

## MINUTES

### BROWARD COUNTY PLANNING COUNCIL

April 24, 2014

**MEMBERS** Anne Castro, Chair  
**PRESENT:** Commissioner Bobby DuBose, Vice Chair  
Commissioner Michael S. Long, Secretary  
Mayor Lisa K. Aronson  
Tim Bascombe  
Commissioner Richard Blattner  
Mayor Vincent Boccard  
Neal de Jesus  
Beam Furr  
School Board Member Patricia Good  
Mary D. Graham  
Dan Hobby  
Commissioner Martin D. Kiar, via telephone  
Commissioner Michele Lazarow  
Commissioner Rita Mack  
Mayor Michael J. Ryan  
Nicholas T. Steffens  
Mayor Daniel J. Stermer

**MEMBERS** Lynn Kaplan  
**ABSENT:**

**ALSO** Barbara Blake Boy, Planning Council Executive Director  
**PRESENT:** Andy Maurodis, Legal Counsel  
Henry Sniezek, Director, Planning and Redevelopment Division  
Walter Keller, Walter H. Keller, Inc. Consulting Engineers & Planners  
Leslie Brown, Portfolio Services, Broward County Public Schools  
Chris Akagbosu, School Board of Broward County  
Ginette Saucier, Staff  
Janice Wells-Jones, Staff  
Rehana Molloy, Staff  
Nancy Cavender, The Laws Group

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Thursday, April 24, 2014.

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

**CALL TO ORDER:**

Chair Anne Castro called the meeting to order. Is everybody settled? Great. Okay. We're going to start this Broward County Planning Council regular meeting and Public Hearing for April 24th at 10:00 a.m., call to order.

**PLEDGE OF ALLEGIANCE**

CHAIR CASTRO: If everybody would stand, School Board Member Good is going to lead us in the Pledge of Allegiance.

**(THE PLEDGE OF ALLEGIANCE WAS LED BY SCHOOL BOARD MEMBER PATRICIA GOOD.)**

**ROLL CALL:**

CHAIR CASTRO: Thank you. Would you please call the roll?

THE REPORTER: Yes, ma'am.

CHAIR CASTRO: Thank you.

THE REPORTER: Mayor Lisa Aronson.

MAYOR ARONSON: Here.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Here.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Mayor Vincent Boccard.

MAYOR BOCCARD: Present.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Here.

THE REPORTER: Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Here.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Here.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Here.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Here.

THE REPORTER: Ms. Lynn Kaplan. Commissioner Martin Kiar. Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Here.

THE REPORTER: Commissioner Michael S. Long.

COMMISSIONER LONG: Here.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER MACK: Here.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Present.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Here.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Here.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Here.

## **CONSENT AGENDA**

### **AGENDA ITEM C-4 - EXCUSED ABSENCE REQUESTS:**

CHAIR CASTRO: Quickly, I think there was a last minute communication from Ms. Kaplan, asking for excused absence; is that right?

MS. BOY: Yes, she needs an excused absence due to a medical issue.

CHAIR CASTRO: And Mr. Kiar's appearing by phone?

MS. BOY: Commissioner Kiar asked to attend by telephone yesterday morning, so he may join us. I don't think he's on the phone right now.

CHAIR CASTRO: I don't hear anything, either. Okay.

MS. BOY: Okay.

CHAIR CASTRO: So I'll entertain a --

UNIDENTIFIED SPEAKER: He was here a little earlier.

CHAIR CASTRO: He was here? Okay. I'll entertain a motion right now to excuse Ms. Kaplan.

MR. FURR: So moved.

CHAIR CASTRO: Second?

MS. GOOD: Second.

CHAIR CASTRO: All in favor? And, to that point, Nancy needs to know first and seconds, so kind of raise your hand or let her have eye contact so she can pick you out.

### **VOTE PASSES UNANIMOUSLY.**

CHAIR CASTRO: Also, I understand the refreshment fund might need some refreshing. So for those of you that might be eating or drinking this morning, put in a couple bucks so that we contribute to the cause. Any other housekeeping? Barbara, I think that was it.

MS. BOY: I think that's it.

### **AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR APRIL 24, 2014**

**AGENDA ITEM C-2 - APRIL 2014 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE**

**AGENDA ITEM C-3 - APPROVAL OF MINUTES OF MARCH 27, 2014**

CHAIR CASTRO: Okay. Moving on to the agenda, C-1, approval of minutes; C-2 Consent Agenda, approval of minutes again. Excused absence requests, we've kind of taken care of. Do I have a motion on --

MAYOR STERMER: Move the Consent Agenda.

CHAIR CASTRO: Thank you. Do I have a second?

MR. BASCOMBE: Second.

CHAIR CASTRO: All in favor --

MAYOR ARONSON: Madam Chair?

CHAIR CASTRO: Oh, yes, ma'am.

MAYOR ARONSON: I would like to pull the minutes for just a moment --

CHAIR CASTRO: Okay.

MAYOR ARONSON: -- if I could. I have an amendment. On page 7, at the top of the page, there were two references to in response to Ms. Kaplan. I believe I was the one that had asked the questions of staff for the City of Plantation and Barbara. So I would just like -- to request that it reflect that Mayor Aronson made those requests in response to Mayor Aronson.

CHAIR CASTRO: Okay? Could I ask you to revise your motion to approve with the change in the minutes, sir?

MAYOR STERMER: As amended.

CHAIR CASTRO: As amended.

MR. BASCOMBE: Second. Who seconded?

MAYOR ARONSON: Thank you.

CHAIR CASTRO: Okay. Mr. Bascombe seconded.

All in favor?

Any opposed?

Thank you. Consent Agenda's cleared.

**VOTE PASSES UNANIMOUSLY.**

## **REGULAR AGENDA**

### **AGENDA ITEM R-1 - FISCAL YEAR 2015 BUDGET PROPOSAL:**

CHAIR CASTRO: Okay. Now we're moving on to Item R-1. I'm going to let Ms. Blake Boy give a brief presentation.

MS. BOY: Thank you. Good morning. The Executive Committee met just prior to your full meeting, and we went through the Fiscal Year 2015 budget proposal. The proposal is for \$987,870. It's a slight increase over what was approved by the Council and the Commission last year.

Basically, we just went through the package of the different components, our anticipated revenues for the next year, what they are for this year. And then a couple of important things to note is that that each year the County Commission asks every agency to participate in identifying decreases in the budget.

Over the past several years, we've seen everything from ten to 30 percent, to five percent, and now a three percent. Now, we made a proposal for a reduction for next year, if necessary, but we always ask that the Council only support that reduction if the rest of the County agencies are required to also make reductions.

In other words, we wouldn't say, well, we're just giving you our reduction. It would only be if everyone's asked to eliminate three percent from their budget. So those are outlined in your budget, and that's basically a very small reduction to the operating budget, which is already very small. It's one and a half percent of our overall budget. A majority of our budget is staff and personnel costs, about 98 and a half percent.

But staff went through the operating budget, found a few thousand dollars looking through our actual budgets from the past several years where we thought we could save some money if we needed to. And then the second reduction that we identified in your backup material is termed as a reduction either from a full time position to a part time position, or the elimination of a position.

That's the only way that we can really achieve anything above a half percent reduction. And Planning Council staff, again, would only support that if other agencies were requested to downgrade or eliminate positions. So the Executive Committee recommended the approval of the \$987,870 budget proposal for Fiscal Year '15.

CHAIR CASTRO: Okay. Bring it back. Commissioner Blattner?

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COMMISSIONER BLATTNER: Yes, I'm just curious, is there any carryover from year to year?

MS. BOY: No, there's no rollover that's permitted in the County budgets. The budgets are assigned by a core, by the Office of Management and Budget, and it's based on your actual expenses that you've experienced in the past year and what's projected.

COMMISSIONER BLATTNER: Thank you.

CHAIR CASTRO: Any other questions?

MAYOR STERMER: Move Item R-1.

CHAIR CASTRO: Thank you.

I have a second?

MAYOR BOCCARD: Second.

COMMISSIONER DUBOSE: Second.

CHAIR CASTRO: Who was the second? I'm sorry. Thank you. All in favor? Any opposed? Hearing none, passes unanimously.

**VOTE PASSES UNANIMOUSLY.**

**AGENDA ITEM R-2 - THE SCHOOL BOARD OF BROWARD COUNTY STUDENT GENERATION RATE/IMPACT FEE STUDY - INTERIM REPORT:**

CHAIR CASTRO: We're on to R-2, the School Board of Broward County Student Generation Rate/Impact Fee Study Interim Report.

MS. BROWN: Good morning and thank you.

CHAIR CASTRO: Good morning.

MS. BROWN: Leslie Brown, Portfolio Services, from Broward County Public Schools. Thank you all for having us here this morning. This morning, we would like to present an interim report on the work that we've done on the student generation rate. This is -- uh-huh?

MS. GOOD: Could you please have the mic turned up?

MS. BROWN: Turned up a little bit. Yeah, I'm a soft speaker.

MS. GOOD: I think Ms. Brown is suffering from a --

MS. BROWN: I have a bit of a cold and --

MS. GOOD: -- cold recovery and --

MS. BROWN: Okay.

MS. GOOD: -- we need to give her some help here. Thank you.

MS. BROWN: Thank you. We would like to present the interim information as to where we are with the student generation rate study. We have contracted with Mr. Walter Keller and his association. The work has begun, and we are at about a midpoint.

Our intent today is to give you an update on where we are with that process and to give you an opportunity to respond and perhaps send questions to our staff regarding the process for the definitions that we're going to go through with the student generation rates. So at this time, I would like to introduce Mr. Walter Keller, and he will share with you our update. Thank you.

CHAIR CASTRO: I'm also being told we're as high as we can go, so you're going to have to lean in a little close next time, Ms. Brown and -- that's okay. We understand.

Mr. Keller.

MR. KELLER: Good morning.

CHAIR CASTRO: Good morning.

MR. KELLER: My name is Walter Keller, and I'm president of the firm that bears my name. I'm here today to present sort of a status report and to give the Planning Council members an overview of the methodology we're using to update the student generation rate for the School Board, and also to do an update in the impact fee schedule.

The study, as Leslie mentioned, we are about 50 percent at the present time. The report that was sent to you, and I want to really emphasize, was interim and preliminary. The work is moving very fastly, and the items that we're working on are being refined almost on an ongoing basis.

So that report was very early, and we have progressed significantly since that point. The methodology we're using to develop the student generation rate involves developing a housing data set that's derived from the Broward County POSSE data set. That data set is a countywide database that the data is actually put into that system by the municipalities. And so the controls on the data set are maybe not as complete as if only one agency did that.

In addition to that data set, we've also taken the Broward County Property Appraiser's housing data file, and we're using that to make sure the data set is as current as

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possible. We're basically trying to identify dwelling units that have been constructed and occupied since January 1, 2006 through December 31st, 2013.

Now, what we've done is we've worked on this data set; we've done an awful lot of editing and updating of the data set. Sometimes street names may be different in one data set, housing units may be misclassified, or housing units may have been not provided. So the data set has grown. At the present time, we're up to about 27,600 housing units for the timeframe between 2006 and 2013. Broward County has a benchmark date --

COMMISSIONER KIAR: This is Marty Kiar.

MR. KELLER: -- student count.

COMMISSIONER KIAR: Can you hear me?

CHAIR CASTRO: Excuse me. Yes, Commissioner Kiar, we can. We're having Mr. Keller give us a report now on the student generation report. Thank you.

MR. KELLER: The School Board benchmark date count was taken September 9, 2013. On that day, there was approximately 225,000 public school students counted in that count. An address list was provided to us of where those students were located in Broward County, and, with the housing data set that we've developed, we've matched up students that are in those newly constructed units.

At the present time, we're working to further refine the data set. We're working with the municipalities to provide information that wasn't included in the housing data set that we got from POSSE through Broward County or from the Broward County Property Appraiser, and that involves identifying how many bedrooms are in the different types of dwelling units.

We've worked with the cities and we're working with the cities at the present time still to add bedroom information for the units that we've matched students to. We expect to be complete with the study in June. At the present time, we've matched up approximately 6100 students to the 26 -- 27,600 dwelling units that were constructed in that timeframe.

We've been getting good results from the cities. And of the 22 cities that we've asked information from, about 15 of those cities have completed providing the information to us, and we're working with the remaining cities to complete the data on the bedrooms. Once the student generation rate is done, then that information will be used, along with the net student cost, to develop an impact fee schedule.

And still to be determined in this study is whether the impact fee and the student generation rates will be adopted based upon, say, areas of the County or countywide, and what the final configurations will be in that analysis. Those items will come at a later point. With that, I'd be glad to answer any questions.

CHAIR CASTRO: Before you do, I think School Member -- Board Member Good wants to make a comment.

MS. GOOD: Thank you, Madam Chair. And, again, I appreciate Ms. Brown, Mr. Akagbosu, and our consultant being here today. If you recall, we did have a meeting with the Planning Council some time ago where they came before us and made a presentation.

And I think in the interest of sharing information with all of us so that everyone here would have a better understanding of how we're revising or we're looking to revise our generation rates, we wanted to come before you today and share some preliminary information.

Again, it's very preliminary.

And I did want to also stress, some of the input that we've received, I guess over the past months from you all, with regard to having the ability to look at generation rates instead of on a countywide basis, more within certain areas, because I think that's some of the concerns that some of you have raised in the past, some areas have a higher rate than others. And I think people feel more comfortable with that kind of idea.

I think staff has asked the consultant to consider that, as well. It's one of the options that I think they're going to be providing information to the School Board for us to review. But, again, it is very preliminary, but I think it's very helpful.

Should you have any questions, certainly you can ask the consultant here today, or, in the interest of time, certainly we can always obtain those questions, Madam Chair, follow them through to staff, and hopefully they can provide a response to the full board for, you know, their follow up. So just wanted to mention those points. Thank you.

CHAIR CASTRO: Thank you very much. Thank you, School Board Member Good.

Mayor Stermer, followed --

MAYOR STERMER: Mr. Keller?

CHAIR CASTRO: -- by Mayor --

MR. KELLER: Yes, sir.

CHAIR CASTRO: -- Aronson.

