

MINUTES
BROWARD COUNTY PLANNING COUNCIL
May 26, 2011

MEMBERS Mayor Lamar Fisher, Chair
PRESENT: Tim Bascombe
Vice Mayor Claudette Bruck
Sara Case
Commissioner Anne Castro
Scott J. Cooper
Commissioner Bobby DuBose
Kenneth Fink
Mary D. Graham
Mayor Sue Gunzburger
Dan Hobby
Commissioner Keith London
Commissioner Michael S. Long
Commissioner Rita Mack
Commissioner Lisa Mallozzi
Sharon P. Ragoonan (Via telephone)

MEMBERS School Board Member Patricia Good
ABSENT: Louis Reinstein
Mayor Michael Udine

ALSO Henry Sniezek, AICP, Executive Director
PRESENT: Pete Schwarz, Senior Planner
Andrew S. Maurodis, Legal Counsel
Gretchen Flores, Associate Planner
Jim Koeth, Planning and Zoning Department, City of Fort
Lauderdale
Suzanne Danielson, City of Fort Lauderdale Traffic Consultant
Martha Sutherland-Vidal, Court Reporter, Minutes

A meeting of the Broward County Planning Council was held at 10:00 a.m. on Thursday, May 26, 2011, in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida

CALL TO ORDER:

Chair Lamar Fisher called the meeting to order.

CHAIR FISHER: I'd like to call to order the Broward County Planning Council meeting this Thursday, May 26, 2011, as we stand for the Pledge.

THE PLEDGE OF ALLEGIANCE

CHAIR FISHER: Thank you.

ROLL CALL

Following Roll Call by the Transcriptionist, the Chair declared a quorum present.

CONSENT AGENDA

CHAIR FISHER: Moving to our Consent Items, C-1 through 4, just to make note on the excused absences, that Mayor Udine will be excused today. Is there a motion to approve?

UNIDENTIFIED SPEAKER: So moved.

CHAIR FISHER: All in favor, say aye. Opposed? Consent Agenda approved.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

R-1 FISCAL YEAR 2012 PLANNING COUNCIL BUDGET PROPOSAL

CHAIR FISHER: Now, on our Regular Agenda, R-1. Henry?

MR. SNIEZEK: Good morning. R-1 is the proposed fiscal year 2012 budget asking the Planning Council to give recommendation to the County Commission. The preliminary allocation given to the Planning Council by the County Budget Office is 1.027 million dollars and is basically a no change to the Planning Council operations right now, no change to staff, no reduction in services. I point out that that budget does not include any salary increases for staff, no bonuses. We don't have anybody with car allowances. We don't have a big consultant budget. It includes five unpaid furlough days that we've had for the last two years and will continue next year. The budget as you have it before you reflects a 49 percent reduction in the operations budget

Planning Council
05/26/2011
LG/MSV

from 2009, which includes a 24 percent reduction in office supplies budget since 2009. The Planning Council's had two and a half positions cut from staff since 2006. And also please keep in mind that, due to State legislation, all Council staff will be contributing three percent of their salary to the retirement system. This was discussed by the Executive Committee prior to the Planning Council meeting, and the Executive Committee's recommendation is for the County Commission to approve the preliminary allocation of 1.027 million dollars.

CHAIR FISHER: Very good. Thank you. Budget discussion?

VICE MAYOR BRUCK: I would just like to commend you and your staff for doing more with less, time after time. And we must be mindful to be cautious about reaching the point that we have to do less with less. Your service to this Board has been immeasurable, and I thank you. I move for approval.

MS. GRAHAM: Second.

CHAIR FISHER: It's been moved and seconded. Any further discussion? All in favor, say aye. Opposed? Motion does carry. Thank you.

VOTE PASSES UNANIMOUSLY.

R-2 REQUEST FOR SIX MONTHS EXTENSION OF PLANNING COUNCIL PROVISIONAL RECERFICATION (TOWN OF LAUDERDALE-BY-THE-SEA)

CHAIR FISHER: We're now to R-2. Henry.

MR. SNIEZEK: I apologize. R-2 is a request from the Town of Lauderdale by the Sea to do a -- a second six month extension to their provisional recertification. This is just within the Council's rules and at the Council's pleasure whether to extend that. Planning Council staff has no objection.

CHAIR FISHER: Okay. It's moved by --

COMMISSIONER MACK: Second.

CHAIR FISHER: -- Commissioner Mallozzi to extend.

COMMISSIONER MACK: Second.

CHAIR FISHER: Been moved and second. Any further discussion?

MR. FINK: (Inaudible.)

Planning Council
05/26/2011
LG/MSV

CHAIR FISHER: Sorry. Mr. Fink.

MR. FINK: What are the consequences if we deny this extension?

MR. SNIEZEK: One of the -- the consequence would basically be that their provisional certification will expire, and they will not have a certified plan anymore. And so that -- the Planning Council staff would have to take over some of the monitoring functions for the City.

MR. FINK: And why are they asking for another extension?

MR. SNIEZEK: Well, they are processing the amendments to bring their plan in compliance, and I think they may actually be finished through the State process, but it was kind of pending. So they just wanted to have the extra extension to be able to finish the State process. And I believe that that is happening right now, and I expect them to be in for full recertification probably in the next month or two.

MR. FINK: Thank you.

CHAIR FISHER: Any further discussion? All in favor, say aye. Opposed? Motion does carry. Thank you.

VOTE PASSES UNANIMOUSLY.

R-3 PROPOSED YEAR 2012 AMENDMENT APPLICATION DEADLINES AND MEETING SCHEDULE

CHAIR FISHER: R-3, Henry.

MR. SNIEZEK: R-3, we're just requesting the Council to approve the 2012 meeting schedule and application deadlines. We like to ask the Council to do this early because we have to do a lot of coordination with the Council schedule with the State requirements, the County Commission schedule. So we're asking you to approve this at this time. I would note that the application deadlines, due to State legislation changing some of the group amendment requirements, if that is signed and goes into effect, we might be coming back in August or September and ask the Council to reconsider those deadlines, because you might not have the two times a year requirement anymore.

CHAIR FISHER: Correct.

MR. SNIEZEK: But for now, I would ask you to approve this schedule.

Planning Council
05/26/2011
LG/MSV

CHAIR FISHER: Very good. Motion?

UNIDENTIFIED SPEAKER: So moved.

COMMISSIONER CASTRO: Second.

MAYOR GUNZBURGER: Second.

CHAIR FISHER: Moved and second. Any further discussion? All in favor, say aye. Opposed? Motion carries. Thank you.

VOTE PASSES UNANIMOUSLY.

**R-4 REPORT: WATER BODIES UTILIZED TOWARD MUNICIPAL
"COMMUNITY PARKS" INVENTORY**

CHAIR FISHER: R-4. Henry, I believe that Pete's going to make a presentation first?

MR. SNIEZEK: Right.

CHAIR FISHER: (Inaudible.)

MR. SNIEZEK: Pete Schwarz, our Senior Planner, will give you a brief presentation on –

CHAIR FISHER: Great.

MR. SNIEZEK: -- this information.

CHAIR FISHER: I know Commissioner London has some Exhibits, as well, to pass out, and also overhead photos. So, Pete, you first.

MR. SCHWARZ: Thank you. Good morning. Pete Schwarz, Planning Council staff. As you recall, the Planning Council directed the staff at its February 24th meeting to look into the counting of waterways and water bodies, by municipalities within their parks and open space inventories used to meet their community parks requirement of three acres for 1,000 residents. A letter was sent to each of the municipalities asking them to identify all canals, rivers, lakes, and other such water bodies, which are counted towards the community parks requirement. Planning Council staff took the information and utilized our geographic information systems, or GIS, to verify the data and create the maps in this report. Within the report you'll

Planning Council
05/26/2011
LG/MSV

find a County-wide compilation in Section 2, and individual data and graphics for each of the municipalities in Section 3. With regard to the information collected, we have found the following: One, only two percent of all the water bodies within the urbanized portion of Broward County are counted towards meeting the community parks requirement. Approximately 56,000 acres of the urbanized portion of Broward County is water. Of that, only two percent of all the water bodies, or about 1400 acres, are counted towards community parks requirement. Two, approximately two-thirds of the water bodies counted by the municipalities as part of their community parks inventory are completely within established municipal parks. Most of the water bodies counted by the municipalities are within public parks used for recreational purposes such as boating and fishing, and are easily accessible from within those parks. The remaining one-third are basically water bodies within golf courses, and other waterways such as rivers and canals. There are just 12 such water bodies and waterways identified by the municipalities. Three, an average of 14 percent of all areas counted towards the community parks requirement are water bodies. This figure is consistent with the overall composition of the urban area of the county. Four, eight municipalities have community parks inventories which count water bodies more than 20 percent of their total. Five, if existing counted water bodies were not allowed to be utilized as part of the community parks inventory, nine municipalities would experience a community parks deficit. Six, if the counted water bodies were only permitted to be counted at 50 percent, meaning two acres of water could only count as one acre of community park, four municipalities would experience a community parks deficit. And, seven, there may be an issue with the definition of public access. Some access points identified by municipalities appear not to be located with direct access to that counted water body. With regard to the potential follow up options listed in this report, staff notes that these are suggestions to the Council meant to frame the next steps, if any, you may consider. One option for the Council would be to take no action at all. Two of the options listed would involve the Planning Council initiating amendments to the Land Use Plan, one to potentially change the current standard of allowing all eligible water body acres to count towards the community parks requirement rather than a percentage, and the other potentially to amend the definition of public access pertaining to water bodies. The last option presented would direct staff to contact municipalities that have higher amounts of water bodies in their inventories with a Council recommendation about the restrictive requirements and plans to lessen their dependence on water bodies to meet community parks standards. And I'm available to answer questions if you have any.

CHAIR FISHER: Okay. Any staff questions at this point before we turn it over to Commissioner London? Commissioner Mallozzi.

COMMISSIONER MALLOZZI: There's a reference to the cities that don't have enough if water's counted. Isn't there at least one of those cities, even if water's not counted, that does not have enough?

MR. SCHWARZ: There is one city, regardless of its water –

COMMISSIONER MALLOZZI: (Inaudible.)

MR. SCHWARZ: -- that doesn't meet the -- the level of service.

COMMISSIONER MALLOZZI: Okay.

CHAIR FISHER: Commissioner Long?

COMMISSIONER LONG: Of those ones that count on water fairly heavily, how many of them have zero public access?

MR. SCHWARZ: I would -- I don't think any of them don't have any public access.

COMMISSIONER LONG: Because I was just looking and some of them have stars with public access point, but –

MR. SCHWARZ: Yeah, those stars were –

COMMISSIONER LONG: -- some of them don't have any.

MR. SCHWARZ: -- the public access points identified by the municipalities in the information that we requested. We gave them a blank map and they indicated on a sketch where the public access is. A few of those water bodies, the access point may -- it may be a tough access.

COMMISSIONER LONG: Okay. Because the question with the golf course, for example, is that a public golf course?

MR. SCHWARZ: Yes. All the golf courses meet the golf course requirements to be counted as a -- as community park acreage. And golf courses are counted in that same fashion, 50 percent of the golf course acreage, and up to 15 percent of the city's total requirement can be counted. So with the golf course acreage, we did count the water bodies, but we counted them at half –

COMMISSIONER LONG: Okay.

