

**MINUTES**  
**BROWARD COUNTY PLANNING COUNCIL**  
**APRIL 28, 2011**

**MEMBERS** Mayor Lamar Fisher, Chair  
**PRESENT:** Commissioner Anne Castro, Vice Chair (Via telephone.)  
Commissioner Lisa Mallozzi, Secretary  
Tim Bascombe  
Vice Mayor Claudette Bruck  
Sara Case  
Scott J. Cooper  
Vice Mayor Bobby B. DuBose  
Kenneth Fink  
School Board Member Patricia Good  
Mary D. Graham  
Dan Hobby  
Commissioner Keith S. London  
Commissioner Michael S. Long  
Commissioner Rita Mack  
Sharon P. Ragoonan  
Louis Reinstein  
Mayor Michael Udine

**MEMBERS** Mayor Sue Gunzburger  
**ABSENT:**

**ALSO** Henry Sniezek, AICP, Executive Director  
**PRESENT:** Barbara Blake Boy, Deputy Executive Director  
Andrew S. Maurodis, Counsel  
Dennis Mele, Attorney representing property owners.  
Kirk Dourvetakis  
Brianna Cooper  
Andrew Cooper  
Myles Anderson  
Mylan Parrish  
Nancy Cavender, Court Reporter, The Laws Group

A meeting of the Broward County Planning Council was held at 10:00 a.m. on Thursday, April 28, 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 now call to order our Broward County Planning Council regular meeting and Public Hearing this Thursday, April the 28th, at 10:00 a.m. Before we begin with the Pledge, I do want to make note that it is sons and daughters work day today. And so we are having -- honored with special guests. We have Andrew and Brianna Cooper with us today. We have Mylan Mack is with us. Mylan, I don't know if he's with us or not?

UNIDENTIFIED SPEAKER: Yeah.

CHAIR FISHER: Is he down there? Did we miss him down there? We have Kirk with us today. And say that last name?

KIRK DOURVETAKIS: Dourvetakis.

CHAIR FISHER: All right. Very good. And, of course, we have Myles Anderson, who is the godson of Commissioner Bobby DuBose. So we are with -- honored to have you here today.

**THE PLEDGE OF ALLEGIANCE**

We will now stand for our Pledge. And Kirk, would you lead us in our Pledge?

CHAIR FISHER: Thank you, Kirk. Very well done.

**ROLL CALL**

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

And congratulations goes to Vice Mayor Bobby DuBose, who was re-elected the Vice Mayor -- or elected the Vice Mayor for the City of Fort Lauderdale. Congratulations.

VICE MAYOR DUBOSE: Thank you.

CHAIR FISHER: All right.

COMMISSIONER MALLOZZI: Commissioner DuBose -- or Vice Mayor DuBose is also the Broward County Planning Council's First V.P. -- I mean Broward County League of Cities' First V.P.

VICE MAYOR DUBOSE: Next -- next month.

COMMISSIONER MALLOZZI: Next month.

CHAIR FISHER: Next month. We'll get there next month. All right. Don't forget about our tin with money. I think we're going to take some pictures now, if we can, Henry. I think we have a photographer here; is that correct?

MR. SNEIZEK: Yes.

MR. FISHER: So let's have all of our -- our young folks kind of come and stand in front of -- of the dais, and we'll take some pictures so they can remember this wonderful day today.

CHAIR FISHER: Again, everybody, welcome.

### **CONSENT AGENDA**

CHAIR FISHER: Very good. We're now on our Consent Agenda, Items C-1 through 4. Anybody have an item to pull? If not, is there a motion to approve?

MR. HOBBY: So moved.

MAYOR UDINE: Second.

CHAIR FISHER: It's been moved by Mr. Hobby, seconded by Mayor Udine. All in favor say aye. Opposed? Motion does carry.

**VOTE PASSES UNANIMOUSLY.**

### **REGULAR AGENDA**

#### **R-1 LOCAL PLANNING AGENCY REVIEW**

CHAIR FISHER: All right. Our Regular Agenda. R-1, Henry.

MR. SNEIZEK: Good morning. R-1 is a Local Planning Agency review for a fairly narrow change to the County septic tank ordinance. It's just going to require all non-residential developments to hook-up when -- within -- a hook-up and when financially feasible, instead of right now it's just industrial and commercial. So it'd be all non-residential. This was reviewed by the Land

Planning Council

4/28/2011

LG/NC

Use/Trafficways Committee before this meeting, and they supported staff's recommendation to find it generally consistent with the Land Use Plan. If the Council wants, we can give a short presentation. We have County staff here to answer any questions if you have any.

