

MINUTES

BROWARD COUNTY PLANNING COUNCIL

January 24, 2013

MEMBERS Mayor Lamar Fisher, Chair
PRESENT: Anne Castro, Vice Chair
Tim Bascombe
Mayor Vincent Boccard
Sara Case
Neal R. de Jesus
Commissioner Bobby DuBose
Mary D. Graham
School Board Member Patricia Good
Dan Hobby
Commissioner Martin D. Kiar
Commissioner Michele Lazarow
Commissioner Michael S. Long
Commissioner Rita Mack
Louis Reinstein
Mayor Michael J. Ryan
Nicholas T. Steffens
Mayor Daniel J. Stermer

ALSO Barbara Blake Boy, Planning Council Executive Director
PRESENT: Andy Maurodis, Legal Counsel
Frederick Burton
Keith London
Sharon Ragoonan
Dennis Mele, on behalf of Applicant
Mohammed Rasheduzzaman, AICP Planner, Growth
Management Monitoring, BC School Board
Ron Medalie, Property Owner
Nancy Cavender, The Laws Group

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

A meeting of the Broward County Planning Council was held at 10:00 a.m. on Thursday, January 24, 2013, in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida.

(The following is a near-verbatim transcript of the meeting.)

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. It's January the 24th, 2013. I'd ask you to now stand for the pledge, led by Ms. Castro.

PLEDGE OF ALLEGIANCE

(THE PLEDGE OF ALLEGIANCE WAS LED BY VICE CHAIR ANNE CASTRO.)

ROLL CALL

CHAIR FISHER: Thank you. Nancy, welcome back once again this month.

THE REPORTER: Thank you, sir.

CHAIR FISHER: We always enjoy having you with us. Would you please call the roll?

THE REPORTER: Yes, sir. Mr. Tim Bascombe.

MR. BASCOMBE: Present.

THE REPORTER: Mayor Vincent Boccia. Ms. Sara Case.

MS. CASE: Here.

THE REPORTER: Ms. Anne Castro.

MS. CASTRO: Here.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Here.

THE REPORTER: Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Here.

THE REPORTER: School Board Member Patricia Good.

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MS. GOOD: Here.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Here.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Here.

THE REPORTER: Commissioner Martin David Kiar.

COMMISSIONER KIAR: Here.

THE REPORTER: Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Here.

THE REPORTER: Commissioner Michael S. Long.

COMMISSIONER LONG: Here.

THE REPORTER: Commissioner Rita Mack. Mr. Louis Reinstein.

MR. REINSTEIN: Here.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Here.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Here.

THE REPORTER: Mayor Daniel J. Stermer.

MAYOR STERMER: Here.

THE REPORTER: Mayor Lamar Fisher, Chair.

CHAIR FISHER: Here. Thank you. This is an exciting day. A lot of new faces on our Council, and so we'll be recognizing those who served as well as those who are going to serve.

But one thing, for the new members, is we have a little kitty over here that

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provides the dollars for our wonderful waters and our bagels, and so if you would kindly every month kind of go to our little kitty there, we surely would appreciate that. Staff would definitely appreciate that, as well.

PRESENTATION OF PLAQUES

CHAIR FISHER: It's now time to again recognize three individuals who have served our Council well. And I'm going to step down to that podium there and recognize them at this time. It is always ladies first, so I'm going to begin with Ms. Sharon Ragoonan. Please come forward.

Ms. Ragoonan was able to serve this Council for I guess it was 2011 to 2012, and she really was a tremendous asset to us. And so we would like to recognize her, as a Council, and present you with this plaque in grateful appreciation for your outstanding service and dedication to the Broward County Planning Council.

MS. RAGOONAN: Thank you so much.

CHAIR FISHER: You were great. Kindly say a few words of wisdom for us, okay?

MS. RAGOONAN: I just want to say it was a great delight and a wonderful opportunity to sit on the dais with all of you. I learned a whole lot about not only Broward County but many of the people on this dais that serve the community.

And I just want you to know it'll be something I'll always remember, and thank you so much for giving me this chance.

CHAIR FISHER: Next, we're going to recognize Frederick, Fred Burton. Fred served us, again, from 2011 to 2012. And we want to recognize you, Fred, for this, your time of service in grateful appreciation. And we wish you the best of luck. Thank you so much for being with us for a year.

MR. BURTON: I also would like to just reiterate how thankful I am to have had the opportunity to not only meet all of you, but to have hopefully made a couple of changes for the better for Broward County. And, again, if there's anything else that you guys think that would be an opportunity, I do have some time, so I'm happy to try and help out as best I can. Thank you all very much.

CHAIR FISHER: And last, but certainly not least, is Commissioner Keith London. He served, of course, on the Council from 2010 to 2012, and also on our Land Use/Trafficways Committee from '11 to '12. And also,

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Commissioner London was very instrumental in working through a major program that we did with Parks and Recreation. And it was an interesting time. He chaired that subcommittee for us. Commissioner, we'll miss you, but great appreciation for all the service you've done.

COMMISSIONER LONDON: I definitely want to say thank you to this Planning Council. It's been a real pleasure serving with the people on here. And I look forward to following what the rest of you guys do in the future, and helping you and watching you grow and really take control, or, you know, being what you want to be with the Planning Council.

I'm sure Mr. Maurodis will have some opinions on that and Barbara, also. But, real quickly, first of all, I've got to thank Sue Gunzburger for appointing me. You know, that was the opportunity, and I really appreciated that opportunity. And, of course, you're going to be swearing in Ms. Lazarow, Commissioner Lazarow, and I'm thrilled that Sue Gunzburger came to me and asked me who, and Michele's going to do a great job.

But, again, it was a real pleasure serving with you. And the leadership, Mayor Fisher, from the -- Ms. Castro, it was really great being on this board, because when you want to see good government in action, this board is the epitome of good government in action. We really had great dialogue.