MAYOR STERMER: Mr. Keller, good morning. Good to see you again. I had the pleasure of listening to your presentation a few weeks ago at the oversight committee, and Ms. Brown knows I forwarded her a number of questions because, at the end, as Mr. Keller said and Ms. Brown started, this is a fluid process and, as Mr. Keller will tell

you, he's standing here receiving new data from -- compared to what was in the report. The question I have is when do you expect this report to be gaveled by the Broward County Commission?

MR. KELLER: I can't tell you exactly when that will be. I would expect that the end part of the study, the very last part of the study, that will be when the Broward County Commission adopts something based upon the results of the study, and I expect that may be around October.

MAYOR STERMER: So help me understand what the June deadline is?

MR. KELLER: In June, we expect -- we -- I'm scheduled to go before, I think, the first workshop with the School Board on May 27th. The School Board will have a subsequent workshop after that to adopt their final recommendations. That may be in June, at which point the report would be sent forward and come back to the Planning Council.

And I think it may come back to the Planning Council, who will be sitting, I think, as the local planning agency for the County, and making a recommendation to the County Commission. And that may be, I believe, in July or September. I'm not sure of the actual date.

MAYOR STERMER: Ms. Boy? Scheduling-wise?

MS. BOY: I'm sorry? Scheduling-wise, well, generally, right now it doesn't look like we're going to have a July meeting, just so that you know that. So August or September.

But we would convene the Land Use Trafficways Committee as to make a recommendation to the full Council for the local planning agency recommendation to the Commission on the generation rates and impact fees.

MAYOR STERMER: Explain to the Council, please -- I get the impression this report is actually doing two different things, the study's doing two things. One, it's creating a student generation rate, and what the School Board intends to do with the student generation rate. And the other part of it is really impact fees. What's the main driver of what this study is determining?

MR. KELLER: Well, I think I have to answer the question this way. My study basically has two components. One is to do the student generation rate. And as part of that work, we're developing a student generation rate based upon the housing unit types that are in the Broward County Land Development Code, and that would be single family, town house, duplex villa garden apartments, midrise apartments, which would be four to nine stories -- four to eight stories, and then high rise, which would be nine stories and above.

That student generation rate's going to be provided to the School Board by areas, so it would be like the northwest, northeast, those type of areas, the sub -- say sub regions of Broward County. And, at the present time, those areas are being defined as close to what was used in my 2007 study, but also adjusted somewhat to reflect the innovation -- high school innovation zones of the School Board.

In addition, they'll also be done countywide. That information in my study that I have then is critical then in developing the final impact fee study. So given the student generation rates that I develop in my work, that will be used once I work up what the net student cost is. Then that will go into the student generation rate and we'll come out with what's called an impact fee schedule, which would be by dwelling unit type and number of bedrooms.

We don't know at this time what the outcome of that will be, because it may be that that may be done by areas of the County, or it may be countywide. Or it may be all. I don't know. That will be determined at a later date with the School Board. And then the School Board will adopt the study and make a recommendation and send it forward to, say, the Planning Council for its determination to go then to the County Commission.

So we'll be coming back to the Planning Council for a final determination and recommendation to the County Commission in -- some point after, I would say, July. I can't tell you what that date is yet.

MAYOR STERMER: And with regard to the impact fees, those would be with regard -- to be applied to new development and the creation of new residential units in Broward County; correct?

MR. KELLER: It will be applied to people that are pulling permits for housing units in Broward County. Now, the School Board also uses the information I develop to help refine their process on how they project where the students are going.

That process is a little different, and I don't want to talk about that. I'd rather have the School Board staff talk about that. But that's a -- it utilizes what I develop, and they modify it their way and in their process.

MAYOR STERMER: I just wanted to get to the point of your -- part of your study is to create an impact fee. And maybe Ms. Brown may be the better person to answer this, or School Board Member Good is. We currently have in excess of 25,000 vacant seats in the Broward County public school system; correct? Somebody?

MS. GOOD: Not exactly.

CHAIR CASTRO: Mrs. Brown is --

MAYOR STERMER: Give or take a few heads.

CHAIR CASTRO: -- Mrs. Brown is shaking her head up and down, just in case --

MAYOR STERMER: I just --

CHAIR CASTRO: -- you can't see that around the corner.

MAYOR STERMER: -- the point is we're -- we know -- there's an issue in the public school system of vacant seats and construction dollars are none, because we've got issues of vacant school -- vacant seats in schools.

And part of the study is determining what the new impact fee will be, which will be applied to new development, which will be imposed upon, originally, developers, but at the end, they're paid by the purchasers or the renters in those units, because it's factored into the cost, understanding at the moment we're not building any schools. So it's just the whole question of impact fee and its application and what's going on with it, so I just put that out there. Thank you, Madam Chair.

CHAIR CASTRO: Thank you. Mayor Aronson.

MAYOR ARONSON: Thank you. Mr. Keller, you mentioned that you've been reaching out to the cities to gather data on -- or in preparation of your report, and I just want to ensure that you're reaching out to city managers or directors or planning directors of sustainable development.

I know yesterday I asked our city, Coconut Creek, if our City Manager/Director of Sustainable Development was aware of this study underway, and they told me they were not. So I just -- I don't know who you've been dealing with. I'm sure they're other staff people that might be contributing information to you. I just -- this could have some important ramifications, so I just want to ensure that everyone's aware that this process is underway.

MR. KELLER: What I -- the School Board has a process where the cities once a year submit information to the School Board on projections of where development is expected to occur over the next five years in each city. And there's a contact person on that list.

What I have reached out was to the contact person that submits the stuff to the School Board each year. And in Coconut Creek, they have supplied the information to me. They did a good job.

MAYOR ARONSON: Okay. So you got -- you've gotten the information, but I just --

MR. KELLER: At the present time --

MAYOR ARONSON: -- I don't think there's a --

MR. KELLER: -- we --

MAYOR ARONSON: -- full understanding that the School Board is considering or -- or undertaking this report right now --

MR. KELLER: -- the --

MAYOR ARONSON: -- and since it's not a completed report, there's still time to advise all of the cities that a report is underway. And I applaud you for reaching out and gathering the data and checking all the various sources that you're checking.

MR. KELLER: Yeah. I tried to work with the people that have been working with the School Board and submit the annual information. And we're still working with a few cities to get some information. Essentially what happened, we matched units, and I have units that I know students are in, but I don't know how many bedrooms may be in that particular unit. So what I did is I supplied a list to each city that I needed information from on that. And Coconut Creek did provide the information.

MAYOR ARONSON: Okay. Thank you.

MS. BROWN: Through the Chair?

CHAIR CASTRO: Absolutely. Ms. Brown, you're recognized.

MS. BROWN: Great. Thank you. And it's such an important question, and we really appreciate it. We actually will be going back to the oversight committee, and our team has actually worked very closely with the staff working group, which has representatives from each of the municipalities. They have been awesome to work with this year.

So we actually have scheduled a very specific meeting with the staff working group to go over nuts and bolts details and everything of the plan. They've been awesome. I would appreciate it if you would share that with your staff that works on that group. Just -- just great back and forth and thinking with them. So I think we have it covered, but, certainly, if it would support any communication structures, we can certainly get a letter to elected officials to let them know, because sometimes it might not percolate up. And we can let everyone know what we're going through this year and give a brief description of the process.

MAYOR ARONSON: Okay.

CHAIR CASTRO: And before you finish --

MAYOR ARONSON: Thank you.

CHAIR CASTRO: -- up Mayor Aronson, Ms. Brown, what you might want to do on the staff working group, I don't know who -- which cities put up which staff members.

MS. BROWN: Okay.

CHAIR CASTRO: You know, it might have been the guy who got the short straw, no offense, or girl who got the short -- but I think to -- to Mayor Aronson's point, if you could tell that group, if they are not the community development or planner of the city or the city manager, that they communicate to the planner --

MS. BROWN: Sure.

CHAIR CASTRO: -- or the city manager, because, ultimately, this impacts a lot of functions and features, including development or redevelopment in the city, and they may not understand that or have made that connection because of their capacity. So if you would do that, that would be helpful.

MS. BROWN: Absolutely.

CHAIR CASTRO: Thank you.

MAYOR STERMER: I think --

MS. BROWN: Thank you.

MAYOR STERMER: -- I think just the Executive Director received an email this morning from Ms. Houchins regarding the meeting on the first. If she could forward it to the members of this Council so that they could review whose email address from their city is there, because an email went out reminding -- regarding the meeting on May 1<sup>st</sup>, went out this morning with a reminder to the staff working group. That can be forwarded to the Executive Directors on that email. She can forward it to the members here and they can see who's on it for their city.

CHAIR CASTRO: Cool. I've got first Mr. Bascombe, Ms. Graham, and then I'll come back to you, Mr. Furr.

MR. BASCOMBE: Thank you, Madam Chair. Actually, this question, I'm not sure if this is for Mr. Keller or Madam -- I forgot your first name -- or last name.

MS. BROWN: Leslie.

MR. BASCOMBE: I apologize.

CHAIR CASTRO: Ms. Brown.

MR. BASCOMBE: It's actually referencing the preliminary data tables. Excuse my not knowing the answer to this, but fascinating when you look at total housing units going up, resident population going up, number of public students going down.

The two part question is why is that, and a very short answer would be fine. But secondly, does -- will your report actually try to look into the future if that changes, and will we be able to have a -- an adjustable set of whatever you might call it to, in other words, anticipate that in the future in the calculations that we do in the future?

MR. KELLER: Short answer on the question, the total students is going -- is staying about the same. It may be going down slightly. But the reason the public school students is going down is because of the charter school growth. My study and impact fees are only applied to public school students. That does not include the charter students. So they're not included in my numbers. So that's the difference in the numbers. We will be looking at five year projections and we're working with information from the School Board on that.

MR. BASCOMBE: Why doesn't your report include the charter schools?

MR. KELLER: Because they don't pay impact fees. In other words, the impact fees are only for public school students, and so they're not included as far as the analysis and the generation rates, so that we wouldn't be charging, say, somebody too much money.

MR. BASCOMBE: Thank you.

CHAIR CASTRO: Ms. Graham, then Mr. Furr.

MS. GRAHAM: Thank you, Madam Chair. In your introduction, you have a statement where it says the school impact fees are part of the overall program of funding the capital building program of the district. Just quickly, is that new projects only, or is that also a new renovation in addition program?

MR. KELLER: The --

MS. GRAHAM: Yes or no, because I have a couple other questions.

MR. KELLER: Could you repeat your question again?

MS. GRAHAM: For the capital building program that the impact fees go into, that's not just for new schools or is it also for renovations and additions to other schools, or is it only for construction of new schools?

MR. KELLER: The capital building program includes renovation.

MS. GRAHAM: Okay.

MR. KELLER: In my study, that's not included in my analysis. In other words, we only look at stuff that's oriented to school capacity, those type of features.

MS. GRAHAM: Okay. And then on your last page, 13, you have a statement here

where work is continuing to resolve the missing bedroom data per the process described in the methodology portion of the report. Quickly, how did those bedrooms come to be unaccounted for, or is it just a matter of you going back and double checking?

MR. KELLER: The answer to the question is the database that we were provided doesn't always have bedroom information. And so we have the -- we -- the database that we -- we're working with is -- comes from the County POSSE system. And for the timeframe we needed the units for, it was basically three different databases that were put together for us.

In some instances, for, like, say, apartments, they may not know what the bedroom is for a particular unit. They may know that in a building that there is 25 percent one bedroom and 50 percent two bedrooms, and maybe whatever's left for three bedrooms, but what I need to know is what is the apartment that I found the student in, how many bedrooms. I need that for my impact fee. And it just wasn't in the data set.

So what we've done is I contacted everybody that was the planning contact to -- that provided the information to the School Board from each city. And I think there was 22 cities that I needed information from. And I think we were missing bedroom information for approximately 24 percent of the units that I matched. At the present time, we've received back data for about half those, and we're still working with some cities to get the remaining data.

CHAIR CASTRO: Okay. Mr. Furr.

MR. FURR: Thank you. You know, we use this information on generation rates to determine whether the cities or developments can handle the capacity of the students coming. I mean, I teach at Flanagan High School, which, at one point, had more students than any high school in the United States because they -- because we weren't keeping up with the building in that area.

But what I'm -- what I'm really concerned with is when I look at like proposals that are being shown today, there's not -- there's not going to be one proposal shown that's going to say that they're -- that they're in danger of not being able to meet that capacity. In other words, they're all going to say, yeah, there's plenty of room. For every -- for any development, there's plenty of room.

But the problem is, and we've seen it this year, a lot of charter schools are starting to close. And they start to close and suddenly you have an immediate capacity, you know, what looked like there was plenty of a cushion, suddenly, there's not.

A good example is Leslie taught was the Principal at HAAS, which was Hollywood Arts Academy and Science. Before that school came up, the school that was right next to it was way over capacity, Hollywood Central.

And it was busting at the seams and we needed to -- you know, we were looking all over for a place to build a school. We built a school, which was Beachside Montessori, but it was supposed to be a neighborhood school, but then HAAS was built, and suddenly, there was way more capacity than is needed.

What I'm wondering is if we need to -- need to, as a Planning Council or -- we need to be taking into consideration those places or those schools that might be in danger of closing and if there's some way of marking those. Because they're -- they're on kind of a list, and School Board Member Good might be able to help me on this, but there are some that you're -- that you -- that are like if they get one more F, they're going to close, or things like that; correct?

And we need to be -- we need to know that when we're looking at, you know, supporting projects or not, because if suddenly a school that would have a lot of students is about to close, we need to know that the -- that the regular public school there is about to get hit with a whole lot of students.

But there's no way -- there's no way of showing that on this. I don't have a problem with the way the generation rates are shown, but I do have a concern with the overall numbers and not showing what we may -- we may have to face at some point.

MS. BROWN: Through the Chair?

CHAIR CASTRO: Yes.

MS. BROWN: Thank you. I think it's a very important conversation, and it's sort of wrapping two different processes into one conversation. So on one side, every three years, we must redo the student generation rates. So I think it's important for our community to understand that those rates are not in perpetuity. And so we know that demographics and population changes, and so every three years, this is redone. And I appreciate the board support in allowing us to go through that process.

Separate from Mr. Keller's work and the student generation rate, is the district process for planning for enrollment and effective use of space. So in that particular process, there is a two-prong approach that the school district uses. One is somewhat driven by the State, and we have tried to recapture that locally. Instead of the State driving that process, we have started to drive it ourselves in what we call our Student Success Opportunity Schools.