CHAIR FISHER: Very good. Do I have any questions?

MAYOR UDINE: I'll move the item.

CHAIR FISHER: Okay.

MR. COOPER: Second.

CHAIR FISHER: Okay. Moved by Mayor Udine, second by Mr. Cooper. Any further discussion? All in favor, say aye. Opposed? Motion carries. Thank you.

**VOTE PASSES UNANIMOUSLY.**

**R-2 COUNSEL'S REPORT**

CHAIR FISHER: R-2. Andy, your report.

MR. MAURODIS: No report today.

CHAIR FISHER: Okay.

**R-3 EXECUTIVE DIRECTOR'S REPORT**

CHAIR FISHER: Henry, R-3.

MR. SNIEZEK: Thank you, Mr. Chair. I have a few things. Number one is Mayor Gunzburger is not here today because she has a family medical issue. So that's why she is not here today. Also, just about in the backup I have a memorandum about the status of the effort to look into water bodies as used to meet the parks' requirement. I think since I wrote the memo, all the cities -- maybe there's one outstanding -- have given us the information we asked for, and we're doing follow up --

CHAIR FISHER: Barbara's making a correction, I think, Henry.

MR. SNIEZEK: Oh, two. Two. But almost. Well, we'll -- I'm sure we'll get it all. So we're just going back and forth with a few cities to just clarify some information. So we're on track to give you a report next month. And, you know, attached in the memo, we shared with you the letter we sent to the

cities and the chart. So I just wanted you all to see that. If you have any questions about that, I'll be happy to answer any questions. But we're on track for next month.

CHAIR FISHER: Okay.

MR. SNIEZEK: Second is something I wanted to mention verbally is a few members have been interested, have asked me to coordinate with the FAU Planning Department to see if we could share information, and they could give information to us, and we could give information to them to their planning students and faculty. So I had lunch recently with Marcie Nolan, who brought her class here a few months ago, and also Dr. Vos, who's the Chair of the FAU Planning Department, and kind of caught up, mostly, but we also just tried to identify some things that we could coordinate. And a couple of things that immediately came out of our lunch. Number one is Dr. Vos is going to invite Council staff, probably just me and Barbara, to come give a lecture to the students and the faculty about what the Planning Council does. And, secondly, he mentioned that he was working on a grant that very day, on something about redevelopment and how it relates to sea level rise, and how it might affect senior citizens in the County. And he asked me if the Planning Council might have a role in that. So he just said could I get -- could he have permission just to put the Planning Council in for this grant proposal. So I said, fine, but I wanted to make sure I, you know, mentioned this to the full Board. And if it -- if they did get the grant and the Planning Council was comfortable with that, there'd probably be some staff time, which I think we could spare. And there might be a role for the Planning Council Board itself to vet out some information. So if there's no objection to that, I can follow-up with him and say that it's okay to move forward on that.

CHAIR FISHER: Do I have any objection to that?

UNIDENTIFIED SPEAKER: No.

CHAIR FISHER: Okay. Go ahead.

MR. SNIEZEK: Couple more things.

Just wanted to mention -- it's a long story, but I'll make it short -- is talked to County Administration about the -- about the food that you have for the morning meetings, and told them, you know, that now we take a collection and all that stuff. But the -- they offered -- and it was very nice of the County Administration to do this -- they offered that if there's a meeting where the Board's going to be here well past lunch, that they would pay for the lunch. So we'll -- in the future, if we have a long meeting and you're going to have to be here for lunch, we'll be able to do the Publix lunch and all that stuff, and it's not going to even come out of our budget. So it's going to come out of

County Administration. They have budget for that kind of thing. They just felt that since you are an uncompensated board, and to move the meetings along so you don't have to take a long break, that was something they were willing to support. So I wanted to thank County Administration for that.

CHAIR FISHER: Very good.

MR. SNIEZEK: A heads up about the May meeting. I know we've had some short meetings, and today we're going to have a workshop, but the May meeting looks like it might take a couple of hours. We have the fiscal year 2012 budget, and I know there's a lot of new members, so there might be a lot of questions on that. We have two Land Use amendments. One of them is -- schedule is in Fort Lauderdale, the Lockhart Stadium Executive Airport area, which has -- I'm not saying it's controversial, but there's some issues with that. There's an amendment in Coconut Creek that you'll be looking at, and we have the information about the parks and water bodies. So I just want to give you a heads up that that meeting might last -- I don't think it's going to last well past lunch, but -- but we're monitoring that. One last thing, just a point of privilege for staff maybe, is just to get this on the record, we're having one of our employees, our Secretary, Paula McNaughton, who I -- I don't think she deals with most Council members; she's the person if you go into our office, she's the first person you see. She's retiring after seven years of service with the Council. And just wanted to officially say she's been a great employee. We're going to miss her a lot, and we wish her well.