And, as Lamar just said, and I'll be brief, it was great to have you guys take on a couple things that I was passionate about, and letting me lead that and having that discussion. So I really appreciate the dialog and the opportunity.

And I thought it was important, so I'm pleased that you voted on the parks and the waters, and thank you so much for my time here. I had a great time. And, again, I've got to call our staff the best staff around the County, because they really work with you. They give you all the options, and you guys make the decision. They don't drive the agenda, but they give you that. And, Andy, thanks for keeping me out of trouble. Thank you.

CHAIR FISHER: Thank you for your service. Nancy, just as a recognition, Commissioner Mack is here, as well as Mayor Bocard.

ACKNOWLEDGMENT OF REAPPOINTED MEMBERS

CHAIR FISHER: Okay. So some reappointments that we had. I just want to recognize those. Commissioner Holness reappointed Commissioner Bobby DuBose back again. Welcome back. As well as Mary Graham. Glad to have you back.

And then we just found out news that Mr. Louis Reinstein will be reappointed

by Commissioner Kiar.

COMMISSIONER KIAR: I don't know about that.

CHAIR FISHER: Depends, really, how he acts today, Commissioner, whether we're going to need that appointment or not. So we look forward for Louis to continue to serve, as well.

OATH OF OFFICE

CHAIR FISHER: Now it's again exciting to provide the oath office for four individuals who have been appointed to the Council. And I would ask them to please come forward, stand behind me. We have Mr. Neal de Jesus, who was appointed by Commissioner Lois Wexler.

We have Commissioner Martin Kiar, who, of course, is our own Broward County Commissioner. We have Commissioner Michele Lazarow from the City of Hallandale Beach, who was appointed by Commissioner Gunzburger. And last, but not least, is Mayor Michael Ryan from the City of Sunrise, appointed by Commissioner Kiar, too. So we're heavy with Mayors, I think, but that's a – that's a good thing.

All right. This is the time that we officially take office to the Broward County Planning Council, so just repeat after me. Raise your right hand, please.

(OATH OF OFFICE ADMINISTERED AS FOLLOWS: I do solemnly swear that I will support, protect, and defend the Constitution and the government of the United States and the State of Florida; that I am truly qualified to hold office under the Constitution of the State and the Charter of Broward County; and I will well and faithfully perform the duties of the member of the Broward County Planning Council of which I am now about to enter, so help me God.)

CHAIR FISHER: You're officially installed. Okay. I think we're now going to hopefully have some photos -- well, we'll do photographs after the election –

CHAIR FISHER: You want to do photographs now?

MS. BOY: No, after the election of officers.

CHAIR FISHER: After the election. That's what I thought. Okay.

ELECTION OF OFFICERS

CHAIR FISHER: Again, exciting day at the Council level. And I have been so privileged to serve two years as your Chair. And it's now time to have our election of officers for Chair, Vice Chair, and Secretary.

So we will now open up nominations for the Chair, and I'll recognize Mrs. Case for that.

MS. CASE: I'll nominate our Vice Chair Anne Castro.

MS. GOOD: Second.

MR. REINSTEIN: Second.

(UNIDENTIFIED SPEAKER): And I'll second.

CHAIR FISHER: Been moved and second to nominate Anne Castro as the Chair.

MAYOR STERMER: Move that nominations be closed.

COMMISSIONER LONG: Second.

CHAIR FISHER: Nominations closed. All in favor of electing Chair Ms. Anne Castro say aye. Opposed? Congratulations. Mark it unanimously on that. Okay?

VOTE PASSES UNANIMOUSLY.

CHAIR FISHER: Now we will have the elections for Vice Chair. Do I hear any nominations for the Vice Chair position?

VICE CHAIR CASTRO: I'll nominate –

CHAIR FISHER: Ms. Castro.

VICE CHAIR CASTRO: -- Louis Reinstein, please.

CHAIR FISHER: Been nominated Louis –

MR. STEFFENS: Second.

CHAIR FISHER: -- Reinstein.

COMMISSIONER KIAR: Second.

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

MR. STEFFENS: Move that nominations be closed.

COMMISSIONER KIAR: Second.

UNIDENTIFIED SPEAKER: Second.

CHAIR FISHER: Thank you. Nominations closed. All in favor, say aye on election of Louis Reinstein as Vice Chair. Opposed? Thank you. Congratulations.

CHAIR FISHER: And last, but not least, we're going to have our nomination for Secretary of the Broward County Planning Council.

MR. HOBBY: I would like to nominate –

CHAIR FISHER: Yes?

MR. HOBBY: -- Commissioner DuBose.

CHAIR FISHER: Commissioner DuBose. Okay. Is there a –

MAYOR STERMER: I'll second that.

CHAIR FISHER: Moved and second for Secretary. Further nominations?

MAYOR STERMER: Move that nominations be closed.

MR. STEFFENS: Second.

COMMISSIONER KIAR: Second.

CHAIR FISHER: To be closed. Great. All in favor say aye on the nomination of Mr. Bobby DuBose, Commissioner, for Secretary. Opposed? Motion does carry. Thank you.

VOTE PASSES UNANIMOUSLY.

CHAIR FISHER: Thank you. Now do you wish to do photographs? And then I can officially hand it over to our new Chair.

MS. BOY: Congratulations. Photograph time.

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MAYOR FISHER: All right. Okay. (Photos taken.)

CHAIR CASTRO: Everybody settled? First, I want to thank you all for providing me this opportunity. You can't know how thrilled I am. I've been up here for a while now, and I'm becoming one of the old kids on the block, and I actually like it.

And as I was talking to you before, to me, in all of my elected and non-elected, this is one of the best councils or commissions I've ever served on. To former Commissioner London's point, there's so many opportunities here, and it's so integral in our society, I think it's imperative.

