

LOCAL PLANNING AGENCY
OCTOBER 24, 2007

1. ROLL CALL

The meeting was called to order at 7:15 p.m. Board members present were Chair Mike Bender, Vice-Chair John Stevens, Philip Busey and Mimi Turin (arrived 7:21 p.m. and departed at 10:15 p.m.). Also present were Attorney Thomas Moss, Acting Planning and Zoning Manager Marcie Nolan, Acting Deputy Planning and Zoning Manager David Abramson, Planner Lise Bazinet, Planning Aide Carlo Galluccio and Board Secretary Janet Gale recording the meeting. Dan Pignato was absent.

2. APPROVAL OF MINUTES: July 11, 2007

August 8, 2007

Vice-Chair Stevens made a motion, seconded by Mr. Busey, to approve the minutes of July 11, 2007. In a voice vote, with Ms. Turin and Mr. Pignato being absent, all voted in favor. **(Motion carried 3-0)**

Vice-Chair Stevens made a motion, seconded by Mr. Busey, to approve the minutes of August 8, 2007. In a voice vote, with Ms. Turin and Mr. Pignato being absent, all voted in favor. **(Motion carried 3-0)**

As the room needed to be set up for a presentation, the Agency recessed at 7:17 p.m. The meeting reconvened at 7:23 p.m.

3. OLD BUSINESS

There was no old business discussed.

4. NEW BUSINESS

4.1 ZB(TXT) 10-1-07, Discussion of the Land Development Code for the Regional Activity Center (RAC) – Marcie Nolan

Ms. Nolan advised of the purpose for the workshop and provided historical information regarding the development of the master plan for the Regional Activity Center (RAC) land use category. She introduced consultants Kona Gray and Jeff Katims.

Making use of the PowerPoint, Mr. Gray spoke of the vision and character of the RAC. Mr. Katims spoke of the Code which set the land development regulations to be followed in order to achieve the reality of the vision.

Following the presentations, Vice-Chair Stevens pointed out an area encompassing a mobile home park in which residents would be displaced. As this was one of the diminishing affordable housing sites within the Town, he contended that the table of incentives was insufficient to make up for the loss of this affordable housing. Vice-Chair Stevens believed that this was an opportunity to plan for the future and if developers were going to be allowed to build six- to- ten stories, they needed to provide a significant percentage of work-force and affordable units in order for mobile home residents to have a place to live. In response, Mr. Gray advised that the Town was currently undergoing a study regarding the mobile home park issue and he assured that this plan would take into consideration the outcome of that study.

Ms. Nolan reminded Agency members that the Town was in a moratorium on mobile home rezoning until such time as the Mobile Home Task Force completed its study. She advised that the affordable housing issue was being approached from every aspect by the Town, County and State.

Chair Bender had a hypothetical question regarding the loss of current zoning and property rights. He used the example of the old County M-4 zoning which was a “heavy industrial” zoning. Ms. Nolan answered his question; however, later in the meeting, her answer was corrected and clarified that while a property could maintain the same use category upon sale and resale, it would lose some of the other use options allowed in the original zoning category.

**LOCAL PLANNING AGENCY
OCTOBER 24, 2007**

Chair Bender was in total agreement with Vice-Chair Stevens's opinion that there should be higher percentages to provide affordable and work-force housing. Ms. Nolan spoke of the "dispersion of affordable housing" which the federal government had been working on so as not to have all of one income level located in one area. She identified the choices and options offered in the plan which worked to make housing more affordable.

Chair Bender's next concern regarded schools and asked if a study had been made on the subject. Ms. Nolan explained that the Broward County School Board had been actively involved on the RAC Steering Committee and that on October 26th, the completed plan would be presented to the School Board. She went on to explain that a sub-committee had been exploring the prospect of urbanizing schools for this specific setting since the County was practically "built out" and property was so expensive. The School Board was considering multi-storied schools rather than having them sprawled out.

Chair Bender asked if the Fire Department was prepared to work on buildings that were ten stories high. Ms. Nolan responded that they would have to buy the appropriate apparatus and that as more projects came on board, they would be assessed the appropriate impact fees to make sure that fire stations with the right apparatus would be provided.

Chair Bender noticed that the tree list for landscaping contained Orange Jasmine which he recently learned was to be banned. He stated that he would like to see more incentives to have foliage be more native and use more "zero landscaping." Chair Bender spoke of the water shortages facing Georgia and the northern part of Florida and stated that the more we can go native, the better off we would be down the road.

Vice-Chair Stevens noted that a high priority in the plan was the water and sewer plant enhancements and he wanted to be sure that something was in place in order to be able to proceed. Ms. Nolan stated that from the Town's perspective, it was a number one priority.

