

MINUTES

BROWARD COUNTY PLANNING COUNCIL

June 24, 2010

MEMBERS Levoyd Williams, Chair
PRESENT: Mayor Lamar Fisher, Vice Chair
Commissioner Angelo Castillo, Secretary
Vice Mayor Suzanne Boisvenue
Vice Mayor Claudette Bruck
Vice Mayor Anne Castro
E. Gerald Cooper
School Board Member Maureen Dinnen
Commissioner Bobby DuBose
Dan Hobby
Vice Mayor William Julian
Louis Reinstein
Les Stracher
Mayor Michael Udine
Bett Willett

MEMBERS Sara Case
ABSENT: Commissioner Lisa Mallozzi
Broward County Commissioner Stacy Ritter
Scott Cooper

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

(Commissioner Ritter participated in a portion of this meeting via telephone.)

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

A meeting of the Broward County Planning Council was held at 10:06 a.m., on Thursday, June 24, 2010 in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited.

ROLL CALL

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

CONSENT AGENDA

C1 APPROVAL OF FINAL AGENDA FOR JUNE 24, 2010

C2 JUNE 2010 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

C3 APPROVAL OF MINUTES OF MAY 27, 2010

C4 EXCUSED ABSENCES

- Mr. Scott J. Cooper
- Ms. Sara Case
- Commissioner Lisa Mallozzi
-

A motion was made by Mayor Fisher and seconded by Mr. Reinstein to approve the Consent Agenda, consisting of C1, C2, C3 & C4.

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

REGULAR AGENDA

R1 LOCAL PLANNING AGENCY REVIEW: PROPOSED REVISIONS TO THE BROWARD COUNTY CODE OF ORDINANCES, CHAPTER 5, ARTICLE IX, "LAND DEVELOPMENT CODE," GENERALLY RELATING TO CREDIT FOR OWNER OCCUPIED MOBILE HOMES WITHIN MOBILE HOME PARKS

Mr. Sniezek, Planning Council Executive Director, informed the Planning Council that there is a speaker signed up to speak on this item, and he can also see that School Board Member Dinnen would also like to comment.

This was reviewed by the Land/Use Trafficways Committee. There are two alternatives being presented to the Planning Council. The Planning Council needs to determine whether the alternatives are generally consistent with the Broward County Land Use Plan. The Land/Use Trafficways Committee found

both options were generally consistent with the Broward County Land Use Plan, per staff recommendation.

Mr. Mohammed Rasheduzzaman representing the School Board addressed the Planning Council and explained with both options, the School Board would be losing the school impact fee, amounting to approximately \$4 million.

School Board Member Dinnen also voiced her opposition to this item. The time change from 18 to 60 months will have an impact on the School Board's ability to generate school impact fees from moving forward.

Mr. Sniezek explained the process from here is the Planning Council will decide if the two options presented are consistent with the Land Use Plan. The County Commission will then set a Public Hearing for the ordinance.

(Commissioner Ritter participated via telephone.)

In response to a question raised, Mr. Al Simon, Broward County Development & Environmental Regulation Division, addressed the Board and explained that the underlying issue common to both alternatives is how credits are applied toward development projects for existing uses. When credits for both impact fees and concurrency fees are determined, the Code allows what is called the existing use. Credits for the existing/previous use can be applied to reduce the impact fee and concurrency fee assessments, regardless of what the previous use was. Very often the previous use no longer exists, because it has been demolished at the time the credits are determined. The Code has an allowance in it for those circumstances. When the applicant presents themselves to the county for application of these credits, if the demolition of that previous use has occurred within the past 18 months, credit is given for whatever that previous use was. If the demolition occurred prior to the preceding 18 months, credit is no longer given. The first ordinance before the Planning Council alters the definition of demolition, specifically for mobile home parks. It provides a definition which includes removal of the utilities and pads and not just removal of the mobile home unit itself.

The second ordinance extends the window from the current 18 months, during which time credits would be granted for the demolition, to 60 months, with a sun-setting provision that says when the unemployment rate falls back to 5% or five years, whichever occurs later, the window reverts back to 18 months.

Additionally, Mr. Simon explained either ordinance creates a broader set of circumstances under which a developer might be entitled to credits, thereby generating lost revenue to the School Board, for a previous mobile home park that has been removed. There is no change in how fees are calculated for the new development.

Following additional discussion, Mr. Simon clarified that credits are being given because of impacts that are being removed. Both ordinances make it a little easier for the applicant to not lose that credit. When it comes to new students, there is no effect at all on how fees are calculated. We are only talking about potentially lost revenue because the circumstances for awarding credits are being expanded. The ordinance extends the opportunity for the developer to collect credits for the mobile home park that will have been removed.

