

**LOCAL PLANNING AGENCY
NOVEMBER 8, 2006**

1. ROLL CALL

The meeting was called to order at 7:49 p.m. Board members present were Vice-Chair Scott McLaughlin, Philip Busey, John Stevens and Mimi Turin. Also present were Attorney Martin Hynes, Development Services Director Mark Kutney, Planning and Zoning Manager Bruce Dell, Deputy Planning and Zoning Manager Marcie Nolan, Planner David Abramson, and Board Secretary Janet Gale recording the meeting. Chair Mike Bender was absent

2. APPROVAL OF MINUTES: May 24, 2006

Ms. Turin made a motion, seconded by Mr. Stevens, to approve the minutes of May 24, 2006. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-0)**

Vice-Chair McLaughlin advised that at the request of the applicants, item 3.2 would be taken first. There were no objections.

3. PUBLIC HEARING

Text Amendment

3.2 AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, BY AMENDING SECTION 12-32.304 – PERMITTED, RESTRICTED AND PROHIBITED USES OF THE GRIFFIN CORRIDOR DISTRICT BY AMENDING THE PERMITTED USES IN THE GRIFFIN COMMERCE ZONE 4 DISTRICT TO ALLOW RESIDENTIAL USES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 12-1-05, Griffin Landmark, LLC., generally located just east of the Florida Turnpike and on the north side of Griffin Road)

Dennis Mele, representing the petitioner, was present. Mr. Abramson read the title and explained the intent of the ordinance.

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

Mr. Stevens made a motion, seconded by Ms. Turin, to approve. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-0)**

Land Use Plan Amendment

3.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL THE APPLICATION LA 05-02, CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM: “RESIDENTIAL ONE DWELLING UNIT PER ACRE”, TO “COMMERCIAL”; AND AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING POLICY GROUP 28 RELATING TO “DEVELOPMENT WITH DIRECT ACCESS OFF A LIMITED HIGHWAY”; PROVIDING FOR INCLUSION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. (Laystrom/Carroll, generally located north side of SW 26 Street, south side of SW 20 Street, east side of I-75, and west side of Shotgun Road)

Bill Laystrom, Dennis Mele, Jodi Siegel, and Bob Gorlow, representing the petitioner, were present. Ms. Gale read the ordinance title. Ms. Nolan read the planning report.

Vice-Chair McLaughlin had Ms. Nolan clarify that the maximum building height was 60-feet. Disclosures were made by Mr. Busey, Ms. Turin, Mr. Stevens, and Vice-Chair McLaughlin.

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Mr. Busey asked Ms. Nolan to define “new town design” and if it required that there be a residential component in its concept. Ms. Nolan described the term and although it usually included some residential, in this case it had not been proposed. Mr. Busey noted a typographical error on page three which Ms. Nolan corrected. Mr. Busey asked about traffic study assumptions referred to in the planning report since he did not see assumptions, only estimates. Ms. Nolan explained why estimates had been used for secondary impacts; however, the methodology based on traffic analysis assumptions could be found in the traffic study backup provided in his packet. There were several other terms specific to the planning report which Ms. Nolan explained for the Agency’s complete understanding.

Ms. Turin asked about the three traffic impact studies to be made by the developer at specific times and if this was normal procedure. Ms. Nolan explained the purpose for the timing and how it would allow the Town the opportunity for mitigation measures should there be impacts to local roads in the future.

Vice-Chair McLaughlin asked if the increases in public safety personnel for both the Fire and Police Departments were for the specific development or if it included the surrounding area. Ms. Nolan indicated that she would defer to the Fire Chief and Police Chief to provide the answers; however, she understood that the Police Department may have a need to access the interstate and it would, therefore, include the immediate area as well as this project.

Using PowerPoint, aerials and other graphics, Mr. Laystrom provided a presentation on the project and spoke of the plans for high-end retail shops, restaurants, a 300-room hotel and office space. He introduced some of the partners in this joint venture and spoke of their accomplishments with similar endeavors. During his presentation, Mr. Laystrom expounded on facets such as the physical nature of the site location, marketing analysis, the exclusion of the residential component, access points, buffering, and traffic flow on the site. He indicated that the building design was a town and country motif and that the Commons would be a destination point where a family could spend the day. Mr. Laystrom spoke of The office park component and specified that it was intended to be 9:00 a.m. to 5:00 p.m. or 8:00 a.m. to 6:00 p.m., Monday through Friday, and used as corporate headquarters with limited uses. He advised that it would be deed restricted to up-scale anchor stores such as Neiman Marcus and Nordstrom.

Mr. Laystrom advised that the site plan would be divided into a Main Street District, Town Center District, Waterfront Shopping and Dining District, Children’s District, and a Lakeside Dining District. He stated that each district had a theme and he went through each of them to provide a feel for the project. Mr. Laystrom indicated that this was a work in progress and changes and improvements continued to be made as this was presented to various agencies or groups.