On a quick personal note, I personally want to thank Broward County Commissioner Tim Ryan for re-appointing me as an elector versus an elected official. I'm grateful for that. But I do want to make one comment about the outgoing Chair, if I could have a moment.

I've served under three or four Chairs now, because I have been here so long, and they've all be absolutely fabulous. I've learned from every one of them. They've all provided opportunities.

But, for me, Mayor Fisher went beyond the call. He's exemplary. His fairness, his ability to allow everybody to have an opportunity at the table, his professionalism, his just good human nature and human spirit, I greatly appreciate it. So thank you.

NOMINATIONS BY PLANNING COUNCIL TO EXECUTIVE COMMITTEE

CHAIR CASTRO: And now we're going to proceed to nominations for the Executive Committee. It exists of the Executive Committee plus four other members.

And before we do the Executive Committee and the Trafficways/Land Use, I want to mention to people, these meetings are usually held right before the main meeting. They are important meetings to attend, so I ask, if you're going to step up, that you commit yourself to it, because if we get there and there's never a quorum, we can't take any official action.

So on the Executive Committee, it's four at-large members, so I will now open that up for anybody who wants to either be nominated or even volunteer, depending on the number. Okay. Mr. Bascombe. Commissioner Long. Mr. Hobby. I need one more. School Member Good. Anybody else? Then I ask that we move that slate of volunteers or –

COMMISSIONER KIAR: So moved.

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CHAIR CASTRO: Thank you.

MAYOR STERMER: Second.

CHAIR CASTRO: Second. All in favor? Thank you.

VOTE PASSES UNANIMOUSLY.

APPOINTMENTS BY CHAIR TO LAND USE/TRAFFICWAYS COMMITTEE

CHAIR CASTRO: Now, for the Land Use/Trafficways, there's no specific number, so I encourage people to get involved. If you're going to step up, it's a wonderful way to learn about the issues before we come here to the Council meeting.

Again, some more debate sometimes goes on about policy and things like that. So, again, do we have volunteers for that? Mr. Bascombe, Ms. Case, Mayor Ryan. Okay. Good.

UNIDENTIFIED SPEAKER: You're on there.

CHAIR CASTRO: You're on there.

UNIDENTIFIED SPEAKER: Yes, I did.

CHAIR CASTRO: You had a chance, yes. Commissioner Kiar, Mr. Steffens, Chief de Jesus. Anybody else? Are you getting all those?

MS. BOY: Yes.

CHAIR CASTRO: I'm sorry? Ms. Mack. Okay. Mayor Bocard. Who doesn't want to be on there? Let's put it that way. Raise your hand if you don't want to be. Okay. Commissioner Lazarow. And no offense. Mr. Hobby.

MAYOR FISHER: I've served.

CHAIR CASTRO: Mayor Lamar Fisher. Again, it's imperative, if we have this many, you show up, because as we go to this many –

MAYOR FISHER: Yes.

CHAIR CASTRO: -- then the quorum becomes more serious.

MR. HOBBY: Right.

CHAIR CASTRO: So, you know, please, if we come to a meeting or two and people aren't showing up, we will probably ask you to step away so we can get real serious and do business. Are we good with that?

MS. BOY: We have eleven members. And just so that I have it clear, the officers, Mr. Bascombe, Ms. Case, Mayor Ryan, School Board Member Good, Commissioner Kiar, Mr. de Jesus, and Ms. Mack, Commissioner Mack.

CHAIR CASTRO: And Mr. Steffens.

MR. STEFFENS: Yes.

MS. BOY: Oh, I'm sorry. That's the one I missed. Thank you.

CHAIR CASTRO: And Mayor Boccard came in.

MAYOR STERMER: Barbara, you can put me on there.

CHAIR CASTRO: And Mayor Stermer.

MS. BOY: One more time again. The officers, Mr. Bascombe, Ms. Case, Mayor Ryan, School Board Member Good, Commissioner Kiar, Mr. de Jesus, Commissioner Mack, Mr. Steffens, Mayor Boccard, and Mayor Stermer. Does that sound like I got everybody?

MR. HOBBY: Speak now or forever hold your peace.

CHAIR CASTRO: And, again, if you're a no-show at a couple meetings, we'll gently poke you and say -- thanks for serving. So sorry. We're here to get the business done; right? Okay. With that, are we good with that, staff? We're good?

MS. BOY: Okay. Thirteen members.

CHAIR CASTRO: Okay. I like more participation, so I'm all good for that, so we'll see what happens.

CONSENT AGENDA

AGENDA ITEMS C-1 THROUGH C-4

CHAIR CASTRO: Consent Agenda. Any items for pulling?

MAYOR FISHER: Move the item.

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COMMISSIONER DUBOSE: Second it.

CHAIR CASTRO: I have a motion, second. All in favor? Any opposed?
Great.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1 - LOCAL PLANNING AGENCY REVIEW: PROPOSED REVISIONS TO THE BROWARD COUNTY CODE OF ORDINANCES, CHAPTER 27, ARTICLE X, "STORAGE TANKS"

CHAIR CASTRO: Regular Agenda, I'm going to start with R-1. I think staff has a presentation.

MS. BOY: Good morning. Item R-1 is a local planning agency review of a proposed ordinance to the County Code of Ordinances regarding storage tanks.

The item was reviewed by the Land Use/Trafficways Committee immediately preceding this meeting, and the Land Use/Trafficways Committee recommended approval.

Staff from the County's Pollution Prevention and Remediation Division is available if anyone has specific questions regarding the ordinance.

CHAIR CASTRO: Okay. Do we have anybody who has any questions or require any information? I'll entertain a motion.

MS. GOOD: Motion to approve.

CHAIR CASTRO: I have –

COMMISSIONER KIAR: Second.

