

**Summary of Discussion**  
**Broward County Charter Review Commission**  
**Land Use Subcommittee**  
**Friday, June 1, 2007- 8:00 AM - 10:00 AM**  
**115 S. Andrews Avenue, Room 430**  
**Fort Lauderdale, FL 33301**

**Members Present:**

Richard Weiss, Esq., Chair  
Mark Ketcham

**Members Absent:**

Commissioner Hayward Benson, Vice Chair  
Patricia Good  
Joseph Maus, Esq.  
Robert Penezic, Esq.  
Dr. Irv Rosenbaum

**Others Attending:**

Elliot Auerhahn, Broward County Urban Planning  
Barbara Blake Boy, Assistant Director, Broward County Planning Council  
Carolyn Dekle, South Florida Regional Planning Council  
Chedley Etienne, Administrative Assistant, CRC  
Ellen Feld, Water Management Districts  
Yolanda Grooms, Administrative Specialist, CRC  
Maria Gross, Assistant Director, CRC  
David Huizenga, Broward County HCED  
Phyllis A. King, Transcriber, PKING Consulting, Inc.  
Commissioner Keith S. London, City of Hallandale Beach  
Commissioner Hazelle Rogers, Vice-Chair, CRC  
Patricia G. West, Executive Director, CRC

(A copy of the sign-in sheets identifying those present is filed with the supplemental papers to the summary of this Committee Meeting.)

A meeting of the Broward County Charter Review Land Use Subcommittee "Committee, Subcommittee, or LUSC", was held at 8:00 a.m. on Friday, June 1, 2007 at the Broward County Governmental Center – Room 430, Fort Lauderdale, FL.

## **I. Call to Order/Roll Call**

The Chair Richard Weiss called the non-meeting meeting to order at 8:29 a.m. and requested no roll call due to absence of a quorum.

The Chair thanked Ms. Dekle, Broward County staff and others for attending. He provided a brief overview and introduction of Ms. Dekle, advising of the charge of the LUSC, and who the LUSC has heard from in terms of speakers. The Chair asked Ms. Dekle for input in terms of the functionality, her opinion, and possibly other information regarding the Regional Planning Council around the State.

## **II. Presentation: Carolyn Dekle, Executive Director, South Florida Regional Planning Council**

Ms. Dekle advised that she had just come from a 2-day meeting in Orlando with the new Secretary of the Department of Community Affairs, discussing new things that may occur in the State's Growth Management Process which will affect Broward County, if they in fact, go into play.

**Pilot Bill** – Ms. Dekle advised that she would provide a synopsis from the State's perspective of what the new Bill says. Ms. Dekle advised that she believes everyone has an opinion about what the Bill says. She was in Tallahassee during the time it was being discussed, being on the Legislative Committee for the Florida Regional Council's Association and she requested that the Department recommend that the Governor not sign the Bill. In her opinion it would not be a positive thing at the time that this opinion is not because she feels that Broward cannot handle its own Land Use issues as we have a very talented Planning Staff. We have been at the forefront of planning issues for quite a long time; and a lot of time will be spent figuring out the Administrative mechanics of what the Bill means and how it is administered. It will put a lot of pressure on the SFRPC as a regional council to figure out how to interact on those issues as Land Use changes come forward. She does not think this is time well spent. Ms. Dekle stated that Broward, Miami-Dade, Monroe, Palm Beach and St. Lucie Counties need to focus, being an integrated region, on the big macro issues (e.g. Linkage issues). We are being outcompeted financially by other regions in the Country and even internationally. *Examples: Atlanta 8 Counties - has a strong Regional Council which has responsibility for both Transportation and Land Use, and Los Angeles which encompasses twelve (12) Counties.* Ms. Dekle advised that we are a young evolving State and a young set of Counties; it is time to move to the next level.

Ms. Dekle pointed out that the “big issues” are: How do we get the investment for transportation we need. We are at risk of losing the funding for Regional Transportation Authority because our Counties are not sure that the investment is worth their consideration; which she states is short-sighted.