A motion was made by Vice Mayor Castro and seconded by Commissioner Castillo, to approve the proposed revisions to the Broward County Code of Ordinances, Chapter 5, Article IX, Land Development Code, generally relating to credit for owner occupied mobile homes within mobile home parks, with the understanding that School Board Member Dinnen’s comments will be transmitted with the motion to the County Commission.

The Chair now called for a roll call vote, with the members voting as follows:

Vice Mayor Boisvenue	No
Vice Mayor Bruck	Yes
Commissioner Castillo	Yes
Vice Mayor Castro	Yes
Mr. Cooper	Yes
School Board Member Dinnen	No
Commissioner DuBose	Yes
Mayor Fisher	Yes
Mr. Hobby	No
Vice Mayor Julian	No
Mr. Reinstein	Yes
Commissioner Ritter	Yes
Mr. Stracher	No
Mayor Udine	No
Ms. Willett	No
Mr. Williams	Yes

The Chair declared the motion passed 9-7.

R2 LOCAL PLANNING AGENCY REVIEW: PROPOSED REVISIONS TO THE BROWARD COUNTY CODE OF ORDINANCES, CHAPTER 5, ARTICLE IX, “LAND DEVELOPMENT CODE,” GENERALLY RELATING TO COMPATIBILITY DOCUMENTATION

A motion was made by Vice Mayor Castro and seconded by Vice Mayor Bruck, to approve the proposed revisions to the Broward County Code of Ordinances, Chapter 5, Article IX, Land Development Code, generally relating to compatibility documentation.

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

R3 PROPOSED YEAR 2011 AMENDMENT APPLICATION DEADLINES AND MEETING SCHEDULE

On motion of Vice Mayor Castro, seconded by Mayor Udine and unanimously carried, the Planning Council approved the proposed 2011 Amendment Application deadlines and meeting schedule.

R4 COUNSEL'S REPORT

(There was no report.)

R5 EXECUTIVE DIRECTOR'S REPORT

Mr. Sniezek informed the Board that if no items are deferred from today's agenda, the Planning Council may cancel the July meeting.

On motion of Vice Mayor Castro, seconded by Commissioner DuBose and unanimously carried, the Planning Council canceled the July 2010 meeting.

R6 CORRESPONDENCE

Mr. Sniezek informed the Board that his office had e-mailed to Council members, correspondence he had previously sent to the MPO staff. If there were no questions today, at the August meeting, Mr. Sniezek will be prepared to give a report.

PUBLIC HEARING AGENDA

QUASI-JUDICIAL HEARING

PH 1 RECERTIFICATION PCR 10-10

Public Hearing on Recertification of the Town of Davie Future Land Use Element – Map Amendment

On motion of Mr. Cooper, seconded by Vice Mayor Castro and unanimously carried, the Planning Council approved PH 1, Recertification PCR 10-10.

PH 2 RECERTIFICATION PCR 10-11

Public Hearing on Recertification of the Town of Davie Future Land Use Element – Map Amendment

On motion of Vice Mayor Boisvenue, seconded by Vice Mayor Castro and unanimously carried, the Planning Council approved PH 2, Recertification PCR 10-11.

(Mr. Hobby left the meeting.)

PH 3 RECERTIFICATION PCR 10-12

Public Hearing on Recertification of the Town of Davie Future Land Use Element – Text Amendment

On motion of Commissioner Castillo, seconded by Vice Mayor Bruck and unanimously carried, the Planning Council approved PH 3, Recertification PCR 10-12.

PH 4 AMENDMENTS TO THE BROWARD COUNTY TRAFFICWAYS PLAN – UNINCORPORATED BROWARD COUNTY AND PARKLAND “THE WEDGE”– PCTW 10-2

- A. University Drive, between County Line Road and Loxahatchee Road, add to Trafficways Plan with a 94 foot designation.
- B. Nob Hill Road, between County Line Road and Loxahatchee Road, add to Trafficways Plan with a 94 foot designation.
- C. Loxahatchee Road, between State Road 7/U.S. 441 and the current western extent of Loxahatchee Road, add to Trafficways Plan with a 94 foot designation.

(Mr. Hobby returned to the meeting.)

On motion of Mayor Udine, seconded by Commissioner Castillo and unanimously carried, the Planning Council approved PH 4, Amendments to the Broward County Trafficways Plan – Unincorporated Broward County and Parkland, “The Wedge” PCTW 10-2.

PH 5 AMENDMENT PC 10-22

In response to a question raised, Mr. Sniezek explained this was a five acre pitch and putt golf course which is now closed. The proposal is to change it to commercial from recreation and open space. The applicant voluntarily included approximately 1.8 acres of the site for a community park.

A motion was made by Mr. Stracher and seconded by Mr. Reinstein, to approve PH 5 Amendment PC 10-22.