MR. SCHWARZ: -- when we did that -- that analysis.

COMMISSIONER LONG: And in reality, it's not really a public access that they can --

MR. SCHWARZ: It's -- it's a public access --

COMMISSIONER LONG: -- (inaudible).

MR. SCHWARZ: -- at the golf course, but it's, yes.

COMMISSIONER LONG: Thank you.

CHAIR FISHER: Okay. Mr. Fink.

MR. FINK: To elaborate on that, if I heard your statement correctly, you said there seems to be some discrepancy between the municipalities as to the definition of public access.

MR. SCHWARZ: Very limited, but there are a couple of water bodies which are not located within city parks, and they're not located within golf courses. There are 12 such water bodies identified County-wide. And a couple of those, the access -- or a few more than a couple, but there's a handful of those that are not accessible to the spirit of the Land Use Plan.

MR. FINK: So the spirit of the plan, public access means that the public has access to those waterways to use for recreational --

MR. SCHWARZ: Yes.

MR. FINK: -- purposes. And you're saying a handful do not meet that criteria.

MR. SCHWARZ: That's correct.

MR. FINK: And your definition of a handful? A centipede's handful is different from my handful.

CHAIR FISHER: I think Henry maybe wants to chime --

MR. SNIEZEK: Yes.

CHAIR FISHER: -- in on that.

MR. SNIEZEK: Or I can supplement. We haven't done a full inventory of the public access. We haven't gone to every public access point and checked them out. We just kind of did a -- a little review, and it was apparent that there was an issue with that. And -- and my estimation is there's two cities where I'd question some of the public access, where it's a little unclear about how much public access there really is. Although, in some of them, you can have public access from the Intracoastal Waterway which is from another city, so you still kind of have public access, but you have to go another city to access the water in another city. So I don't have like a full report on the public access point. I don't have like photos of every one of them or anything like that. It just -- there's enough information to say that I think a couple of cities have stretched the definition a little bit, and that's something -- that's why there's an option in there for us to look at that definition a little bit closer and maybe change it.

CHAIR FISHER: All right.

MR. FINK: Which two?

CHAIR FISHER: Then I'll recognize you, Mr. Fink.

MR. SNIEZEK: I'll say the two cities (inaudible).

MR. FINK: If I may continue, which two cities are those?

MR. SNIEZEK: Well, Hallandale Beach is one of them, and the other one is Lauderhill, I believe.

MR. FINK: And, again, to answer the question, when you said a handful, what is a handful?

MR. SNIEZEK: Well, I think he meant two. There may be others --

MR. FINK: Well, that's two cities, but he said there were a handful of parks that are being counted as public access that don't have public access. Unless I misunderstood.

MR. SNIEZEK: I believe it --

MR. SCHWARZ: Yeah, I --

MR. SNIEZEK: -- I mean, there's 12 of these kinds of waterways that are used, and I -- like three or four, I'm guessing.

MR. SCHWARZ: And -- and, like Henry said, we haven't gone to those 12 sites necessarily. We've seen a few of them. So I apologize for --

MR. FINK: No, no. Don't apologize.

MR. SNIEZEK: There may be more cities than the two that I'm kind of bringing up here, and I -- and maybe -- I may be wrong. Maybe after -- if we look at it closer, and that's why we're -- one of the options is to look at this definition. Maybe after we look at that issue further, maybe there'll be a complete explanation and we'll have to withdraw the issue.

CHAIR FISHER: I'm going to recognize Commissioner Castro. Then I'm going to let Commissioner London go ahead and make his presentation.

UNIDENTIFIED SPEAKER: And Mayor Gunzburger.

CHAIR FISHER: And Mayor Gunzburger. But Commissioner London asked me before the meeting began, he really wanted to make his presentation. So one more. Commissioner Castro and then Commissioner London.

COMMISSIONER CASTRO: (Inaudible) I didn't hear if you said whether the parks you looked at, whether they were passive or active.

MR. SCHWARZ: We didn't discriminate. The cities have their park inventories that they certify with us, and there's no --

COMMISSIONER CASTRO: You didn't discern whether they're active parks or not.

MR. SCHWARZ: Yeah.

COMMISSIONER CASTRO: Secondly, how are beaches handled? Does the city determine when they submit it to you and do you know if it was a beach they were submitting to you versus something else?

MR. SCHWARZ: Yes. We didn't count any acreage on the beach side at Dania Beach. The City --

COMMISSIONER CASTRO: How about the Wispy Creek Marina?

MR. SCHWARZ: We counted the water in the Marina that was within the City.

COMMISSIONER CASTRO: All right. Thank you.

CHAIR FISHER: Commissioner London.

COMMISSIONER LONDON: Thank you, Mayor Fisher. And, before I start, I gave some handouts to staff to hand them out. And, Mr. Schwarz, I think I have some pictures. Well, first and foremost, I want to thank the Council for, you know, moving this item. I want to thank the Council for moving this item and giving me the chance to explain it. This is something that I became aware of as a Commissioner about four years ago, and until this process went forward, I finally found out that -- you know, where we stand in all this in -- you know, in respect to the other cities. I think it's important to, you know, look at this, not only just Hallandale, but also for all the cities. So I'm going to kind of follow Mr. Schwarz's lead and just go by the general findings. And there's some pictures. I took these pictures this week from the starts that you see in the access points that the cities identified. So -- but I'm going to talk so you can kind of figure out the multi-task here and do more than one thing at a time. All right. I'm going to start with the general findings. Kind of like what Mr. Schwarz said, talking about two percent of the water bodies in the whole city, which is cumulative all the -- all the cities or County. Well, I need to point out that Hallandale's 54 percent, not two percent. That's what we're counting. Number two in the general findings was approximately 64 acres, but he also talked about (inaudible) because of the questions that we just heard from our fellow Council members. In Hallandale, you will see that most of these what they call public access, as -- as Mr. Schwarz has pointed out, you have to launch in another city. There is no open boat ramp for the public in Hallandale. So if you want to jump off a sea wall to get into the waterways, that's what you can utilize. You can jump into. But most of the access points where they're showing their stars are actually behind private property. So I want you to point -- I want you to understand that, also. Number three, an average of 14 -- 14 percent. Again, the City of Hallandale is -- is way above average. Number four, eight municipalities. Again, one of the things that when we get to the conclusions and where to move forward, Mr. Schwarz, again, made a good point. Golf courses, as we've learned with Deerfield and the other communities, there's a calculation. You can -- and I'm just going to say let's say it's a hundred acres is what the level of service is needed for the city, and there's a hundred-acre golf course. You can only use 50 acres of that, and then 15 percent of that. So if you have a hundred acre golf course, you can only use 15 --

(Power outage.)

CHAIR FISHER: Testing, testing. We're back on. Great. Okay. Thank you so much for those folks who just turned us back on.

Commissioner London, you can continue.

COMMISSIONER LONDON: Thank you, Mayor. I was at number four, so I was just giving the example of the golf courses, which we've all heard from the Deerfield, and I think we're familiar with that. So just keep that in mind, if you might. I'm not really going to touch on five or six. I'm going to come back to that. On number seven, though, being -- water bodies being -- I'm sorry -- access points. As you -- and I don't want to mix apples and bananas here, but as you heard last month, Hallandale seems to have found a little loophole with the flexibility units, and have been able to exploit that opportunity. But if you look at the pictures that you see scrolling here, that one right there, one of the points of access was -- you know, the sign says do not enter, trash transfer station. But the City of Hallandale considers that an access point for a public park. I'll let these pictures do the talking, and I'll come back to that when -- to that. I'm going to just give you a couple things here. If -- if you could look at this sheet that I kind of handed out, this is also in the backup, but what I wanted to point out to you, on the top, I did the calculations for you. If you take the actual open space, the actual green open space in the City, it comes to 44.403 acres. Then we've got 64 and a half acres of schools that are in the calculation. I can appreciate the regionalization; I can appreciate the cross-utilization. And I think that is something that, you know, is not a bad calculation. I mean, we need to utilize those facilities. But remember this: if school's open, you can't get to those -- those open spaces during school hours. If there's a program going on after school, track, baseball, football, you're not allowed on those fields. So I'm not even talking about that or touching that, because that wasn't part of it, but I need you to see the numbers to understand the hard numbers here. If you go down to the bottom, the level of service, as we all know, three acres per thousand per resident. That comes up to 111 acres. So if I take the combination, I'm pretty much right at the cusp right there. 108 acres, 108 -- 108.5 acres versus 111. And the reason I wanted you to see that is that, at this point in time, if I'm not providing the open space, where do you think my residents are going?

COMMISSIONER LONDON: Uh-huh. Right.

UNIDENTIFIED SPEAKER: Coral Springs.

COMMISSIONER LONDON: So if -- if we don't have a place -- if we don't have a place to go and utilize this and -- and you, my neighbor cities are, you know, either doing parks improvements, park infrastructure, beautification, whatever you might be doing, you're planning on just your residents utilizing that park. Well, if you're a neighboring community to mine, I guarantee your life cycle on your equipment, and your wear and tear, your calculations are

probably going to be off a little bit, because I know for a fact that my residents go to Aventura, they go to Hollywood, they go to Miramar, they go up to Oakland Park to play softball. They go to all those other places because there's not a place to do it in -- in the City of Hallandale. So the other reason I wanted you to see this and look at it, you know, in hard numbers, is that there's an opportunity here. The opportunity is if I'm right on the cusp and a developer wants to come in, and I'm one of the few cities that I'd say is lucky, because we still have active development and people are coming forward, now's an opportunity to let the new people coming in pay for the new parks. In Hallandale right now, we just had auctions. We've had properties that have gone into foreclosure. Basically, east of US-1, an acre costs you a million dollars. So if you come in and you're going to add a thousand people and you owe me three acres, maybe you can't provide me the three acres, because space is tight, but you could certainly provide me \$3,000,000. I can upgrade my parks, or I can purchase land when it comes available. So what I'm looking for is, ultimately, there's an opportunity here, and I think this is a great opportunity to look at the requirements. And, if we can go back to the pictures just for a second, you know, being honest in what we're talking about as far as access points and usability, and if these calculations, if they want to use these numbers, not behind locked gates and not jumping off of a seawall, but I think you guys should really look at this as this isn't just Hallandale. This is an opportunity for everybody in the community, Broward County, to potentially look at this and be able to acquire open space or upgrade your parks. I'm going to turn it back to the Mayor, but I hope that he'll give me an opportunity to come back if there's any questions or if anybody has a question for me.

CHAIR FISHER: Well, I've got Commissioner Mack and then Mayor Gunzburger.

COMMISSIONER MACK: (Inaudible.)

CHAIR FISHER: Okay. Mayor?

MAYOR GUNZBURGER: Well, I'm just as happy following Commissioner London, because that's some of the problems that I see in Hollywood. When I look at what they're saying our access points on the map, Number 4 is South Lake, and that's all private homes. There's no public access at all, unless it's through the Intracoastal. So I don't understand. Number 2 is the public marina. That made sense to me in -- on the page. But Number 4, which is the lake I live on, there is no public access for the public to utilize it. And it's true on some of the others which are within -- number -- Number 6, I believe is in a golf course, but I -- no, that's in a -- that is not public. And we have that problem all over Hollywood, as well as in Hallandale Beach. And

the percentage in the City of Hollywood is quite high. Not as high as Hallandale Beach, but it is very, very high. Bless you.