Ms. Dekle stated that we are dealing with a maturing urban area that has many residents and she understands the desire to stay the way we were however; we have as many people coming to this region in next 15 years as live in Miami-Dade County today. We can let this happen in a sort of helter-skelter sort of way where everyone goes where they want to go. *Example: Approximately 5 years ago Hialeah Fire and Rescue could not respond to calls because of 3 families living in a single-family structure, which had been adjusted to accommodate the 3 families and they could not figure out the numbering to get there.* Ms. Dekle advised that this could happen in our communities if we don't think about how to accommodate the coming population in a thoughtful way. In her personal opinion, we have the ability to accommodate that type of growth in a way that is respectful. Density is okay if done responsibly and with a thought towards urban design (i.e. what it looks like, visual preference surveys etc.)

**Ms. Rogers entered at this time [8:37 am]**

Ms. Dekle advised that these are the kinds of issues that we have to deal with now, and it means that we are changing the way we think. *Example: SR7 (441) which is one of the County's primary opportunities.* She advised that it took the County a long time to come to this. The RPC was very happy to assist in this; the outcome was a \$2.7 million Federal Grant that allowed eight (8) surets along that corridor. This taught her something as a professional, as she did not believe that the suret process was all that important, but what she learned is that it really gives us an opportunity to engage people and leaders, and to have visual ideas. You can't stop there. Ms. Dekle stated that she is a green light / red light person i.e., get into what you want to make happen and make it happen as quickly as possible. If you do not wish to have it happen, then it should be done at your own expense.

The Chair framed the issue for Ms. Dekle and inquired as to what other Counties do, and how they deal with the types of issues that Broward County is faced with. Ms. Dekle advised that she feels Broward has a redundant system by having a Planning Council at the County level. She further stated that she believes there will be an emphasis going forward on looking at extra jurisdictional issues, and this should be done; the Regional Council can do this. A discussion ensued as to whether or not there are issues.

Ms. Dekle advised that many years ago in the 70's, the Development of Regional Impact Review Process was created. It is now being used in many other States because there are extra jurisdictional impacts that occur from a large-scale development project. She thinks that this is the venue where it can be most meaningfully managed, because it is not locally controlled. Ms. Dekle advised that the revenue sharing time has come and it is appropriate to discuss how to share benefits. It is not natural that the approving board will say they will help the adjacent communities with handling those impacts.

A discussion of whether the Planning Council would be a good forum which is made up of representatives from the municipalities. Ms. Dekle replied, because it is within the boundaries of Broward County. A discussion ensued between Ms. Dekle and the Chair regarding City-City border situations / lower density Comp Plan situations. Ms. Dekle advised that this is being made harder than it needs to be; because of the rules you are being asked to accommodate the impacts of that growth twice. It is already in the Comprehensive Plans and now there is something else which will happen over a 10 year period of time.

The following issues were raised by the Chair

- \*\*how other Counties deal with the thresholds and issues between municipalities. Ms. Dekle explained that there is no process for managing the issues. She advised that theoretically there should be. In every local government Comprehensive Plan there is an intergovernmental coordination element.
- \*\*if there are other strategies being used in other places to resolve jurisdictional issues different than the Planning Council. Ms. Dekle advised that one of the best tools would be coming to agreement about what the Community wants to be like in 30 years and get out of the way of communities who wish to move toward that agenda. She stated that if someone wants to move forward, then mechanisms are needed to address this.
- \*\*what the process should be if someone wanted to change the Master Plan in a way that affects another jurisdiction. Ms. Dekle described development pressure in St. Lucie County and in the Panhandle. They are areas with not much tax base in the past, and explained the infrastructure requirements.

A conversation took place with regard to Broward County's current water supply issue and the urban communities that are still on septic tanks. Comments were made by Ms. Rogers and the Chair.

The question arose as to whether the issue is an implementation issue or a structural issue.

Ms. Blake Boy advised that she believes the issue is more of a policy issue.