CHAIR FISHER: Very good. Good report.

#### **R-4 CORRESPONDENCE**

CHAIR FISHER: Any other correspondence on R-4?

MR. SNEIZEK: No. No, sir.

CHAIR FISHER: Very good. Okay.

#### **PUBLIC HEARING**

#### **QUASI-JUDICIAL HEARING**

CHAIR FISHER: Andy, you are on our quasi-judicials. Anybody waiving and

MR. MAURODIS: All of them are waived, sir.

CHAIR FISHER: Okay.

MR. MAURODIS: They -- so, at this point, if you wish to move staff's

recommendation and there is no one from the public that wishes to be heard, you can move both PH-1 and PH-2. (Inaudible) PH-3 and PH-4 (inaudible).

CHAIR FISHER: I know that Commissioner London wanted to pull PH-1. So anyone from the audience wish to speak on any of the Public Hearings? Okay. Seeing none, go ahead, Henry.

MR. SNIEZEK: Just for the record, PH-4 was reviewed by the Land Use/Trafficways Committee, and they supported the recommendation to delete the trafficway.

CHAIR FISHER: Okay. Ms. Good, you wish to pull one?

MS. GOOD: No. You mentioned PH-1 and PH-2. I don't know if PH-2 is going to be pulled, as well.

CHAIR FISHER: It's not unless you wish to.

MS. GOOD: Yes, sir.

CHAIR FISHER: Okay. Great.

MS. GOOD: I'll pull it.

CHAIR FISHER: All right. Any other pulls?

**PH-3 AND PH-4**  
**RECERTIFICATION PCR 10-26 & PCTW 11-1**

CHAIR FISHER: We can go ahead and vote on PH-3 and 4.

MR. REINSTEIN: I'll move it.

MR. COOPER: Second.

CHAIR FISHER: Moved and second?

MR. COOPER: Second.

CHAIR FISHER: Any further discussion? All in favor, say aye. Opposed? Who made the –

THE REPORTER: I'm just wondering who made the motion.

CHAIR FISHER: Who made the motion on that? I couldn't hear everybody

at the same time. Mr. Reinstein, and Mr. Cooper second. Okay?

MAYOR UDINE: Would it be possible, Mr. Chair, to do PH-2 first instead of PH-1? Because I -- if we can do that first. That's Parkland. I -- I have to -- I would like to get out of here

CHAIR FISHER: We can take -- we can take it out of order.

MAYOR UDINE: If there's no objection.

CHAIR FISHER: No.

**VOTE PASSES UNANIMOUSLY.**

**PH-2**  
**RECERTIFICATION PCR 10-27**

CHAIR FISHER: PH-2, Henry.

MR. SNIEZEK: PH-2 is a recertification of -- in the City of Parkland. It's a land use of approximately 684.5 acres

MS. GOOD: I can't hear well.

UNIDENTIFIED SPEAKER: Got a change.

CHAIR FISHER: Henry, is your microphone on?

MR. SNIEZEK: Is this microphone -- is it working?

UNIDENTIFIED SPEAKER: Yes.

CHAIR FISHER: Just a little bit louder there, okay?

MR. SNIEZEK: Okay.

CHAIR FISHER: Can you hear?

MS. GOOD: I can hear you very well.

CHAIR FISHER: Okay. You're not hearing Henry.

MR. SNIEZEK: I'm sorry.

MS. GOOD: It must be the (inaudible).



MR. SNIEZEK: Is that a little better?

MS. GOOD: Perfect.

MR. SNIEZEK: Okay.

UNIDENTIFIED SPEAKER: Maybe (inaudible.)

MR. SNIEZEK: It's a 684.5 acres designated right now Rural Residential. It's a Palm Beach County designation, because this was annexed into Broward County. And the proposal is to change it to 673 acres of Low 2, two units per acre Residential and 11 and a half acres of Commercial. This corresponds to a County Land Use Plan amendment that was reviewed and adopted last year, PC10-4, adopted by the County Commission in September of last year. We recommend recertification of the item. It's exactly the same as what was adopted by the County Commission.

CHAIR FISHER: I want a motion to put it on the floor.

MAYOR UDINE: I'll make a motion, since it's Parkland, if you'll allow me to make the motion and comment on it first. But I'll move it.

CHAIR FISHER: Absolutely. It's been moved by

MS. GRAHAM: Second.