The Chair now called for a vote on the motion which passed, with Vice Mayor Boisvenue and Ms. Willett voting no.

PH 6 AMENDMENT PC 10-25

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

A motion was made by Vice Mayor Bruck and seconded by Vice Mayor Castro, to approve PH 6 Amendment PC 10-25.

The Chair now called for a vote on the motion which passed, with Vice Mayor Boisvenue voting no.

PH 7 AMENDMENT PC 10-23

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

A motion was made by Mayor Fisher and seconded by Commissioner Castillo, to approve PH 7 Amendment PC 10-23.

The Chair now called for a vote on the motion which passed, with Vice Mayor Boisvenue voting no.

PH 8 AMENDMENT PC 10-24

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

A motion was made by Mayor Fisher and seconded by Vice Mayor Bruck, to approve PH 8 Amendment PC 10-24.

The Chair now called for a vote on the motion which passed, with Vice Mayor Boisvenue voting no.

PH 9 AMENDMENT PCNRM 10-1

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

On motion of Vice Mayor Bruck, seconded by Commissioner DuBose and unanimously carried, the Planning Council approved PH 9, Amendment PCNRM10-1.

PH 10 A. AMENDMENT PCT 10-2

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

B. AMENDMENT PC 10-2

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

A motion was made by Vice Mayor Julian and seconded by Vice Mayor Castro, to approve PH 10, Amendment PCT 10-2 & Amendment PC 10-2.

The Chair now called for a vote on the motion which passed, with Vice Mayor Boisvenue, Commissioner DuBose and Ms. Willet voting no.

PH 11 AMENDMENT PCT 10-3

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

On motion of Vice Mayor Bruck, seconded by Commissioner DuBose and unanimously carried, the Planning Council approved PH 11, Amendment PCT 10-3.

PH 12 AMENDMENT PC 10-3

Second Public Hearing on Amendment to the Broward County Land Use Plan – City of Margate

In response to a question raised, Mr. Sniezek informed the Board that he believed the restrictive covenant discussed in Attachment 4 has not been finalized yet.

Mr. Dennis Mele, on behalf of the applicant, concurred with Mr. Sniezek. The city plan would not be re-certified until finalization.

On motion of Commissioner DuBose, seconded by Vice Mayor Castro and unanimously carried, the Planning Council approved PH 12, Amendment PC 10-3.

PH 13 AMENDMENT PC 10-5

Second Public Hearing on Amendment to the Broward County Land Use Plan – City of Pembroke Pines

In response to a question raised, Mr. Mele responded similarly to PH 12, the city plan would not be recertified until the restrictive covenant is finalized.

On motion of Commissioner Castillo, seconded by Commissioner DuBose and unanimously carried, the Planning Council approved PH 13, Amendment PC 10-5.

PH 14 AMENDMENT PC 10-6

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

A motion was made by Commissioner DuBose and seconded by Vice Mayor Castro, to approve PH 14, Amendment PC 10-6.

The Chair now called for a vote on the motion which passed, with Vice Mayor Boisvenue and Ms. Willet voting no.

PH 15 AMENDMENT PC 10-4

Second Public Hearing on Amendment to the Broward County Land Use Plan – City of Parkland

In response to a question, Mr. Sniezek explained that part of the amendment is to a commercial use. Staff analysis does not look at what will specifically be built on the property, but uses a professionally acceptable formula that assumes retail, with a one story building.

The Broward MPO long range plan does project the level of service to be an F; however, it was an F with or without the land use plan amendment. The applicant will address their impacts to the regional transportation network.

Mr. Mele added his client is making the road improvement to offset the applicant's impact at the section of Coral Ridge Drive just north of the Sawgrass Expressway. The problem is the left turn lane is not long enough at this area for commuters getting onto the Sawgrass Expressway going eastbound. The applicant is lengthening the left turn lane.

(Commissioner Ritter no longer participated via telephone.)

Additionally, Mr. Mele stated the applicant has done an annexation agreement and has amended the annexation agreement, and a school site will be dedicated on the property, as requested by the City of Parkland and the School Board. There will be a restrictive covenant in place prior to recertification.

On motion of Mayor Udine, seconded by Vice Mayor Castro and unanimously carried, the Planning Council approved PH 15, Amendment PC 10-4.

OTHER BUSINESS

PLANNING COUNCIL MEMBER COMMENTS

(There were no comments.)

NEXT SCHEDULED PLANNING COUNCIL MEETING – August 26, 2010

The next Planning Council meeting is scheduled for August 26, 2010 at 10:00 a.m., in Room 422 of the Broward County Governmental Center.

ADJOURNMENT

There being no further business to come before the Planning Council at this time, on motion made, seconded and unanimously carried, the meeting adjourned at 11:01 a.m.

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