MR. FINK: Thank you.

MAYOR GUNZBURGER: And I think it's something that we have to find a way to encourage more open space. Although the City of Hollywood, in deference to what it costs them to maintain the public beaches, which is enormous, and maybe that's an offset for the lack of open space elsewhere, because you don't get credit for the beaches.

CHAIR FISHER: Commissioner Castro?

COMMISSIONER CASTRO: I'm glad we're going through the exercise, so I appreciate Commissioner London bringing it up. But now that I've kind of had a chance to get these resolved, I'm a little concerned about the outcome and the summation of -- of action plan and possibilities. First of all, I'm not sure water should have been the metric or -- or the variable that we should have been looking at. For instance, in the case of Dania Beach, if I recall, there are four parks that have a water element that contribute to our parks. Every one of those parks are active, completely open, publicly accessible parks. But they're very expensive to maintain. One is Wispy Creek Marina, which we're about to put 3 or \$4,000,000 into a bulkhead and everything else. One is Tigertail Lake, where we just don't -- you know, forgive me when you hear this. We paid about 50 grand for a doggie diving dock. Say that three times real fast. Not to mention BCC does their sailing exercise on the lake. One is Fuzzy Bunny Park, as we affectionately refer to it. It's one that the County was kind enough to do us a bond. And it cost us about 150,000 a year to maintain, because you can't let the exotics invade it. So it's really a passive park that people walk their dogs and do whatever. But it's a very expensive proposition for a small city like Dania. And the last one, I kept saying, Houston? That's IT Parker. IT Parker, again, is a beautiful facility on the Intracoastal cutoff canal, all marina based. Totally accessible. You can pull up in a car. You can pull up in a boat. You can do whatever. So water, to me, became really quickly that that was not the key.

The key, and I think his slides reflect is, is more accessibility. And I don't care whether there's a water element or not. There might be green space out there that's not accessible. And we shouldn't be counting that if the public can't access it. So whatever plan we come up with, I don't want to punish the cities, like mine, that are somehow doing the right thing, and, frankly, the costly thing, to maintain green space. I also don't think parks and green space should always be mandated. I would hope there are cities, and even the County, and I know the County's been big in this last decade, promoting

open green space everywhere in the county. You know, Dania Beach right now is looking at some of our empty little in-fill lots, and we're going to maybe buy them and make them pocket parks for communities and neighborhoods. But, to Mayor Gunzburger's point, every time you take one of those on, everyone forgets about the maintenance costs associated with it. So we're looking at ways now, if we create a whole pocket park, can we do, you know, local, natural plants that don't require a lot of irrigation, don't require a lot of mowing, cutting, maintenance, weeding, whatever you want to call it, or get the community to adopt the park so that they'll take care of it, because the City can't keep funding out those monies to take care of those parks. So I'm glad we brought this problem to light, but when I saw those slides, that's not my City. And maybe Hallandale has a problem; maybe a couple other cities have a problem. And I'd rather find an approach that, as Mayor London so eloquently -- or Commissioner London so eloquently mentioned, they found some loopholes and -- not him, but some of his apparently staff or members of his Board -- fix those loopholes, but not implement a -- a plan that's now all of a sudden saying five or six or eighteen are out of compliance, but don't deserve to be out of compliance.

So I want to make sure whatever solution we come up with is well reasoned to the real underlying issues, and not a knee jerk reaction that's going to really spread across the board unfairly. Thank you.

CHAIR FISHER: Mr. Hobby?

MR. HOBBY: A clarification. Did you say that the -- as far as golf courses, they (inaudible) public golf courses?

MR. SNIEZEK: Well --

UNIDENTIFIED SPEAKER: I don't think (inaudible).

MR. SNIEZEK: -- I just want to give you the right answer.

MR. SNIEZEK: 50 percent of publicly owned golf courses that are zoned for recreational use and -- and private and semi-public that are -- so, yes, it could include both public and private, as long as it's zoned for open space.

MR. HOBBY: Well, Coconut Creek golf course (inaudible) five acres of water which, I mean, I'm not a good golfer, or even a semi-golfer.

MR. SNIEZEK: Well, it allows private as long as it's zoned and deed restricted for open space. And -- and that -- I don't know a lot about that golf course, because I'm not a member there, either, but I think it's -- it's restricted

to open space uses, but it is a private course.

MR. HOBBY: Well, one other thing I'd just like to say is, I think that where we may be is that maybe as Commissioner Castro was saying -- kind of to get a little bit crusty in here, trying to fit it to preconceived notions that we count water at a park, but if -- if there's a boat access on -- at a park, and in a canal they can go to another park, we don't count the water in between. So it's -- you know, I think some of this is sort of in the eye of the beholder. When we have extreme examples which I would say to be where there's no public access or, you know, that's pretty easy to see. But I think that at some point it becomes really what you count as public access. I mean, I could say that even just standing by the water and looking at it is -- can be public access in some people's eyes. Relaxing day. Other people might not feel that way.

CHAIR FISHER: Commissioner Long?

COMMISSIONER LONG: I think a lot of great points have been brought up, but I think the concern that I have is when we find green space and also public space, public parks, green space is one thing. You go to Adios, I mean, who can get in there? Who gets to see it except a -- a well-heeled individual who is a member there and gets through the number of gates they have in there? Now, is that public? I would say no. Is it green space? Yes, maybe for the -- from the aspect of collecting more rain, less runoff, et cetera, et cetera. But it's almost like the definition needs to be a little better defined as far as, you know, here's green space, and that's green space for the environment, and there is public space for the use of the general public, you know. And question some of those pictures that Commissioner London brought, as well, when they're a waste transfer station. Is that really a park? Is that really a green space? Or is that just some land that you have a bunch of trash on as -- as it gets transferred? And, as we move forward, if we can move forward at all, I think there needs to be a better definition exactly what's, you know, going to be a community park, what's going to be green space, what's going to be public use and public access. And I think the public access needs to be defined as how -- how many times is it open. Is it open for, you know, 12 hours a day? I understand you have to lock some areas and areas like that. But, you know, I think the definition needs to be refined so we don't have these loopholes, and then trying to work with the cities that possibly are deficient because of this. But, you know, maybe we have to have different definitions between passive and active. We have a passive park in Lighthouse Point. It used to be part of Florida Inland Navigational, and we had to take out all the exotics. We got some grant money, but, you know, we don't really encourage thousands of people to go there. There's no restroom facility there. But it's a very nice passive park where people can take a nice walk and sit and see the Intracoastal. So I think every city has its

own challenges, and I think it would help if there were a better definition of what these public parks, these green spaces are. So then we don't have Adios being counted as part of that, because it's not -- it may be a green space, but it's not a public park. And if the intent is to have more public parks and more areas for our -- our community to use, then I think that, you know, has to be looked at.

CHAIR FISHER: Anyone else over here? Mr. Fink, and then Ms. Graham.

MR. FINK: I -- I guess what I was going to say echoes what Commissioner Long said. What was the spirit of the law or the ordinance when we passed it? And if the spirit of it and its intent was to allow the public access to that property, how do we go ahead and count a private golf course and use calculations in that when the public isn't allowed? And that's what's starting to bother me, having sat here now for three or four months. If the intention was to allow the public access to these facilities, and we're sitting here by definition counting five golf courses as having public access, I -- I'm confused. And to -- to Commissioner Castro, I thought we were sitting up here as a collegial body for the County. There may be exceptions to every rule. Your City may be one of them. But in general, we have to look at the County as a whole, not on a parochial basis of how does my city apply or how does it not apply.

CHAIR FISHER: Henry, did you want to make a comment?

COMMISSIONER CASTRO: Mayor, can I respond to that briefly.

CHAIR FISHER: Just -- well, let's see if Henry's -- you want to --

MR. SNIEZEK: Well, I wasn't here when these criteria were first adopted, so I really couldn't tell you the history behind why public golf -- private golf courses are counted, other than I think there is a restriction on how much golf course can be counted. You can only use no more than 50 percent of it, and then it gets complicated that your entire community parks inventory can have no more than 15 percent of its acreage in golf courses. So I'm guessing that at the time this was done, that there was some recognition that some private golf courses, a small percentage of them, could be counted toward the public space inventory. So that's my best guesstimate as a planner.

MR. FINK: Again, it precedes both you and me, but the point, I guess, that I'm trying to get to is what was the intent when it was done? And I think it's fairly clear, public access means public access.

CHAIR FISHER: Since -- since Mr. Fink addressed, Commissioner Castro

first very quickly, and then Ms. Graham, and then Ms. Case.

COMMISSIONER CASTRO: Just real quick. I went to parochial school, but I try not to be parochial. My whole point is we had one city who indicated they had an issue, so they brought this forward. And I'm happy to listen to every city, because it may apply to other cities. But I do take a County perspective. But I also found in the data what the proposed solutions may be would actually be detrimental to a city that it shouldn't be detrimental to, namely mine. I haven't had a chance to look at all the other cities. I will start doing that. And I would actually recommend that we create a task force to go after the underlying issues to provide County-wide solutions. But I don't want us to go to a knee jerk reaction today based on one city's concern about issues they have, anymore than I want to go to a knee jerk solution to relieve my City of any potential problems. I agree with you, it has to be a County-wide solution. And that was my point.

CHAIR FISHER: Ms. Graham.

MS. GRAHAM: Thank you, Chair Fisher. Two points I just want to make for Commissioner London. There's still some desirable waterfront property in his City that will ultimately be developed once we work through the current economic situation. So you're correct that you're only going to have more development and more residences, and you want to address your accessible green area now. The second point, and, again, this was not a task that we gave to you, Henry, for your staff, but when we passed the bond issue, the \$400,000,000 bond issue in '99 or 2000, I imagine a lot of the municipalities were able to add to green open space in the course of the last ten years. So for older cities, perhaps Dania or Hollywood or Hallandale, didn't have the open space to buy with their bond money, but the fact that we're at least going to address it now, maybe we can get some consensus on how it should be altered for the future.

CHAIR FISHER: Ms. Case.

MS. CASE: I just wanted to point out that in the Broward County Land -- Land Use Plan, under the section on Plan Implementation, public access is defined, and it says "public access means the ability of the public to physically reach, enter, or use recreation sites, including beaches and shores." And it strikes me that the pictures that we had up here really wouldn't -- some of those pictures wouldn't meet that criteria at all, because they were fenced off with padlocks and so forth. So maybe this definition that we have could be used without having to make change.

CHAIR FISHER: Any further -- yes, Mayor.

MAYOR GUNZBURGER: Then that would take off every private golf course, too, because although they are open space, they don't have development on them, but they are not available to the public unless they can afford them.

CHAIR FISHER: Good point. Any further discussion? I know, Commissioner London, you want to do a wrap up?

COMMISSIONER LONDON: Yes. Again, I -- I really appreciate everybody's comments and the dialogue and -- and I certainly really appreciate Commissioner Castro, the things she just said about the, you know, being parochial, but -- not being parochial, going to parochial school. I -- I appreciate that. I -- the -- and, also, from hearing comments, it is -- it is open space. There is value, as Mr. Hobby said, also, to, you know, peace and quiet sometimes, and being able to do that. Ms. Graham just had a great point that, you know, there -- there is space that's available, but, again, using Hallandale as an example, if -- to -- to make a park at this point in time, I'd literally have to tear down a building, or a building's been torn down. And I have to purchase that property, because the development has fallen through at this point in time from the -- the land that she's identifying.