And we actually take a look at schools, with 34 different indicators, and we go out actually directly into the communities. This year we had 28, 30 meetings between August and December to actually work with that community on what their specific needs are, and then we redevelop, redesign, and perhaps repurpose schools based on that work.

Now, Commissioner DuBose, a couple of those schools were in his area. He was

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intimately involved. He was at every single one of our community meetings standing right there with us -- I have to tell you. I -- and he's -- it -- it's one of those rare cases where, when you're dealing with something difficult, sometimes staff takes it, but Commissioner DuBose stepped right in front of staff and said this is something that we have to do for our community. And I just have to recognize you for that publicly.

CHAIR CASTRO: Very nice. Thank you.

MS. BROWN: So that is a process that our board has highly supported. Our board members also have stood right in front of staff and said we're there to support this reorganization, redefinition of how we're effectively using space. So I think it's important that we don't confuse the student --

MR. FURR: Right.

MS. BROWN: -- generation rate and what that is for impact fees and development with a completely different process that the School Board is successfully using to redefine how schools are used within the (inaudible).

MR. FURR: I'm just making note of it, because whenever we get these reports there's not going to be any development that wouldn't -- every development would have enough capacity --

MS. BROWN: Actually, that's not true.

MR. FURR: Well, almost.

MS. BROWN: Yes.

MR. FURR: Almost.

MS. BROWN: Actually, it's not true.

MR. FURR: There's a lot of capacity out there, given by these numbers.

MS. BROWN: Yeah. There is some --

MR. FURR: But I think it's a false sense of security, given the fact that how many charter schools might close in the future. So I think it's something that we should be looking at as a Planning Council and as a County, you know, County Commission.

MS. BROWN: Thank you.

CHAIR CASTRO: Thank you. I think, you know, where Mr. Furr was going, a couple years ago we talked about it, that there used to be a requirement of like 12 acres for a high school, ten acres or whatever for a middle. That's all, I think, gone, because we've

talked about the fact that the School Board has to do things a little bit differently.

And capacity is going to be affected by generation of students, and how can you house them the most efficient and effective way and maintain the learning environment. So I understand his point. Is there any other comment before I let School Board Member Good wrap it up for us? Okay. You're next.

COMMISSIONER DUBOSE: I just want to make one comment, and just take this opportunity to plug the partnership that the City of Fort Lauderdale has with the School Board. I always tell people, you can't have a world class city without a world class education system. They all just dovetail together.

But the staff was phenomenal. We got a mandate that came down that said four of our schools either had to repurpose or close, and we worked hand-in-hand. It wasn't just myself. Our city staff and so forth. And I'm really happy to say, through that process we had a school who had never been an A school, and Dillard High School is an A school for the first time, and it was because of that partnership.

It wasn't just the district and the city, but it was the community -- I mean, the business community. It was just a perfect example. So as we sit here as elected officials and members of our community and we discuss these issues, it's really important to understand that we have a comprehensive approach. And so it's my plug to encourage all of you to be engaged in the schools, regardless of if they're in distress or not. So --

CHAIR CASTRO: Thank you.

COMMISSIONER DUBOSE: -- thank you.

CHAIR CASTRO: School Board Member Good.

MS. GOOD: And just on that point, and, again, I want to thank Commissioner DuBose, but, really, it's important. Just as this group here sits and considers applications before us, and Mr. Furr indicated, you know, a lot of the times when applications come before us, there is capacity, and that's because the ILA allows us to utilize gross capacity, which includes portables. And that's something that the district has to adhere to. Certainly, if we talk about permanent capacity, that's a whole different discussion, so to speak. So that's probably why -- the reason there's always capacity noted in the analysis by the district.

But I just wanted to tell everyone that, as Commissioner DuBose indicated, we really would like everyone to be involved as much as possible moving forward. Again, I know Mayor Stermer is part of the oversight committee. As we have other individuals that are part of that committee, they also take part in reviewing the information that's been shared with all of you in moving forward.

And it's going to have impacts on this district, so we need to ensure that as many

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stakeholders are involved in that process. And with the point of charter schools that was mentioned, clearly, yes, charter schools are public schools. They can certainly -- legislation allows them to pretty much open up anywhere in this district.

We've been trying very hard for many years to try to get some additional teeth in the Statute that allows us the ability to really determine their existence within certain areas, and if it's true innovation. It has not happened. And just like they can pop up anywhere, they can also close at a moment's notice.

And we've tried to get contracts changed with regard to that. So, you know, certainly, charters close. It's unfortunate, and it impacts families. We'll happily welcome the students back to our traditional schools. And, again, moving forward, I just ask each of you to reach out to your respective cities and be involved in the process as we move forward. Thank you, Madam Chair.

CHAIR CASTRO: Thank you. Ms. Brown, Mr. Keller, thank you very much.

### **AGENDA ITEM R-3 - DISCUSSION**

#### **AD HOC AFFORDABLE HOUSING COMMITTEE:**

CHAIR CASTRO: Moving on to R-3, this is discussion, and we'll take them one at a time, obviously. First, starting with the ad hoc Affordable Housing Committee, as many of you know, we had a couple items before us in the last few months, 13.1 and 1.07.07. We ended up doing a trilateral meeting, coming to a resolution on 1.07.07, which was passed by the County Commission this past Tuesday. 13.1 right now is, I think, on the table, or at least aside, being deferred for a bit.

And the second part of that was, during those meetings, the Board of County Commissioners asked the Planning Council to take lead in to creating an ad hoc Affordable Housing Committee to discuss affordable housing in general in Broward County. So that's what we're about to embark on.

One of the things I'd ask you all to consider is there is a Broward Housing Commission, per the Charter of the County, I believe. I believe it's a Chartered body, if I remember. And I'm going to ask you, as part of this setup that we do in order to move this forward, that we include them to the point that maybe Monica Navarro, who's the chair of that committee, co-chair whatever committee we come up with.

And the reason I ask that is they're already set up with -- their membership, for the most part, which includes everything from developers to real estate to city managers to advocates from the community for housing and other issues. So they already have a membership that would probably help augment whatever committee we're going to format.

The one struggle they do have is, however their Charter's written, finding employers to

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sit on the committee, especially those that, I think, employ over 50 people or something like that, has been a challenge. It's almost impossible. So putting it under our auspices, we're not held to that rule that they have in their chartered provisions, so it gives us a little more flexibility.

So, first of all, I'm going to open it up for, you know, quick conversation, one, to move forward that we create the committee; two, if anybody has any input on what kind of structure or how they'd like to see the committee formed; three, if anybody wants to serve on the committee or, you know, whatever. I'm, you know, happy to entertain any thoughts or notions at that this time. School Board Member Good.

MS. GOOD: Thank you, Madam Chair. I used to serve on the Broward Housing Council. I would just ask that moving forward anything you -- anything you contemplate as far as membership, there are individuals on there, like there is a School Board member on there.

So I would just ask that if any individual on this committee is going to formulate any joint meeting with them, that the -- our attorneys look at it for sunshine issues, just to make sure that we don't have any duplicate --

CHAIR CASTRO: Understood. Any other conversation? No? So staff and I can run willy-nilly and go do what we want pretty much? You're good with that? Okay. You're good with that. That's okay. We'll take the ball. Yes, sir.

COMMISSIONER DUBOSE: Just my comment would be to -- if we could direct staff to reach out to the Broward League of Cities to request that they participate on this ad hoc committee, and have a representative to serve --

CHAIR CASTRO: Thank you.

COMMISSIONER DUBOSE: -- in that capacity.

CHAIR CASTRO: Thank you. And, again, I want to set everybody's expectations. All of you know -- we've had these discussions in subcommittees, everything else -- affordable housing is a broad, broad issue. A lot of things that we're going to be discussing really aren't under the purview or the jurisdiction or the authority of the County Commission or even this Planning Council, such as, I don't know, windstorm insurance rates, livable wages. We can't force employers to pay certain things. We can't force Citizens to lower their rate.

So, you know, part of what we'll be doing is fact finding, but, as Mayor Stermer pointed out in the Executive Committee, I think it's important that we were asked to step up to this and take a lead on it. And so we're going to go ahead and do that. So if anybody does have any preferences or any other concerns, please communicate it to the Executive Director, and then we'll bring them forward as we move forward.

In the meantime, I plan to reach out to Ms. Navarro, start working with her to see about how we're going to formulate a make up with staff's recommendations, and we'll start moving forward with meetings. Having said that, before we get to the next item, which is probably going to be a bigger undertaking, we probably have a couple months coming off like July where we don't meet, but these committees will probably be having meetings during the summer.

So if you're going to make the commitment, please keep that in mind. Some of these are going to have to go fairly fast and furious, so I just want to make that clear. So people should account for schedules accordingly if you're going to participate. And, of course, we'd love everybody to participate, because that's what comes up with better plans and better decisions.

### **EVALUATION OF BROWARD COUNTY LAND USE PLAN**

CHAIR CASTRO: Okay. Having done that one, the evaluation of the Broward County Land Use Plan, and I'm going to turn that over to Ms. Boy to start with so she can give you a quick overview of that.

MS. BOY: Good morning. Thank you. As you may recall, last month the Planning Council discussed an overview of the Broward County Land Use Plan. And it just so happened that this was also coming before the County Commission. So at Tuesday's County Commission meeting, the Commission initiated an overview of the Comprehensive Plan, including the Broward County Land Use Plan, and committed their planning staff working with our staff to kind of set up a true overview of the plan.

As you may know, the Broward County Land Use Plan was first established in 1977. And then, with the growth management legislation in 1985, the 1989 plan generally took a lot of that information from the '77 plan. So one of the things that we're talking about is really updating the plan and bringing it into the 21st century is one of the conversations that we've had. So that's kind of the intention. What policies need to be updated, revised, put in the plan, taken out of the plan. What's important to the County.

So Henry Sniezek, who is the former Executive Director of the Planning Council, and now he's the Director of the Planning Division at the County, will be working hand-in-hand with his division to set up series of committees and workshops, you know, with municipalities, interested parties, elected officials, to get input and start just putting together ideas to bring to the Council.

The timeframe that was brought before the County Commission was 18 to 24 months, so this is -- this is a big endeavor. This isn't something that's going to happen overnight or that you're going to see when you come back after summer break. What you will see are continuing updates of what's going on; what kind of committees we have; what do you want to participate in, and that sort of thing.

So we're very excited about it, and we're very excited to have the County staff being

able to work with us on it. And I don't know what Ms. Castro or Mr. Stermer -- Mayor Stermer was also at the meeting.

CHAIR CASTRO: Well, and, actually, we're going to talk some more about it, but first, I think Mayor Stermer has a role to play that we talked about on Tuesday.

MAYOR STERMER: Mr. Sniezek, can you join us for a second, please?

CHAIR CASTRO: Yes, please.

MR. SNIEZEK: Good morning.

MAYOR STERMER: Good morning. I just want all the members of the Planning Council to know that at Tuesday's Public Hearing meeting under Good and Welfare, Mr. Sniezek received his certificate for 30 years of service to Broward County. And then the reason I asked him to rise now is I think Mr. Sniezek was asked the question about the Land Use Plan and the Comprehensive Plan, and I think his question -- his response was, since I've been here we haven't reviewed it. So I think that --

MR. SNIEZEK: Not the way we're talking about now.

MAYOR STERMER: -- so I think it's important to recognize that, through all of Henry's service, what the Chair's talking about has never been done. And I would humbly agree that the time is now. And we look forward to working with Mr. Sniezek, but congratulations on your 30 years of service.

CHAIR CASTRO: Absolutely.

MR. SNIEZEK: Thank you.

MAYOR STERMER: That certificate doesn't do you justice.

CHAIR CASTRO: That's right.

MS. BOY: It doesn't.

MR. SNIEZEK: May I say something? Because not all the board members know me. Just 28 -- almost 28 years of the 30 years was serving the Planning Council. And it was an honor, and I'm glad to be working with you again today.

CHAIR CASTRO: We're glad to have you. Now that we can go on, because we're going to make Henry and Barbara crazy over the next 18 months, to say the least. So he's going to regret, probably, the previous 30 years.

But I want him to have a full measure of this. We're going to be looking at everything in the Comprehensive Plan. As we've all struggled with some of the items that come

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before us every day, urbanism versus new urbanism versus suburbanism, which the plan was originally designed for, basically, was a suburban environment, you know, we're stretching and twisting all the way.

So there's going to be philosophical issues that are going to be discussed. There's going to be nuts and bolts issues that are going to be discussed. And I think the idea is, without putting too much in the plan, try to really make it fit what the philosophy ends up being, whatever that is.

And I'm not advocating any one position, but, you know, for everybody, dealing with government is a challenge on its own. And if you have these vague rules or, you know, not well defined -- and I don't want to box people in, but I think we have a real opportunity here to make it more efficient, more effective, more transparent, and very clear to people.

And we have, you know, the ability to incorporate a lot of things that, in the past, were probably never considered, like, you know, the environmental issues, the, you know, sea rise level, and really sinking our teeth into that, or affordable housing or workforce housing, or, you know, things like that. So there's a lot of opportunities here that I think we're going to have.

This is, to me, going to be probably one of the most critical undertakings since I've been on the Planning Council in the last eight, nine years. And I hope everybody, everybody participates. I think the way they're going to structure, as we discussed at the executive meeting, was with committees and stuff. Everybody will have an opportunity, and, more importantly, you might have an opportunity to deal in an area that you're passionate about.

So you don't get that opportunity very often in life that you get to go make a real difference about something you're passionate about, so I encourage you all to participate. I will tell you, also at Tuesday's meeting there was a request by some of the members of the Board of County Commissioners to fast track a certain piece of a Land Use Plan change, and we asked them not to have us do that. Right now is not the time, when we're about to embark on this Comprehensive Plan.

So we basically gave them our guarantee that we will try to process things expeditiously and as quickly as possible. And my first concern was what they were proposing is what impact does it have on other elements in the Comp Plan, and, more importantly, the Land Use Plan. And so we might be taking a look at that up front, you know, quickly, to take a -- if it -- if it looks like it's a -- there's a domino effect there, we're going to have to let them know there's a domino effect there.

But I just want you to understand, you -- we're going to have to kind of put some things at bay for the time being for the -- for the good of the whole. Either we're going to have the County Comprehensive Plan and Land Use Plan, or we're going to start segmenting the County, and I -- and I -- I wouldn't advocate for the latter.