CHAIR CASTRO: -- a motion. I have a second. Any other discussion? All in favor? Any opposed? Thank you. Carries.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-2 - COUNSEL'S REPORT

CHAIR CASTRO: R-2, Counsel's Report.

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MR. MAURODIS: No report, other than to welcome the new members and the reappointed members. And to the new officers, congratulations.

CHAIR CASTRO: Thank you.

AGENDA ITEM R-3 - EXECUTIVE DIRECTOR'S REPORT

CHAIR CASTRO: Executive Director's Report.

MS. BOY: To echo Andy's comments, welcome and congratulations to all the new members, and congratulations to Mr. Reinstein, Ms. Castro, and Commissioner DuBose, our new officers.

Look forward to working with everyone this year. The other item is just a brief discussion I'd like to have about the potential for a Planning Council workshop.

We had talked about it a couple months back, and we have several new members, so I just want to get a little bit of input about what Andy and I have been thinking about it, that essentially it would be from 9:00 to noon.

That way, we don't have to provide lunch, because we don't have a budget for food. Sorry. But we would do something from 9:00 to noon, or 8:30 to noon, and probably at a County park. We're going to try to find a room. But Ginette Saucier from our staff will be calling you to find some dates that everyone or a majority of the members are available. And as we'll be working with Ms. Castro to set the agenda, so if you have any ideas, we'll be sending and corresponding via email, you can let me know if there's something specific.

But right now, we're thinking kind of, you know, again, an overview of this new member package which goes through the documents and policies and procedures of the Council, and then maybe two or three different topics of specific issues to go through for everyone.

So we'll be talking about that over the next couple weeks, and I look forward to everyone attending that. And we're going to try to do it before the February meeting, but we might not be able to get it organized that quickly, so maybe before the March Planning Council meeting. And that's all for my report. Thank you.

CHAIR CASTRO: Thank you. Real quick, I think Commissioner Kiar's getting an idea of the budget issues that face the Planning Council and others, because he's like, no food again? I mean, what's going on? But, Yes, we kind of self-sustain.

But to Ms. Blake Boy's presentation, I agree with her wholeheartedly, and education should be an important part. But I also would like to get as much feedback from the members about direction and vision of what this Planning Council should be looking to accomplish over the next several years.

So, please, you know, it's difficult because of sunshine law for me to ask you those questions. So when staff calls you, please give them any ideas that you want us to raise or discuss or bring up. And, yes – Commissioner DuBose.

COMMISSIONER DUBOSE: Thank you – Madam Chair. The one thing in the retreat, if we can make sure we put some emphasis around, I guess, what's our authority, our jurisdiction -- you know, what we kind of tend to struggle with when we are at a point of moving some of these items forward. I think that would be helpful for the new members, because we still kind of struggle with it.

MS. BOY: Absolutely.

CHAIR CASTRO: And, again, to staff, Mr. Maurodis, for those of you who don't know him, is a brilliant attorney to help us out, and if you ever have any questions of ethics, sunshine law, procedure, what the committee or Council's allowances are, you could give him a call, and he'll be happy to discuss it with you and share it, especially the new members, because it does get a little lost in the tide sometimes, so feel free. And, of course, the staff itself, as earlier was indicated, is absolutely brilliant.

AGENDA ITEM R-4 – CORRESPONDENCE

CHAIR CASTRO: Okay. Any correspondence? R-4.

MS. BOY: No correspondence.

PUBLIC HEARING

AGENDA ITEMS PH-1 THROUGH PH-8

CHAIR CASTRO: Now we're getting into the quasi-judicial hearing, PH-1 and PH-2. Anybody's who going to testify would have to be sworn for these, but -- between PH-1 down to PH-8, are there any pulls or are there any speakers?

COMMISSIONER LONG: I'd like to pull PH-8.

CHAIR CASTRO: PH-8. Okay.

MS. BOY: There's one speaker signed in for Item PH-6, the Parkland Land Use Plan amendment. Other than that, the quasi-judicial hearings has been waived for Items 1 and 2 by the City of Coconut Creek, and there's no one else signed in to speak on any of the items.

CHAIR CASTRO: Okay. So we have pulls of PH-6 and 8. Are there any other items?

MAYOR FISHER: Move the remaining items.

MR. HOBBY: Second.

CHAIR CASTRO: I have a motion. I have a second by Mr. Hobby. All in favor? Any opposed?

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-6

CHAIR CASTRO: Okay. We're going to go to PH-6.

MS. BOY: PH-6, I'll give a brief overview. It's a Land Use Plan amendment located in the City of Parkland. It's approximately 9.4 acres, which makes it a small scale amendment.

This is the second Planning Council Public Hearing. The first Public Hearing was in December, and the Council unanimously recommended approval.

The proposed change is from a commercial land use designation to Low (3) Residential, which would permit three dwelling units, maximum of three dwelling units per acre.

There were no adverse impacts to any facilities or services identified through this Land Use Plan amendment, and Planning Council staff continues to recommend approval.

There is one speaker signed in. And there's also a speaker if there's any questions. So the first speaker would be Mr. Ron Medalie.

MR. MEDALIE: I meant to sign in if there was any questions.

CHAIR CASTRO: Okay. Thank you. Okay. From the Planning Council perspective, do we have any questions, discussion, or any action? Yes, sir, Mr. Steffens.

MR. STEFFENS: Being a Parkland resident, I've spoken to the homeowners association of the community right around here, and they – although, they have some concerns about what's going on, they generally approve moving it out of a commercial into a residential.

So, as far as I could tell, based on my interactions with the residents of Parkland, there is support for this. What it's eventually going to wind up being, there may be disagreement on, but they definitely don't want commercial.

CHAIR CASTRO: Thank you. Any other discussion? Any other questions?

VICE CHAIR REINSTEIN: Move PH-6.