So I certainly don't want to hurt any city. And I think as we've shown -- as I've shown in the pictures, and Mayor Gunzburger pointed out, and I think Henry said, you can get to some of these open spaces by the Intracoastal, but you have to go to north -- I'm sorry -- North Lake in Hollywood to launch your boat to get to those. The golf courses is -- is another whole talk about issue here. So at the end of the day, I -- I kind of like number three as far as the follow-up options, that, you know, maybe we direct staff to do a little more research (inaudible) Mr. Fink (inaudible) cities and give (inaudible). I think the pictures that I brought forward kind of (inaudible) that what you and I might perceive as public access and (inaudible) --

THE REPORTER: Your microphone.

COMMISSIONER LONDON: I'm sorry. What -- what -- what those of us here on the Council might identify as public access, and the public perception of access from the pictures I took this week, there might be a discrepancy. So --

CHAIR FISHER: So you want to make a motion that -- that we choose Item Number 3?

COMMISSIONER LONDON: Yes.

CHAIR FISHER: Do one of the options? Okay. There's been --

CHAIR FISHER: There's been a motion. Is there a second?

MAYOR GUNZBURGER: Second.

UNIDENTIFIED SPEAKER: Second.

CHAIR FISHER: It's been moved and second. Any further discussion? Henry?

MR. SNIEZEK: I just -- just want to make sure we understand how we follow-up on that is what I would envision is that we would specifically contact the eight cities, and I guess I could share a draft with the Chair on this, and other members if they want, and -- and just contact them and just tell them that the Council feels like either you're making a recommendation -- I guess that's the wording in there -- or just your preliminary observation is that maybe there's a reliance on using waterways too much in the city, and we'd like to have their response. Actually put the -- you know, like Commissioner Castro said, maybe their response would explain how they used their waterways, and there's really not a concern by the Council on that. And some cities may -- maybe there still will be a concern. So it kind of puts the ball in their court. And then they report back by December, and then you'll have more information, then you can decide whether you want to actually change the Land Use Plan or not.

CHAIR FISHER: Okay. Mr. Bascombe, and then Commissioner Castro.

MR. BASCOMBE: Thank you, Mayor Fisher. I -- my first impression of taking number -- Number 3 is that are we limiting ourselves by just looking at the eight?

UNIDENTIFIED SPEAKER: Yes.

MR. BASCOMBE: I think we need to look at this as a County-wide thing, as many people have said on this Commission. And I think we also have the opportunity at this point to look at other criteria, as well. While we're doing this, let's do it right. That's my opinion. And I -- and I just want to bring up some historical context to this. New York City had great forethought by putting Central Park in. Could you imagine putting Central Park in now? We may not have the opportunity later. If we do it now, we may have the opportunity.

CHAIR FISHER: Commissioner Castro?

COMMISSIONER CASTRO: I'm going exactly where he's going, because what I'm finding out is -- is Number 3 kind of gets into the water, because the water's not the only issue. As everybody was pointing out, open space, access, definitions, how are the cities using it? There could be cities on this list that exceed their open park or open space, but the reality is they might -- and I don't mean to say cheating, but opening loopholes like Hallandale is, and we're not seeing it (inaudible). So I agree with you wholeheartedly. We need to look at the whole County, and look at the rules and definitions, and see how they're being applied, and then come up with standards.

CHAIR FISHER: Commissioner Mallozzi.

COMMISSIONER MALLOZZI: I'm going to agree with my two colleagues, but I'm also going to add that while we're looking at it, I believe you, Commissioner Castro, had said maybe we should form a subcommittee --

COMMISSIONER CASTRO: Uh-huh.

COMMISSIONER MALLOZZI: -- to hammer out all the differences and the different paths that can be taken from municipalities, and to try and have it a complete, comprehensive outline, and then take it from there. So I would -- I would support that more than anything, because that will -- at that point, you know, again, we have Central Park. It's a great park. But -- and -- and that --

UNIDENTIFIED SPEAKER: Great analogy.

COMMISSIONER MALLOZZI: -- it's perfect. Hallandale is really not in a position to do that right now, obviously, because of everything that's already there. But if we can sit down collectively and figure out all of the different aspects, and literally take it, you know, linear park to -- to main park to a water way to an ocean, anything, figure out every way that it can be -- you know, try and figure out everything, play devil's advocate, for lack of a -- of a better term, and then take that and work from there. I think that will be best.

CHAIR FISHER: Commissioner London.

COMMISSIONER LONDON: I really appreciate everybody's comments here. And I -- I had it in my notes, but I was waiting to hear what everybody said. I think by using the graph that I gave you -- gave everybody earlier, you know, maybe -- we already talked about golf courses, but maybe the school -- schools and County parks need to be looked at in the calculations, because, obviously, it -- we already touched on the golf courses. I showed you here what the school calculation is. In some cities -- cities aren't to count -- count the parks, but some cities have an abundance of County parks, and

some cities don't.

CHAIR FISHER: Okay. There is a motion on the floor right now to consider the Option Number 3. It's been seconded, so -- Mr. Hobby, did you have another comment?

MR. HOBBY: Well, I don't want to belabor the point, but it may -- it occurred to me that maybe, particularly in reference to --

CHAIR FISHER: Everybody turn their mics on if they can, please.

UNIDENTIFIED SPEAKER: Please.

MR. HOBBY: The -- it -- it occurred to me that may one of the -- the factors, particularly when we're talking about things like private golf courses or even areas in there, that we're really talking maybe in -- with the intent of talking about two different things. One is community parks and community access. And the other one may be green space that has more of an environmental purpose for the County than -- than a public access. And I don't know how that could be sorted out, but it seems to me maybe we're talking about two different things and clumping them together into one category.

CHAIR FISHER: Mayor?

MAYOR GUNZBURGER: I absolutely think the County parks should be included in open space. It affects municipalities, because those parks are off their tax rolls. It is open space. And -- and it is available to the public. And not to allow that, some cities have an awful lot of County parks in them, and for them -- those not to be included seems to me not a fair part of this whole ordinance. And that needs to be tweaked, as well.

CHAIR FISHER: Well, Commissioner London, hearing the -- the discussion on the motion, do you wish to move forward with it, or you might want to withdraw and maybe --

COMMISSIONER LONDON: I -- I'll withdraw and --

CHAIR FISHER: Okay.

COMMISSIONER LONDON: -- and I'll take the lead of Commissioner Mallozzi.

CHAIR FISHER: Mallozzi.

COMMISSIONER LONDON: And Commissioner Castro.

CHAIR FISHER: The motion's been withdrawn at this point in time. The second agree with that?

MR. FINK: Yes.

CHAIR FISHER: Okay.

COMMISSIONER LONDON: To -- to form a subcommittee to view all the criteria that has been brought forward, to bring a discussion to direct staff so staff doesn't spin their wheels and give -- so I'm not sure -- I'm not sure how to form it, but I'll leave that up to you.

CHAIR FISHER: Okay.

CHAIR FISHER: It's been moved and seconded. Andy, as far as the -- the creation of the subcommittee, does the Chair --

MR. MAURODIS: (Inaudible.)

CHAIR FISHER: -- (inaudible) I need to take volunteers?

MR. MAURODIS: You might want to recommend the same way that you do for Land Use/Trafficways Committee, with the Chair appointing based upon volunteering.

CHAIR FISHER: Why don't we -- let's -- we'll vote on the motion first, and then we'll take the volunteers (inaudible).

CHAIR FISHER: Yes. I understand. Did you have anything, Ms. Case?

MS. CASE: As I look at this, it looks to me like it's going to be a huge amount of work, and I'm just wondering about staff. I mean, we're talking about budget cuts and, you know, all of these things, and we haven't heard from them as to how they think this subcommittee might actually function and could they help, could they work with it.

CHAIR FISHER: Henry?

MR. SNIEZEK: The way I'm hearing this is there'd be a task force created to just kind of delve into the park issue --

CHAIR FISHER: Right.

MR. SNIEZEK: -- some of which we've already been dealing with, and would take it from there, I mean. So I guess at this point, I don't see a staff issue. It just depends on what comes out of it. And -- and I'll make sure I mention it if I think it's going to be detrimental to staff time.

CHAIR FISHER: You can keep us informed. Any further discussion on the motion? Let's go ahead. Everybody signify by saying aye. Opposed? Motion carries.

VOTE PASSES UNANIMOUSLY.

CHAIR FISHER: Now, having now created this -- the task force, who wishes to volunteer on that? Commissioner Mallozzi, Mr. Hobby, Mr. Bascombe, Commissioner Long, Commissioner Castro, obviously Commissioner London, and Commissioner Mack. Anyone else? Very good. Okay.

COMMISSIONER CASTRO: Do we need a Chair and Vice Chair?

CHAIR FISHER: We can do that.

COMMISSIONER CASTRO: I'd like to make --

CHAIR FISHER: I was going to say --

COMMISSIONER CASTRO: -- Commissioner London Chair.

CHAIR FISHER: Commissioner London will -- will certainly be the Chair.

COMMISSIONER CASTRO: (Inaudible.)

MR. FINK: Second.

COMMISSIONER LONDON: Thank you.

CHAIR FISHER: Okay. And also, how about a Vice Chair, then? Let's just make it one motion.

COMMISSIONER CASTRO: Commissioner Mallozzi.

COMMISSIONER MALLOZZI: Thank you.

CHAIR FISHER: Commissioner Mallozzi will be the Vice Chair of that. All in favor, say aye. Opposed? Motion carries.

VOTE PASSES UNANIMOUSLY.

CHAIR FISHER: Great work, Council. Great work. Thank you.

UNIDENTIFIED SPEAKER: I want to make sure I have the members right. Mayor Fisher, Commissioner Mallozzi, Mr. Bascombe, Commissioner Long, Commissioner Castro, Commissioner London, and Commission Mack. (Inaudible.)

CHAIR FISHER: Hobby.

UNIDENTIFIED SPEAKER: Hobby.

CHAIR FISHER: Okay? That concludes R-4.

R-5 COUNSEL'S REPORT

CHAIR FISHER: We are now R-5. Counsel report.

MR. MAURODIS: Just briefly, Mr. Chair, I want -- I do not believe it's been signed yet, the growth management legislation (inaudible) through the Legislature -- through the Legislature. Sorry. What -- what I want to briefly go -- because it's been discussed here, and I know that there's considerable interest in it --

CHAIR FISHER: Sure.