CHAIR FISHER: -- Mayor Udine; it's been second by -- who'd I just

COMMISSIONER CASTRO: Second.

CHAIR FISHER: -- School Board Member Ms. Good. Okay.

UNIDENTIFIED SPEAKER: No.

UNIDENTIFIED SPEAKER: No.

MS. GOOD: No, it wasn't me.

CHAIR FISHER: I'm sorry.

UNIDENTIFIED SPEAKER: Ms. Graham.

CHAIR FISHER: Oh, Ms. Graham.

COMMISSIONER CASTRO: Second from Anne Castro, if nobody else --

yeah.

CHAIR FISHER: All right. You got it. All right. It's moved and second. It's on the floor for consideration. I'll let Mayor Udine go and then Ms. Good.  
MAYOR UDINE: This is an issue that was worked on by the City of Parkland and the applicant for probably three years. It made its way through Tallahassee two or three times, and this is something that, when it came before the Land Planning Council, a number of years ago, it was unanimous, which I saw very -- I'm pretty sure it was unanimous when it came

UNIDENTIFIED SPEAKER: It was.

MAYOR UDINE: -- from the -- the environmentalists to the -- the -- everybody. This was the -- the result of an extensive amount of public input, of work with the -- the developer, of work with the City, of work in Tallahassee. I had to fly up at least three times just to go through some of this with Community Affairs. We got the developers that are in this area. We have three school sites that are donated, an elementary school site, a middle school site, a high school site. Multiple parks and green space donated on top of that. And this is something that the City of Parkland is very, very supportive of moving forward. We were just mentioned -- probably most of you haven't seen it -- we were just in Yahoo Finance two days ago. The City of Parkland is ranked eighth nationwide in real estate value for your school dollars. And -- and this type of project goes along with that, with the developer understanding that schools are extremely important to the residents of all over Broward, but Parkland, they are very vocal when it comes to school issues. And we tried to do everything we can. So I'm -- I'm urging the adoption of this.

CHAIR FISHER: Very good. Ms. Good?

MS. GOOD: Thank you, Mayor. Again, I want to commend the City and -- and the efforts for the set aside of land for school purposes. It's certainly a value to the district, as well. My only concern and I wanted some input on, was the issue of the covenants. In reviewing it, I'm concerned about a reverter clause in the covenant that speaks to the fact that if schools are not constructed with a -- within a -- and the time frame is somewhat tight, very minimal, the -- the sites would revert for charter school purposes. So I -- I need clarification on that.

MR. MAURODIS: Actually, I'd be happy to address that for you. That provision in an annexation agreement and it's going -- it's going to be placed in a restrictive covenant, is -- is long, and probably overly long, written by lawyers that -- that kind of want to fall asleep in the middle of it. But the key aspect is all the reverter language that you're reading, all of those, that's your

-- that's the backup plan. The way the agreement reads is that if Broward County School Board requires and gets a school at the time of re-zoning, you can basically stop reading. The rest of it is if the School Board, at that particular time, did not feel the need to require the schools, what Parkland wants it to have was a backup plan.

MS. GOOD: Okay.

MR. MAURODIS: So that for seven years, we would hold that land, if the School Board changed their mind. But with -- in dealing with the developer, that's -- you know, they said, well, we can only keep the land in abeyance for seven years. So -- so all that you're reading is -- that would only come into play if the School Board were to say, at this point in time, no, we don't want this site. But if you have the -- if you get the site, it's done. There's no reverter clause if -- if they give it to you for schools only. The Mayor could probably --

CHAIR FISHER: Mayor?

MAYOR UDINE: This was -- as Andy mentioned, he's also our City Attorney in the City of Parkland --

MS. GOOD: Oh, that works out.

MAYOR UDINE: Yeah. Which works out nicely.

MS. GOOD: How perfect.

MAYOR UDINE: What happened here is when -- as we were negotiating this, which was before your time on the School Board, we were hearing rumor back that, well, the -- they don't need any more schools out there. And we said, well, we're not accepting that, at this point. And we didn't want to be accused later on of doing this and not having land for schools, so the developer had come at one point and said, well, we're being told possibly that there may not be a need for all these schools. We said, great. If you don't need them, we're taking the land back. We want to -- we'll make the decision. If the School Board for some reason says, hey, we don't need schools out there, we wanted to make sure we had a second-crack at the apple.

CHAIR FISHER: Makes sense.

MR. FINK: I have a question.

CHAIR FISHER: Commissioner Mallozzi first, and then Mr. Fink.