Mr. Busey reiterated that if the Town was to allow developers more flexibility or a "looseness in zoning" in order to allow more latitude than in the past, he too wanted to see what was going to happen to people who would potentially be displaced. He also believed that ten-story structures on 95% of the site would not work without underground water storage devices. Mr. Busey believed that the density should be scaled back and affordable housing needed to be provided. Since the Town was giving, the developers should be required to give as well. He found fault with several of the species of trees that had been proposed.

Mr. Gray assured that affordable housing was a major concern; however, it was the intention to defer to the conclusions of the ongoing study being conducted by the Mobile Home Task Force. It was his opinion that good incentives would encourage planned development of the Town, otherwise, things would stay as they were.

At 8:55 p.m., Chair Bender advised that there would be a brief recess while equipment was put away. The meeting reconvened at 9:00 p.m. and Chair Bender opened public comments.

Guy Grant asked that as a homeowner, how would his taxes be affected by the rezoning. Vice-Chair Stevens could not speak for the property appraiser; however, he hoped that more commercial and highly dense projects would generally help offset residential taxes. Mr. Busey advised Mr. Grant of the three percent cap for homestead exemption under constitutional law; however, he could not predict if the rezoning would increase the assessed value of Mr. Grant's home site.

LOCAL PLANNING AGENCY
OCTOBER 24, 2007

Steve Ward agreed with the Chair and Vice-Chair's comments, especially regarding the species of trees. He commented that the ten-story buildings located along I-595 would have a lot of noise problems not only due to ground traffic, but also due to being in the flight path of air traffic. Mr. Ward was also concerned about the removal of homes along Davie Road in order to allow for parking in the rear of the multi-story buildings. He believed that affordable housing units should have been designated in the plans.

Howard Banaszak was concerned with the plans for heavy industry 50 years in the future. Mr. Katims responded that while he could not predict what future Councilmembers would do, this plan would allow business owners to keep their non-conforming use status through future sales of the property. It would also extend the length of time for "no use" from three months to one year and still keep the non-conforming use. Only if the use discontinued for over a year or if the business was destroyed, then the use would be lost.

Annette Burn had concerns about eminent domain. Ms. Nolan advised that Council was adamantly opposed to it as were Agency members and it had no place in the plans. Mr. Moss explained that while eminent domain was always feasible, he did not see anything in the plan that would make it come about. Vice-Chair Stevens clarified that eminent domain was severely limited in Florida and could only be used for such public purposes as hypothetically, a new water treatment plant or airport expansion. It could not be taken to be given to a developer to be something other than one's homestead.

Ariel Fedeberg had it clarified that although he could keep the one use for which property was being used when it was rezoned to a Town's zoning classification, he would lose the other uses available at the original zoning level. Ms. Nolan advised that with the new plan, a range of mixed uses would be available and value added in that way.

Serge Keeshan asked what the proposed zoning would be for his specific property and was told that the commercial use which he was interested in obtaining would be allowed and encouraged.

Denis Sobiewski was excited about the proposal but not without some concerns. He owned property in the light industrial zoning area and was aware that several neighboring property owners had neglected their property. He believed that by allowing the continuation of their legal non-conforming uses, there would be no incentive to the property owners to do anything more with their property. Mr. Sobiewski commented that because of natural barriers, the area could be segregated and keep its light industrial uses and current zoning. He concluded that "down zoning" the area to residential would take the value away from the property, eliminate jobs, and gave no incentive to a property owner to do anything more with their property.

Holly Cimino asked if her home was in the district and she was told that it was not. She asked how the traffic would be impacted on University Drive and Davie Road. Ms. Nolan explained the proposed alternative options for transit and the connectivity to other roads in order to improve traffic flow. The proposed bridge at Oakes Road would be a fundamental element for those improvements.

Mr. Busey asked what the college and universities' responsibilities were towards improving roads. Ms. Nolan advised that they would share responsibility for road improvements as they developed.

Joe Cimino asked about the height restriction for a specific site. He felt that the plan was too liberal and as one-story, single-family houses may be next to four-story buildings, he would not like it. Mr. Cimino asked if the rezoning would make it easier to enforce eminent domain. Mr. Katims responded that the rezoning had no bearing on eminent domain and insofar as the height differential between one-story, single family homes and other buildings, the greatest differential would be four-stories against three and two-story buildings. Anything near six to ten-story buildings would be far removed from the single story homes.

**LOCAL PLANNING AGENCY
OCTOBER 24, 2007**

Anthony Burzo asked what the “step down” plan was for those existing single-family homes that were behind the Davie Road corridor, specifically on the east side near the old Winn-Dixie site. Mr. Katims responded that that was the only area that would be located within the proposed four-story rezoning. Mr. Burzo could build four-stories; however, there would have to be considerations for the setbacks.