MR. MAURODIS: -- kind of summarize some of the more salient points for our interest. I'll not go in any depth as we await the possible signage of it. But it is -- it is a massive 350 page bill. That's the bad news, or -- and the worse news is about one half of it is just strike-throughs. Now, that shortens the reading time. It really doesn't, because you have to read what they're striking through. But it -- it's symbolic of what the bill is about if they just struck through a lot of stuff. And -- including the -- you know, the -- we -- we in the land use community have grown up with the Florida Administrative Code 9J5, which has kind of accepted the land use provision, kind of mythic proportions in 9J5, which is the rule that implemented concurrency. It's gone. Portions have been put in the bill. 9J5 is gone. Kind of -- kind of mythic. But there is a new -- there will be a new procedure for a Land Use Plan amendment. Not all bad, as far as having it go quickly. There'll just be two separate procedures, one for non-EAR evaluation appraisal report amendments, and one for the EAR amendments. It will be much quicker for the non-Ear based amendments. There will be no ORC report, which is the report by DCA, Objection Recommendations Comment. There will be no

ORC report. In fact, there'll be no DCA. For the EAR-based amendments, there will be some of that. The ability for third parties, citizens and third party groups to challenge Comprehensive Plan amendments is still there, but the standard of proof now is more difficult. The ability for DCA to challenge is there, but it is more difficult. So, to a certain extent, if you -- if you want to take the positive approach, you can think of it as more of a Home Rule bill, but it does weaken -- weaken the review process. It puts more power locally. So -- so that -- that'll be a significant -- significant change. And you know -- well, as you've heard about, concurrency now is optional for transportation schools and parks. No longer required. It is required for potable water, or would be. I got an update. It would be for potable water, sanitary sewer, other public facilities. So that's a (inaudible) thing. Doesn't mean we can't have it. Broward County is -- is -- has kind of been a leader in -- in impact fees and concurrency, and so, the Broward County Commission and through the -- through the Planning Council, we've kind of set you up pretty well. So none of this has to affect -- most of this does not have to affect the way Broward County does business. I see a question that's just got to come out of --

MR. MAURODIS: -- the Mayor's mouth, so I don't know whether I should stop.

CHAIR FISHER: Mayor, do you wish to --

MAYOR GUNZBURGER: I -- I'm so pleased, because I was so worried that hereafter it would be up to the County to find the funds to take care of transportation needs from -- for any growth. You know, I thought I could sum up that whole 350 page report in two words: anything goes.

MR. MAURODIS: Well, and to a certain extent -- to a certain extent, it does, but you -- the County still has a -- a power. And, again --

MAYOR GUNZBURGER: We still have the power to impose impact fees?

MR. MAURODIS: Yes.

MAYOR GUNZBURGER: Yay.

MR. MAURODIS: Yes, absolutely. And, again, this is one place where Broward County has been a leader since -- for the longest period of time. Now, again, the only thing I'll say, Mayor, I haven't done an analysis of each provision (inaudible).

MAYOR GUNZBURGER: Because I know that other very bad bill we got rid

of last year and –

MR. MAURODIS: That -- that's exactly right. So -- so -- but -- but there are other things. And, again, there's going to be two sides to some of these things. And -- and, again, it's going to affect everyone differently. For -- for counties that haven't planned ahead like Broward County, it -- it may -- you know, it may have a (inaudible) affect. But for Broward County, I think, you know, we're kind of -- we're at least in position not to take steps back. The twice a year limitation on Land Use Plan amendments would be gone. I've told you about the -- the issue of mandatory concurrency. There are some tinkering with how you do concurrency, and I'm going to have to analyze that. The requirement that the Comprehensive Plan be financially feasible has been eliminated. What -- what the heck. Why have it be financially feasible. And certain energy efficient requirements have been eliminated. Reference to affordable housing needs assessment in Comp Plan amendments have been -- have been reduced or eliminated. The capital improvements element can be adopted through a local amendment rather than a Comprehensive Plan amendment. Initiative and referendum processes in regard -- you know, with the requirement that you have a -- a referendum as part of a Comprehensive Land Use Plan amendment change, that has been eliminated. So those are a few of the points. We're continuing to analyze it, as I say. I just wanted to kind of give you a taste of it. And how it affects each one of you will -- will be done more, obviously, after the Governor signs it, and we'll have to move in action. But –

UNIDENTIFIED SPEAKER: 1:00 p.m. today is the budget signing.

MR. MAURODIS: What's that? Excuse me?

UNIDENTIFIED SPEAKER: 1:00 p.m. today is the budget signing.

MR. MAURODIS: All right. Then we'll -- we'll know what the situation is. We will have wasted a lot of time reviewing it if he doesn't sign it. I don't know whether that's a good or bad thing. But I just wanted you to have an idea of what's in it, because this is, since 1985, the most significant legislative act in the growth management area, assuming it -- assuming it's signed. So -- and you'll be getting analysis if it's signed in the next six months as we all grapple with it. But I just wanted to give you (inaudible). Thank you.

CHAIR FISHER: Thank you, Andy. Great job.

R-6 EXECUTIVE DIRECTOR'S REPORT

CHAIR FISHER: Henry? Executive Director's report?

Planning Council
05/26/2011
LG/MSV

MR. SNIEZEK: Just a couple of minor things. One is just to remind the Council that normally you cancel the July meeting and we'll put that on the Agenda next month. And right now there's nothing pending for July. But it is up to the Board whether you want to cancel the July meeting. So I just wanted to make that little earlier announcement. And, then, it looks like there's not going to be enough time, but we were prepared to continue the workshop today.

MR. SNIEZEK: But since it's past 11:00, we'll be ready to -- to continue it in June, and the June agenda doesn't seem to be very big.

CHAIR FISHER: And some of the Commissioners have already -- the Board members have already said that they need to leave close to 12:00, so we'll stay on course at this point. Okay?

MR. SNIEZEK: Thanks.

R-7 Correspondence

CHAIR FISHER: Any other further correspondence at all?

MR. SNIEZEK: No. No, sir.

PUBLIC HEARING

CHAIR FISHER: Okay. Now having the Public Hearings, PH-1 through 6. Henry, just to confirm, PH-3 is the only one that has signed speakers?

MR. SNIEZEK: PH-3 and PH-5.

CHAIR FISHER: 3 and 5?

MR. SNIEZEK: Other than that, it's -- people have signed and answer questions --

CHAIR FISHER: Okay.

MR. SNIEZEK: -- (inaudible).

CHAIR FISHER: PH-3 is -- speakers are in favor, correct?

MR. SNIEZEK: I don't know for sure.

CHAIR FISHER: Oh, you don't know. Okay.

UNIDENTIFIED SPEAKER: Yes.

MR. SNIEZEK: Okay. Yes. I'm hearing yes.

CHAIR FISHER: Okay. So the pleasure of the -- of the Board is PH-1 through 6. Anyone wish to pull an item? Unless there's someone in the audience that wishes to speak against one of the items, can I know that right now? The ones -- (inaudible)? Is that PH-5? Okay.

PH-1 THROUGH PH-4, AND PH-6

CHAIR FISHER: So, therefore, is there a motion to approve PH-1 through 4 and 6?

COMMISSIONER BRUCK: So moved.

CHAIR FISHER: Okay.

COMMISSIONER CASTRO: Second.

CHAIR FISHER: All in favor, say aye. Opposed? Motion does carry.

VOTE PASSES UNANIMOUSLY.

PH-5 PC 11-2

CHAIR FISHER: We are now under PH-5.

CHAIR FISHER: Henry?

MR. SNIEZEK: Mr. Chair, I'd like to ask Gretchen Flores, our Associate Planner, one of our planners, to give you --

CHAIR FISHER: Very good.

MR. SNIEZEK: -- a brief overview. Gretchen.

MS. FLORES: Good morning. Gretchen Flores, Planning Council staff. PH-5 is the first hearing for a Land Use Plan amendment in Fort Lauderdale affecting the Lockhart Stadium Executive Airport area. The proposal is to change the designation on 67.8 acres of recreation and open space and 4.8 acres of employment center high to 72.6 acres of transportation. Council staff

recommends the amendment be transmitted, and recognized the City's voluntary offer to mitigate negative traffic impacts. However, County review staff recommends that additional traffic mitigation be required. Council staff seeks the Council's direction in this -- in this regard. I would note the following from the amendment report: the City indicates the amendment is necessary to comply with a request from the FAA, and that changing the land use to transportation would help bring the amendment site into conformance with FAA's mandates while allowing the existing stadium usage to remain on the property. Based on Planning Council staff analysis, except for transportation, adequate public facilities and services will be available to serve the amendment site, and no impacts to school were identified. Regarding the historical resources, Council staff notes that the City has confirmed it will document and report in the State inventory any structure 50 years of age or older, and report same to the Historical Commission before Planning Council's second Public Hearing. To address the identified negative impacts to transportation facilities, the City has offered a voluntary traffic mitigation program that would yield approximately \$100,000 for traffic improvement, which would mitigate the trips over the 3 percent significant threshold for the affected length on Commercial Boulevard. Please note, the -- that Council staff has updated the volumes and capacities for the traffic analysis per the updated 2035 roadway capacity tables, and that's the yellow sheet that was on your -- on the dais this morning. This update does not affect the substance of the results of the analysis. Council staff recommends the City offer -- I'm sorry. County staff recommends the City offer a traffic mitigation program that would yield approximately \$400,000 for traffic improvements. This program would address the entire net traffic impact onto Commercial Boulevard associated with the amendment. And you can find that in your backup as Attachment 4. I'd note that for information purposes, Planning Council staff prepared a traffic analysis based on a potential commercial recreation use, such as a water park, that has been considered by the City. The -- that analysis indicates impacts less than the transportation support usage used in the amendment report. Council staff reports that the City's offer is consistent with what Council staff -- the Council Board and City Commission have accepted in the past when the MPO staff was providing technical assistance in reviewing traffic mitigation proposals. For example, last year, Tamarac offered a similar traffic mitigation program that was accepted. I would note that one of the reasons the three percent significance threshold is used is to recognize that regardless of a Land Use Plan amendment, the -- the development is still subject to County and City traffic impact fees and/or concurrency provisions. Therefore, the offered voluntary mitigation would be over and above such fees and provisions. However, as there is no written requirement or policy that the Planning Council or County Commission accept any voluntary mitigation proposal at all, or at what level - - or to what level, Council staff seeks further direction on a mitigation level.

We seek further direction on whether to request the City to mitigate the total impact to Commercial Boulevard, or accept the City's proposed mitigation to address the trips over the three percent threshold. I'd be happy to answer any questions. County and City staff are also available to answer any questions.

CHAIR FISHER: Very good. We're going to now move -- take the public input first, and then we'll have discussion.

MR. SNIEZEK: Thank you. I believe that the City signed in to answer any questions. They may want to say something, or do a presentation.

CHAIR FISHER: Do you want to add any additional comments before we take public input?

MR. KOETH: Yeah, just briefly. Thank you very much.

CHAIR FISHER: Just identify yourself.

MR. KOETH: Jim Koeth, Planning and Zoning Department, City of Fort Lauderdale. Just wanted to reiterate for the record the position of FAA with regard to the application. And this is written in the -- in the County staff report. And, correctly, the FAA is a regulatory authority for this parcel. And it's in the said application. And the FAA has advised the City of Fort Lauderdale that the current land use designation is not acceptable due to the property deed restrictions. And I'll be happy to answer any questions. And we have a number of staff here from the airport, business enterprises, and our traffic consultant available. Thank you.

CHAIR FISHER: We'll have you stand by and we'll ask you questions (inaudible). Thank you.

MR. KOETH: Great. Thanks.

UNIDENTIFIED SPEAKER: Mr. Chair, there's two other speakers signed in. First is Julie Marsh, followed by Patricia McKeown.

CHAIR FISHER: Ms. Marsh, please come forward.

MS. MARSH: (Inaudible.)

CHAIR FISHER: Uh-huh. To the podium.

UNIDENTIFIED SPEAKER: Julie Marsh.

MS. MARSH: Yes, I'm Julie Marsh. Hello.