Mr. Auerhahn analogized the Comprehensive Plan to the Bible: it can be read a lot of different ways depending upon what you want to find. There is a larger degree of latitude for a governing body to judge, whether something needs a Comprehensive Plan or not, depending on what their vent is at that moment. In summary, it is not a cut and dried thing that meets a standard or does not. He advised that you are balancing economic needs vs. resource needs vs. infrastructure vs. community opinion, and all of these things get balanced. Therefore, there is not an obvious answer on a lot of the controversial projects.

The Chair asked for further clarification.

Mr. Auerhahn advised that the judgment comes with determining the appropriate mitigation solution that is the issue. Both Mr. Auerhahn and Ms. Dekle agreed that the first part is mechanical, and how you deal with it is more subjective.

A question was posed by Ms. Rogers as to who sets Public Facilities Water Standards. Mr. Auerhahn advised that the State Health Department ensures the standards are set. Ms. Dekle advised that monitoring and enforcement of the policies is weak in all areas.

Mr. Ketcham inquired about Land Use Change in Polk County and where to apply for one. Ms. Dekle advised that it depends upon the situation but she assumed it would be their County. A discussion ensued among the attendees regarding the Polk County review process.

Ms. Dekle suggested that everyone understand that under the new Pilot program Broward County will have *no external review process*. Ms. Blake Boy advised that the application is still sent to State agencies for a 30 day comment period and they report back. Ms. Dekle explained that there will be no regional or state oversight as it will just be comments. She suggested that the subcommittee think about a management process.

Ms. Rogers inquired as to whether a zoning Notification Process is in place. A discussion ensued with comments by the Chair, Ms. Rogers. Ms. Blake Boy explained that the Planning Council handles notifications to property owners in the area, and to the Planning Department and City Manager of the adjacent City for review and comments. She stated that Comp Plan change ads are also placed in Newspapers. It was determined that there is no real process, however, Ms. Blake Boy explained that the cities are supposed to talk to each other.

Ms. Rogers expressed concern with implementation of approved Comp Plan Amendments and zoning which remain dormant over a long period of time even through changes in government and no notification is provided, yet the project goes forth to the surprise of neighbors. Mr. Auerhahn advised that there is nothing in place that works.

Ms. Dekle advised that the most elaborate system was in Palm Beach County approximately 5 years ago where there was an extensive situation on how to deal with inter-jurisdictional issues. She stated that this has since gone away. Mr. Auerhahn advised that it was a part of their Charter. **Staff was requested to obtain a copy. Ms. Dekle advised that Nancy Stroud, Esq. helped put it together and she could provide a lot of information.** The discussion continued among the attendees and Ms. Rogers suggested that there should be a process in place to notify / remind the new entity and new residents that those dormant buildings are coming.

Ms. Dekle suggested a process to articulate a physical image of what communities will look like in the future by providing a visual to the community annually via newspaper centerfold. A discussion ensued and it was determined that theoretically the Broward County's Comp Plan already provides this through color matching.

Mr. Dave Huizenga, Broward County Highway Construction and Engineering Division suggested that this be done through the Property Appraiser's Website via overlay and use of the GIS Group of the County. A discussion ensued among the attendees. Ms. Blake Boy advised that her office works with the Property Appraiser advising that, whenever there is a change they are forwarded the change and the Property Appraiser updates their codes. , There is a technical problem involving matching of the map to the parcels due to different technology, this is more than a year away due to the time it will take to match each individual parcel. Ms. Blake Boy further advised that the City's Plan can be different from the County's Plan. Mr. Auerhahn advised that the other danger is that the cities have a lot of latitude even more now, to apply different types of flexibility, because the Land Use may be one way and what actually is built might be something else, because no Land Use change is required. Mr. Auerhahn advised that the ability to find out what is going to happen with the vacant lot is not easy at all.

Ms. Rogers suggested adding something to the Bill of Rights.

Ms. Dekle suggested that the County should be thoughtful going forward. She stated that if legislation comes into place, that it is appropriate to be very thoughtful when moving forward. She believes the tools that the County currently has may go away. The LUSC should think

about how to put in place processes to deal with this. Municipalities by majority vote of their Boards may opt out of the new pilot process where the County could end up with a hodge-podge of different processes. Her personal opinion is that things will get mucked up and there is a chance that we will go through time of uncertainty of how it will all work out. Ms. Dekle stated that her personal preference would be to stay in the current system over the next year and think thoughtfully about changes that need to occur. She pointed out that we have a very sophisticated Staff, systems and tools that many other Communities do not have.

Ms. Dekle pointed out that what is happening with the Transit Investment Strategy is very important. She warned that communities will resist Land Use change requirements to support the transit investments for the future. This is just a reality and it will take real policy strength which she believes the Charter will be able to provide.

The Chair thanked Ms. Dekle for speaking.

Ms. Rogers added that she has heard throughout the State that Broward County's structure is good and this is why it was sent back. She suggested that we improve what we have so that the State will adopt it. She added that other Counties are looking at our structure and we should be proud of it.

### **III. Public Comment**

Commissioner Keith London, City of Hallandale Beach discussed the following subject matters:

- RFP Masterplan should be 3-dimensional.
- Firming of the Flex Units and Reserve Units Process – concerned as to the reason why flex units are continuously recycled.
- He advised that he likes the fact on the City level that the County is there to provide checks and balances. A quick discussion ensued between the Chair and Commissioner London regarding City control vs. Check and balance.
- Roadway Concurrency – Mr. London advised that he does not believe roadways can be improved other than via major improvement.
- 3 Acres per 1,000 residents for Oakland Park land... Mr. London discussed 60 acres of Hallandale waterways being open green space. A discussion ensued between Mr. London, the Chair and Ms. Rogers.

- Parks – Mr. London suggested parks should be in each community. He discussed submissions from developers which reference parks 2 miles away as being enough park space, and advised that this is unacceptable and should be firmed up.

Mr. London responding to a question from the Chair regarding County oversight advised that he feels that there should be County oversight and the extra check and balance is not a bad thing.

[End of Speaker]

#### **IV. Discussion of Administrative items by edict**

##### ***Suggested full-CRC Agenda items (under LUSC Report)***

- **Discussion of the Broward County Charter Amendment Proposal from the Broward County Planning Council**
- **Discussion of Adding an Environmental Item to the Bill of Rights** (suggested by Commissioner Jacobs).
- **Parks and Open Space depletion in Broward County** (suggested by Commissioner Jacobs).

The Chair expressed concern and embarrassment of the lack of a quorum at today's meeting, especially when there is a guest speaker. He also suggested having the June 15<sup>th</sup> meeting, but no meeting in the months of July and August, and to reconvene in September.

Ms. Rogers also expressed concern and suggested this issue be an item for discussion with the full CRC.

#### **V. Discussion and Format of Minutes / Summaries of Discussion**

Following a brief discussion with comments made by the Chair, Ms. West, Ms. Rogers, and Mr. Ketcham it was suggested that the minutes of the LUSC be Summary minutes including:

- **Topic and the following persons who spoke, and if members want something reflected in the minutes he/she will advise that it is 'for the record'.**
- **Areas that were discussed and any recommendations.**
- **Or the minutes should be Verbatim**

***Next Meeting – No speaker; discussion and consider recommendations.***

Mr. Esack requested a copy of the Synopsis of the Bill Ms. Dekle was to leave for the subcommittee via email.

A general discussion took place regarding Land Use information gathering and the lack of an example of comparable Counties with comments from the Chair, Ms. Rogers and Mr. Ketcham. It was determined to request information from Ms. Stroud. Ms. West and Ms. Rogers will formulate a letter to request more specific answers from Ms. Dekle.

Mr. Auerhahn responding to a question from the Chair stated that he understands the question to be: If one City wants to propose a Super Target right on the boundary of another City and they are not in a County like Broward, is there any mechanism? Mr. Auerhahn advised that staff does not know of any. All attendees agreed that this is the question. A discussion ensued with comments made by the Chair, Ms. Blake Boy, Ms. Rogers, Mr. Auerhahn, Commissioner London and Ms. West.

#### **V. Adjournment**

There being no further discussion or comments the meeting was adjourned at 10:00 am. The minutes of this meeting are recorded on CRC-LUSC CD # 6.01.07 (BCGV CTR)