So I don't know if anybody else has any comments or, again, any suggestions about structure, organization, or issues or concerns. Seeing none, once again, staff will proceed. And Henry and Barbara will have the ball on this one, and they will be moving forward very quickly here. And I'll be meeting with them on a regular basis, and anybody else who's interested, by all means. Set it up. If we have to public notice or anything like that, we'll take care of it, because, again, we're encouraging everybody to participate. Good? Good.

**AGENDA ITEM R-4 - COUNSEL'S REPORT:**

CHAIR CASTRO: Counsel's Report.

MR. MAURODIS: None today, Madam Chair.

CHAIR CASTRO: Excellent.

**AGENDA ITEM R-5 - EXECUTIVE DIRECTOR'S REPORT:**

CHAIR CASTRO: Executive Director's Report.

MS. BOY: I just have a couple of quick things, thank you. First of all, I wanted to just let everyone know, yesterday was Administrative Professionals Day, and we have a great administrative staff, Ginette, Jan, and our newest member, Roe Molloy. And without them --

CHAIR CASTRO: Stand up. Absolutely. Ginette, stand up.

MS. BOY: -- without them, I'm not sure we would all be here today with all the materials that we have before us. So a special thanks to them, and an extra welcome to Roe as part of our staff. The second thing is, as Anne Castro mentioned, the Commission adopted policy -- I'm sorry -- Administrative Rules Document Article 10 on Tuesday.

I'll be sending out an email to all the municipal managers, mayors, and planning staffs, interested parties, and I'm going to copy the Council on that email, also, just to let everyone know that was adopted, effective, you know, and part of the review process now.

The final thing is that yesterday, the School Board staff gave me a call in the afternoon, and we figured out that, through the years, in our amendment reports, a reference that Planning Council staff was making to permanent capacity should actually be to gross capacity.

And the result is the same, so what's in your reports is correct, but moving forward, we will be correcting all reports to reflect that, gross capacity as opposed to permanent capacity. And I apologize for the error, and we'll make sure that that's corrected moving forward. So thanks for bringing that forward. And that's all I have for the report. Thank

you very much.

CHAIR CASTRO: Okay. School Board Member Good.

MS. GOOD: So just to clarify, so in the reports, the summary is where it reflects permanent utilization, meets LOS, it should say gross --

UNIDENTIFIED SPEAKER: Gross.

MS. BOY: Right.

MS. GOOD: -- correct? As the ILA requires.

MS. BOY: Right. As the ILA requires and as the School Board report references in its submittal to us.

MS. GOOD: And I'll just say, because it was referenced to Flanagan High School, so Council Member Furr would be happy to know that that's how we managed to locate the incorrect comment. So thank you for correcting it.

CHAIR CASTRO: Anything else for the Executive Director?

### **PUBLIC HEARING**

CHAIR CASTRO: Seeing none, we're moving on to the Public Hearing Agenda. First of all, do we have any speakers on any items that we need to pull?

MS. BOY: On the Public Hearing Agenda, only Item PH-9.

CHAIR CASTRO: Okay.

MS. BOY: And then also I would note that the Quasi-judicial hearings are waived for Items 1 through 4.

CHAIR CASTRO: They're all waived. Thank you very much.

Okay. Do we have any other pulls from the Council Members? Yes, ma'am.

MS. GRAHAM: Madam Chair, just I want Public Hearing 3 and 4 to reflect my no vote. Thank you.

CHAIR CASTRO: Okay. So we're going to go ahead and pull those items, because I don't think -- or can I let her do that through the record when we do a unanimous vote or whatever, or just reflect it in the vote count?

MR. MAURODIS: I would pull them, just for --

CHAIR CASTRO: Okay. So we're going to pull PH-3 and 4.

**AGENDA ITEMS PH-1, PH-2, PH-5, PH-6, PH-7, PH-8, AND PH-10**

MAYOR STERMER: Madam Chair?

CHAIR CASTRO: Yes, sir.

MAYOR STERMER: I would then **move** PH-1, PH-2, PH-5, PH-6, PH-7, PH-8, and PH-10.

CHAIR CASTRO: Thank you. Do I have a second?

COMMISSIONER DUBOSE: Second.

CHAIR CASTRO: I have a second by Commissioner DuBose. Any other discussion? All in favor? Any opposed? Seeing none, carries unanimously.

**VOTE PASSES UNANIMOUSLY.**

**AGENDA ITEMS PH-3 RECERTIFICATION PCR-14-12 AND PH-4-RECERTIFICATION PCR 14-7**

CHAIR CASTRO: PH-3.

MS. BOY: PH-3 and 4 are both recertifications of the Broward County Land Use Plan submitted by the local governments. PH-3 is -- sorry --

MR. MAURODIS: Deerfield.

MS. BOY: -- the Deerfield Beach -- I wasn't sure what the order was -- but it's Deerfield Beach, and PH-4 is Pompano Beach. Those were both subject to Broward County Land Use Plan amendments that went through the process. So this is the recertification of the local plan that is consistent and in conformity with the Broward County Land Use Plan, and both items are deemed to be so.

COMMISSIONER DUBOSE: If I can, with the prior comments, I'll **move** both PH-3 and PH-4.

CHAIR CASTRO: Okay. Would you call the roll, please, Nancy? Thank you.

UNIDENTIFIED SPEAKER: Is there a second?

MAYOR STERMER: I'll second.

CHAIR CASTRO: Oh, sorry. Second. I thought we had a second. I thought I heard a yea over here like second.

COMMISSIONER DUBOSE: It was.

THE REPORTER: Mayor Lisa Aronson.

MAYOR ARONSON: Yes.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Yes.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Mayor Vincent Boccard.

MAYOR BOCCARD: Yes.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Yes.

THE REPORTER: Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Yes.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Yes.

THE REPORTER: Ms. Lynn Kaplan. Commissioner Martin Kiar. Commissioner Michele

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Lazarow.

COMMISSIONER LAZAROW: Yes.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER MACK: Yes.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Yes. Let the record reflect PH-3 and 4 both pass. Thank you.

**VOTE PASSES 16 TO 1 WITH MS. MARY GRAHAM VOTING NO.**

**AGENDA ITEM PH-9 - AMENDMENT PC-14-5**

CHAIR CASTRO: We're on the PH-9.

MS. BOY: PH-9 is a proposed amendment in the City of Pembroke Pines. It's approximately ten and a half acres, and the proposed change is from office park to medium high (25) residential. We're putting the aerial up on the screens for you to be able to just view.

The site is on the left side, closest to University Drive, and it's just south of Sheridan Street. The Planning Council staff analysis finds sufficient public facilities and services available to serve the proposed land use. As well, transportation impacts, natural resources, historic resources, everything lines up with the policies in the plan.

Planning Council staff notes that -- sorry. Planning Council staff recommends approval

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of the proposal as -- yes, Planning Council staff recommends approval. Sorry. Lost my train of thought looking at the aerial.

So the essential impact of this, the net effect is an addition of 262 dwelling units to -- added to the plan. And, as I stated, sufficient facilities and services are available. There are six speakers signed in for the item, and Planning Council staff is also available if there are any questions.

CHAIR CASTRO: Okay. Would the applicant like to open with a statement? And then, as we go forward with the speakers, just to get you geared up, three minutes per speaker. I don't plan to use the clock today, since there's only six people to speak to it, but I'll ask you to limit your comments to about three minutes, if you would. Sir.

MR. MELE: Dennis Mele, 100 West Cypress Creek Road, on behalf of the applicant. I'd like to review a few items from the staff report, and then I have a brief PowerPoint I'd like to show. With me here today is my client, Dev Matwane, sitting in the front row. I think he's one of the speakers who signed up.

Mr. Matwane is doing this project in conjunction with the Pollack Shores Development Company from Atlanta. So, first, from the staff report, you will notice that each and every criteria that you use to evaluate a Land Use Plan amendment has been satisfied, but I'd like to go through them briefly for the record.

Before I start, I want to point out that when we were at the City of Pembroke Pines, where this matter was passed on a 4 to 1 vote, we agreed that the number of units would be limited to 232. So although the Land Use Plan would allow 262, our limit will be 232. We've actually developed a site plan that meets the city code, and the number is 232.

So we will be doing a declaration of restrictive covenant to limit the number to 232 units. Starting with the items that staff reviews, first is traffic. We have lower traffic than the current office park land use. Now, I know that a number of you received emails that refer to this property as commercial. It is not commercial. It's office park.

And the reason that's important is because of the way we analyze traffic. Now, for the purposes of Land Use Plan amendments, you only look at p.m. peak hour traffic. I will show you an analysis in a few minutes where we looked at a.m. peak hour, average daily, and p.m. peak hour, and we are lower with the proposed residential development, considerably lower, from what the current office park land use would allow.

The -- your staff report speaks to the p.m. peak hour. It obviously shows it's less traffic than the current Land Use Plan designation. Now, often when you receive comments from the public, they're measuring vacant property versus the proposed land use amendment.

Of course, you know that's not how we do it. We analyze the current land use

designation with the proposed, and we compare the two. And that's what all your staff analysis does. That's what our presentation will do, as well. Public schools. First of all, I want to point out that the schools were analyzed based on 262, so, obviously, with 232 units, we'll have fewer students.

The School Board also analyzed the amendment as if these were garden apartments. We're actually building midrise. So we will have less students for two reasons. Number one, we're midrise. Number two, we're 232 units. But even with the conservative analysis done by the School Board, it shows that all of the schools that we are currently boundared into have excess capacity, not only today, but actually all the way through the five year planning period.

If you look at the School Board report, which is one of the attachments, I believe it's Attachment 4 in your backup, you will notice that Sheridan Park Elementary, Driftwood Middle, and MacArthur High, which are the three schools the students would attend if the boundaries stay the way they are today, have excess capacity today.

You will also notice that through the five year planning period, all three of those schools' enrollment is projected to decline, so there will be even -- if that projection is accurate, there will be even more excess capacity in those three schools in the long term planning horizon than there is today.

And that, again, is assuming we were building 262 units, not 232, and assuming we were building garden apartments, not midrise. The student generation rate for garden apartments is about triple what it is for midrise. This project is four- and five-story buildings. Midrise, I believe, runs from four through --

UNIDENTIFIED SPEAKER: Through eight.

MR. MELE: -- eight stories. So we're in the smaller end of midrise, but we are midrise. So there is excess capacity in the schools. There is no issue there. I will go into more details on that, too, in our PowerPoint.

The School Board also notes that there's excess capacity in the planning area, Planning Area G. So even if the school boundaries were to change and we were to be put into different schools than the ones we're in today, the planning area has excess capacity, as well.

The School Board staff points out that there will be a concurrency review at the time of plat note amendment or site plan. We will be doing both of those things. We will be doing a plat note amendment and we will be doing a site plan.

So if, for some reason, things change and a concurrency problem develops with schools, it'll be reviewed and we'll be required to mitigate for it. But it certainly indicates, from all the backup here, that there will be no such problem. Moving on to the environmental conditions, there are no natural resource areas, no areas of -- local areas

of particular concern, no urban wilderness inventory on this property.

This property is immediately south of Memorial Pembroke Hospital on University Drive, just a little bit south of Sheridan Street. And it's vacant, but it has no environmental characteristics other than it has about a third of an acre of wetlands on the ten acre site. Of course, we'll have to get a permit to mitigate those wetlands, but we anticipate no problem mitigating them right on the property. They are low quality wetlands, but they will have to be dealt with.

And there's no objection on that count from the Environmental Protection Department, just noting the fact that a permit will be required. And we're aware of that and we will, of course, get that permit. Sea level rise, which is something which we now look at, relatively new, we are not in an area where there is danger of sea level rise. We're far enough west. If we build the finished floor elevations to the proper standards, that is also not an issue.

I also want to point out that one of the things that the Environmental Protection Department looks at in this regard is they look at the amount of impervious area that would be associated with the development. In other words, the paved surfaces, parking lots, building pads, et cetera. And the standard for impervious area for an office park is higher than it is for a residential development of the type we're proposing to build, so there is more opportunity for water recharge with the proposed residential land use category than there is with the current office land use category.

The other items noted are trees. We'll have to get a tree permit. That's true whether you're office park or residential. You have to get a tree permit under any circumstances. The fact that we'll have more open space on our site actually gives us an opportunity to preserve more trees on the property.

They also note that they want us to work with the NatureScape Broward program for the type of landscape we select, and, of course, we're willing to do that. Finally, the Broward County Historical Commission notes no objections. There are no archeological or historical resources on this property. I'd like to go now to our PowerPoint and just how -- how do I work this thing? Okay. Great. Thank you. I'm not very good with this kind of stuff.

Okay. So Pollack Shores, again, in conjunction with Mr. Dev Matwanee. These are pictures of Mr. Pollack and Mr. Shores. And they've been at this for quite some time. National apartment developers, have a number of units throughout the southeast United States. They're based in Atlanta.

This is the site. You saw this a moment ago. So you see our property. You have University Drive running north and south through the middle of the picture. You have Sheridan Street running east and west, also kind of through the middle of the picture. Just north of our site is some medical office, and then Memorial Pembroke.

Also just north of our site, kind of if you look at the yellow box there, kind of on the right-hand portion, there's a white building that's a diagonal shape on that site. That is a site of a building that's been there for 30 years. It's a six-story building. It's a very low income HUD building that has been there for 30 years. There is another one approved to go right next to it.

Now, I point that out to you because I know that you received some comments from people that live in the Walnut Creek neighborhood, which is just to our south and east. And when they appeared at the meetings we had at the city, there was a number of comments about they thought we were building low income housing, and they thought it would have a detrimental effect on their neighborhood.

We're not building low income housing. We won't have a detrimental effect. And I'll show you why. But I wanted to point out that there is a building that's been there for 30 years, longer than the Walnut Creek neighborhood had been there, and the Walnut Creek neighborhood's doing just fine, and that building's not hurting anybody.

Just a little blow-up. You see the same site, and you see again that right diagonal building just kind of above our site, just a little bit to the right. And then, again, Walnut Creek is to the east and to the south, and the hospital is just north of that white diagonal building. These are some photographs of recent developments built by the Pollack Shores Company. I just want to give you a flavor for the kind of work they do. Some of these buildings are taller than what we're proposing here, but it gives you a feel for the type of development.