COMMISSIONER MALLOZZI: Now, what happens with -- I mean, I know that the School Board is mandated to -- they're done. They're not allowed, as per Tallahassee right now, to build schools because of overcrowding and under-crowding, depending on where you live. So what if the School Board wants to, but their hands are tied? I mean, what

MAYOR UDINE: Well, that's

COMMISSIONER MALLOZZI: -- will happen?

MAYOR UDINE: -- that's all

COMMISSIONER MALLOZZI: Does that still go to

MAYOR UDINE: Yes.

COMMISSIONER MALLOZZI: -- revert?

MAYOR UDINE: We still have it. We

COMMISSIONER MALLOZZI: You have an option.

MAYOR UDINE: -- our intent on this land, we want the School Board to build public schools on this property. A middle school, an elementary school, and a high school. And if they say at some point, there -- there's no ability to get that done, we want to be able to say, well, you say you can't build an elementary school. We'll get an elementary school built.

CHAIR FISHER: Mr. Fink.

MR. FINK: The land reverts to you

MAYOR UDINE: No.

MR. FINK: -- not to development?

MAYOR UDINE: Andy can explain.

MR. MAURODIS: The land would revert -- again, what we were trying to deal with is a contingency. As the Mayor said, at the time we were pushing this, there was some doubt as to whether the School Board would require the dedication at the time of the development, because that's the only time School Board can come in and get the dedication. Once they start building, it's too late. So there was some question in our mind. What we did, we had a -- we had a Plan A and a Plan B. Plan A was have the School Board get the

dedication. If the School Board required the dedication, which they are at this point

MAYOR UDINE: Now they are. It's changed since we started.

MR. MAURODIS: -- you don't go to Plan B. The only -- Plan B was if the School Board decides at this point in time that they don't need the site, what we wanted is, we said, fine, then you give us the site for seven more years. So if, during that seven year

MR. FINK: Who's the we here?

MR. MAURODIS: The City.

MR. FINK: Okay.

MR. MAURODIS: So that the City will hold onto that property for seven years, so that as the development is progressing, the School Board can no longer go back to that development and say, oh, we changed our mind; give us a school. But what they can do is go to the City of Parkland, because we're holding that property for seven years. And say five years later they say, you know what? The trends are showing that we now need a school. Parkland would say, well, we've got it for you. We've had -- we've been holding it for the last five years. We've got it for two more years. Here you go. Now you can build it. So it's a backup plan. It never comes into fruition if the School Board does what it's doing, which is saying we want the school.

MR. FINK: Now, let me ask you this question. Right now, Plan A, assuming that the School Board could build, that land is donated by the developer; correct?

MR. MAURODIS: Yes.

MR. FINK: If it reverts back to Parkland five years from now

MR. MAURODIS: No. It -- it never does.

MR. FINK: Who does it revert to? That was my -- that's my question.

UNIDENTIFIED SPEAKER: It'll -- can I help on this?

CHAIR FISHER: Let's let Andy finish up.

MR. MAURODIS: Well, I -- I apologize. I'm not doing a good job on this.

MR. FINK: No, I'm just

MR. MAURODIS: No, no.

MR. FINK: Go ahead.

MR. MAURODIS: It -- if the -- the only time you even have to worry about the reverter is if, at the beginning of the process, the School Board says we don't need the land. If the School Board says we need the land and gets the land, you never

UNIDENTIFIED SPEAKER: That's it.

MR. MAURODIS: -- read the rest of the agreement. There is no reverter.

MR. FINK: I'm okay with that. But when I say the School Board says Plan B, it doesn't need the land, and you're telling me, if I understood you

MR. MAURODIS: Yeah.

MR. FINK: -- it reverts back to Parkland.

MR. MAURODIS: No

MR. FINK: For seven years.

MR. MAURODIS: Yes, with the -- yes. We will be holding the -- the school -- the property in trust. The only thing it can be used for is a school. So if -- if

MR. FINK: But who will own the land at that point?

MR. MAURODIS: We will.

MR. FINK: We being?

MR. MAURODIS: I'm sorry, the City of Parkland.

MR. FINK: Thank you.

MR. MAURODIS: City of Parkland will be owning it but with the restriction that it could be only used for a school. And then when the School Board comes to us saying, you know, now we're ready to build -- in essence, we thought we were being prudent. We thought we were just taking -- you know, having a good back-up plan.

MR. FINK: Hold on.

CHAIR FISHER: Hold on.

MR. FINK: Let me just finish my

CHAIR FISHER: (Inaudible) Mr. Fink. Go ahead.

