

**TOWN COUNCIL  
WORKSHOP  
FEBRUARY 27, 2002**

The meeting was called to order at 6:10 p.m. Present were: Vice-Mayor Paul, Councilmember Starkey, and Councilmember Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Mayor Venis and Councilmember Clark were absent.

**Rural Preservation**

Development Services Director Mark Kutney spoke about the purpose of the meeting and the previous workshop held on this issue. He introduced Planner Marcie Nolan who spoke on several points of a PowerPoint presentation regarding rural land preservation. She also discussed the differences between a hamlet and a cluster.

Vice-Mayor Paul asked for a clarification between "open space" and "true open space." Ms. Nolan cited a parcel of land that had not been used for open space as its zoning category designated. She explained that staff put "true open space" to clarify that this was a "much more extreme version of the "E" district" so that there would be no controversy in the future. Ms. Nolan added that this referred to mixed uses where the density stayed the same, the housing type changed, but the open space was more passive. Vice-Mayor Paul asked if "true open space" was open to the public as opposed to the "E" zoning, which was not. Ms. Nolan replied affirmatively and stated that it would also be deeded to the public. She further explained that if the property was inherently valuable, it could become part of the park system.

Vice-Mayor Paul spoke about downzoning from commercial to agricultural. She felt that the comprehensive plan would have to be amended to show agriculture as part of the plan for the future of the Town. Ms. Nolan felt that it was not necessary to amend the comprehensive plan, but appropriate zoning regulations should be devised. She stated that the key to downzoning was that it allowed for reduction in property taxes, which might allow property owners to keep their land rather than sell it because of high taxes.

Councilmember Truex asked if a property was downzoned and the land use remained the same, what would happen if the property owner wanted to up-zone it in the future. He questioned the difference between the Purchase and Development Rights Program and downzoning. Ms. Nolan explained that with the Purchase and Development Rights Program, the purchaser bought the right, the land use map would reflect the development on the property and the development right was no longer applicable.

Ms. Nolan stated that the Town was working with a consultant who was focusing on conservation easements and the Purchase and Development Rights Programs. His purpose was to work with property owners who wanted help from the State or federal level that would help them protect their farms. Ms. Nolan stated that a workshop would be held in March so that individual property owners could get more information regarding this issue.

Ms. Nolan presented a map depicting the potential strategies where staff had mapped the concepts and ideas so that the application of these strategies could be visualized. Ms. Nolan demonstrated different corridors in the western corridor such as the Flamingo Road, Shotgun Road, and Orange Drive. She stated that Boy Scout Road and Peaceful Ridge Road were also identified by Council as rural areas. Ms. Nolan discussed how these areas could be preserved as open space areas and stated that the plan considered the corridor study approach, traditional subdivisions, and open space provisions for the western portion of the Town.

Vice-Mayor Paul referred to the east side of Flamingo and asked if a particular parcel could be developed as a mixed-use property, since it was a gateway to the Town and could exemplify the vision of future land development in the Town. She clarified that the land in question had a commercial zoning. Ms. Nolan replied that this was a possibility and added that through architecture and entranceways, the open space/rural character could be preserved. Vice-Mayor Paul referred to the 90

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acres around Flamingo Commons and stated this area could also be used to set the standard for rural character developments.

Paul Pappas, 11845 SW 44 Street, asked for definitions for hamlets and clusters. Ms. Nolan explained that a hamlet was smaller than a village, which usually had mixed-uses and was approximately 40 acres. A hamlet had a common feature, such as an open space feature. Mr. Pappas asked if Council could restrict what was developed in a hamlet. Ms. Nolan stated that design guidelines would be in place as determined by the Town.

Karen Stenzylwicki, 5480 SW 54 Avenue, asked if the east side could be addressed. Ms. Nolan stated that this would be discussed after the west side discussion was finished.

Brenda Yates asked about open space areas of 100 acres and square footage of lots in a clustering concept. She asked if the lot sizes would be 20,000 square feet. Ms. Nolan indicated that 20,000 square feet was not small enough. Ms. Yates asked about buffers in the open space areas. Ms. Nolan stated that if there were existing trails in the area, these buffers would coordinate with them. Vice-Mayor Paul felt that Council wanted natural vegetation that was native and did not require irrigation.

Linda Greck, 3121 SW 116 Avenue, asked if there were any east-west corridors that were considered. Ms. Nolan stated that there were not many east-west corridors so they were not focused on and stated that existing local roads would remain rural. Ms. Greck stated that crossing the east-west corridors was dangerous, especially in the western portion of Town. Ms. Nolan assured that trails would be considered foremost when land was developed.