CHAIR FISHER: And just for the record, just state your name in the microphone.

MS. MARSH: My name is Julie Marsh. And I live in Twin Lakes North neighborhood, which is just -- this is the map that you're looking at there, this is the map here. We've had traffic issues in that neighborhood for the 25 years that I've lived there. I have every traffic survey that's been done there since 1997. As it is, the highest so far has been over 2500 cars up and down our street on a daily basis. In the morning, I have to wait ten to fifteen minutes just to get out of my driveway to take my daughter to school because of the traffic issues there. At the end of our street, on Commercial Boulevard, there is one traffic light. Any time there's any business, a game, anything that happens at that facility, or any traffic that can't get up and down Commercial Boulevard, they cut through our neighborhood. We've had -- it's -- it's a problem. We have Kaiser College at the end of the street, we have a Broward County office building at the end of the street, we have a hotel, we have a bakery, we have lunch wagons, we have -- the traffic is unbelievable as it is. And nobody has done any kind of survey or anything pertaining to this, what the impact will be on our street. It's -- it's got to stop. It's ridiculous. We have one child that's a quadriplegic because he was playing at the end of his driveway, somebody came racing through. I've buried dogs. I've buried cats. Our children can't play on our front yard, and they haven't been able to. Our daughter is now 17; it doesn't matter. It's just the idea you can't even walk down our street without somebody racing. And the impact that this is going to have on us is -- is huge. And I just think somebody needs to -- there's only 300 houses, but it's 300 houses. This can't -- it just can't happen. And I don't know. I just wanted to make that point.

CHAIR FISHER: Thank you for your time --

MS. MARSH: Thank you.

CHAIR FISHER: -- this morning. Next speaker?

UNIDENTIFIED SPEAKER: The last speaker signed in is Patricia McKeown. Hope I'm saying that correct.

MS. MCKEOWN: Hi. I'm Patricia McKeown. I'm a resident of Twin Lakes North neighborhood. I also am on the -- secretary of the Twin Lakes North Neighborhood Association. And, as Julie Marsh said, our neighborhood is located just south of Commercial, between Powerline and Northwest 15th.

And most of our neighbors have concerns that this lot may become a water park, a commercial use. As she said, the traffic on Northwest 15th and also on Northwest 10th Avenue is becoming a -- very much a cut-through for Commercial Boulevard, they -- as they seek ways to get around that corner of Powerline and Commercial. We are very concerned about the increase in traffic. The office park at the end of Northwest 15th just off of Commercial is expanding, which is creating, as she said, a lot of traffic on Northwest 15th. We don't have sidewalks, so we're a very small neighborhood of about 330 houses. As people walk their dogs and take walks, and we're getting a new park via the City of Fort Lauderdale. As people walk to our new park, they're -- they're having to dodge cars and people shooting through looking for shortcuts. We have dead-end streets. They turn down them. They don't know where to go. The noise that we expect from this, we already have the airport. We know that the airport is noisy. We have the trains. We're worried about the -- the noise from a water park or any other type of commercial use that would come in there. A lot of the residents are very concerned about this, and we feel that nobody is doing anything about the traffic. I've lived there since 1992, and it's just gotten worse.

CHAIR FISHER: Okay.

MS. MCKEOWN: All right. Thank you.

CHAIR FISHER: Thank you. Thank you so much for your comments.

MS. MCKEOWN: You're welcome.

CHAIR FISHER: I believe that concludes our speakers, and so we'll now have Council discussion. Vice Mayor?

VICE MAYOR DUBOSE: I -- just for clarification on this particular item, what we have here is the must have from the FAA in regards to changing this land use. And the -- the true issue at hand is how the mitigation has been calculated. And in regards to a water park, the City has not taken any official action in regards to a water park going on this parcel of land. There was a presentation to us several months ago at a workshop, and it was a presentation, and we said it looked good. We haven't taken any formal action in regards to a water park. So I just want to make that clear. And today, the issue that we're trying to address here is in regards to how the mitigation is calculated. What the City has proposed is what has been done in the past and -- and what has been approved by this Council. And staff has changed because of, you know, the MPO no longer provides that service. So I think what we're asking is just a level of fairness on how this is calculated, because there's an assumption of a water park, but that's not a guarantee. If

the City, in the future, expands and builds additional hangars, then, you know, we're not being treated fairly in regards to the -- the mitigation and the impact fees. So that's what the issue is today. It's not about water park.

CHAIR FISHER: Commissioner Mallozzi.

COMMISSIONER MALLOZZI: I just want to clarify for -- for my own and for the women out there. The way this is zoned now, and correct me if I'm wrong, (inaudible).

COMMISSIONER MALLOZZI: Okay. The way that this is zoned is that this needs to only be an airport facility or something that's ancillary to the airport. We're changing the zoning because, obviously, that's not what's (inaudible). So it's being changed so that it's in compliance. Am I correct in that understanding?

MR. SNIEZEK: From my understanding, just like the Vice Mayor said and the City staff said, the FAA is requiring it to be zoned and land used under the transportation category, even though the existing stadiums could stay there. But it could eventually be used for transportation support uses if you change the land use.

COMMISSIONER MALLOZZI: Because I remember reading somewhere in here that due to the zoning, and I don't have it highlighted --

COMMISSIONER CASTRO: Can I jump in real quick?

COMMISSIONER MALLOZZI: Go ahead.

COMMISSIONER CASTRO: There's a deed restriction I read, that the FAA is saying that the current zoning is not consistent with the deed restriction --

UNIDENTIFIED SPEAKER: Right.

UNIDENTIFIED SPEAKER: That's correct.

COMMISSIONER CASTRO: -- that goes (inaudible).

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. SNIEZEK: It's -- I think it's one of the last attachments. It's referenced.

CHAIR FISHER: Commissioner, are you finished?

COMMISSIONER MALLOZZI: No, (inaudible).

MR. SNIEZEK: It's Attachment 17.

CHAIR FISHER: Okay. I want to go with Commissioner London, then Ms. Case.

COMMISSIONER LONDON: Thank you, Mayor. I -- I understand what Vice Mayor DuBose just said, and I agree with him. I mean, basically, this is a mandate coming from the FAA. They're the owner of the parcel, and that's what they're telling, the land use designation has to change. But I'm curious, the -- I mean, basically, my understanding, I agree with Vice Mayor, but we're talking about \$100,000 or \$400,000. Who has to pay the impact? Does Fort Lauderdale pay the -- pay the impact fee, or will it be new development coming in? And, by the way, just a footnote, I want to thank Mary Graham for sending us all that article as an attachment to kind of bring us up to speed on the presentation that the Vice Mayor talked about. So on that \$100,000, that \$400,000, can you elaborate?

MR. SNIEZEK: Sure. My understanding is -- and we have County staff here if I say something wrong -- is that all new development, regardless of this land use amendment, is going to be subject to impact fees, concurrency fees. So there's going to be some money collected for that regardless. But this voluntary offer, at -- at a certain point in development, redevelopment of that parcel, the City is going to impose an additional impact fee for transportation, and they will collect that. And the City's offering to collect it up to about \$100,000, and the County staff is saying they'd rather see collect more, up to \$400,000. And this would be to -- go to improve traffic on Commercial Boulevard.

COMMISSIONER LONDON: So when you say County -- may I, Mayor?

CHAIR FISHER: Please.

COMMISSIONER LONDON: When you say County, that's the MPO plus --

MR. SNIEZEK: This is -- we -- yeah, you're -- you're new.

COMMISSIONER LONDON: I'm sorry.

MR. SNIEZEK: Last year, we used to have the MPO staff, who were associated with the County. They did the technical review and we -- we signed off on it. I mean, it was all out in the open. We signed off on these mitigations sometimes where it just got to the threshold. We have new

County staff doing some technical review, and they are recommending the Council consider to ask for this additional mitigation requirement.

COMMISSIONER LONDON: Okay. So, basically, \$100,000 is not enough for the impacts that you're observing.

MR. SNIEZEK: That's their recommendation. They would like to see the additional impact fee mitigated.

COMMISSIONER LONDON: And it doesn't sound like from what you're describing as mitigation will even address what these two women brought forward, the impact on their particular neighborhood.

MR. SNIEZEK: Well, they were bringing up some things about local streets and traffic, which we don't -- we only do a regional analysis, only the regional roads. So there's a lot of things that the -- the ladies are bringing up that really is something that the City would need to address at the time of, like, site plan or rezoning, that would really not be addressed through this process.

COMMISSIONER LONDON: Okay. Thank you. Thank you.

CHAIR FISHER: Ms. Case, then Ms. Graham.

MS. CASE: I've got two -- two things I want to say. On the mitigation, we're talking about Commercial Boulevard, which has a level of service F, as in F here, and I think that I -- I support the County's opinion that it should be the entire mitigation. And I think it -- you know, when we're getting to the level of F, I don't think we can talk about fairness exactly of with how things have been treated in other cases. And I would like to see any time there's an F that we do the entire mitigation. The other thing I wanted to say was about this transportation land use category. I have never focused on this before, and when I read it, I was really interested in it, because it -- it allows for recreation in open space for commercial recreation, even agricultural land, you know, as long as FAA doesn't want to take the land back, and it's inconceivable to me that they ever would. I mean, the fact that FAA is reaching into the Broward County Land Use Plan in itself is really bizarre, I think. But nevertheless, it seems to me that -- that by approving this transportation land use change that, even if FAA didn't want it, it wouldn't be that harmful to -- to open space or recreational use, because it's allowed. Houses are not. I'm not sure about hotels in the trees. There was some kind of an article that talked about tree house hotels. I don't know what those are, or whether they would be allowed by this category.

MR. SNIEZEK: I think those are going to be just -- they would just be hotel rooms that look like a tree house. Kind of like a Disney type thing.

UNIDENTIFIED SPEAKER: Because I don't think we (inaudible).

CHAIR FISHER: Ms. Graham, and then Mr. Bascombe.