And these are some of the interiors we do. I'm going to show you some details on interiors later. One of the reasons I'm focusing on this, I know this is a land use amendment and this is perhaps more detail than you would normally show for a land use amendment.

But when we were at the City Commission meeting, after the 4 to 1 vote of approval, Vice -- then Vice Mayor Castillo, now Commissioner Castillo, they rotate that position, who sat on this board for a number of years, asked us to do a much more detailed analysis of the proposal, because he said I know when you're doing land use amendments we make certain assumptions about the amount of development that may go in, or the amount that may have been allowed under the current category, but there were a number of comments from neighbors, so he wanted us to specifically address what we were going to build and how it would compare with what otherwise could be there.

And it dealt with issues such as effect on property values, amount of open space, impact on schools, impact on traffic, and also what our proposed rents and business plan were. So we actually prepared this study and this presentation initially for the second reading of the City Commission, but I thought it would be helpful to show it today.

So just some of the interiors. Again, some of the common areas of Pollock Shores Developments, just to show you that we're building very high end development here. And, again, another photo of similar common area elements. Now, this thing at this -- that I'm showing now, I think is the most interesting part of this project. We don't have to stand with theoretical analysis.

That top plan is an office park plan that was approved, a site plan approved by the City of Pembroke Pines in 2007. That site plan meets all aspects of the current code and current land use designation for office park. The reason I'm showing that now is because I know that in the information you received in the series of emails that were sent, there were comments made that our development was going to be massive and would have an adverse impact on the surrounding neighborhood.

I'm showing you this comparison of what was already approved for the site by the City of Pembroke Pines under the current B-3 zoning and under the current office park land use, and I want to give you some numbers to show the comparison. So that top slide is the office park plan that was approved. The buildings in that plan were a maximum of 72 feet tall. The buildings were 751 feet long.

That plan shows two office buildings, and in between the two office buildings is a parking garage. The parking garage is a little bit shorter than the office buildings. We're in the Central Broward Water Control District, so the lake that you see at the east end of the property is what is required to meet Central Broward's criteria. And, in fact, that plan was approved by Central Broward.

The lower panel on the slide is our proposed site plan, consisting of four- and five-story buildings. The darker gray is the four-story sections, the lighter gray are the five-story sections, and then the orange color are the one-story parking garage. We have -- in many apartment complexes, you'll see detached parking garages. They're just a single story. And those are what the orange squares are.

So our buildings have a maximum of 67 feet five inches tall at the roof peak. Compare that to the 72 feet tall for the office building plan. Our buildings have a maximum length of 394 feet compared to the 751 feet for the office plan. Now, the reason we show this, remember that Walnut Creek is to our east and south, so to the area that's to our east, it's separated from our site by that lake, which is a very large lake. And then to the south is the rest of Walnut Creek.

So I think you can see that our profile that we present to our neighbors in the south is lower, smaller, and shorter than the current approved site plan for the office building. Now, I do want to point out that the office building site plan has expired, but under the current land use and zoning, it could be resubmitted and approved again at any time, because it met all the requirements of city code.

This is a vertical profile showing you the same thing. And if you were looking from the south towards the north, towards the property, the top is the office building site plan and

elevation, and the bottom is our residential plan. So not only are our buildings shorter and not as long, but there's also breaks between them, as opposed to the office building plan that was approved.

That's just the site plan in color to be able to see it a little bit better. Obviously, the site plan has not been approved yet. We're still working on it. We've met with the Walnut Creek Homeowners Association I think on four separate occasions. We're also going to meet with them again next month. And we're going to state it again for the record, as we did at the city, that we will continue to work with our neighbors throughout the site plan process to minimize our impact in any way possible.

If it is deemed more appropriate that we make these buildings longer and slide them further north, we can do that. If it seems more appropriate to leave them the way they are, we can do that. But we will continue to work with our neighbors on these issues.

CHAIR CASTRO: Mr. Mele, while you have that diagram up, I'm a little taken aback because of the emails we were receiving. Just so I understand this, the egress and ingress is it Pasadena Boulevard?

MR. MELE: That's correct.

CHAIR CASTRO: So when you come out of your proposed site, I assume you either go towards University; right?

MR. MELE: You'll see our access point is on Pasadena Boulevard, which is north of the site. And it's right at about the midpoint of the site, where you see the clubhouse building that's kind of in a light orange, and then north of that you see a little brick paver area, and then our access is out to Pasadena. Pasadena Boulevard, if you were to go east, it actually dead ends --

CHAIR CASTRO: Right.

MR. MELE: -- you know, several hundred feet east of us. So basically you go out Pasadena. You make a left onto Pasadena. Then you go out to University where you can go right or left.

CHAIR CASTRO: Or left.

MR. MELE: And you can also go straight through on Pasadena, because it goes west of University, as well.

CHAIR CASTRO: And the reason I'm asking is traffic was an issue raised. But basically, what I'm seeing here -- and that's why I was a little taken aback -- you have no -- in your proposed site, any -- because of the way the site is and the borders, to have traffic go through any of the area to the east or the south. They can't do it, is what you're telling me.

MR. MELE: That's correct.

CHAIR CASTRO: Okay.

MR. MELE: They cannot do it.

CHAIR CASTRO: Okay.

MR. MELE: Our streets are separate from the streets in Walnut Creek. Walnut Creek is also a gated community, so you can't go in there unless you go through the gate and you're allowed in.

CHAIR CASTRO: Which is right on the University side, as well?

MR. MELE: I think there's a gate on --

CHAIR CASTRO: Probably the -- the south side and then --

MR. MELE: -- I think there's a gate on Taft and I think there's --

CHAIR CASTRO: Okay. That would be the -- probably the east one.

MS. BOY: Sheridan Street.

MR. MELE: -- I think there's one on Sheridan, as well.

CHAIR CASTRO: Okay.

MR. MELE: Am I right?

MS. BOY: Yes, north.

CHAIR CASTRO: Okay. Thank you.

MR. MELE: Now, I will get to some traffic numbers in a moment.

CHAIR CASTRO: I got you.

MR. MELE: This is just a rendering of the buildings and what we anticipate. Okay. So we were asked to compare our -- to present our business plan, how were we deciding how much rents would be. Now, again, I know this is not something you do as part of a Land Use Plan, but Vice Mayor Castillo asked us to do it, and we're good at following instructions.

So where you see in the upper left-hand panel is our plan, the number of units we have in each category. And notice that we have one bedroom and two bedroom units. We

are not proposing any three bedroom units. This is another example of a reduced impact on schools, because the highest student generation rate is for three bedroom apartments as compared to ones and twos, for obvious reasons.

And you see the five different developments that we are comparing our plan with. These are all developments that are midrise that are located in Palm Beach and Broward counties, and you see our number of units, our average square footage, our average rent, and our average rent per square foot.

Now, the reason we did this is some our neighbors claimed that we wouldn't be able to get the rents we were planning; and what if we didn't? What would happen? Would it become Section 8 housing, would it become low income? And I think it's ironic with all the time this Board and the County Commission are spending on making sure we have affordable housing in the County, when we come in with a land use amendment for multi-family the only thing the neighbors want to know is that we're not building affordable housing.

Well, we are not building affordable housing here. But I also want to point out that the City of Pembroke Pines did the required study under the proposed rule, the one that was just approved by the County Commission on Tuesday.

And it was found to be professionally acceptable, and it was also found that Pembroke Pines has an affordable housing program that meets all the requirements of the policy and the Land Use Plan, and no affordable housing contribution is required for this property.

Now, I'm not saying there won't be a contribution. I think it's safe to say that we're in Commissioner Gunzburger's district; she is probably the number one proponent of affordable housing on the County Commission, and I'm sure we'll be doing something, but there is no requirement that we do anything, based on the Comprehensive Plan and your -- your guidelines.

MAYOR STERMER: That was very polite, Mr. Mele.

CHAIR CASTRO: Yeah. And --

MR. MELE: Even if she's listening, I don't think she would mind me saying it.

CHAIR CASTRO: -- and, excuse me, before you continue, and I'm going to disclose it. As my new capacity as the Executive Director of Dania Beach Housing Authority, I need to -- I feel part of my mission is to educate a little bit, and it's stuff that I'm still learning every day. But I just want to caution you about using the terminology, Section 8 housing. There is no such thing as Section 8 housing.

MR. MELE: I know.

CHAIR CASTRO: Section 8 housing is a voucher choice program. The person is given a voucher to pay rent with. Just so you know, for instance, Dania Beach administers 500 Section 8 vouchers. 80 percent of them are outside the city, because the client gets to choose wherever a landlord will accept the voucher. There are vouchers in my neighborhood sometimes, if somebody owns a house and they want to rent it and they specifically want a Section 8 voucher client, because rent is pretty much guaranteed because the government's paying it.

So we have condos out in Sunrise that some of our clients live in. We have apartments in Plantation that clients live in. We have single family homes in all sorts of cities, Pompano, Coral Springs, whatever. So I just want to take a moment of privilege to say there is no such thing as Section 8 housing. It can occur in any one of your neighborhoods, believe it or not. It's what a willing landlord is willing to take for rent and do whatever. So it's usually not concentrated, either. You don't have a complex that becomes Section 8. That's different.

That would be public housing, and public housing has to be owned by the Housing Authority or the city government, and typically a housing authority. So I'm sorry to interrupt you, but when you made that reference, I took a little umbrage to it, and I just wanted to correct you slightly on that.

MR. MELE: And, Madam Chair, the only reason I made the reference -- I understood exactly what you said. I'm familiar with it. But that's the comment that was continually made at every hearing we went to.

CHAIR CASTRO: Oh. Well --

MR. MELE: That's the only reason I brought it up, and I'm glad you clarified that, but that's not applicable to what we're talking about today.

CHAIR CASTRO: No, it would not be.

MR. MELE: So next on the business plan, one -- the -- the only thing that we can do to ensure that rents are high is to make the buildings and the plan expensive enough to build that we can't rent them for a low cost, because then we would lose money, and no one goes into business to lose money. So all of these elements that you see on this sheet are construction elements that we will agree to incorporate into this plan.

Now, when Mayor Bocard looks at this sheet, he'll be familiar with it, because we did the exact same thing on the Broken Woods development in Coral Springs for the multi-family we're building there. The City of Coral Springs wanted to be sure that it was high quality and that it would be a good neighbor to the existing community.

And so the same elements that we agreed to incorporate into the Coral Springs development are on this sheet, as well, to make sure that this is a -- although a rental building, is of a condominium quality of construction, finishes, and fixtures. And so I

won't keep it on here too long, unless you want me to, but everything that we're showing on this sheet, we're committing to do. If you want us to put it in the declaration of restrictive covenants, we will. If the city wants us to put it in, we will.

That's what we did in Coral Springs on the Broken Woods development. So this analysis just shows you, as a midrise with 232 units, what our impact on schools is. Again, we've already gone over the fact that, even with 262 garden apartments, we have no school issue, but we wanted to show you the numbers based on what we're actually proposing to build.

All right. Traffic. So, again, going back to that City Commission meeting in November when Vice Mayor Castillo said to us, don't give me a theoretical analysis, give me an actual traffic analysis. So what we did was we looked at the office building plan that had been approved, and we looked at our proposed 232 unit development. And you'll see that in the upper box, Table 1.

And first you'll see the breakdown of the office building plan. Now, the trip generation rate for a medical office is higher than the trip generation rate for general office. Now, this office building is right next to the hospital, so I think it's pretty reasonable to assume that maybe the entire building would be medical office.

We didn't do that. We only took a certain percentage of the building as medical office, and we took the rest as general. But, at any rate, you see that our plan has 3500 less daily trips than the office plan that was already approved. It has 253 less morning peak hour trips than the office plan that was already approved, and it has 306 less p.m. peak hour trips than the office plan that was already approved.

So I know that you received in the emails comments that we were going to have a -- a detrimental impact on traffic. Well, that's only if you compare our plan to vacant property. It's not if you compare our plan to what was already approved to be built on this property. And then we were asked to look at specific streets in the area, so we did. And these are all the streets that surround this -- this location, University, Sheridan, Taft.

And you see the daily capacity, the current trips, and not a single one of those streets is at a level of service E or F. Every one of them is operating at D or better. And that is assuming what we have today and the Land Use Plan that we have in effect today, which is the office plan that has more traffic than what we're proposing to build.

So we make the situation better, not worse. One of the other issues that was raised is that building a multi-family complex near single family homes was going to have a detrimental impact on property values for the single family homes. So I asked my clients to get access to independent studies that were already done, nothing that we had anything to do with.

This particular study is from Virginia Tech University, and you see the numbers. In each case, you see property values increasing over time, which is normal. It's not always that

way, but it's generally that way. And you see the first bar is when it's not near multi-family, those single family home values rose by 2.66 percent. When it was near multi-family, on the last three bars, all of which are higher, depending on whether it's low rise, midrise, high rise, et cetera.

So independent studies show that when you build high quality multi-family next to single family, the property values increase. Now, why is that? Well, one of the reasons is most people, many people, when they rent and they eventually buy, they usually buy fairly close to the location they were renting in. They buy that first home fairly close to where they were renting. And so it increases the demand for that single family housing when you have a high quality rental apartment complex nearby.

Now, I know when I first moved to Broward County, I rented in West Hollywood, and I bought my first house in Cooper City, two miles away. And then these are just some numbers. We often assume that the only people who rent are people that can't afford to buy, and that is no longer the case. There are many people who rent by choice, and not only young people, but people of all different ages. And so these are just some quotes from different studies and reports dealing with that issue, and also dealing with -- the last one talks about impacts on schools, but I think that's kind of intuitive.

And then just the final rendering. I'd like to take just one more minute, if I could, to go over the items that you received in the batch of emails. Now, I did not receive the emails, but, of course, I heard about them, because they were part of the additional agenda material.

So I made an effort to go on to the location where these emails were coming from to find out what people were seeing, and that is in your package of additional agenda material. It looks like this. Well, when I looked at this, I said if this was true, I would be against this project, too.

But the problem is, it's not true. The first comment -- and I won't go through all of them -- the proposed land use change and massive apartment complex would be bad for the finances of the city, public safety, and quality of life. We did a fiscal impact study before we went to the city, before I ever saw this, and this was accepted by the city as accurate.

