

MINUTES

BROWARD COUNTY PLANNING COUNCIL

January 28, 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
Mayor Anne Castro
E. Gerald Cooper
Scott J. Cooper
School Board Member Maureen Dinnen
Commissioner Bobby DuBose
Dan Hobby
Commissioner Lisa Mallozzi
Louis Reinstein
Broward County Commissioner Stacy Ritter
Les Stracher
Mayor Michael Udine
Bett Willett

MEMBERS Vice Mayor William Julian
ABSENT:

ALSO Andrew Maurodis, Planning Council Attorney
PRESENT: Henry A. Sniezek, Planning Council Executive Director
Brad Seff, Real Time Reporter

(Commissioner Ritter and Mayor Michael Udine entered the meeting as reflected in the minutes.)

(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, January 28, 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 for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited.

ROLL CALL

The Clerk called the roll and the Chair declared a quorum present.

ELECTION OF OFFICERS

On motion of Commissioner Mallozzi, seconded by Mr. Reinstein and unanimously carried, the Planning Council approved having the current Planning Council Officers serve a second term, with Mr. Williams as the Chair, Mayor Fisher as Vice Chair and Vice Mayor Castillo as Secretary.

(Commissioner Ritter entered the meeting.)

NOMINATIONS BY PLANNING COUNCIL TO EXECUTIVE COMMITTEE –

Four at large members

Mr. E. Gerald Cooper
Mayor Castro
Mr. Hobby
Commissioner Mallozzi
Ms. Willett

On motion of Ms. Willett, seconded by Mr. Reinstein and unanimously carried, the Planning Council waived the rule on the number of members to sit on the Executive Committee.

APPOINTMENTS BY CHAIR TO LAND USE/TRAFFICWAYS COMMITTEE –

No specific membership number

Ms. Case
Mr. Scott Cooper
Commissioner DuBose
Vice Mayor Julian
Commissioner Mallozzi
Mr. Reinstein

On motion of Mayor Castro, seconded by Vice Mayor Castillo and unanimously carried, the Planning Council approved the Executive Committee and Land Use/Trafficways Committee appointments. Additionally, the Planning Council Officers will serve on these committees.

CONSENT AGENDA

- C1 APPROVAL OF FINAL AGENDA FOR JANUARY 28, 2010
- C2 JANUARY 2010 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE
- C3 APPROVAL OF MINUTES OF DECEMBER 3, 2009

(Mayor Udine entered the meeting.)

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

The Chair now called for a vote on the motion which passed, 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," GENERALLY RELATING TO CREDIT FOR EXISTING AND DEMOLISHED DEVELOPMENT

(This item was previously withdrawn.)

- R2 COUNSEL'S REPORT

In response to an earlier discussion, Mr. Maurodis, Planning Council Attorney, explained the process for withdrawing motions. After a motion and second has been made, it can be withdrawn or modified by the maker of the motion by requesting the permission of the Board. It was agreed without a Board objection, the Planning Council gave permission.

- R3 EXECUTIVE DIRECTOR'S REPORT

Mr. Sniezek, Planning Council Executive Director, informed the Planning Council that the February Planning Council meeting could be a long meeting, and to plan their calendars accordingly. There will be at least one controversial item on the agenda, and there have already been at least 40 e-mails to Mr. Sniezek.

Mr. Maurodis stated if the Board receives e-mails, they should forward them to Mr. Sniezek.

Mayor Castro announced she will be in Washington D.C and unable to make the February meeting.

Mr. Sniezek informed the Board that his office is about to receive applications for a second group of approximately 20 amendments which the Planning Council should see on their agenda in May or June. The Planning Council meetings should get busy as the summer approaches.

In response to a question raised, Mr. Maurodis explained that if a Planning Council member receives an e-mail concerning Land Use Plan Amendments, the quasi-judicial rules are not applicable. They are legislative in nature. Land Use Plan Amendments are not subject to ex-parte communication rules.

R4 CORRESPONDENCE

- Correspondence from the Broward County School Board
- Correspondence from Dr. Gay Ferguson Outler

Mr. Sniezek informed the Board that Dr. Outler did resign from the Planning Council due to other conflicting engagements.