MS. GRAHAM: Thank you, Chair Fisher. I'm glad I'm speaking towards the end of everyone else's comments, because, coincidentally, I live about a mile and a half west of the site, as the crow flies, at the west end of the Executive Airport. And because this seat is appointed by the District 9 Commissioner, which encompasses such a large area, it's just coincidental that I happen to live at Cypress Creek and Northwest 31st Avenue when this item comes before the Commission. That said, I am aware that the City of Fort Lauderdale would like to develop the site. I've lived in the City at this location since 1997. I knew that they wanted -- they were aggressive in their negotiations to get the Baltimore Orioles to stay at the site and get -- and stadium improvements, things like that. The rent couldn't be agreed upon. There was a lot of other stumbling blocks, and they left and went to Sarasota. So I guess I'll -- I'll ask some questions in the course of my comments, and someone can respond to them later, or, at least, I'm just getting them on the record. I'm not exactly sure what year the FAA decided the zoning had to change as they're requesting now, because everything that's there is just grandfathered in, and it's the same uses it's been as a non-complying use. But that said, when it went before City Commission, and I watched the meeting of the City Commission in September of 2010, both the conference afternoon agenda and then the night meeting when they approved this particular development, this pitch, if you will, for what they wanted. And the City and some of the Commissioners are certainly behind it, because it's going to bring tax base and tourists and everything else to Fort Lauderdale, not to mention the fact that the existing water parks this company has are seasonal. They're in climates where they can only operate from April until September, because the weather is not warm enough like we have here in Fort Lauderdale. So that said, the traffic issues for an F performing road, and I'm going to presume Commercial Boulevard was looked at, primarily because it is under the auspices of the County, as opposed to Cypress Creek, which I understand Cypress Creek is under the City until you get to Northwest 31st Avenue, and then it's -- my understanding is you go further west, it becomes under Broward County. I don't know, but as I read through the backup, it seems that the traffic engineer, I believe his name is Mr. Burgher, and it's in amendment Attachment 4, he's the only one that makes any mention of north and south traffic flows in Cypress Creek. So I was surprised that the impact of traffic and the F performing roads for so long just didn't seem to be more of a deal breaker. That being said, and on a separate

note, just last week at the City Commission meeting, Fort Lauderdale approved a multi-story garage and a vocational school, new construction, on Northwest 15th Avenue just south of Commercial Boulevard. And at the time we were preparing to have this item on the agenda, I inquired from Henry if those kind of additional future developments off of Commercial are looked at. And they did not figure in. I mean, it's on Northwest 15th Avenue, but the access to get to and from that development, Spectrum Office Park, is Commercial or down to Prospect. And the homeowners were concerned at both planning and zoning and also when the District Commissioner went and had a local meeting with Twin Lakes that they would try to find some solutions to minimize the traffic on Northwest 15th Avenue and cut-throughs through their neighborhood from this separate development that's not even being addressed today, the multi-story parking garage and the vocational school, because I imagine the school will have some hours during the day and also at night. That means we're going to have additional traffic in the future once that's completed introduced on Commercial Boulevard, either going east or west, depending on their destination. So I know firsthand coming east from the west end of the airport, Cypress Creek or Commercial, the traffic is very bad in the morning as it is. And it's very bad going west. There are some ways you can use north/south shortcuts, if you will, not through residential neighborhoods, but through Northwest 31st Avenue, for instance, to help avoid certain conditions at peak hours. So I know firsthand about the traffic.

But, that said, my first query to Henry, because this is the first land use amendment before me, being on this Board only since January, was why was the \$108,630 dollars offered and not the full mitigation of \$340,141? I didn't know if the City had to cut a check immediately, or it had to be put into the budget starting October 1. And unless I misunderstood Henry, it's just a dollar value we're going to be agreeing to now, so that it will be, I guess, part of the impact fees and development fees that someone will pay down the road, once the 72 acres is developed. And, in that case, maybe Shlitenbaum won't take all 72 acres. Maybe they'll only take a portion. But from this press release that was in the Sun Sentinel and, obviously, they want to -- they want to pitch things as factually as possible, I'm hearing now that maybe the City is just simply negotiating, but not necessarily in good faith, with this particular developer, because the goal of this meeting today is to just simply get the land use amendment. It's just that once they have the land use amendment and they get the second meeting, perhaps later this summer, August, we will not -- and then it'll go to County Commission -- we as a Board will not see this after the second meeting; is that correct?

MR. SNIEZEK: Well, if it's passed, you'll see it again as a recertification. But that discussion --

MS. GRAHAM: Right.

MR. SNIEZEK: -- about whether recertification, how restrictive that is as far as the jurisdiction.

MS. GRAHAM: So this is really the only opportunity of this Board to request and get agreement to whatever is necessary to get the zoning change. And -- and in all fairness, if this developer can do an office park -- or do a water park that will cost \$110,000,000, I presume in both hard and soft costs, for the water park, why would a difference of \$225,000 not be the fair offering for this, since we already have such a bad situation traffic wise? I'll -- I'll negate everything else and simply look at the traffic, because we cannot be certain that the development that will go on the site will be this water park. I mean, obviously, if they get something open down at Dolphin Stadium, as they're hoping to do by fall of 2012, the feasibility studies by this company may not make doing Fort Lauderdale their primary goal. And who knows? Maybe that's the flag that's flying down at Dolphin Stadium, and Fort Lauderdale doesn't know. I don't know. But at this point, after going through all the backup from Henry's staff, and asking the questions I asked, I just cannot see how the full \$340,000 would not be a requirement.

CHAIR FISHER: Mr. Bascombe, and then Vice Mayor.

MR. BASCOMBE: I'll let the Vice Mayor go first and then (inaudible).

CHAIR FISHER: Vice Mayor.

VICE MAYOR DUBOSE: Okay. I just -- just want to clarify some things again in -- in regards to some statements that were made. The City of Fort Lauderdale is not in negotiations, and we don't have a contract executed, and we haven't taken formal action in regards to this water park. In dealing with the FAA, it -- this isn't a we would like to; this is a must. I mean, this is something that we have to do in order to be compliant. It's not something that we're -- we're doing to try and negotiate with whatever goes there. Regardless if the place is never developed, we have to do this. And the -- the issue that's here before us today is not what -- a water park or if we're not having a water park. The issue is about fairness. I understand what you're saying in regards to the -- the level of service being an F, but my thing is this, when we had other land uses come before this Board, and the standard that we use is how we came with the calculation that we have today. Why are we using a different calculation and putting that particular -- which I think is an unfair, inequitable burden on the residents of the City of Fort Lauderdale? And the reason why I say that's because, as I stated before, if Fort Lauderdale develops this, and no water park or anything else goes in, we

expand the services that we have there, then our residents, our taxpayers, are going to be held to a different standard than what this Council has used in the past. And that, I think, is the fundamental issue here today, and not necessarily, you know, if -- if this water park and -- and so forth. So I don't want us to get caught up in this issue about whether or not a water park is going there, because we have not taken any formal action. And, in fact, anything that goes -- that -- any use at this particular site has to be approved through the FAA. Even with the -- the agreement we have with the School Board, we have to go through the FAA, and we have to get their blessing. And it's not an easy task.

UNIDENTIFIED SPEAKER: Trust me.

VICE MAYOR DUBOSE: Well, so I just want us to stay focused on what is being presented here today, and what's being asked of us.

CHAIR FISHER: Okay. Mr. Bascombe.

MR. BASCOMBE: I completely understand what you're saying, Vice Mayor. I think we have to look at this as really it's change of use, land use, but not a specific use. But I do have a question to ask regarding traffic. Regardless of what the use is here, we're going to be increasing trips to this site. We've been lucky in a sense that this site has not been totally utilized at this point. It's been underutilized. So my question really is -- and it's for City staff and also our staff -- what mitigation can we do from a traffic standpoint at this point? What can we expect the changes to be to the traffic ways, whether it be turn lanes, whether it be using Cypress Creek differently? And I'll throw it out there.

MR. SNIEZEK: Sure. I think maybe the City staff could answer better the exact proposal, because I think it's to promote a -- utilize a transportation like movement enhancement along Commercial Boulevard is what's being proposed.

MR. BASCOMBE: What's the impact to Cypress Creek? Because Cypress Creek obviously is going to be an access point from the north?

CHAIR FISHER: We've got some City staff who's going to answer that, or no?

MR. SNIEZEK: I think their traffic consultant is here and can --

CHAIR FISHER: Okay.

MR. SNIEZEK: Yeah. Suzanne is going to address those.

CHAIR FISHER: Identify yourself.

MS. DANIELSON: Good morning. Suzanne Danielson from (Inaudible) and Associates. The proposal is to pay into a ATMS system that enhances progression along Commercial Boulevard. So it's upgrading the signal equipment that's out there and ensuring that the signal timing is optimal. And this is a system –

CHAIR FISHER: Mr. Bascombe?

MS. DANIELSON: -- that's a Broward County system.

MR. BASCOMBE: What about Cypress Creek, though? How is that -- has that been considered, even though it's off the -- I guess theoretically in the City and (inaudible)?

MS. DANIELSON: Not under this -- not under this proposal. It's not one of those (inaudible) segments that's significantly impacted by the proposal.

MR. BASCOMBE: I would -- I would disagree with that, just knowing and using the site previously. I think most people who -- who use the site would actually use Cypress Creek if they were coming from the -- from the north.

MS. DANIELSON: Yes, and I have to say this is based on models that are maintained by the County, so –

MR. BASCOMBE: Right.

MS. DANIELSON: -- you know, that's –

MR. BASCOMBE: Sometimes models are models. Real life is different. So I think that's a question that needs to be asked at some point –

CHAIR FISHER: Okay. I'm going to recognize Henry –

MR. BASCOMBE: -- and answered.

CHAIR FISHER: -- then Commissioner Long.

MR. SNIEZEK: Maybe I should just explain. The kind of analysis that we do is we basically estimate the net difference between what could be built on the site not -- and you're right, maybe it's underutilized, so there is an

assumption that it could be used a little bit more. So we figure out the traffic associated with that use, and then we kind of estimate what would be built under the transportation category. And we actually did look at a -- kind of a water park type use, and that -- that difference was less what if it's just built as a general aviation support use. So the net difference, we have. And then that's plugged into the -- the MPO's long range model, and there is like a computation done, and it spits out where the traffic's all going. And Commercial Boulevard was the only link that showed a significant, above three percent above the capacity. There is traffic that's going to go to Cypress Creek Road. Those roads are F. There is going to be an impact from any development from what's there now, but the only significant impact from the net difference in the land use is on Commercial Boulevard, according to the model we used.

MR. BASCOMBE: We need to change the model. Sorry.

CHAIR FISHER: Commissioner Long?

COMMISSIONER LONG: Henry, a couple questions, and I think it was touched on briefly. Who owns Commercial Boulevard? State, County, or City?

MR. SNIEZEK: That's a State road, I believe.

COMMISSIONER LONG: And Cypress Creek?

MR. SNIEZEK: I think that's a -- it's either a State or County. I don't think it's a City road.

COMMISSIONER LONG: Powerline?

MR. SNIEZEK: I believe that's a State road.

COMMISSIONER LONG: Okay. Because one of my questions would be -- and if we have a level of service of F on pretty much all these areas, be it the State or the County, shouldn't they be responsible for at least working or trying to correct this problem?

MR. SNIEZEK: Well, the County is giving you their recommendation about how to advance correcting the problem.

COMMISSIONER LONG: That's for the City of Fort Lauderdale to pay for.

MR. SNIEZEK: Okay.

COMMISSIONER LONG: Right? I mean –

MR. SNIEZEK: They're asking for new development to pay an additional fee. And then for State -- what -- what I could say about the State is that if this amendment is transmitted through the County Commission, it will go to the State. FDOT will look at it, and they will have a change to weigh in on the mitigation proposal.

COMMISSIONER LONG: I think the -- the bigger issue is probably level of service as is, with an underutilized parcel, is an F. Even changing transportation but keeping the actual use as it is now the same, it's still an F. Changing signal lights, I don't see is going to be a major problem. I don't think it's going to be a problem solver, either. My concern would be that if somebody does come in here to redevelop this property to maybe a higher, better use, be it the City of Fort Lauderdale, be it a water park, a tree house, or whatever else comes in here, wouldn't they be responsible at that point to improve that level of service as far as, you know, egress, the 95, Powerline, Commercial, wouldn't that be part of that whole master plan?

MR. SNIEZEK: Yes. Any new development in that area would require, number one, that they'll still have to pay the -- the impact fees, the concurrency fees. That's above and -- you know, that's regardless of this amendment. And then, of course, they'll go through a site plan review, and if there's like turn lanes or anything else that the City -- it would be a City function, that would also be a part of the development proposal. So what the City's offering here is above and beyond all those things. It's extra mitigation to -- to address a -- a negative impact that -- that we've identified.