The proposed -- I'll just read the summary. The proposed residential project will provide \$64,012 more annually to the City of Pembroke Pines than if the project were developed as a professional office site. The residential plan also provides \$152,779 more annually to all taxing authorities than the professional office project would.

And this analysis went through every single revenue source the city and County and School Board and other agencies have, property taxes, fire assessments, utility taxes, revenue sharing from the State, business tax receipts, and water and sewer and all of the other categories.

And some of them are a little higher with office -- or residential, some of them are lower, but when you add them all up, the residential plan generates more money for government than the office plan. They also said here that it was bad for the public safety and quality of life. The comment was that the city's police and fire department could not handle the burden.

Well, the city's police and fire department are part of the city's Development Review Committee that reviewed this plan, and they both signed off on this application. They had no objections. The comment was that Pembroke Pines already has enough rental apartments.

Well, I don't know the statistic for Pembroke Pines, but I do know it for Broward County, and the vacancy rate for rental apartments is less than five percent countywide. That doesn't mean we have enough. That means we need more. They -- they talked about traffic. I already showed you the traffic numbers. It's less with the proposed plan than with the current land use designation.

They indicated that the morning rush hour traffic would threaten the safety of students walking to Sheridan Park Elementary. We have less traffic in the morning with this plan than with the office plan. I also want to point out that the city has long wanted a traffic signal at 76th Avenue and Sheridan Street. That traffic signal has been approved. My client is paying \$275,000 of the cost of that traffic signal.

And that was a voluntary contribution we made to the city based on concerns we had heard from the Walnut Creek neighborhood. Now, I recognize that the city was willing to pay that if we had not agreed to do so, but we did. The comment that the apartment complex will be a blight, an eyesore on the community. I assure you that that will not be the case. I think I've shown you the quality of work that my client does.

And I also -- if anyone who is familiar with Pembroke Pines knows, they have a very vigorous program for site plan review. They don't allow you to build anything --

UNIDENTIFIED SPEAKER: No. (Inaudible.)

MR. MELE: -- that doesn't look good. There was a comment about rental numbers being overly optimistic, and there was a comparison to a rental complex in Monterra in Cooper City, which is very close to this site. It's at the northwest corner of Sheridan and University.

Well, the reason the rents are lower in Monterra -- and Mr. de Jesus knows this from his time on the Cooper City Commission -- is that is a subsidized project. That is a project that went through the Broward County Housing Finance Agency, the State of Florida Housing Finance Agency. They received tax exempt bonds to build it. They also received a waiver of impact fees because it's very low and low income.

So the rents on that project are low by design, because it went through that government

process. We are not doing that. Now, I will tell you that property in Monterra is a beautiful apartment complex. I don't see a thing wrong with it. I worked on that development and on the approvals. But it has lower rents by design.

There's a comment that we'll require more services. Again, that's not been found true by the City of Pembroke Pines. There is also a comment that the City Commission denied a land use amendment for the Pembroke Meadows area for a 298 unit apartment complex. That's at Flamingo Road. That is not this site.

I think it's important to note that the City Commission approved this one and didn't approve that one, and that was their judgment that this was the appropriate place to do it, and the Flamingo Road location was not. So I'm not sure how citing that helps to work against what we're proposing today. Finally, there's a reference to an ad hoc land use change. I think what you do here is the opposite of ad hoc. The amount of analysis that your staff, that the city, that the State puts into these land use amendments is anything but ad hoc.

It is probably the most thorough development approval process we go through. We have more Public Hearings; we have more analysis; we have more detail on a land use amendment than we do on rezonings, plats, site plans, or building permits. So I think characterizing it that way is inaccurate. Having said that, I'll be happy to answer any questions. And, at the end of the public comment, I'd like the opportunity to respond. Thank you very much.

CHAIR CASTRO: Okay. If you don't mind, I'll bring him up for questions after we hear the other speakers.

MR. MELE: Thank you.

CHAIR CASTRO: Thank you.

MS. BOY: The next speaker is Sharon Williams, but for questions only. I don't know if she's -- okay. Vice Mayor Jay Schwartz, followed by Elina Levenson.

VICE MAYOR SCHWARTZ: Good morning, distinguished colleagues and members of the public of the Planning Council. My name is Jay Schwartz. Yes, I am Vice Mayor of Pembroke Pines; however, I'm here in my individual capacity and not on behalf of my colleagues. District 2, which is my elected zone, covers Walnut Creek on the east side of University, and the more than 2,000 homes on the west side that were not legally noticed because it went beyond the 500 feet.

At the planning and zoning hearing, that was transmitted to our City Commission on a favorable recommendation. However, the easternmost member of that planning and zoning, former Commissioner Jack McCluskey, voted against the project.

Former Commissioner McCluskey has in depth knowledge of this historical area of

Planning Council

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Pembroke Pines, and voted against it. My opposition for the project has to do with compatibility. Now, we have a Comprehensive Plan here -- we have a Comprehensive Plan in Pembroke Pines, but not one size fits all.

Pop-up charter schools, for example, that open and close, globally, you have to give them the rubber stamp, because they have to open. But, clearly, if you dial down, as -- as Mr. Furr had acknowledged, sometimes it's not always the best thing that comes up in the community.

Now, Mr. Mele mentioned a project that was approved back in 2007. It has expired and will have to come forward to the Planning and Zoning Board for another review. Mr. Mele also had indicated that there were several communications with the citizens of Walnut Creek. At one of those -- but he failed to mention that prior to the applicant acquiring the property as the result of a foreclosure, the office building went to foreclosure. It wanted to be acquired by the applicant.

We met at my office in August of 2012. I encouraged the applicant to work with the community, do his due diligence. A few months later, showed up to a Walnut Creek HOA meeting; unbeknownst to me, had acquired the property; told the residents that he would be willing to build a ten story medical office building, but would prefer to build what was presented today.

A meeting with the applicant after that meeting, in the parking lot, he had indicated that he was taking a chance on the land use change, that if he had to wait, he would. And since July -- since January of 2013, it has been a very long process trying to work out what is best for the community. I want to speak directly to the economic development portion of it.

Prior to being elected, I was the Chair of the city's Economic Development Board. I am a huge advocate for economic development, spearheading our city center projects, and in development citywide. But this project does not fit the University corridor on the residential from the land use change.

It must remain on the commercial side. An assisted living facility with some boutique retail is an appropriate use for this current property. Mr. Mele mentioned rental rates, and he showed you some really fine areas in Boca, in Plantation, and Wilton Manors. But what he didn't include in the packet is the rental rates in Pembroke Pines.

On a 4 to 1 vote, we -- we turned down a extremely similar project of luxury rental on the -- on the Flamingo Road corridor just a few weeks ago. And part of that process, the applicant had provided rental rates. All in Pembroke Pines.

This applicant, for this -- for this land use change that you're seeing today, would be the highest rental rate that the city has ever seen. Made a commitment back in November at the transmittal hearing in front of the City Commission that they would agree to having a specific rental rate, as -- as Mr. Mele had indicated.

But what he didn't tell you is what that rate would be. Initially, we were told that one bedroom apartments would be \$1,000, two bedrooms would be 2,000. But the applicant tells Walnut Creek that the average rent will be 1500. Then the numbers shifted again as -- as the community started to inquire about the -- the applicant and -- and -- and the community -- and the community outreach, to the point that the numbers changed three different times.

And the last time was in November of 2013, in front of the Commission, when asked what the rate should be, and it was between 18 and, I believe, 23 to \$2500. Folks, this is not -- this is not a rental rate that can be supported on University Drive. Just to the west, the single family homes' mortgages are less than 1300. Yes, there is some benefit of having luxury rentals in a city, but it has to be laser focused, and it has to be compatible with the area.

I'm rising today to speak against the item. I would ask that you take that into consideration. I don't come here lightly. This is -- this is -- kind of a big thing for me to reach out in front of an elected body like yourself, with your own cities and members who have served. You understand what it is like to have a debate at your City Commission level. But I firmly believe that it's not in the best interest of my district or my community to allow this to move forward. Thank you very much.

MS. BOY: Elina Levenson, followed by Dev Matwanee, followed by William Marshall.

CHAIR CASTRO: Is that the end of the speakers?

MS. BOY: That's the end of the speakers.

CHAIR CASTRO: Thank you.

MS. LEVENSON: Good morning, and thank you so much for the service that you do for the citizens of Broward County. My name is Elina S. Levenson, and I live in Walnut Creek. In fact, I live in the section of Walnut Creek that's towards the east, so I've come here to speak because there are a lot of things that have been said that are not exactly true, and they need to be clarified.

One thing is -- and we have a Florida Statute, 380.06 under Section 19, Section A, Section 2, Section K, in which you do a traffic study. And they talk about the peak hours of traffic. Now, they have mentioned the p.m., but they have not mentioned a.m., which is usually from 7:00 to 9:00 a.m. And residential is a lot more busy. It's parents going to work, children going to school, school buses back and forth, et cetera.

If you look at the map, you can easily see that this traffic will not only affect Pembroke Pines, but Cooper City, Davie, and Hollywood. They're right there, all three cities, including Pembroke Pines. The Chairperson, Anne Castro, asked the gentleman about the exits; how was it going to happen? He said Pasadena. They would make the left onto Pasadena, and at the light on University, they would either go left or right or

straight. However, he didn't mention people who wanted to go down Sheridan east. They're probably going to cut right through the hospital parking lot. Is that right?

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. LEVENSON: I don't think so.

UNIDENTIFIED SPEAKER: It's illegal.

MS. LEVENSON: Traffic is my number one thing, besides the fact that his rental prices are not realistic. He spoke about Monterra. That is true, as you well know. But there's also Jefferson Monterra, which is just behind it. And their rates for one and two go from 1300 -- and these are regular rents, not reduced -- 1300 to a maximum of 1600.

So his numbers are completely out of focus, as far as I'm concerned. I have been to those apartments. They're beautiful. They have granite. They have -- the tubs are spa type tubs, walk-in closets, et cetera, private balconies. They have a computer room. They have conference rooms. Beautiful. Absolutely stunning.

So I really don't see this being a reality. It's almost like a myth that he has invented. And I did write emails to each and every one of you, and I hope you received them, took them into consideration. And thank you, Mr. Hobby, for answering me. Have a great day, and I know you'll make the right decision. Thank you.

CHAIR CASTRO: Thank you. Next speaker?

MS. BOY: Dev Matwane, followed by William Marshall.

MR. MATWANE: Good afternoon. Thank you for your time today. My name is Dev Matwane, and I am the property owner of this proposed project with Pollack Shores. I'm just here to answer any questions. I'll let Mr. Mele respond. So just wanted you all to know I'm here if you have any questions.

CHAIR CASTRO: Thank you.

MS. BOY: William Marshall is the final speaker.

CHAIR CASTRO: Thank you.

MR. MARSHALL: My name is William Marshall, and I am the president of the Walnut Creek Homeowners Association. The community of Walnut Creek, consisting of over 2,000 residents, is located on the eastern border of the proposed property change. The Board of Directors and the residents, who have asked us, we took a vote, and we unanimously oppose this land use change.

The addition of 232 more apartments in our area will severely impact our owners'

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property values as -- due to inability to merchandize them. We're going to have more competition. We have -- also, we have a great concern on the owner of this land. This - - this owner, in the past, has entered in and gone through two strategic defaults on property that he has bought and developed here in Broward County. I don't want it to be a third one in our city.

So we are asking that you please deny this change, because when you start to build and you go into receivership or -- or default, the next thing we have is the potential for a plethora of problems. With an empty building; who knows? The -- the City of Pembroke Pines, the corridor on University, this particular development would not be compatible with the city plan, long range planning.

There are no apartments for rent on University north of Johnson Street in the City of Pembroke Pines at the present time, and that's because they want it to be a commercial area. That's what they're developing. That's what they're building for. We don't really need more apartments right now. There's quite a few apartments. There's almost a 30 percent empty -- pardon me -- there's 30 percent empty in Jefferson Monterra, and there's quite a few at City Center in Pembroke Pines, which is still under construction and building a whole new section.

So there's quite a bit of apartments available in our city. What we really need are jobs. Jobs would be created by building an office park where people could go to work. That's what we really need. Thank you.

CHAIR CASTRO: Thank you.

Mr. Mele, I'm assuming you want to respond?

MR. MELE: Yes. Thank you. Couple of quick items. I want to point out that the vote at the Planning and Zoning Board was 4 to 1 in favor of this project. The vote at the City Commission was 4 to 1 in favor of this project. So the references to the one person who voted no each time should be noted.

Second, I forgot to mention when I was up here earlier the second to the last item in this additional agenda package is a letter from Memorial Health Care. Memorial owns the hospital right down the street from us, and they are very much supportive of this, because they said there's a need for housing nearby for their employees. I should have pointed that out earlier.

I also want to say this is the first time that Vice Mayor Schwartz and I have ever disagreed on anything. I think he'll verify that. But I do want to point out that the office plan, site plan, has expired. I said that. But I also pointed out it meets every requirement of the city code. If it was refiled, it could be approved again. And, in fact, the current B3 zoning allows a height of up to 110 feet.

Now, I'm not suggesting that's what we would build. I'm not suggesting that's what Mr.

Matwaneer would build. He was simply pointing out, when he attended that meeting, that that's what is allowed today. There's continued references to commercial. The property is not commercial. It's office park land use.

There was a discussion about the rental rates. Well, as you know, rental rates are not a criteria that you use to analyze a land use amendment. But just -- or about three months ago, we had an approval here of the development that the related company is doing on University Drive about a quarter of a mile north of Sheridan -- I mean of Sterling, so it's about a mile north of this site. It's in Davie, not Pembroke Pines.

But it was approved here, and it was approved by Davie. We had the hearing for that development at Davie the night after we had the one in Pembroke Pines. And when the Mayor of Davie asked my client to give the rental rates, the rates he gave are within a hundred dollars a month of the ones we're quoting for this site, and that's one mile up the street. The references to Jefferson and some of these other developments still having vacancies, the projects aren't even finished yet. They're still under construction. Of course they have vacancies.

The reference to Section 380.06(19) Florida Statutes, that's the DRI statute. We're not a DRI. A DRI is a development with a minimum of 3,000 units. Also, Broward County is exempt from DRI regulations unless you're within two miles of the Everglades. And, furthermore, we did do an a.m., p.m., and average daily traffic analysis. We showed it to you a few minutes ago. We have less traffic in all of those time frames than the office development.