Deborah Howell’s primary concern was with the impact on the school system. She believed it was not fair to put the entire onus on the School Board since it was already realistically overburdened. Ms. Howell spoke of the myriad of issues already facing the school system and felt that the developers always found a “loop hole” in addressing their responsibilities.

Dee Curry asked if there was any consideration for an assisted living facility in the plans. Mr. Katims responded that those facilities were the perfect use for the rezoned areas.

Jack Mize asked that if 40% of his business was destroyed, would he be able to rebuild and keep the same use. Ms. Nolan answered affirmatively. She clarified, however, that if 50% of the business was destroyed and Mr. Mize wanted to rebuild, he would have to build under the current Code that was consistent with the current regulations. Mr. Mize advised that he owned a machine shop in M-3 zoning. While that zoning category offered a variety of uses which were comparable to his at present, he asked that if something went wrong and he needed to convert to a “bolt making shop,” would he be able to do that under the new zoning. Ms. Nolan indicated that staff would discuss the type of work being performed in the shop and since it appeared that he was putting together heavy metal materials and bolting and welding it together, and he was to transition and change those machines to do bolts which staff would consider slightly less intense than putting together boats and cars, they probably would not have a problem with it. It would probably be an interpretation issue because the intensity of the use would not be changing that much. Ms. Nolan also provided a scenario in which the Town would not approve a change in the use because the uses were not similar. She said that staff would try and be reasonable. Although Mr. Mize felt that the rezoning would not help him, he appreciated the clarification. He went on to state the reasons why he believed it was not a good plan for the Town.

In order to confirm a point, Chair Bender asked the question that if he was currently in M-4 County zoning and he wanted to change his use, could he do so. Ms. Nolan responded that presently he could.

Rosie Anderson expressed her concerns regarding the potable water supply for the increased density and felt that an intense study should be made on the subject.

Thomas Mayors asked for clarification regarding an area on the map of the Little Ranches and two specific properties which may or may not be included in the RAC area. Ms. Nolan reiterated that the homes in Little Ranches were not to be rezoned and invited Mr. Mayors to review a more detailed map in her office at a future time.

Paula Twitty shared the same concerns that had been expressed by the previous speakers. She indicated that she did not see plans addressing public school issues nor for a water plant and believed that the project should not move forward without those things being in place first.

Mr. Gray advised that insofar as the public school issue was concerned, they were working very closely with the School Board to plan for the additional capacity. He advised that instead of acquiring land for public schools, they were working jointly to make their existing lands and structures more efficient. A discussion ensued regarding the State, County and Town’s joint actions to meet the public school concurrency mandates.

As there were no more speakers, Chair Bender closed the public discussion.

Although Chair Bender originally liked the concept and hoped to support it, he had problems with the loss of property rights for business owners and residents who had lived and paid taxes in the Town for years. He believed the school and water issues were workable; however, unless something could be worked out to protect the property rights for residents and business owners, it “killed” the project for him.

**LOCAL PLANNING AGENCY
OCTOBER 24, 2007**

Vice-Chair Stevens' major issue was that this project was a great opportunity to address the affordable housing issue in a better manner than what was presented. He would like to see the allocation for affordable and workforce housing increase dramatically for allowing to build six to ten-story structures. As the stories increase, the allocation should increase.

Vice-Chair Stevens agreed with Chair Bender's opinion on property rights to some extent; however, at the end of the day, he believed that by allowing six to ten-story structures to be built, their property would probably double or triple in value.

Ms. Turin appreciated the work and consideration that had been put into the plan and thought it was a good beginning; however, her concerns regarded the impact of the density on water and schools. Ms. Turin indicated that the plan was a good starting point and that solutions for the aforementioned issues needed to be in place before proceeding. With public input such as this meeting, the plan needed to be refined and fine tuned. She too had a concern about property rights, specifically changing the use and its impact on the value of that property when it held a certain use in the past. Ms. Turin suggested that the issue be researched to see if the Town had the authority to make that decision for property owners.

Mr. Busey supported the vision, especially for the South Florida Education Center; however, he believed it would take more input from the public, a "stronger public champion" and a stronger role from the Town's planners to bring the vision about. He indicated that there were "kinks" that needed to be worked out and that there should be "deliverables" and infrastructure to provide public services which should be part of the plan. Mr. Busey suggested that "smaller footprints" of the buildings might be necessary in order to assure the infiltration of the water to go back into the soil. He believed that the plan could be less complicated if the areas along Griffin Road were excluded or the areas where residents and business owners had expressed their concern for the "loss of value" of their homes or their businesses due to the loss of uses. Mr. Busey indicated that although the plan was progressive, it would need "tweaking" before he could give it his support.

Ms. Turin asked if it was possible for the plan to include and encourage developers to provide on-site reclamation of water. Mr. Gray responded affirmatively and indicated that there had been serious discussion and consideration to providing a master drainage system because it was extremely difficult to design an individual urban site with water retention for that site when trying to maximize the value of that land.

Mr. Gray indicated that this plan had been studied for a long time and it was invigorating to have the public show up and express how they felt about it. He felt that the plan was definitely coming together.

Ms. Nolan advised of the incentives that would be offered through the incorporation of Green Building Principals as developed by Leadership in Energy and Environmental Design (LEED) and the Florida Green Building Council. One of the LEED's point systems dealt with reclaiming water and reducing water use. The RAC plan did show the location of the future utility plant since that was a priority and secondly, staff was working with utilities to ensure that there would be a "gray" water system.

Ms. Nolan asked Mr. Busey to explain the term "deliverables" in order for her to address it in the next two weeks. Mr. Busey believed that residents were evidentially going to be displaced and there should be a plan in place of where people were to go before they were displaced, not afterwards.

Mr. Gray indicated that everybody was concerned about the issue and reiterated that Shirley Taylor-Prakelt was working on the issue. He advised that the RAC plan did not include the affordable housing issue since it had been "pulled out of our scope" and deferred to the ongoing study by Housing and Community Development. Ms. Nolan advised that there were degrees of affordability and that in the lower and very low levels of affordability, it called for government involvement.

The Agency took a brief recess at 10:19 p.m. The Agency reconvened at 10:26 p.m.

**LOCAL PLANNING AGENCY
OCTOBER 24, 2007**

4.2 ZB(TXT) 8-1-07, Discussion on Generators – Carlo Galluccio

Ms. Nolan advised that the Town was issuing permits for generators; however, the regulations did not address it well and, therefore, the necessity for this ordinance to amend the Land Development Code. The proposed ordinance provided for two different categories of generators, one for residential and one for commercial. It created standards that were consistent with the Florida Building Code.

Vice-Chair Stevens pointed out that for all residential districts, it said that “generators shall be placed in the side and/or rear of the yard with a minimum ten-foot setback from the property lines.” He asked about propane generators which with the proper installation and exhaust ducts, could be put into a garage. Ms. Nolan commented that this was why she brought these items to the Agency for discussion. She advised that propane generators were not precluded from being in the house or “within the building envelope.” Ms. Nolan stated that the Building Code would govern this in a much more specific area while the Agency would determine zoning.

4.3 ZB(TXT) 9-1-07, Discussion on Additions and Screen Enclosures to Single-Family Residential Dwellings with Legal Non-Conforming Setbacks Code Amendment – Lise Bazinet

Ms. Bazinet reminded the Agency of the many times it had approved variance requests for single-family residential dwellings with legal-non-conforming side and rear yard setbacks to have additions and screen enclosures which maintained the required setbacks at the time of development of the site. The proposed text amendment would eliminate those recurring variance applications.

A brief discussion ensued and Chair Bender was assured that adjacent residents were allowed the same opportunity to build to the original setbacks, he believed it would save people a lot of time and money.

4.4 ZB(TXT) 10-2-07, Discussion on the Definition of Fast Food Restaurants – David Abramson

Mr. Abramson explained that the Griffin Road Corridor did not allow fast-food restaurants within that district. Staff, therefore, needed to distinguish a fast-food restaurant from a conventional restaurant and considered that the drive-thru element was the demarcation point. Staff was in the process of researching that prospect as well as researching the intensity of the turnover of fast-food operations and not fast food in general.

Ms. Nolan named several restaurants which would be ideal for the Corridor’s mixed use; however, since they would be considered fast food, they would not be allowed. Staff was not sure if it was the drive-thru that was problematic or high turnover. Staff needed to do more research to arrive at an appropriate definition and bring the item back to the Agency for its recommendation.

Chair Bender cautioned about parking problems which he personally encountered with his business being near a “pizzeria.” Mr. Busey recommended that if the Town was trying to prevent drive-thru restaurants along the corridor, then it needed to be explicit. Vice-Chair Stevens commented that it may be controlled by signage, hours of operation and lack of a drive-thru.

Mr. Busey asked if staff would be able to bring these items back to the Agency at its next meeting considering the concerns that the public had made regarding the RAC. Ms. Nolan responded that staff would be working on those suggestions the next day and whatever they proposed as changes would be brought before the Agency.

5. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

**LOCAL PLANNING AGENCY
OCTOBER 24, 2007**

6. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 10:51 p.m.

Date Approved: _____

Chair/Agency Member