With regard to the correspondence from the Broward County School Board on workforce housing, Mr. Sniezek also commented there is a text amendment pending and was looking for Board direction. Mr. Sniezek's recommendation would be to fold the amendment into the state mandated process called the Evaluation and Appraisal Report. This will take a look at a lot of planning issues. He felt this issue would be a good issue to include in that process. It would be discussed at workshops, while revisions could be made to the wording during the process.

Vice Mayor Castillo stated the issue brought up by the School Board involves the use any facility, public community use, which could be used for affordable housing, and he had no problem adding that as an option cities could use, in order to help achieve smart growth goals. He was concerned about the use of the statement "in perpetuity." "In perpetuity" can become a barrier to the creation of affordable housing.

School Board Member Dinnen also agreed with Mr. Sniezek's suggestion. Affordable housing is something we are all interested in.

Vice Mayor Bruck stated she supported including the issue in the Evaluation and Appraisal Report. Due to the state of the economy, there is no shortage of affordable housing.

The Chair commented we still have a need for affordable housing. Many people are unemployed and cannot afford to pay their current mortgage.

Commissioner Boisvenue also agreed with Mr. Sniezek's recommendation.

Commissioner Mallozzi commented there is affordable housing, but banks are not qualifying people for mortgages. Short sales and foreclosures can take up to a year. Additionally, when affordable housing is being addressed, it should fit in with the surrounding neighborhoods. Many of the schools are in neighborhoods where it is not conducive to have a high rise structure.

Ms. Case had a few problems with this proposal. This would inject a level of confusion into the Land Use Plan. It further injects unpredictability because it applies to all community facilities, not just schools. This is not for affordable housing, but work force housing, and we are specifying who can live in this housing.

Mayor Castro also agreed with Mr. Sniezek's recommendation, adding she would generally say flexibility, as a rule, is a good idea. Whether this is in perpetuity or there are other restrictions, she would give as much flexibility as she could. Florida has always had trouble attracting good quality teachers, due to the low salaries offered.

Mr. Reinstein also agreed with Mr. Sniezek's recommendation. Mr. Sniezek and his staff need to continue to evaluate and look at the necessity of being able to attract new teachers and have it fit into the Land Use Plan.

A motion was made by Mayor Castro and seconded by Mayor Udine, to approve Mr. Sniezek's recommendation to include this in the state mandated process called the Evaluation and Appraisal Report.

The Chair now called for a vote on the motion which passed, with Ms. Case, Mr. Scott Cooper and Ms. Willett voting no.

R5 EXCUSED ABSENCES

Mr. Sniezek informed the Board Vice Mayor Julian requested an excused absence due to a family medical issue.

PUBLIC HEARING AGENDA

QUASI-JUDICIAL HEARING

Due to Vice Mayor Castillo having to leave early, he asked if the Planning Council could proceed to PH 7.

On motion of Commissioner Boisvenue, seconded by Mayor Udine and unanimously carried, the Planning Council agreed to take PH 7 out of order.

(Following PH 7)

PH 1 A. RECERTIFICATION PCR 09-5

Public Hearing on Recertification of the City of Sunrise Future Land Use Element - Map Amendment ("Metropica")

B. RECERTIFICATION PCR 09-6

Public Hearing on Recertification of the City of Sunrise Future Land Use Element - Text Amendment ("Metropica")

Mr. Sniezek explained this is a recertification of a city amendment for the City of Sunrise. It adopts a transit oriented development for the Metropica area in Sunrise. This corresponds to the Broward County Land Use Plan Amendment approved by the County last year. There were a couple of restrictions associated with this which the applicant has complied with.

In response to a question raised, on behalf of the applicant, Ms. Susan Motley informed the Planning Council that the City of Sunrise has not adopted an affordable housing linkage fee.

Mr. Sniezek added the applicant would pay a fee up to \$1,400,000 in lieu of a linkage fee.

Mr. Maurodis clarified the test is whether the Land Use adopted by the City is in substantial conformity with the Land Use of the County. In this case, the Land Use adopted by the City is the same as the County.