Finally, this comment about Mr. Matwaneer having defaults, he has none. He and his family have been in the real estate business in Broward County for 30 years and never defaulted on a piece of property, ever. I don't know where that's coming from. He wanted to get up. I think his response would be more impassioned than mine, so please take it from me. If you want to hear it from him, he'll come up and tell you himself. Other than that, I have no -- nothing further unless you have any questions for me. Thank you.

CHAIR CASTRO: All right. Bringing it back to the Council. Mr. de Jesus.

MR. DE JESUS: Thank you, Madam Chair. Vice Mayor Schwartz, may I ask you a quick question? I reviewed some of the meeting where this issue was debated with the city. Why do you believe you're the only dissenting vote on this issue amongst your colleagues?

VICE MAYOR SCHWARTZ: I can't get into the mind of my colleagues, but there was definitely concern on behalf of my colleagues. I believe there was a commitment to a certain rent rate. There was a commitment to work with the residents of Walnut Creek.

And at the time, Vice Mayor Castillo had indicated on the record that he would support the item to move it forward, but until he's satisfied that the needs of the residents are put

first, he wasn't going to support it on second reading.

So to kind of give you an idea of the thought process, it was November of '13. There was some interesting dynamics going on in the city. But specifically on the -- on the item itself, I had met with members of the Property Appraiser's Office to inquire about just -- just the overall business aspect of what type of community partner we'd be getting. Some questions were raised that evening at the Commission meeting. And, again, that's -- I hope I have answered your question on that.

MR. DE JESUS: Okay. Thank you.

VICE MAYOR SCHWARTZ: Okay.

MR. DE JESUS: You all received the -- thank you, Vice Mayor.

VICE MAYOR SCHWARTZ: Thank you, sir.

MR. DE JESUS: You all have received, I assume, the same emails that I received. Up to 10:00 p.m. last night, some 57 --

MAYOR STERMER: There were more this morning.

MR. DE JESUS: Yeah, I'm just going until the time I called it quits for the night to prepare for today. Of the 57 up until 10:00 p.m., all but one were computer generated responses. I signed Liz Lamar's petition. In order to comment on those emails, you clicked on a link. That link required you to join a website, change.org, in order to see what the details behind that petition were. That's not something I practice. I don't join websites that I'm not familiar with, that I'm not associated with. I've got my name on enough email lists.

So I wasn't afforded the opportunity to see a lot of those concerns, or whatever those concerns are, other than the additional backup material we received yesterday that gave us some of those statements. And learning a large majority of those statements are, in fact, factually incorrect, is quite concerning to me, because I take this responsibility serious.

I believe every homeowner has a right to an opinion and to oppose a project that they feel is going to be detrimental to their community, but I would appreciate accurate information to help discern whether that, in fact -- what type of impact that's going to be.

The one email that was personally generated, I was able to respond to, and received a response from her, and I appreciate that opportunity. The rest, I can't give much credibility to because I couldn't speak to anybody, couldn't correspond with anybody.

I guess the most disturbing thing to me today is to hear the HOA President make accusations of the developer, which, by the way, I don't know. I've never met, haven't dealt with him on any projects, but make a personal accusation that he's been in two

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defaults. So I'd like an explanation from the HOA President as to why he made that statement and the -- and the proof behind that. So, sir, if I can get you back up, I'd appreciate it.

CHAIR CASTRO: Mr. Marshall, if you want to decline that, you can decline that, sir.

MAYOR RYAN: Madam Chair, point of order. Not to interrupt --

CHAIR CASTRO: All right.

MAYOR RYAN: -- my colleague, but point of information on this. What is the standard of review for us in this regard, whether true or not? And I would turn to counsel on that.

MR. MAURODIS: You -- it's clearly a legislative matter. You're not sitting in a quasi-judicial capacity --

CHAIR CASTRO: Right.

MR. MAURODIS: -- so it's basically your judgment on the policy implications --

CHAIR CASTRO: Right.

MR. MAURODIS: -- and you can give whatever weight you want to each speaker.

MR. DE JESUS: And, Madam Chair, I ask because if it's, in fact, true, I've got concerns with giving my approval to a project where the developer may not have a good track history, especially in Broward County. But if it isn't true, I don't want to weigh that -- that accusation.

CHAIR CASTRO: I'm not sure a developer's history or whatever is in our purview for part of our review, so I think that's why we're saying --

MR. DE JESUS: Okay.

CHAIR CASTRO: -- that should be just basically -- I don't want to say ignored, but basically ignored. Even the site plan things that Mr. Mele went over pretty much need to be ignored. The idea is either maintaining a commercial use -- excuse me, office park use or a residential use is compatible, as far as land use goes, relative to the items that we painstakingly went through from traffic to schools to, you know, environmental and so forth. That's what we all need to focus on. Yes, Mr. Maurodis.

MR. MAURODIS: Yeah, only to support the Chair's statement. Those things are interesting, and they tend to be presented and they --

CHAIR CASTRO: Right.

MR. MAURODIS: -- you know -- and, obviously, Pembroke Pines wanted to know during their land use planning, and they were ably represented by counsel who certainly steered them right. But I tend to want to focus on the Land Use Plan, because this is -- as I spoke to the Mayor, you're acting kind of -- well, you're recommending to a body that's going to be acting in a legislative capacity on the policy to certain determination of whether this land use category is good for this use as opposed to another land use category. So it's very general 30,000 feet up type of -- type of review.

CHAIR CASTRO: Yeah.

MAYOR RYAN: Madam Chair, just an apology to my colleague for --

MR. DE JESUS: No. I --

CHAIR CASTRO: No. That's okay.

MR. DE JESUS: -- appreciate the input.

CHAIR CASTRO: That's fine.

MR. DE JESUS: I didn't hear what I heard.

CHAIR CASTRO: That's the way to look at it. Ms. Good, followed by Mr. Long, Mr. Hobby, and Ms. Graham. Is there anybody else? Oh, Mr. Blattner.

MS. GOOD: Thank you, Madam Chair. Again, this Council always takes great interest in the comments raised by the residents of the community. So those that are here in attendance, I just want you to understand that we do consider those comments made before us.

I just needed some clarification, and I appreciate the Chair clarifying what's before us and how we're limited to certain criteria that we are to utilize in moving this proposed amendment forward. With regard to we received an email from Ms. Boy with regard to PH-9. There was reference that the city supported the transmittal.

And I know that we usually mention Home Rule, and we always look to our city leaders to see what their viewpoint is with regard to proposed land use amendments. And I know that that's something that we also take into great consideration. So in the email, Ms. Boy, just that you referenced the city supported the transmittal with one dissenting vote. When you say the city in that statement, is it both Planning and Zoning and the City Commission?

MS. BOY: The statement that was in that email was just the City Commission. I didn't reference the -- I don't usually reference the Planning and Zoning Board vote. But that's just a reference to the City Commission.

MS. GOOD: Okay. So that was in reference to the City Commission. Do -- this

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particular amendment did go before the Planning and Zoning in the City of Pembroke Pines?

MS. BOY: Yes. They serve as the local planning agency, as you do to the County Commission, to the City Commission.

MS. GOOD: And then can you just, for the record, indicate what that vote was, as well? Do we know what that is?

MS. BOY: I believe it was 4 to 1.

MS. GOOD: Okay.

MS. BOY: That's what Vice Mayor Schwartz stated, that there was one dissenting vote on that board, as well.

MS. GOOD: Okay. I thought I heard -- and, again, I just wanted -- whenever people reference city, I just wanted to make sure. So this particular land use amendment had a two-prong review process? It had the local planning authority, which is their Planning and Zoning Board, which voted whatever --

MS. BOY: Four to one.

MS. GOOD: -- to approve the proposed amendment, and then it went before the City Commission, and it was also approved; correct?

MS. BOY: Correct. Four to 1.

MS. GOOD: Okay. That's all. I just wanted to clarify that point. I wanted to understand the review process, if it was more than just the City Commission, and it was also the local planning authority, which I certainly appreciate having the two-prong process.

I live in the City of Pembroke Pines. I have, I will tell you, apartments surrounding my residential single-family home community. I live very nearby to the city center. I will tell you that not every development is afforded that two-prong review process. So I certainly appreciate the fact that this particular development had that additional review. Thank you.

CHAIR CASTRO: Okay. Now I have Commissioner Long and then Mr. Hobby.

COMMISSIONER LONG: Thank you. For the past 15 years, I've served as Commissioner in Lighthouse Point, and I fully understand from a Commissioner's point of view the angst that the residents of Walnut Creek have. A lot of times, you have in your mind that, when you buy a house or wherever you're living, it's always going to stay the same, and nothing will ever change.

And some people call it progress, some people don't. In this particular case, I support the land use change because I believe that what you're seeing -- and I do believe the developer is going to do a good job, and the people involved will be doing a good job.

When we start looking as a Planning Council, putting the Planning Council hat on, we have that checklist. And I believe this meets all the criteria for the checklist to allow this to go forward.

But I do understand. And I saw all the emails and it even had somebody from Weston who signed in for it. But the fact is, it shows you care about your community. And I do believe that this project, as it's presented, and, again, a site plan doesn't mean a lot, for us, anyway, that this will be something that will be compatible with the area. And the traffic, I think those answers have been provided to us, so I am in support of this.

CHAIR CASTRO: Thank you. Mr. Hobby, followed by Ms. Graham.

MR. HOBBY: Thank you. And I'm not sure who the person would be to answer this, is -- since this is -- Walnut Creek is a gated community, I assume there's a barrier now at the property line between Walnut Creek residents that back up to this property?

MR. MELE: I don't know what the barrier is now, but I will tell you that, as part of our land use amendment approval at the City of Pembroke Pines, we agreed to build a wall around -- along the eastern property line and the southern property line. I think there's a fence now.

And we agreed to do that at the beginning of the construction process, which is kind of a standard treatment in Pembroke Pines, where you agree to do that. And that's what we've agreed to do here. So there will be a wall along the east and southern property line to separate our property from Walnut Creek.

MR. HOBBY: Okay. And what is the distance in the proposed site plan, what is the distance between the property line and the nearest building? I mean, in round numbers.

MR. MELE: Just give me a second to find that.

MR. HOBBY: Yeah.

MR. MELE: The closest residential building to the property line is just a little bit more than 71 feet. The closest distance from the closest parking garage, the one-story parking garage, is 52 feet.

MR. HOBBY: Okay. All right. Thank you.

CHAIR CASTRO: Ms. Graham.

MS. GRAHAM: Thank you, Madam Chair. Just real quick, to not belabor this, and now

that I know the 71 foot setback is the closest any structure would be to, I presume, the south and/or the east, some questions for Mr. Mele. You mentioned that the pervious area would be less for a office park -- actually, you stated it would be greater impervious area for an office park than for a residence.

Does the Zoning Code for the City of Pembroke Pines not have a flat 30 percent minimum or something to that effect --

MR. MELE: Where that --

MS. GRAHAM: -- for any development?

MR. MELE: -- where that number is coming from -- it's not my number -- it's the number that your Department of Environmental Protection reported, and I'll tell you exactly where to find it in the backup.

MS. GRAHAM: Well, I'm asking just from the sake of Pembroke Pines. I mean, most municipalities, especially now that they're finally addressing flooding conditions, it used to be 30 percent minimum in City of Fort Lauderdale --

MR. MELE: This is --

MS. GRAHAM: -- so I'm not too sure if it still is, but they don't have that for the City of --

MR. MELE: -- no --

MS. GRAHAM: -- Pembroke Pines?

MR. MELE: No. The City of Pembroke Pines will have in their Zoning Code an open space percentage for every different zoning category. I don't know what it is --

MS. GRAHAM: Okay. So it's not -- it's actually not the same, then, for residential versus the office --

MR. MELE: -- I --

MS. GRAHAM: -- park?

MR. MELE: -- I know there's a number for each zoning category. I don't know if B3, which is what it's zoned today, has the same percentage as PUD or --

MS. GRAHAM: Okay.

MR. MELE: -- or R4 or whatever we might use to zone this property.

MS. GRAHAM: Okay. That's fine.

MR. MELE: I was simply quoting you from the EPD report that you have in your backup.

MS. GRAHAM: Right. I just -- I just wanted to question this, put it on the record. Now, for the parking, is there any parking reduction from the prior approved plan for the office park and for the apartments now?

MR. MELE: Both plans meet the code. I don't know which one has more parking.

MS. GRAHAM: Okay.

MR. MELE: I would guess that the office plan would have more parking, because they were building a four-story parking garage. But I don't know if there was more parking with --

MS. GRAHAM: But you actually have four two-story parking garages, parking at grade with a parking on an open second level; correct?

MR. MELE: No, we do not. The only parking we have --

MS. GRAHAM: You showed a sketch with the orange, the four boxes --

MR. MELE: Yes. Let me put that back up for one second, and I'll show you exactly what we have.

MS. GRAHAM: Thank you.

MR. MELE: The colored site plan will work just fine, Ivan. (Inaudible.)

MS. GRAHAM: Okay. Uh-huh.

MR. MELE: We have surface parking, and those orange buildings are one-story parking garages. Not a -- that's not a deck. It's just a little enclosed garage.

MS. GRAHAM: Oh, okay. Thank you for clarifying that. Okay. And I think it said 499 spaces. So your parking calculations are based on the number of bedrooms in the unit; is that correct?

MR. MELE: The way Pembroke Pines does it is regardless of the number of bedrooms, it's 2.1 parking spaces per unit. The concept is that you have two spaces per unit, and the .1 is for guests.

MS. GRAHAM: Okay. So you actually would have 2.1 whether they were one or two bedrooms, regardless of the mix of the units?

MR. MELE: That's correct.

MS. GRAHAM: Okay. And you meet the minimum? You comply?

MR. MELE: That's correct.

MS. GRAHAM: Okay. And --

MR. MELE: We knew better than to ask for variances --

MS. GRAHAM: Okay.

MR. MELE: -- for this project.

MS. GRAHAM: No, no. Thank you. And then -- I just want to clarify that the web page link, when I started getting the emails, you can actually go to the link to see the petition on that change.org or whatever it is. You don't have to fill in your information and be part of the signing in, supporting the petition.