Claudette Bonville, 11872 SW 42 Court, asked how trails would be traversed across Flamingo Road and Nob Hill Road. She also questioned the vision for Flamingo Road and Orange Drive and if there was a way to stop commercial development along Flamingo Road. Ms. Nolan stated that the 29 acres near Flamingo Road and Orange Drive had an underlying land use designation of commercial and the remainder of Flamingo Road was designated residential/one unit per acre. She clarified that the property owner would have to apply to change the commercial designation to residential or conservation. Ms. Nolan stated that if the development progression of Flamingo Road was other than commercial, a corridor study could be done.

Arthur Hurley, 4601 SW 128 Avenue, recommended that the Town submit the map prepared by staff to United Ranches as they might find it informative.

Ms. Nolan indicated that more detailed workshops were planned in hopes of meeting the July 3, 2002 zoning in progress deadline.

Councilmember Starkey spoke of the March 4th meeting with the Florida Department of Transportation regarding a bridge west of Nob Hill Road on Orange Drive. She felt that this bridge would disrupt the continuous trail objective of the Town, adding that Cooper City was in favor of this bridge. Councilmember Starkey encouraged residents to attend this meeting. Vice-Mayor Paul added that barriers on University Drive and Flamingo Road needed to be addressed at this meeting, as well. Councilmember Starkey felt that Cooper City was trying to divert Griffin Road traffic to Orange Drive which defeated the purpose of widening Griffin Road.

Mr. Kutney felt that the Town was at a critical juncture at this time and asked for direction from Council. Vice-Mayor Paul advised that she was comfortable with conservation easements and some of the other terms used. She added that the Town needed to be very clear for the residents so that this initiative was not a reincarnation of the "E" zoning.

Mr. Pappas felt there was a contradiction if Orange Drive was a rural road, yet the parcel at the intersection of Flamingo Road and Orange Drive was commercial. Vice-Mayor Paul advised that the parcel in question was zoned a long time ago and there was little that could be done.

Ms. Greck advised that she was not grasping the concept of clustering and asked how residents would be asked to be in favor of this when they so strongly objected to smaller lots and low density

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projects. Vice-Mayor Paul clarified that a cluster would include a central feature that was attached to the equestrian components of the Town. Mr. Kutney explained that only a small portion of the parcel would be residential and the rest would be open space, but the total density would not change.

Ms. Stenzylwicki asked if this was the type of development that would be considered for the McCall's property. Vice-Mayor Paul responded in the affirmative.

Councilmember Truex indicated that he was against the cluster concept because he felt that developers would seek ways to cut up the remaining overall open space. He also felt that people who would be willing to move into cluster developments did not share the same philosophy as the rest of the residents in the Town. Councilmember Truex indicated that the overall density would in fact be increased because some of the natural characteristics of the land might not allow the open space to remain open. Vice-Mayor Paul stated that her concept of clustering for equestrians was not townhouses, but there were other options and clustering should be considered. Mr. Kutney stated that if the density was predetermined, the developer could not change it. Councilmember Truex disagreed and felt that developers found all the loopholes.

Councilmember Starkey was also opposed to cluster developing. She felt the Town should stick with the one unit per acre developments. Vice-Mayor Paul felt that Town was in a catch-22 situation as the cluster zoning would allow the types of open space Council envisioned.

Ms. Bonville suggested that Council mandate developers to build one unit per acre sites and set aside extra land for open space. Vice-Mayor Paul stated this would be an infringement of the developer's property rights.

Ms. Greck asked if Council could create a separate zoning category to address what Ms. Bonville suggested. Councilmember Starkey agreed, stating this was what she envisioned when she talked about developing an overlay district. She did not envision clustering and was concerned that if the Town took that route, many developers would apply for cluster developments in inappropriate areas. Vice-Mayor Paul clarified that clustering was an option and it was not appropriate in all areas, but might be where a property backed up to a commercial property.

Mr. Kutney indicated that staff had tried to stay away from an overlay district for the last four years and explained why these were not compatible with Council's desires. He explained that overlay zones had a more restrictive set of regulations and there had to be compelling environmental reasons.

Ms. Nolan felt that clustering would not achieve the Council's vision which was true open space and advised that staff was trying to find the best mechanism to create appropriate spaces as open space. She stated that if it was not an open space design concept and not a clustering concept, there were other options that could achieve the Town's objective. Ms. Nolan stated that staff could rework the concept if Council did not want the clustering component.

Mr. Leyva asked Council not to give up on the clustering concept and indicated that in his experience it worked.

Vice-Mayor Paul suggested that the various scenarios be presented at the next meeting so Council could have a better understanding and vision of the options. Councilmember Starkey asked if a charette could be conducted with the South Florida Regional Planning Council. Ms. Nolan indicated that a charette could be scheduled, but felt that Council typically worked with underfunded communities and the South Florida Regional Planning Council usually felt that consultants should be brought in for these types of projects. Vice-Mayor Paul asked that another workshop be scheduled for mid-April.