COMMISSIONER LONG: Second.

MR. BASCOMBE: Second.

CHAIR CASTRO: I have a motion by Mr. Reinstein and a second by Mr. Bascombe. All in favor? Or was that Commissioner Long? Sorry. I heard a yes from that section. So it was Commissioner Long did the second. Thank you.

CHAIR CASTRO: Any objections? Seeing none, the motion passes.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-8

CHAIR CASTRO: PH-8.

MS. BOY: Item PH-8 is the first Public Hearing for a proposed Land Use Plan amendment for the City of Pompano Beach. It's approximately 9.4 acres, and the proposed change is from Medium (16), Medium-High (25) Residential and Commercial to Irregular (38) Residential.

Staff analysis showed while there's no adverse impact identified to public facilities and services, there were a couple of issues that the applicant has come forward.

They have agreed to restrict the height on the piece of the property that's adjacent to the single-family neighborhood to the south across the canal. They've been working with the City very closely on that. So the height restriction won't exceed four stories, which is what is permitted there now.

They're planning on moving the development towards Atlantic Boulevard, with direct access, you know, to mass transit and the transit system. In addition there is an affordable housing commitment, where they will pay up to \$290,000 towards affordable housing opportunities in the City, and the amount just depends on the timing and the payment, whether it's made in full at the front end or whether it's made throughout the Certificates of Occupancy or building permit.

Planning Council staff recommends approval of this amendment, recognizing the voluntary commitment of the height restriction, as well as the affordable housing.

CHAIR CASTRO: Okay. Any questions? Ms. Graham.

MS. GRAHAM: Thank you, Madam Chair. It seems like Land Use Plan changes in Pompano, after the fact, bring people from the community to the meetings. And at that point, it's almost a little too late for them.

I know that there is a procedure in the City before Planning and Zoning and some other boards that they may have, but has the community been sufficiently informed, like you've stated, so that if we have a second hearing, a second meeting after it's been to the Commission or the Broward County Commission might send it back, that we won't have the crowd that perhaps we had back in October on their neighborhood?

CHAIR CASTRO: And also, I want to make sure, because Mr. Mele's here, I assume, on behalf of the applicant, as well, if there's any questions that he can answer. So Ms. Boy first.

MS. BOY: I just want to cover Ms. Graham's question. Courtesy notices for the first Public Hearing for the -- at the Planning Council, which is right now, were sent to property owners on the property as well as within 300 feet. And that's a courtesy notice through the Planning Council.

Those same property owners will be notified of the County Commission adoption hearing. The same notification requirements apply. Since this is a small scale amendment, less than ten acres, the first Public Hearing is this month, the second Planning Council Public Hearing is planned for February, and then it would go to the Commission either late March or early April for adoption.

So everyone will be notified. And we have not received any inquiries as a result of the courtesy notices that were mailed.

CHAIR CASTRO: Okay. Follow-up, Ms. Graham? You're good? Okay. Mr.

Mele.

MR. MELE: I just -- Dennis Mele on behalf of the applicant. I just wanted to point out that we also provided notice. The City also provided notice before we went to the Planning and Zoning Board, and to the City Commission. And we have been to the City Commission twice already.

So that's three Public Hearings at City Hall. At the Planning and Zoning Board meeting, I think we had about five or six people come up. We had a lot of conversation. They talked about issues they were concerned about, which were really site planning issues which we felt very comfortable we could take care of all of them.

By the time we got to the City Commission, nobody came. I think I was the only one there. So we'll obviously continue to work with our neighbors. But this is a site that's had a long history of a couple of undesirable uses on it, and most of the comments we got from the neighbors is we're glad you're getting those uses out and bringing these in. Thank you very much. If you have any questions, I'll be happy to answer them.

CHAIR CASTRO: Thank you. Ms. Graham has a question.

MS. GRAHAM: Just one question for Mr. Mele. I certainly don't oppose the changes in the development, but, again, because the limits on high acre density could perhaps be altered or amended, I know there's a master plan for the entire Atlantic Boulevard corridor. You want to revamp that all the way to the intracoastal or even further east.

And I was just -- after having lived in Pompano for ten years before I moved to Fort Lauderdale, I don't want the vision that Pompano has to maybe be impacted by some changes that get made for a pro forma. That's all.

MR. MELE: And just as to that point, as we were working with staff before we went to the Planning and Zoning Board and the City Commission in Pompano, they looked at those plans. They looked at how we fit into those plans.

We had actually come in with buildings that were initially taller than what we now have. And one of the reasons we made the change is because of those plans that Pompano has, and they want us to fit in with the heights of other buildings in that corridor.

MS. GRAHAM: Thank you.

CHAIR CASTRO: Anyone else? Mayor Ryan.

MAYOR RYAN: Thank you, Madam Chair. I appreciate the changes that were offered. Obviously, you took into consideration the surrounding areas, and that was extremely helpful.

As a new member, I apologize for this question. There's probably history that the Board is familiar with that I'm not. But in terms of the mangroves, I know that was an issue, and there were -- I was -- Chapter 5 was very helpful. I was a little confused as to whether or not there would be anything done along that linear space regarding sea walls and whether that was consistent with how we've handled other matters of mangroves in other developments. So if you were able to speak on that, it'd be helpful.

MR. MELE: I can tell you as to the history of the property. As to other properties and what you've done, I would defer to Ms. Boy on that. But as to the history of this property, the canal in that area has a lot of structured sides east of us, sea walls, that sort of thing.

When we originally went to the Water Management District, the Water Management District said they were going to require us to put in a sea wall. At that time, you had Shannon Estanos as a Board member of the South Florida Water Management District, and also our District Commissioner at that time was Mayor Jacobs.

Mayor Jacobs called me at one point, said we want you to come and meet with the neighborhood, and one of the things we want to talk about is the mangroves. So, in essence, what we ended up with was a complete reversal of the Water Management District's position to say don't put in a sea wall and, instead, preserve the mangroves and put in shoreline stabilization behind the mangroves so there wouldn't be any further erosion.

Remember, the Water Management District is balancing two things; navigation of the waterway, preservation of the natural resources. And sometimes those two don't go hand-in-hand. So we are preserving the mangroves. Any impacts we will have on them will have to be mitigated.

We're putting in a cut into a marina area on the site. If there's any mangroves removed to put in that cut, we will replace them further along our frontage on the canal, because we don't have solid mangroves along the whole frontage. We have spotty areas, so we can fill in if we have to remove anything.

That was something that ended up being a requirement of the South Florida Water Management District permit. The original permit condition would have been sea wall. The current one is mangrove preservation. And so we simply advised everyone that that's what we were doing, because that's what the

Water Management District required. I'm not sure what the Planning Council does generally in that, so I'd defer to staff.

MAYOR RYAN: Thanks.

MS. BOY: So Planning Council staff, upon review of the environmental growth management -- sorry, Environmental Planning/Growth Management Department's comments, these kinds of sites are subject to licensing requirements. So before anything can be disturbed, any of these natural resources such as mangroves, tree canopy, they're all subject to licensing procedures. So nothing is removed without going through the proper process with the environmental agency.

MAYOR RYAN: Thank you. Thank you, Madam Chair.

CHAIR CASTRO: Thank you. Commissioner Long.

COMMISSIONER LONG: Yes. I pulled it, and I'm in absolute support of the project, but one of the things we talked about a few months ago is how the School Board focuses on, you know, the adjusted population, things like that. And I just found it very unusual that it would go from a possible 38 students, or somewhere around that, to one, when you're adding about 350-plus units, and there would be one elementary school kid.

It seems to me that, although the schools around it are either under enrolled now or anticipated to be under enrolled, that that just doesn't really jive with 350 units, especially in the area that it's at.

I'm in support of the project, but, once again, we come to that question of how the School Board works their numbers for that. And it kind of concerns me because I was paying, you know, a little closer attention to it after the report a few months ago, and it just still doesn't make a lot of sense to me, and, I know, some of the, you know, other people who were here before.

CHAIR CASTRO: I think School Board staff's here, and I think Ms. Barbara Blake Boy wants to say something.

MS. BOY: I just want to say something before school staff starts. Your comment is well taken. What happens when the Land Use Plan analysis is done is we're looking at what the existing underlying land use is. And in this case, we had Medium (16) and Medium-High (25).

So when the School Board staff prepares their analysis, that's a garden apartment rate, which is a much higher generation of students. So Irregular (38) would correspond with a high rise development, so they prepared the

initial report that shows the reduction of students.

When the developer and applicant came in and said we want to height restrict those units adjacent to the single-family neighborhoods, we asked them to do an additional school student generation rate analysis, which is Attachment 6, which still shows a reduction of students, but takes into account that there are different unit types because of the height restriction.

So on Attachment 6, the second page shows now -- it's still not going to satisfy you or answer your question, but I do want you to know that we were considering that they were proposing a height restriction, and it was not going to be fully developed as high rise.

So that's there are two school reports in your backup, and that the kind of information. So when we're looking at the before and after scenario, it's not until -- well, Mohammed, is going to describe to you the point at which they do the actual projection based on population and that sort of thing, so.

COMMISSIONER LONG: Because it is a little unusual, when you -- right now, although it is, you know, zoned a certain way -- that, you know, it's not conforming, basically, because you have businesses there. You have rehabilitation groups, and so forth. You don't have garden apartments there. So even to have 33 kids --for 350 --

MS. BOY: Right. But you have the right to those apartments. They have the property rights to those, to develop that.

COMMISSIONER LONG: I understand that. But currently they -- and as long as I've known that property, it's always been that. You know, it's always been that --

MS. BOY: Well, a portion of this property had been the subject of a residential land use change in 2008, so that actually proposed to go to Medium-High (25), and that's where that came from, because I think there was a different property owner proposal at that time.

CHAIR CASTRO: Would School Board like to comment? Representative, please. We have a lot of new members here, so there's an opportunity to educate.

MR. RASHEDUZZAMAN: Good morning, the Commission members. My name is Mohammed Rasheduzzaman representing the school district. As for this school capacity report, the current rate was allocated based on 2007 update, and the last update that we put forward to the County Commission that was declined by the Commission.

I know that not only the -- these Commission members, but some other citizens have issues, I mean, and concerns regarding the current generation rates, and there is new updates coming up like which we will start sometime like this year.

And I think -- we'll be putting forward that to the County Commission's action sometime in 2014. That's the -- based on the interlocal agreement that we have with 26 municipalities in Broward County.

CHAIR CASTRO: And, I'm sorry, just to clarify, what you're referring to is you're going to concede another Commission to generate a new formula, or an updated formula for generation rates?

MR. RASHEDUZZAMAN: Actually, they will look at the update like the rates based on the current newly built units and also the existing units.

CHAIR CASTRO: Right. And maybe the process or the way you develop the rate itself.

MR. RASHEDUZZAMAN: Right. Yes.

CHAIR CASTRO: And there's an opportunity, maybe, for the Planning Council or members of the Planning Council --

MR. RASHEDUZZAMAN: Yes.

CHAIR CASTRO: -- to serve on that.

MR. RASHEDUZZAMAN: Right. We usually have public participation and one presentation in front of the Planning Council, and then one for the County Commission. And so there will be opportunities. Also, we go -- and I think we have done -- in the past one, we have done one for League of Cities -- and also Builders Association of South Florida --

CHAIR CASTRO: Okay.

MR. RASHEDUZZAMAN: -- as well.

CHAIR CASTRO: More than a presentation, is there going to be a committee formed to --

MR. RASHEDUZZAMAN: Yes, we have a steering committee that is composed of staff from city Planning and Zoning Department, and also I think Planning Council --

CHAIR CASTRO: Thank you.

MR. RASHEDUZZAMAN: -- and Broward County.

CHAIR CASTRO: Yes, I want to make sure that the Planning Council can have a seat –

MR. RASHEDUZZAMAN: Right.

CHAIR CASTRO: -- on that steering committee. I think –

MR. RASHEDUZZAMAN: Absolutely.

CHAIR CASTRO: -- that would be of benefit. And members may want to start thinking about that. So I think that would be an opportunity, because we deal with this every time.

MR. RASHEDUZZAMAN: I understand.

CHAIR CASTRO: So we have, obviously, a lot to say, and a lot of input about it, which is a good thing.

CHAIR CASTRO: I'm sorry. School Board Member Good. Thank you.

MS. GOOD: Yes. I'd like to thank staff for that information. And also I'd like, Madam Chair, to also inform the Planning Council that the Oversight Committee, which is also comprised of some of the members of the Planning Council and Commissioners from Broward County and staff, will be discussing the issue of the multiplier.

And again, the District uses a countywide average, and I think that's why there's a sense that sometimes some areas are of higher student generations than others. And I think that's where we get that from. But I wanted to, again, clarify -- if staff could again clarify for me, what the existing density allows, I guess, is it higher unit -- higher number of units than the proposed --that are being proposed here?

MS. BOY: The Medium (16) and Medium-High (25) residential land uses that are currently existing would allow for garden apartments.

So when you look at the student generation rates, across the board, garden apartments are a very high generator of students. So that's how the calculation ends up having so many students in the beginning. And then mid rise and high rise uses are a much lower generation rate, because they project fewer students living in those sorts of uses. So in the before

scenario, it was straight -- the Medium-High (25), Medium (16), and Commercial to Irregular (38), so that generation rate was done.

And then when we realized about the height restriction, we asked for an additional report that stated that there was still a reduction of students but not quite the same reduction under just straight high rise.

MS. GOOD: So just to reiterate, so then the garden apartments has a higher student generation rate than the proposed designation before us.

MS. BOY: Correct.

MS. GOOD: And so what the District staff has provided us is that either if it would be an additional impact or a reduction of those student generations.

MS. BOY: That it would be a reduction.

MS. GOOD: A reduction. Correct.

CHAIR CASTRO: But just to clarify, they're going to go one step further to do it again, because they went from garden apartments high rise density. But because the City has asked them now to lower it for the neighborhood next door, they're worried that it may become more family-friendly again, so they're asking to do yet another study.

MS. BOY: Just the piece that's adjacent to the property that is restricted. The remainder of the property is not restricted, so that would be solely subject to the high rise rate.

MS. GOOD: And just to comment, I know that that is a concern, and it's been brought up quite a bit at Oversight Committee. Again, there are parts of the County for multi-family that do not generate a large number of children, let's say East Fort Lauderdale, and then there are other areas of the County that are multi-family that may generate.

But when you average it countywide, you get that number. And so you get that sense that numbers aren't accurate, but, you know, again, it has to be data driven. And so we will be looking at that through the Oversight, the School Board, and, you know, again.

CHAIR CASTRO: Commissioner Long.

COMMISSIONER LONG: And I appreciate that. And my only concern is, you know, it should be at different areas, as you were saying, East Fort Lauderdale, you know, have a weighting difference there. Because, you

know, Pompano is changing. There's a lot of new construction going on there.

I anticipate younger families moving in, and, you know, you almost have to take that into consideration. If you go back to 2007, the demographics were totally different. And what's going on with the transportation only district and everything else, a lot of things going on, and I just want to make sure that is part of the oversight, that you're looking into this and saying, well, you know, Weston is a very family-friendly place, Coral Springs. Now, you know, East and Pompano is really just going to be taking off.

CHAIR CASTRO: Mr. Reinstein, then Mayor Stermer. Thank you, School Member Good. That was very helpful.

MS. GOOD: Thank you, Madam Chair.

MR. REINSTEIN: You know, in addition, the change in the numbers is -- in addition to being averages, it's also artificial, because, I think as you described, the garden apartment usage that was changed the last time was never utilized. So those numbers that went up for garden usage, there were never those students there because it didn't actually materialize. Is that -- is that correct? Am I understanding that correctly -- in terms of how the numbers are being played with?

MS. BOY: The generation rates?

MR. REINSTEIN: No?

MS. BOY: The generation rates are not based on if a student lives there or not when you're looking at the change. The generation rates are based on if there's a type of unit, how many -- or a type of unit permitted by the land use, how many -- how many students are we projecting there, not how many students live there.

VICE CHAIR REINSTEIN: Correct. So in terms of those projections, it never actually materialized to those numbers. So we're still just playing with the numbers, because it didn't actually become garden usage.

CHAIR CASTRO: Right. He's right. Yes. Just like the traffic. I'm sorry. I have Mayor Stermer and then, Commissioner Kiar, did you want to speak?

COMMISSIONER KIAR: On another issue.

CHAIR CASTRO: Okay. Mayor Stermer, then --

MAYOR STERMER: Commissioner Long –

CHAIR CASTRO: -- Commissioner Kiar.

MAYOR STERMER: -- to your point, I sit on the Oversight Committee, and there -- the Board of County Commissioners, when there was the last generation report done, rejected it.

And there was a constant conversation of whether or not the new report that will be prepared, whether it should be one countywide average, as Broward County currently does, or area-centric generation reports, which other counties do, specifically, the county to the south of us. So the question becomes what becomes the new methodology. And the reality of a countywide average, let's say, like, Mayor Ryan, like you said –Weston, family-friendly, where, let's say, East Fort Lauderdale might not be because of the high rises -- to apply that same generation rate across Broward County might not be as realistic today as it may have been a few years ago.

So the conversation is taking place at the Oversight Committee of exactly what the new generation rate is going to be comprised of and how it's going to be done.

COMMISSIONER LONG: Thank you.

CHAIR CASTRO: Commissioner Kiar, I'm saving you for last.

MR. BASCOMBE: Madam Chair, could I just -- sorry to get off this, because I think you have another question. Very interesting question Mrs. Graham just brought up. Is this a rental, or is this going to be fee simple ownership? And how does that dictate the number of students generated?

MS. BOY: My understanding is that student generation rates don't differentiate between ownership and rental. And when the study is done, they're looking at the existing units, and the newly built units to see how many students. They're surveying that way. So it doesn't -- they don't differentiate between those two.

MR. BASCOMBE: Okay. Thank you.

CHAIR CASTRO: Wait, wait. Commissioner Kiar first. You're last.

COMMISSIONER KIAR: Thank you, Madam Chair. And it's a totally different subject than the school issue. It actually happens to do with trees. Lately, at the County Commission, we've been dealing with the removal of trees. And some of those trees that we've been dealing with are trees of historical

significance. One, for example, could have been about a hundred years old.

I know you're familiar with this, as well. And it was, for example, the largest rain tree in North America. And I know on here it says that the EMG report indicates that the subject site contains mature tree canopy, and also shows that there may be trees that may have to be removed or replaced.

And so my question is are any of those -- what type of trees are they? Are they older trees? And do they have any significance to the people in the community?

CHAIR CASTRO: I think Mr. Mele wants to step up to that one, so.

MR. MELE: Yes. I wish I could give you a short answer. I just have to tell a little story. So we were starting to work on this project, and I called Mayor Jacobs' office, and I said, we're working on this project, could I come and see you.

And she said, would you first go out to the site? And I said, sure. So I went out to the site. And she said, call me back when you get there. I called her back when I got there.

There's this huge Strangler Fig tree on the adjacent property. Not on our property. And she said, I want to make sure that's not on your property. That Strangler Fig was the subject of a hearing at your Commission meeting two weeks ago.

COMMISSIONER KIAR: Right.

MR. MELE: So we had -- we do not have any such trees on our property. We do have some trees that will either have to be removed or relocated, but they're not any protected trees as you've been having at County Commission recently.

COMMISSIONER KIAR: Thank you. Thank you, Mr. Mele. Thank you, Madam Chair.

CHAIR CASTRO: Thank you. School Board Member Good.

MS. GOOD: Yes. I just wanted to comment on, very quickly, on the comment of the numbers are played with. And I just want everyone here to be assured that staff takes these analyses very seriously. They are data driven.

Again, land use is land use. The property may not be developed, but the

District has to provide somewhat of an analysis on the projections of students.

The students may never materialize, but, again, we have to give you all some sense of if it were developed, that would be the generation of students that we would be projecting.

And, again, this is just a change from a higher generation of students to a lower. But, again, the numbers are what we have currently. We used the current multipliers to generate these numbers. And again, we try to do the best we can with what we have.

CHAIR CASTRO: Mayor Stermer.

MAYOR STERMER: One last question. Mayor Fisher, you have the luxury of chairing the Pompano Beach City Commission. Are there any concerns from your Commission?

MAYOR FISHER: No, Mayor. It has been vetted through our process. We've met with the applicant several times. Our staff is here, as well, and they have been very successful in making the reduction in the height, et cetera.

The community was involved. I actually happen to live not too far on the water just east of this project, and I think it's going to be great for our City.

MAYOR STERMER: Appreciate it. Thank you.

CHAIR CASTRO: Thank you. Any other questions, comments, discussion? May I have a motion?

MR. REINSTEIN: So moved.

MAYOR STERMER: Move the item.

CHAIR CASTRO: Have a second?

MS. GOOD: Second.

COMMISSIONER LONG: Second.

CHAIR CASTRO: All in favor? Any opposed?

VOTE PASSES UNANIMOUSLY.

OTHER BUSINESS

Next Regular Schedule Planning Council Meeting – February 28, 2013

CHAIR CASTRO: Any other items for discussion before we adjourn? Seeing none, stand adjourned. Thank you all again –

CHAIR CASTRO: I'm sorry. One more.

MS. BOY: Just one thing I wanted to mention is, based on this discussion about the student generation rates and the School Board staff, I'd like to just ask right now if you're interested in having this as an agenda on the workshop.

And I would ask to coordinate with School Board Member Good on having your staff available so we can take the Board through this process, if that's acceptable.

CHAIR CASTRO: Are you comfortable with that? We don't want to put you on the defense, obviously, at a workshop.

MS. GOOD: Oh, absolutely not. And I'd be happy to ask and put the request through to the superintendent and have him address it with staff.

MS. BOY: Thank you. And we will get the dates to you as soon as possible. Thank you.

MS. GOOD: Thank you.

CHAIR CASTRO: Any other comments? Questions? One more. Commissioner Kiar.

COMMISSIONER KIAR: Thank you, Madam Chair. I just wanted to personally congratulate yourself and Louis, and also Mr. DuBose for your appointments.

And I just wanted to let everybody up here know that I've always wanted to serve on the Planning Council, and I'm very thrilled to serve with you all. And just personally, I really hope that we can work together to try to help ensure that we have as much open space as possible in Broward County, but, at the same time, allow for smart growth so we can protect both our tax base and our economy. So just wanted to say I'm really looking forward to serving with you all.

CHAIR CASTRO: Thank you.

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COMMISSIONER KIAR: And thank you.

ADJOURMENT

CHAIR CASTRO: Thank you very much, sir. Anything else? Good. Stand adjourned. Thank you. See everybody next month.

(The meeting concluded at 10:54 a.m.)