But I did get to read it. Mr. de Jesus made that point. Because I just -- this came a few days ago, and before I got the backup from Barbara, I just wanted to see what all they were saying. And --

CHAIR CASTRO: Just on that real quick, Ms. Graham. I'm going to confirm with Mr. de Jesus, I couldn't, actually, on both links that were presented.

MS. GRAHAM: And you could read all the --

CHAIR CASTRO: The both of them -- no. Both of them required me to either sign-in or log-in or sign-up. And --

MS. GRAHAM: I didn't --

CHAIR CASTRO: -- ironically, not that I care, because I've been on change.org before, but I don't think I ever, like, created a profile. I've already started getting emails now from other petitions on change.org because my email was used. Which is fine; I'll deal with it. But I clicked -- and I'm pretty technically savvy -- I clicked on both links, and both links required me to sign-in or sign-up.

MS. GRAHAM: Okay.

CHAIR CASTRO: So I didn't get to go look at it.

MS. GRAHAM: All right. So I hope --

CHAIR CASTRO: So I was glad staff --

MS. GRAHAM: -- I hope my name's not on the petition.

CHAIR CASTRO: Matter of fact, I called Barbara Blake Boy, and I said, could you please get us a copy --

MAYOR RYAN: I received --

CHAIR CASTRO: -- of the document out.

MAYOR RYAN: -- your petition on nuclear weapons (inaudible).

CHAIR CASTRO: See what I mean? Yeah.

MS. GRAHAM: Save the buffalo. Okay. And then my last question, you know, when I looked at this backup and I started seeing all the emails, I was trying to figure out why, after so many years of the commercial -- the current land use approval, why they wanted to go to the residential.

And I did go through the Broward County Property Appraiser, various ownership transitions. I saw at one point Humana had it. I guess in 1990, they were part of the sale. Humana got it from somebody in California, I believe. I just wrote a quick note. Doesn't really matter.

But, you know, with properties being so desirable at our peak development points in the last 20, 25 years, I just was surprised that this has sort of been left over after you watched the Google map aerials, and you can go back and you can see how everything developed around it. It still had this tiny, roughly, what, 320 feet frontage by 1290 feet deep. No wonder the traffic is -- is a hindrance. And, again, when I vote no, it's -- it's because of the traffic. In fact, I voted no earlier on a recertification for Items 3 and 4. One of them was the Deerfield development off of Hillsborough, which you might have been the representative --

MR. MELE: I was.

MS. GRAHAM: -- counsel for the applicant in that.

MR. MELE: I remember.

MS. GRAHAM: I thought you were. And, again, the development may work inside, but all you need is one critical link, which is usually access, egress, whether it's users or emergency.

And architects can draw whatever they want. I mean, CAD is wonderful. You can do it to scale and it can look like it can work, and your turning radiuses are correct, but when you finally implement it, if you don't have the stacking depth and all the other things you need, it -- it bottlenecks. And, you know, when I see this smack in the middle of the north side of the property line, it's almost like I'll bet they're going to have to move it further east, because you're just going to need the stacking to be able to then go out

and sit at the red light. But, again, thank you for answering my questions, and --

MR. MELE: I would just point out that, as you know from the staff's report, we have less traffic than if we developed it as an office building. So if traffic is your concern, I think it's a pretty easy decision.

MS. GRAHAM: Well, that have been why the office development never occurred.

MR. MELE: I think the main reason it probably never occurred, there -- as you noted, there's a very limited amount of frontage on University Drive. To be a successful non-residential parcel, it would have been much better if the parcel was flipped and you had the long side facing University and the short side on Pasadena.

MS. GRAHAM: And that's why savvy investors that want to buy and develop, they do a certain due diligence sort of at the front end to look at all of the options and the limitations, as you know.

And then you advise them if you can get it for a song, great, and, if not, because you're just -- you're compelled with all these issues that even a savvy architect might not be able to overcome. Thank you.

CHAIR CASTRO: Mr. Blattner, Commissioner Blattner.

COMMISSIONER BLATTNER: Thank you. First of all, Madam Chair, I want to thank you for your explanation between -- for the difference between public housing and --

CHAIR CASTRO: Thank you.

COMMISSIONER BLATTNER: -- and HUD. I hear this almost every week. Every rental project that's presented is it's a HUD project, and it's -- those are, pardon me, but typically code words that I will not dignify further here. I also read a comment that I understand that homeowners adjacent to any property want to protect their property values. We all want to do that. But it seems to me that in every one of these applications we get that are brought before us there is a paragraph which says, and I'm going to read part of it. It is the -- it is noted that the Council's review regarding certifications is limited in scope to our authority based on whether the municipal plan is in conformity, substantial conformity, da, da, da, to Broward County Land Use Plan.

It does not give us the opportunity to weigh in on whether we like the project or not. And that's what this was all about today, whether we like the project or not. That's not for us to decide. That's been decided by two 4 to 1 votes. And because of that, I can't see how you cannot approve this project. It may not -- it may not meet the goals and objectives of the adjacent property owners, but that's not our decision. That's been made already. So I think the evidence clearly is that this does meet Broward County Land Use Plan. Thank you.

CHAIR CASTRO: Mr. Steffens.

MR. STEFFENS: Just a quick question for Mr. Mele. There was an allegation, for lack of a better term, made about potential to traverse through the hospital parking lot from this community. Is that going to be something that's going to be possible to do?

MR. MELE: Well, I imagine someone could always try to do something like that. I'm not sure it would get you there any faster. I've driven through that hospital parking lot. Unfortunately, my wife had surgery there last year, and that's a pretty tough parking lot to go through. So I imagine somebody could try it, but I think after you did it once, you probably wouldn't do it again.

CHAIR CASTRO: Well, and I'm going to make a couple of comments on that. First of all, technically, it's as illegal as if you cut through a gas station on the corner to avoid the light.

MR. MELE: Exactly.

CHAIR CASTRO: So is there going to be law enforcement out there? No. Secondly, to me, that's not a bad thing. That's a good thing, because one of the issues is the traffic, apparently, on University. Well, that'll take the traffic off of University. So I'm not sure that's a winning argument to portray right now. But, Mr. Steffens, please continue.

MR. STEFFENS: That's it.

CHAIR CASTRO: Okay.

MR. STEFFENS: Thank you.

CHAIR CASTRO: All right. Mr. Bascombe, followed by Mayor Aronson.

MR. BASCOMBE: I don't know if it's appropriate at this point, but I'd like to make a motion that we approve PH-9.

COMMISSIONER BLATTNER: Second.

CHAIR CASTRO: I have a motion from Mr. Bascombe, a second from Commissioner Blattner. We'll continue the discussion. Mayor Aronson.

MAYOR ARONSON: Thank you. First of all, I want to thank all of the people who did email or signed a petition. And I know many of them may have just signed a form petition, but there were a few people -- I think there were two individual letters that I did receive.

So I do appreciate the time and effort that went into that, because I recognize that you two care about your community very much and you're concerned about what the

surroundings will be. But, you know, I want to relate to something that Commissioner Long also said, serving as an elected official myself.

And it's interesting that office park projects that -- where I've seen -- around surrounding neighborhoods generate more concerns, it appears, than if a -- another residential project would come in. Sometimes people get more concerned about an office park or a commercial project. And from a compatibility standpoint, I think that residential around the residential is much more compatible.

And I do have a question, though, for Mr. Mele, because it sounded like when you started there was a concern about whether this was going to be affordable housing to meet the term, affordable housing.

But rental housing in general is going to be affordable to the people that -- or hopefully affordable to the people that move into the project. But there has been -- I think some of the confusion here is what rental range, just for our own knowledge here, are you looking at? Because I've heard everything from affordable to luxury rental, and I think, you know, maybe you need to clarify who you're -- who the demographic is that you're going to try to appeal to.

MR. MELE: The reason that I had the discussion about affordable -- I think Commissioner Blattner said it better than I did -- every time we propose to do a multi-family project, somebody comes out and says this is going to be HUD housing. Every single time. And so we end up talking about that. Our rental rates are in the upper left-hand box on that slide. That's what we're proposing to do.

MAYOR ARONSON: I can't see the slide --

MR. MELE: Okay.

MAYOR ARONSON: -- and I don't have the ability to --

MR. MELE: Okay.

MAYOR ARONSON: -- but --

MR. MELE: I --

MAYOR ARONSON: -- you didn't --

MR. MELE: -- I'll tell you what it says.

MAYOR ARONSON: -- you don't even have to -- Dennis, I just need to know if it's --

MR. MELE: It's -- it's --

MAYOR ARONSON: -- high end or --

MR. MELE: -- Mayor, I --

MAYOR ARONSON: -- mid-range.

MR. MELE: -- I would -- I would compare it to the three developments that have recently been approved in Coconut Creek.

MAYOR ARONSON: Okay.

MR. MELE: Maybe even a little higher. And the reason I say that is these are four- and five-story buildings, so that means we have elevators, whereas the three-story buildings do not --

MAYOR ARONSON: Do not.

MR. MELE: -- which significantly increases the cost of construction. And then also we've guaranteed to have these certain elements that I showed on the other slide with the finishings and the bathroom fixtures and all the rest of it. So probably a little bit higher than the Broadstone on Hillsborough Boulevard, a little bit higher than --

MAYOR ARONSON: Okay. Just for a comparison.

MR. MELE: -- Casa Palma on --

MAYOR ARONSON: Got it.

MR. MELE: -- 441. A little bit -- maybe about the same as the Bel Lago on Wiles Road.

MAYOR ARONSON: Okay. All right. And that just gives me an idea. I think, you know, again, when you talked about the comparison of traffic, and I think you gave a very thorough presentation, there would be less traffic with this project than with the office park.

And even the homeowners association president who spoke about jobs, we need jobs, well, rental construction will generate jobs. People that would move into a rental community will support the local economy by visiting restaurants, stores, and that's part of what happens. It should generate and maintain existing jobs.

And that's something that's very important to me. And this is what was approved by the city. While it was approved on a 4 to 1 vote, the City Commission did choose, in Pembroke Pines, to support this project. And I also recall not that long ago hearing a presentation from Ralph Stone saying that Broward County needs -- needed like 50,000 rental apartments. There was a lack of rental apartments in the County.

And so now we're seeing projects start coming out of the ground. So there is a need. And the time may change at some point in the future, but we still have a need to fill. So I will support this project. Thank you.

CHAIR CASTRO: Mayor Ryan.

MAYOR RYAN: Thank you, Madam Chair. I won't belabor the point. I echo the Vice Mayor's points regarding our standard of review. I thank the residents, all of whom -- email, I think, it is the highest form of engagement to do that, whether it be an automated petition, which I think I probably participated in some point in my life or another, or individual emails. They still reflect an opinion, and I value that.

And I also value the fact that the Vice Mayor came out today to appear before us. Whenever receiving such public input, all of us naturally look to the report provided by staff and reevaluate what is our role. And the points raised are quite debatable and probably were debated in a robust fashion before the Planning and Zoning and then again before the City Commission.

Unfortunately, we do not sit as a body to veto or oversee the propriety of that vote and whether they've adequately considered. That is left for another day, and perhaps for elections later or some other time. Our standard of review, as the Chair has allowed me to interrupt my colleague, and I apologize again to my colleague for that point of order, is simply whether or not it meets the overall plan.

And, of course, after receiving the emails, I went through the detailed report from staff and looked at each feature to see whether or not there were even concerns generated, doubtful recommendations, or somehow caveats that would have lead me to pry some more. And I found none.

Based on what our limited role is and what is expected of the body that will consider our recommendation, it is not whether we think the project's wise or there's a better use or there's a better way to build it. There'll be time yet for you to probably make those arguments again.

But given our limited role and our standard of review, I say that there is no alternative, based on staff's recommendations, irrespective of what the presentations may be and what we may feel as to the veracity of those statements, based on what we have before us. I thank you for your input and your engagement, but I am limited, I believe, from the standard of review. Thank you. Nothing further, Madam Chair.

CHAIR CASTRO: Thank you. Mayor Stermer.

MAYOR STERMER: Madam Chair, call the question.

CHAIR CASTRO: Thank you. We have a point to call the question, so I'll ask the clerk to call the role, please.

THE REPORTER: Mayor Lisa Aronson.

MAYOR ARONSON: Yes.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Yes.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Mayor Vincent Boccard.

MAYOR BOCCARD: Yes.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Yes.

THE REPORTER: Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Yes.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: No.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Yes.

THE REPORTER: Ms. Lynn Kaplan. Commissioner Martin Kiar. Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Yes.

THE REPORTER: Commissioner Michael Long.

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COMMISSIONER LONG: Yes.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER MACK: No.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Yes. The item passes.

**VOTE PASSES 14 TO 3 WITH MS. GOOD, MS. GRAHAM, AND COMMISSIONER MACK VOTING NO.**

**OTHER BUSINESS:**

**NEXT REGULAR SCHEDULED PLANNING COUNCIL MEETING – MAY 22, 2014:**

CHAIR CASTRO: Before everybody packs up and leaves, we have one more point of business. Do you want to discuss upcoming meeting schedule just briefly?

MS. BOY: Actually, my apologies, because yesterday we had -- or Tuesday, we had a conversation, and I thought we might be able to cancel the May meeting, but it doesn't look like --

CHAIR CASTRO: Fine.

MS. BOY: -- that's going to happen. So --

CHAIR CASTRO: That's okay.

MS. BOY: -- I'm sorry.

CHAIR CASTRO: No, that's okay.

MS. BOY: But it looks like July should be able to be canceled, as I've been looking forward for the future agendas.

CHAIR CASTRO: So for your planning. And then, Mr. Hobby, you have something?

MR. HOBBY: Well, just real briefly. I just -- this doesn't pertain to anything on the agenda or maybe any future agenda. I just happened to come across, when I was idling away some time, a documentary called My Brooklyn, which, if you have a chance to see it, and I don't know if you can get it on Netflix or -- I saw it on a cable channel at a motel, but it's a look at redevelopment in Brooklyn.

And, of course, it sort of -- but it points out some great issues in gentrification and upgrading existing facilities and affordable housing, and just the whole culture of a community.

If you ever get a chance to see it, it's not -- it's obviously got a point of view, but it -- I think it would be well worth your time.

CHAIR CASTRO: Thank you. Any other comments? We stand adjourned. Thank you all again for your service. Have a great month.

(The meeting concluded at 12:29 p.m.)