Mr. Kutney asked if there were any proposals that Council liked which they could direct staff to proceed with. Council indicated that everything, except clustering, was fine as presented. Councilmember Truex clarified that he was not opposed to the Purchase and Development Rights Program, only the transfer of it.

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Ms. Nolan stated that the ultimate buildout map showed that there would not be the open space that Council was trying to achieve. Councilmember Truex asked what the cost of homes in the cluster developments would be. He indicated that the open space would be open to the public, therefore it was not private, and he felt that buyers would not be willing to pay relatively high prices for homes in this type of development. Vice-Mayor Paul indicated that it would depend on the amenities that were included. Mr. Kutney stated that he would get national pricing information for similar type developments.

Mr. Kutney advised that if large areas of land in the western area continued to be developed in the one unit per acre category, it would be considered "Urban Sprawl."

Ms. Nolan stated that the Downzoning and Tax Incentive Natural Resource Protection Plan would need Council's direction to change the millage rate for those who put their property in a conservation easement. Vice-Mayor Paul stated that if staff felt this was an option and it was presented in a package, then Council would address it. Ms. Nolan stated that the Town had the Parks and Recreation dedication fees and the ratio was ten acres for each 1,000 people which did not work out in the Town.

Ellen Childress, representing the South Florida Regional Planning Council, offered to bring information back to her bosses and see if timely assistance could be provided to the Town regarding these issues.

Ms. Greck felt that the worst-case scenario would be townhouses and felt that Council should decide what the bare minimum was that would be architecturally accepted.

Mr. Pappas asked what the significance was of July 3rd. Mr. Kutney explained that the zoning in progress stopped development and if it went on too long, the Town was open to potential legal challenges from developers. Mr. Pappas wanted to make sure that decisions made regarding this issue were not made because of deadlines. Vice-Mayor Paul indicated that Council was going to make every attempt to meet the deadline with a plan that addressed the needs of the Town and achieved the open space goals. Councilmember Starkey reported that the development community had already indicated that they would challenge the Town if the deadline was not met.

Mike Bender 14800 SW 31 Court, indicated that he was completely opposed to clustering as it was similar to "E" zoning and also felt that the Town could give incentives to developers to develop larger lots, such as two acres and more. He added that the Town and the developers should not be adversaries, but should work together so all would be satisfied.

Ms. Nolan stated that a performance-based point system could be developed for developers so that compromises could be made. She also stated that property rights had to be considered.

Hilda Testa 13940 SW 24 Street, felt that Oak Hill was successful because developers were not involved in the creation of the neighborhood. She stated that if the theme for the cluster developments was attractive to buyers, then they would buy. Ms. Testa felt that one house per acre developments would defeat the purpose of open space and asked about the property that was going to be developed on Orange Drive and Hiatus Road. She indicated that they circumvented the zoning in progress because they bought below the minimum 20 acres, 19,538 acres exactly. Ms. Testa asked if there was anything the Town could do to prevent this obvious attempt to circumvent the zoning in progress. Mr. Kutney indicated that the land use attorney advised that it was "dangerous" to take away the rights of property sellers. He added that this property had to go through the master plan development and it would be scrutinized there.

Julie Aitken, 3801 Flamingo Road, advised that the open space that many people saw was already owned by developers. She felt that the Purchase and Development Rights Program would not make a difference because there was only \$4 million set aside for it for the entire county. Ms. Aitken felt the Town needed to buy the available properties and raise taxes to achieve its vision.

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Mr. Hurley recognized staff for doing a good job and felt that they should continue to develop ideas for this initiative. He indicated that Council should keep an open mind to staff's ideas.

Ken Dearmas 14490 SW 23 Street, felt the Town might be able to abate some of the taxes which would be an incentive for property owners to allow perimeter land as open space. He felt that an upscale townhouse/equestrian community might work as a last resort.

Chuck Baldwin, 14705 SW 23 Street, asked what was being done with the ten acres on SW 23 Street. Mr. Kutney advised that this was an illegal clearing and that the Code Compliance Division was actively pursuing this issue.

Jason Curtis, 3801 Flamingo Road, indicated that millions of dollars were at stake for developers and the Town should strive to complete the zoning in progress initiative by the July 3rd deadline.

Jack Flaherty, 5391 SW 58 Avenue, thanked Council for its decision on Poinciana and wondered why Council was concerned with the development community when many areas in question were zoned agricultural. Vice-Mayor Paul explained that agricultural was zoned one house per acre.

There being no objections and no further business to discuss, Vice-Mayor Paul adjourned the meeting at 8:35 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk