

**LOCAL PLANNING AGENCY**  
**JUNE 27, 2007**

**1. ROLL CALL**

The meeting was called to order at 8:55 p.m. Board members present were Chair Mike Bender, Vice-Chair John Stevens, Philip Busey, Dan Pignato and Mimi Turin. Also present were Town Attorney James Cherof, Acting Planning and Zoning Manager Marcie Nolan, Planner Ingrid Allen, College Intern Tatiana Escobar and Board Secretary Janet Gale recording the meeting.

**2. PUBLIC HEARING**

*Text Amendments*

- 2.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, PLANNING AND DEVELOPMENT, ARTICLE X, REZONINGS, SPECIAL PERMITS, VARIANCES AND VACATIONS OR ABANDONMENT OF RIGHTS-OF-WAY, DIVISION 2, TO INCLUDE APPLICANTS ABLE TO AMEND THE LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. ZB(TXT) 5-2-07  
**(tabled from June 13, 2007)**

Ms. Gale read the ordinance by title. Ms. Nolan advised that the language had not been changed since the last meeting. The Agency had the option of deferring this item to the end of the meeting in order to make copies of the proposed ordinance and continue the previous discussion, or the item could be tabled to another meeting.

Chair Bender stated that he would not mind tabling this item to another meeting as he wanted to give it more thought.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to table this item to July 11, 2007. In a voice vote, all voted in favor. **(Motion carried 5-0)**

- 2.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 4-1-07 AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE TRANSPORTATION ELEMENT TO ESTABLISH A POLICY RESTRICTING ACCESS FROM INTERSTATE 75 (I-75) PART OF THE FLORIDA INTRASTATE HIGHWAY SYSTEM (FIHS) ONTO LOCAL ROADS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Gale read the ordinance by title. Ms. Allen read the planning report and clarified the intent of the ordinance.

Chair Bender asked if this was the “toughest” thing the Town could do to protect Shotgun Road. Ms. Nolan responded that this should accomplish the Town’s needs in addition to other things outside the comprehensive plan process.

Mr. Busey asked Mr. Cherof if the Town had the authority to tell the Federal Transportation System or Broward County that they could not do something or should it be handled by the Regional Planning Council. Mr. Cherof was not sure if the Town had any direct route of communication and he indicated that he would look into that. Chair Bender noted that at the very least, it was better to do something rather than to do nothing.

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Vice-Chair Stevens opined that while the Town had the authority to create and pass this ordinance, he doubted that it would be effective against the State; however, it did state the Town's position.

Mr. Cherof indicated that he had misunderstood Mr. Busey's question. He agreed that the ordinance was certainly within the Town's prerogative; however, he would have to look into what other tactics or maneuvers were available.

Ms. Nolan and Agency members decided that the following changes in the language of Policy 4.1.13 would clarify and emphasize the Town's position on the matter: Direct access to and from I-75 roadway, part of the Florida Intrastate Highway System (FIHS), onto local roads shall be ~~restricted~~ prohibited in order to preserve and maintain the Town's semi-rural character and rural/equestrian lifestyle in the westernmost area of the Town.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, he closed the public hearing.

Mr. Stevens made a motion, seconded by Mr. Busey, to approve subject to the following amendment to Exhibit A, Policy 4.1.13 which shall read: Direct access to and from I-75 roadway, part of the Florida Intrastate Highway System (FIHS), onto local roads shall be ~~restricted~~ prohibited in order to preserve and maintain the Town's semi-rural character and rural/equestrian lifestyle in the westernmost area of the Town. In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – yes; Ms. Turin – yes. **(Motion carried 5-0)**

**2.4 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DESIGNATING THE TOWN OF DAVIE "REGIONAL ACTIVITY CENTER," ENCOMPASSING THE LAND LYING BETWEEN UNIVERSITY DRIVE AND THE FLORIDA TURNPIKE AND BETWEEN STATE ROAD 84 AND GRIFFIN ROAD, AS AN AREA SUITABLE FOR APPLICATION OF INCREASED DEVELOPMENT OF REGIONAL IMPACT THRESHOLDS PURSUANT TO CHAPTER 380, FLORIDA STATUTES; APPROVING THE SUBMITTAL OF THE PROPOSED ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR CONSISTENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

As item 2.4 was related to item 2.2, Chair Bender asked if there were any objections to discussing item 2.4 before item 2.3. There were no objections.

Mr. Busey disclosed that his employer was located within this defined area and, therefore, asked Mr. Cherof if that constituted a conflict of interest. Mr. Cherof opined that that type of generic involvement would not be a problem.

Ms. Gale read the ordinance by title. Ms. Allen read the planning report.

Chair Bender declared that he had no problem with the ordinance; however, he believed that in order to increase the density, there should be an "iron clad" rule that a certain percentage of it should be for affordable housing. Ms. Nolan informed him that presently, any residential housing was required to address affordable housing regardless of the number of homes in the project. She indicated that the Comprehensive Plan policy amount of affordable housing was 15% to 20%. Ms. Nolan believed that something could be added to the ordinance as the Town's intent was to ensure that 15% to 20% of these units were affordable to be consistent with the Comprehensive Plan.

Chair Bender recalled that at a recent Council meeting, a developer who could not provide affordable housing had been allowed to "write a check" and everything was okay. Ms. Nolan explained the situation and that not every development could provide affordable housing. In the case Chair Bender referenced, that money had been used as a contribution to the Affordable Housing Trust Fund. She advised that affordable housing was being addressed by the County, the State, and several governmental entities in order to comprise a solution.

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Vice-Chair Stevens commented that part of the problem was that the County and State's definition of affordable housing was not really affordable. He suggested adding some language to Section 2 of the ordinance. After a lengthy discussion, Agency members decided to add a new Section 3 with language addressing the affordable housing subject. The remaining sections would be renumbered.

Chair Bender asked if anyone wished to speak for or against this item.

Tracy Lautenslager spoke in favor of this item.

As there were no other speakers, Chair Bender closed the public hearing.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve PZ 6-18-07 with a new Section 3 to be added regarding affordable housing: "Any development utilizing the increased DRI thresholds shall be required to provide an affordable housing component which meets or exceeds standards established by the Town." and renumber the remaining three sections.

Mr. Busey commented that the regional road network was already congested and he did not see that the concurrency and planning had been put into satisfying the transportation needs that were supposed to be an opportunity in having the Regional Activity Center. He could not see why giving "basically a blank check" to develop large scale developments without having to go through the normal Development of Regional Impact process was going to help the situation. Mr. Busey believed it would make it worse.

Vice-Chair Stevens did not believe that doing a DRI review in the RAC district would have any other effect on anything other than substantially increasing the costs for the applicant.

In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – no; Mr. Pignato – yes; Ms. Turin – yes. **(Motion carried 4-1)**

### 2.3 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 4-2-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING A POLICY TO THE FUTURE LAND USE ELEMENT (POLICY GROUP 10: REGIONAL ACTIVITY CENTER USE) TO INCREASE THE THRESHOLDS AT WHICH PROJECTS WOULD HAVE TO GO UNDER REVIEW AS A DEVELOPMENT OF REGIONAL IMPACT PURSUANT TO CHAPTER 380, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Ms. Gale read the ordinance by title. Ms. Allen explained the purpose of the ordinance.

Chair Bender asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Vice-Chair Stevens made a motion, seconded by Ms. Turin, to approve PZ 6-19-07 subject to additional language to be added to Policy 10-14 ... Any residential development utilizing the increased DRI thresholds shall be required to provide an affordable housing component which meets or exceeds standards established by the Town.

Mr. Busey stated that his objection to this was the same as he expressed for item 2.4 which was that the Town "would be missing an opportunity in the case of hundreds of millions of dollars in real estate and development to raise the threshold without some kind of a substitute of regional planning process that would accomplish the transportation and other community service needs required for development of this scale."

In a roll call vote, the vote was as follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – no; Mr. Pignato – yes; Ms. Turin – yes. **(Motion carried 4-1)**

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**3. OLD BUSINESS**

Ms. Nolan spoke of a situation of frustration encountered at a previous meeting. She proposed that in order for the Agency to have the benefit of understanding of what staff was trying to accomplish with Code amendments, staff would workshop with the Agency at the end of the regular meetings. In that way, instead of items being a Code amendment already advertised, it could be more of an informal discussion in order to understand where staff was coming from and for the Agency to provide its input. Then, based on the Agency's direction, the item would be advertised. Vice-Chair Stevens had no objection to the proposal. He clarified his opinion of what the issue had been at the last meeting.

Ms. Nolan spoke of future procedures for addressing multiple Code amendment applications concurrently as well as specific items which the Agency would be considering.

Chair Bender expressed how he would like the Town to tackle the affordable housing situation. Ms. Nolan spoke of the efforts of Housing and Community Development Director Shirley Taylor-Prakelt, the Mobile Home Task Force and the Mobile Home Moratorium. Chair Bender was curious about the actual construction costs of a Habitat for Humanity house. Ms. Nolan indicated that as Ms. Taylor-Prakelt neared the end of her study and had recommendations and results, it might be appropriate to bring her study before the Agency for its input.

**4. NEW BUSINESS**

There was no new business discussed.

**5. COMMENTS AND/OR SUGGESTIONS**

There were no comments and/or suggestions made.

**6. ADJOURNMENT**

There being no further business and no objections, the meeting was adjourned at 9:52 p.m.

Date Approved: \_\_\_\_\_

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Chair/Agency Member