MR. FINK: If Plan B comes into play and it reverts back to Parkland, Parkland now owns that land or holds it in trust. Okay? The School Board after five years says, I still don't need it, or they come back and say, now I need it, is it donated by the City of Parkland

MR. MAURODIS: Yes.

MR. FINK: -- or does Parkland turn around and

MR. MAURODIS: No.

MR. FINK: -- sell it to them?

MR. MAURODIS: We're not selling it to them. No, no. No, it goes -- it goes -- no, no. There is no profit motive here. Parkland will give it to the School Board.

MAYOR UDINE: School Board owes us -- the School Board owes us 850,000 on the last piece of land we gave them, and we haven't sent our lawyers out yet, so.

MR. MAURODIS: No, it will not

MR. FINK: Not -- forgive me, but one thing is not (inaudible).

Mr. MAURODIS: -- it will go to the School Board. It's -- it's restricted, the sentence as I recall, it's restricted for use as a school.

MR. FINK: Okay. And let's say after seven years it's not used as a school. Now what happens?

MR. MAURODIS: It goes back to the developer, because, as a legal matter, you cannot impose an exaction on a developer when you have no present or near present intent to build it. So the concept is, if within seven years of the first building permit, this County hasn't made a decision that this development requires a school, it's too late. As a legal matter, we're going way beyond what we could ever do, anyway. So what we tried to do is give the School Board a seven year window, a seven year window to decide if

they need a school. If, during that seven year window, if at the end of seven years, they still haven't made up their mind, we're out of bullets, because the developer has the right to their land.

MR. FINK: You're -- you're speaking for the moment as the attorney for Parkland

MR. MAURODIS: I am, and I apologize for that.

MR. FINK: -- not the attorney of the Planning Board.

MR. MAURODIS: I -- I apologize for that. Yes. But that was the -- I'm trying to express the thinking. But I will tell you as the attorney for the Planning Council, that if a developer

MR. FINK: Want to change hats, please?

MR. MAURODIS: -- if -- what?

MR. FINK: Change hats.

UNIDENTIFIED SPEAKER: Yeah, change the hat.

MR. MAURODIS: As the developer -- if a developer comes in and you cannot tell them that you need a piece of infrastructure within seven years, you're not going to be able to require them to do that. You can't say, "we may need a school; we don't know right now; but give us 20 acres; and give us ten years to decide." As a legal matter, impact fee law says you can't do that. You need to have a present, existing deficit in order to get an impact fee. So what we were doing was extending that period by seven years. You know, I

MR. MELE: I think it may -- I think it may be moot because

CHAIR FISHER: Hold on. Mr. Fink, are you finished? Okay. Mr. Mele, did you

MR. FINK: I -- I am with -- I'm okay now with that. But he brought up another subject, but I'll defer.

CHAIR FISHER: Okay. Because, Mr. Mele, did you want to make any further clarification?

MR. MELE: Yes, just very briefly. Dennis Mele, 200 East Broward Boulevard, and I represent the property owners. I simply wanted to say that Mr. Maurodis did describe for you the Plan A and the Plan B. Plan A's very



simple. School Board says at the time of rezoning they want the property, we give it to them. There's no reverter. There's no seven years. There's nothing. They have the property. I just want to let you know, the School Board staff -- we are in the process of re-zoning now. The School Board staff has already told us they want the property, and we're working on an agreement to dedicate it to them now.

UNIDENTIFIED SPEAKER: Okay.

MR. MELE: So I don't think Plan B will ever even come into play. We don't have to worry about seven years and reverters. They'll have this site just like every other site they have.

CHAIR FISHER: Okay. And then Mr. Reinstein and then Ms. Good.

MR. REINSTEIN: Yeah. I just wanted to maybe make a -- what I think is clarification, because in -- in your -- in your description, Mr. Maurodis, about the potential if A doesn't happen and it goes to Parkland, Parkland can put up a charter school. So --

MR. MAURODIS: That's a good point. Yes.

MR. REINSTEIN: -- you know, if -- if they -- if the School Board, which we know is already -- already wants it, and Plan A, likely what's going to happen is that it's not that Parkland just holds it for seven years until the School Board decides what to do with it, it's that if Parkland decides to put up a charter school, and, obviously, it's already in the hands of a charter school.

MR. MELE: Yes.

MR. REINSTEIN: And the use of a charter school.

MR. MAURODIS: It has to be used -- it's a good point. And I -- it has to be used for a school purpose.

MR. REINSTEIN: Thank you.

CHAIR FISHER: Ms. Good?