A motion was made by Mayor Udine and seconded by Mayor Castro to approve PH 1, Recertification PCR 09-5 and Recertification PCR 09-6.

The Chair now called for a vote on the motion which passed, with Mr. Scott Cooper voting no.

PH 2 A. RECERTIFICATION PCR 09-7

Public Hearing on Recertification of the City of Sunrise Future Land Use Element - Map Amendment (“Westerra”)

B. RECERTIFICATION PCR 09-8

Public Hearing on Recertification of the City of Sunrise Future Land Use Element - Text Amendment (“Westerra”)

(This item was previously withdrawn.)

PH 3 RECERTIFICATION PCR 09-20

Public Hearing on Recertification of the City of Sunrise Future Land Use Element - Map Amendment

Mr. Sniezek commented this is a small map amendment for the City of Sunrise. It is going from Community Facilities to Low (5) Residential. It is reflecting the County plan.

On motion of Mayor Castro, seconded by Vice Mayor Bruck and unanimously carried, the Planning Council approved PH 3, Recertification PCR 09-20.

PH 4 AMENDMENT PC 10-7

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

In response to a question raised by a Planning Council member, Mr. Sniezek responded that he is not aware of his office receiving any calls from any surrounding land owners. North of this site is a warehouse district. The site currently is vacant or in development for residential use. The use has already been approved by the City of Hallandale Beach through the use of flex. Staff recommendation is to approve it at a density of 19.63 units per acre, which corresponds to the actual density approved by the City of Hallandale Beach. There is also the recognition of the applicant’s previous voluntary commitment to address school issues.

On motion of Commissioner Boisvenue, seconded by Mayor Castro and unanimously carried, the Planning Council approved PH 4, Amendment PC 10-7.

PH 5 AMENDMENT PC 10-8

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

On motion of Ms. Willett, seconded by Mayor Castro and unanimously carried, the Planning Council approved PH 5, Amendment PC 10-8.

PH 6 AMENDMENT PC 10-3

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

Commissioner Mallozzi directed the Planning Council to Section III-3-1 in the backup, where it states, “There are an additional student generation of 20...,” but in reality, there is none. Additionally, this pertains to an RV Park, and there is a covenant that states they cannot live there all year.

Mr. Sniezek added that initial analysis does not take into account any voluntary restrictions.

On behalf of the applicant, Mr. Mele clarified when the applicant went to the City of Margate, they actually had to create a new zoning district for RV Parks. The zoning regulation stated you cannot live there full time.

To help clarify, Mr. Chris Akagbosu, Growth Management Department Director, Broward County School Board, commented on attachment 4 of the backup and explained they are currently working on a restrictive covenant with the applicant. “Additionally, execution and recordation of the DRC shall be completed prior to proposed land use becoming effective.”

On motion of Mayor Udine, seconded by Commissioner Mallozzi and unanimously carried, the Planning Council approved PH 6, Amendment PC 10-3.

PH 7 AMENDMENT PC 10-5

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

(Mr. E. Gerald Cooper left the meeting.)

On behalf of the applicant, Mr. Dennis Mele addressed the Planning Council and explained the School Board did a review of this proposed development and

determined none of the schools that these students would attend, assuming there are students, are over-crowded. This project is a senior citizen complex. If there are any over-crowded schools, then you have to do the restrictive covenant that the School Board uses. There are already restrictions in place with the City of Pembroke Pines.

On motion of Vice Mayor Castillo, seconded by Mr. Scott Cooper and unanimously carried, the Planning Council approved PH 7, Amendment PC 10-5.

(Vice Mayor Castillo left the meeting.)

(The Planning Council proceeded with PH 1.)

(Mr. E. Gerald Cooper returned to the meeting.)

PH 8 FLEXIBILITY ZONE BOUNDARY MODIFICATION PCFZBM 10-1

Public Hearing on Flexibility Zone Boundary Modification – City of Hollywood

(This item was previously withdrawn.)

OTHER BUSINESS

PLANNING COUNCIL MEMBER COMMENTS

(There were no comments.)

NEXT SCHEDULED PLANNING COUNCIL MEETING – FEBRUARY 25, 2010

The next Planning Council meeting is scheduled for February 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 11:11 a.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.)