reviewed in the same light.

The Chair then went around the dais for individual comments from the members. The following topics/issues were discussed:

- inquiries of family/current residents and attorneys
- definition of compatible/compatibility from Broward County Land Use Plan document
- opinion that Parcel B not compatible with surrounding area
- public access to extra greenspace near marina
- parking issues along public right of way
- personal account of third-floor view from perimeter building
- need for large blocks of rooms to be available for visitors
- classification of LAC
- issue of perimeter within a perimeter
- greenspace attractive
- issue of blocking views
- all issues must be addressed and put in writing
- creation of jobs with this project
- potential impact of Amendment 4 on November ballot
- support for Diplomat Hotels
- traffic congestion and mitigation issues in Hallandale Beach
- flexibility needed regarding Affordable Housing
- applicant applauded for coming forward with voluntary concession
- request to honor staff's recommendation and wait for revisions to come back
- Hallandale Beach has highest density in Broward County
- golf course should be affordable and available to the public
- long range planning problem – should follow staff's advice
- change in land use designation should be done separately
- existing perimeter has "snowbirds" – how will this affect plan
- need to make decisions based on guides and plan for the County
- despite concerns, looking forward to "second bite of the apple"
- interpretation of LAC/complies with definition
- support for keeping golf course in perpetuity
- benefits outweigh those property owners that will be affected
- staff praised for hard work
- procedure for reapplying and making corrections versus passing at the first hearing and making corrections for second hearing

The Chair then called for a roll call vote.

(Mr. Gerald Cooper and Mayor Fisher left prior to the vote.)

On motion of Vice Mayor Castillo and seconded by Commissioner Bruck, the Planning Council, by a majority vote (with Ms. Case, Mr. Scott Cooper, Vice Mayor Julian, and Ms. Willett voting no), recommended approval, conditioned on the applicant, prior to the Planning Council's second public hearing, satisfactorily addressing the issue of compatibility concerning "Parcel B," and resolving the issue of on-site contamination assessment to the satisfaction of the Broward County Pollution Prevention and Remediation Division. In addition, the Planning Council recognizes the applicant's voluntary commitments regarding the provision of affordable housing, local traffic improvements, and to deed restrict the portion of the golf course north of Atlantic Shores Boulevard to golf course uses.

OTHER BUSINESS

PLANNING COUNCIL MEMBER COMMENTS

Mr. Hobby requested going forward, that staff should try and save resources by finding alternative ways to provide the members with large amounts of additional agenda material rather than the large packet provided to the members earlier.

NEXT SCHEDULED PLANNING COUNCIL MEETING – MARCH 25, 2010

The next Planning Council meeting is scheduled for March 25, 2010, at 10:00 a.m., in Room 422 of the Broward County Governmental Center.

ADJOURNMENT

There being no further business to come before the Planning Council at this time, on motion made, seconded and unanimously carried, the meeting adjourned at 3:32 p.m.

(A copy of the audio recording of this meeting is available upon request by calling Document Control located in Room 336U, at (954) 357-7297.)