MS. GOOD: And, again, that's -- thank you for clarifying that. That's exactly my concern. I just wanted to be very transparent as to what the covenant said. I understand, based on my discussions with district staff, that they have been dealing with the applicant and moving forward. But, clearly, the covenant says what the covenant says. I'm glad that we're moving forward and -- and I appreciate the City's opportunity to provide the set aside of

property for the district. But there is -- there was a provision in here, and I just wanted us to -- to let the Council members know, if they hadn't had an opportunity to look at the specifics of the covenant, that that was in there.

MR. MAURODIS: Yes. And the only thing I would -- I would stress is that provision would only come in is if the School Board says, notwithstanding that you're ready to give us 20 acres, we're not requiring it.

UNIDENTIFIED SPEAKER: Right.

MR. MAURODIS: So if the School Board says, no, thank you to the 20 acres, yes, the City could then try to get a charter school there. But it would only be

MS. GOOD: Right.

MR. MAURODIS: -- after the School Board rejected the invitation of the developer to give them 20 acres.

MS. GOOD: Yes, (inaudible).

MR. MAURODIS: At that point, the City would say, well, we'll find another way to get a school there. That was the reason why the charter school.

MS. GOOD: I -- again, I appreciate the clarification on the record. And, again, thank you to the Mayor (inaudible).

CHAIR FISHER: Mayor, did you -- any other comments? Otherwise, I'll (inaudible).

MAYOR UDINE: That -- those were it. I mean, other than to say, obviously, we want a school there. That's what we want. We want the School Board to take it. We have it teed-up, the land is going to be a gift to the School Board. Let's get it done.

CHAIR FISHER: Commissioner London.

COMMISSIONER LONDON: Thank you, Mayor. My question's more of a 10,000 foot question. Are schools restricted as to what zoning category they can go into?

MR. MAURODIS: There are certain zoning categories where they may not -- maybe not be permitted to be, but they're allowed in most categories.

COMMISSIONER LONDON: Thank you.

CHAIR FISHER: Mr. Fink, did you have one more question?

MR. FINK: Yes, I did. Andy, you mentioned -- I'm sorry -- you mentioned impact fees. At this -- when is the onset of the development projected to begin on this?

CHAIR FISHER: Mr. Mele?

MR. MELE: Are you asking me when will we start building homes?

MR. FINK: When are you planning to pull your first building permit?

MR. MELE: Next year. In terms of building permits, we envision next year we'll be in for building permits. We're in the process of re-zoning, platting, and site planning now.

MR. FINK: And at this point in time, impact fees would be escrowed as part of school concurrency?

MR. MELE: Actually, what will likely happen here is the site will be dedicated to the School Board at the time of platting, which will be in advance of us pulling any permits. So then when we go in to pull permits, we'll have a credit against impact fees for the value of the site and the improvements we're making to the site. You don't just dedicate the site. You demark it, you fill it, you put in water and sewer to the property line, you connect it to our drainage lakes, and then you get a credit against your impact fees for all of that, site dedication and the work you do for the site. It's a standard procedure throughout Broward County. But the dedication will happen in advance of the impact occurring, unless the School Board says they don't want the site, and I have to tell you, they've already told us they do. Why would they turn it down?

MR. FINK: What effect, if any, will the negotiations are going on in the State Legislature now with the Governor's plan to eliminate school concurrency, will that have on the impact fee?

MR. MELE: Well, I guess the -- the good -- well, first of all, the impact fees and concurrency are two different things. We've had school impact fees since the mid-80's, or maybe late 70's. We didn't get school concurrency until just a few years ago. So they're two separate things. Secondly, even when we saw the changes in 2009 to concurrency regulations, Broward County had a specific provision that exempted it from those changes, because we already had a transit oriented concurrency system in place, and everything else kind of got on the coat tails of that. So I don't know that it'll make any difference.

But the good news for the County's determination is we've already signed an agreement saying we're going to do this. So even if they change the rules, we have to do it, because we have an agreement with the City of Parkland saying we'll do it.

MR. FINK: So concurrency would still exist regardless of what the Governor does?

MR. MELE: Well, let me just say this. The concurrency reviews today would show you don't need a school. That's what, I think, Commissioner Mallozzi was kind of talking about. But we made an agreement at the time of our Land Use amendment that we'll dedicate one, even if the regulations show you don't need it. And that's what we're doing.

CHAIR FISHER: Mayor?

MAYOR UDINE: That -- that was our purpose, because we were hearing rumors about they're not -- we didn't want to risk it. And we said, you're -- there's going to be a pre-annexation agreement, and in this pre-annexation agreement it's going to be the School Board. That's why we had come up with this reverter B type of language. But I think we're on the same page, because I think the School Board is not going to turn down 20 acres, hand it over to them.