COMMISSIONER LONG: But as of now, we would have really any change, unless something gets done, which they'd be collecting impact fees; is that correct? I mean, right now, we're just changing designation as required by the FAA.

MR. SNIEZEK: That -- that's -- they -- yes. That's the requirement to the FAA. Yes, that needs to be done.

COMMISSIONER LONG: Uh-huh. And for the Twin -- is it Twin Lakes? I mean, that -- that obviously sounds more like a City issue as far as ongoing problems with traffic management, but that probably stands a little separate from this parcel itself –

MR. SNIEZEK: That –

COMMISSIONER LONG: -- correct?

MR. SNIEZEK: -- is our -- that's our opinion, yes. I mean, we've looked at it in terms of compatibility and we feel that a transportation use right next to the airport is compatible with the airport and what's surrounding is mostly employment center and commercial. The residential area is not that far away, but we didn't feel like it would raise a big compatibility issue. So all the other questions really would fall to the City.

COMMISSIONER LONG: And the ATMS, would that affect the Twin Lakes area as far as cut-through traffic or signaling or anything?

MR. SNIEZEK: It would affect signaling. I'm not an expert on that system. It would affect signaling, but it -- I don't know if it deals with cut-through traffic or anything like that.

MS. DANIELSON: No, it wouldn't deal with cut-through traffic. What it would do is enhance progression along Commercial Boulevard. But, you know, as Henry was saying, when these parcels, or if the parcels are developed and an -- and an entity comes in and has a site plan before the City of Fort Lauderdale, that's the time that that could -- those kinds of issue are -- are handled, because the City's code requires, in their own concurrency type of system, that -- that adequate progression be maintained. And that includes, you know, access improvement, as well as listening to neighborhoods and adjacent properties.

COMMISSIONER LONG: I guess, you know, maybe I'm a little silly on this, but I keep thinking that if nothing is really changing but a designation, there's no additional development or anything, the level of service is an F mostly from it's a State road, and I think it's probably the State's fault for not maintaining that or improving that. I don't know why the City of Fort Lauderdale needs to be kind of taken to the cleaners on this until something big happens. So I would say to the City of Fort Lauderdale, you know, work on the Twin Lakes issue; it's totally separate from this.

CHAIR FISHER: Thank you. Mayor?

MAYOR GUNZBURGER: Thank you.

CHAIR FISHER: (Inaudible.)

MAYOR GUNZBURGER: Let me say that the only chance either the State or the County, especially the County, has to get impact fees is when there's a land use change, not when it goes just -- once the land use change is there,

then the County does not have the ability to go back and say, gee, well, we didn't realize that the land use change would allow you to do A, B, C. We cannot get an impact fee once the land use is changed. The problems that are there on State roads and on County roads that may be at level F may have developed before impact fees were imposed, which was in the 80's. So that we have to, with every new land use change, we need to make sure that the money will be there at least to take care of what that land use change means. Usually, a land use change comes in with a developer. That's the usual course. And they are the ones who are responsible for paying the fee. It is one of the few times that it's coming in through a city, but, unfortunately, if we don't take care of this now, we have no other opportunity to get the fees necessary for whatever the city may grant.

CHAIR FISHER: Okay. Ms. Graham?

MS. GRAHAM: Thank you, Chair Fisher. One other thing I want to bring up is that Twin Lakes, and I don't know if the Twin Lakes residents are still here or they can correct me if I make a misstatement here, the Twin -- Twin Lakes was unincorporated Broward County, and they had an option to vote to go into whatever municipality would take them. And they selected Fort Lauderdale. Northwest 15th Avenue, from Commercial down to Prospect, was closed off at one point back in the late 90's, that I was aware of, when they were unincorporated, to limit the traffic through there. It's my understanding that once they became part of the City of Fort Lauderdale, in order for emergency vehicles from the various fire stations up in that of the County to access that part of the City now, they needed to take away the 55 gallon drums that were in the middle of -- of Northwest 15th Avenue, and they now have speed bumps there. So, unfortunately --

UNIDENTIFIED SPEAKER: Right.

MS. GRAHAM: -- you know, they selected Fort Lauderdale as the City they wanted to be part of, and now they have this dilemma of the additional traffic. But it's my understanding that's how that -- that was at one time.

CHAIR FISHER: Did you want to respond to that, ma'am?

MS. DANIELSON: I -- I just -- one thing that keeps come up is that this is the only impact fee, or the only chance that you have at this -- at this property, I guess, with the land use change. But this is a voluntary contribution, just please keep in mind, with all due respect, and that when this property is developed, there will be concurrency fees paid to the County under the transit orient concurrency. That -- that is a requirement, as well. There are -- there are additional fees that go to the County, not only -- in addition to what they do for the City when they -- when it does come through as a

development.

CHAIR FISHER: Commissioner London?

COMMISSIONER LONDON: Thank you. Thank you, Mayor. From hearing everybody's discussions, I'd like to make a motion to take staff's recommendation to change the land use, but also to take the three percent -- I'm sorry, I don't have the exact dollar figure, but it was the three hundred and --

UNIDENTIFIED SPEAKER: \$41,141.27.

CHAIR FISHER: What Ms. Graham said, so (inaudible).

MR. SNIEZEK: I think it was more like 412.

MR. SNIEZEK: To get the full -- full mitigation, request the full mitigation and not just the three percent.

UNIDENTIFIED SPEAKER: Yes.

COMMISSIONER LONDON: Okay. So the --

COMMISSIONER LONDON: -- so my motion is for -- I'm sorry. Thank you for the correction. The 412 and, again, with the recommendation to change the land use.

MS. GRAHAM: I'll second it.

CHAIR FISHER: Been moved and second. Any further discussion?

MS. CASE: I just want a clarification.

CHAIR FISHER: Yeah, hold on. Hold on.

MS. CASE: Is that -- oh.

CHAIR FISHER: Ms. Case.

MS. CASE: Is that the entire mitigation, is what you're asking; is that correct?

COMMISSIONER LONDON: I'm going to -- I'm taking staff's recommendation.

MS. CASE: Okay.

CHAIR FISHER: Okay. Any further discussion?

COMMISSIONER MALLOZZI: Can you –

CHAIR FISHER: Commissioner Mallozzi.

COMMISSIONER MALLOZZI: Yeah. Commissioner London, can you repeat that one more time? Other than the staff's recommendation, (inaudible).

UNIDENTIFIED SPEAKER: It is. That's what he's –

UNIDENTIFIED SPEAKER: It is (inaudible).

UNIDENTIFIED SPEAKER: -- the motion (inaudible).

COMMISSIONER LONDON: Change -- change the land use –

COMMISSIONER MALLOZZI: And full mitigation.

COMMISSIONER LONDON: -- and full mitigation.

UNIDENTIFIED SPEAKER: The 412 and change.

MR. SNIEZEK: That would –

CHAIR FISHER: Any further discussion?

MR. SNIEZEK: -- incorporate the County staff recommendation. But we were -- asked for direction from the Council.

CHAIR FISHER: We're giving you direction.

MR. SNIEZEK: You are.

CHAIR FISHER: Any further discussion? Mayor? Ms. Graham?

MS. GRAHAM: And would that number then be the \$438,761.39?

CHAIR FISHER: Let's make sure we get that correct.

MR. SNIEZEK: It's in Attachment 4. I believe it's \$412,912.

MS. GRAHAM: Thank you.

CHAIR FISHER: Okay. Again, any further discussion? All in favor, say aye. Opposed?

COMMISSIONER LONG: Nay.

CHAIR FISHER: Okay. Please record the two nays, Mr. Bascombe and Vice Mayor?

VICE MAYOR DUBOSE: No. I was a -- I was in favor.

UNIDENTIFIED SPEAKER: Commissioner Long.

CHAIR FISHER: I'm sorry. Commissioner Long. I apologize. Those two are nays, so the motion does pass. Henry?

MR. SNIEZEK: Can I just ask for some further clarification? Is this -- would you consider this to be a precedent that that's what we should do all the time, or you want to treat this as a case by case basis where this kind of issue could be discussed in future amendments, you know, you'd have to weigh the options? Or do we just -- our starting point from now on would be that we would request full mitigation on -- I mean, I just want to make sure how to proceed.

CHAIR FISHER: All right. So I have -- I've got some heads shaking this way, some no, so --

CHAIR FISHER: I'm sorry. And Commissioner Mallozzi was a nay as well. So we had three nays. Okay?

VOTE PASSES 13 TO 3 WITH COMMISSIONER LONG, COMMISSIONER MALLOZZI, AND VICE MAYOR DUBOSE VOTING NO.

UNIDENTIFIED SPEAKER: I'm sorry.

COMMISSIONER LONDON: Can I ask a question to that?

CHAIR FISHER: Hold on. Henry's looking for some direction now, so we can open that discussion, I guess, right now. Commissioner London?

COMMISSIONER LONDON: Thank you. Henry, my -- if I'm hearing you correctly, you were getting direction from MPO but now that changed and now you're getting direction from County staff?

MR. SNIEZEK: No, I just --

COMMISSIONER LONDON: Or --

MR. SNIEZEK: -- I just want to know from now on, do you want us to just automatically just, as Planning Council staff, say that we would request the full mitigation and not just for the significance level.

COMMISSIONER LONDON: (Inaudible) did -- did you get the backup material for the calculations? Because I think earlier you said you were getting it from some -- now this is County staff, but before, the MPO was providing some of this?

MR. SNIEZEK: They were providing some of the -- but they never raised this as an issue as far as how much mitigation. The County staff raised this, so that's why we asked for further direction today.

COMMISSIONER LONDON: So MPO is just saying there needs to be mitigation, and now County staff --

MR. SNIEZEK: They were comfortable with getting the three percent mitigation, I guess we're kind of calling it.

COMMISSIONER LONDON: Okay.

CHAIR FISHER: Ms. Case, then the Vice Mayor.

MS. CASE: You know, most of the public who comes to talk about these kinds of amendments, whether it's at the city or here, is always concerned about traffic. And we have increasingly levels of service that are F or D or whatever. And I think it really is a good chance to -- to require entire mitigation, and so I would support that from now on.

CHAIR FISHER: So, you know, I --

MR. SNIEZEK: I mean, that's what we'll --

CHAIR FISHER: -- I guess --

MR. SNIEZEK: -- we'll do. I mean, that's --

CHAIR FISHER: -- okay. Andy –

MR. SNIEZEK: -- I mean, that's kind of how I read it.

CHAIR FISHER: -- do we need to (inaudible) a motion on this, Andy, to –

MR. MAURODIS: Yeah, I think (inaudible).

CHAIR FISHER: It appears -- it appears -- it appears consensus that we want you to proceed forward with (inaudible).

MR. MAURODIS: I think you're fine, because you will -- you will still have the opportunity to readdress it every time –

CHAIR FISHER: Thank you.

MR. MAURODIS: -- (inaudible) just giving Henry –

CHAIR FISHER: Understood. Thank you. Anything else, Henry?

MR. SNIEZEK: No. No.

OTHER BUSINESS

CHAIR FISHER: Any other Council discussion?

ADJOURMENT

Otherwise, this meeting is adjourned.

(The meeting concluded at 11:55 p.m.)