CHAIR FISHER: Ms. Good, you have one more question?

MS. GOOD: Just very quick on the point that Commissioner London made, it's my understanding the school district is subject to land use but not zoning; correct?

MR. MAURODIS: Yes, the land -- the land use would apply to the school sector.

MS. GOOD: Right. Land use does in that zoning category. Your question, Commissioner, was with regard to zoning. So I just wanted to clarify that. Thank you.

CHAIR FISHER: Okay. Any further questions? Mr. Counsel? You want (inaudible)? Okay. It's been moved and seconded already. Call -- excuse me -- all in favor, say aye. Opposed? Motion carries. Thank you.

**VOTE PASSES UNANIMOUSLY.**

**PH-1**  
**RECERTIFICATION PCR 11-10**

CHAIR FISHER: PH-1, Henry.

MR. SNIEZEK: PH-1 is a recertification in the City of Hallandale Beach. It's a 2.15 net acre site that's being changed from 14 units per acre to 25 units per acre. And the City of Hallandale uses net acreage, and the County plan uses gross acreage, so there's a difference. This was also the subject of a County amendment last year, PC10-7. And the County Commission approved it as a -- at a gross density of 19.63 units per acre, and that's exactly equivalent to the City's 25 units per net acre. So there's no difference. There is some school mitigation for this one. The applicant's going to pay student station costs not less than \$113,000. We recommend recertification.

CHAIR FISHER: Motion to put it on the floor?

MR. REINSTEIN: So moved.

CHAIR FISHER: It's been moved by Mr. REINSTEIN

MR. HOBBY: Second.

CHAIR FISHER: -- seconded by Mr. Hobby. I guess, Commissioner London, you want to question on this?

COMMISSIONER LONDON: Yeah. Thank you, Mayor. First and foremost, this is a great project for the City of Hallandale Beach. This is an affordable housing project, a hundred percent affordable housing in our low income, underutilized portion of the City. I think this is a great project, and I support this project. What I have a problem with is the City tends to -- and this is -- in general, this is one of my issues with the City is we tend to recycle our flexibility units all the time. And my understanding when I first got elected was flexibility units are a finite number, and we tend to require in all our development agreements that they will re-plat them, and flexibility units will come back to the City. Maybe not all of them, but the majority of our units. If there's a finite number of flexibility units and they're there to help support growth, if there is a thousand units but we keep recycling the units and we use them two or three or four times, then I -- I question why even have the flexibility units there or why even have this option.

So there is -- that is really my issue. And I've brought this up at the City Commission level before, and this is just something that I think is disingenuous for the City to require developers to get flexibility units and then come back to the staff or the County and get them as flexibility units again to

utilize. So as much as I support the project, as a whole, I will -- and I hope everybody else supports the project -- I will vote no just on -- I've been consistently voting no on it at the City level because of the flexibility unit issue.

CHAIR FISHER: Okay. Any further discussion or comments? Anyone from the public? It's been moved and second. All in favor, say aye. Opposed?

COMMISSIONER LONDON: No.

MAYOR UDINE: No.

CHAIR FISHER: Commissioner London and Mayor Udine voted no.

**VOTE PASSES 15 TO 2 WITH COMMISSIONER LONDON AND MAYOR UDINE VOTING NO.**

CHAIR FISHER: Okay. That concludes our agenda. Remember

MAYOR UDINE: One comment.

CHAIR FISHER: Yes.

MAYOR UDINE: Mr. Fink mentioned something to me. On the last issue, on the City of Parkland issue, I'm allowed to vote on it even though I'm

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR UDINE: There's no conflict?

CHAIR FISHER: No.

MAYOR UDINE: Okay.

MR. MAURODIS: No, because the very make up of the Board

MAYOR UDINE: Okay.

MR. MAURODIS: -- half of the Board members are -- are city officials.

CHAIR FISHER: Okay. Any other counsel or comments? We're going to take a five minute recess, then we're going to move into our workshop. That okay, Henry?

MR. SNIEZEK: Yes, and it's -- it's optional. This is not a part of the meeting, so if you decide to leave, it's not going to mean you're absent or anything like that.

CHAIR FISHER: You're more than welcome to take the workshop. If you have to leave, it's understandable. Okay?

**NEXT SCHEDULED PLANNING COUNCIL MEETING – APRIL 28, 2011**

Our next meeting will be May 26, 2011.

**ADJOURNMENT**

This meeting is adjourned.

(The meeting concluded at 10:42 a.m.)