Mr. Mele spoke about the protections and participation allowed for the community through the governmental process. He indicated that this transmittal application for a land use amendment was the first of 18 steps of hearings to get through the process of the various approvals. Mr. Mele listed the steps and the various agencies involved. He estimated that the first half would take 12 to 18 months and during that same timeframe, they would be doing the Development Regional Impact through the South Florida Regional Planning Council. This agency would prepare development orders which consisted of 50 to 60 pages of conditions and regulations governing the property. It may also include comments made by surrounding municipalities. Mr. Mele addressed the traffic study portion of the report and explained their agreement to do four traffic studies, the three agreed upon and an initial study prior to any changes. Concerning traffic, he explained that one of the steps in the process of development was the Interchange Modification Review and Report which would be submitted for review by the Florida Department of Transportation (FDOT) District Four in Fort Lauderdale and in Tallahassee, and the Federal Highway Administration in the Atlanta and Washington D.C. offices. This was needed any time a modification was made to an interstate highway interchange as was being proposed with the new ramp modifications for this project.

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Mr. Mele listed the various government agencies from which permits would be acquired, all to assure that regulations were met to protect the community. He explained the Developers Agreement and the Declaration of Restrictive Covenants [Deed Restrictions], to add further regulations not mandated by the government.

Mr. Busey asked how the Town would secure the obligation from the developer if the five-year traffic study was to show that there were adverse impacts on local roads. Mr. Mele responded that it could be with some form of security such as a credit or performance bond and that issue needed to be “hashed out” when going through the process prior to the issuance of any Certificates of Occupancy.

Mr. Laystrom continued the presentation by speaking of some of the regional traffic issues, the new ramp off I-75, and tax base issues. As the project had retail and office components, he spoke of the traffic trips generated by each, the times they occurred [peak hours], access flow, direction of commuter traffic, the interchange improvements to be made by the developer, and the projected assumptions for traffic on local roads. Mr. Laystrom specified that the only access to the site from Shotgun Road would be for emergency vehicles which would be a benefit to both the project and the surrounding neighborhood. Mr. Laystrom pointed out that if the development was to consist of 150 single-family houses which would generate some degree of school traffic, all trips would be on local roads as the interchange modification would not be made. He alleged that this project, therefore, would have a reduction in the traffic impacts on local roads as compared with the residential alternative. The developer was to set up a Community Development District in order to be responsible for the costs of the overpass system, the additional lanes on I-75, and the installation of a traffic light.

Mr. Laystrom provided a lengthy dissertation regarding the tax benefit from the project. He stipulated that the developer would pay the costs for additional police and fire coverage that those departments deemed were necessary for the size of the project. Calculations were made and the projected net tax revenue for the first year was estimated to be \$3.522 million dollars and this figure would increase each year. In comparison, the maximum revenues for 150 houses that could be developed on the same property at \$1.5 million dollars per home was considerably less.

Mr. Mele presented design elements which were built into the site to provide additional protection to the local community which was part of making the land use amendment consistent with the surrounding property. He spoke of the 30-foot tall buffer berm on the north and east property lines and projected the line-of-site slides on the PowerPoint in order for the Agency members to visualize what words could not impart. Mr. Mele pointed out that there would be an additional 15-feet of landscape screening on top of the berm. Mr. Stevens asked how wide the berm would be since it was listed differently in different documents in the packet. Mr. Mele indicated that it should be noted at 100-feet wide in all places. He stated that a wall would be built on the south and west property lines and explained the reason why it was a wall instead of a berm. Again, he provided line-of-site graphics to show the proper proportions according to scale. It was pointed out that the berm and landscaping would be planted with the first building permit.

Mr. Laystrom spoke of some of the commitments the developer would make as part of the site plan process. They would endeavor to do “green” buildings, and to use energy efficient reusable water wherever possible. He advised that there was an actual certification program which he intended to work with in order to have the buildings reviewed as green buildings. Mr. Laystrom advised that in order to limit light pollution, they adopted the California Night Sky ordinances which were designed to use special fixtures and “down lighting” so there should be no spill over in the evening hours. He also described the steps to be taken to avoid noise pollution and was prepared to include those commitments in the Developer’s Agreement.

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Mr. Mele explained the provisions of Policy Group 28 which concerned development with direct Florida intrastate highway system access. He advised that this project was consistent with the rules, policies and objectives of the land use plan in that only certain types of development of 100 plus acres were allowed with direct access to the highway system. Mr. Mele highlighted the criteria which was applicable to this application as identified in the Town's Land Development Code. He mentioned the benefits which this development would provide such as a decrease in noise levels projected from traffic on I-75.

Mr. Laystrom reviewed the Development and Restrictive Covenant Agreement and listed the commitments the developer would make which were above and beyond the traditional requirements. He indicated that the developer would actively oppose any connection of an interchange to Shotgun Road and was willing to contribute \$50,000 into a fund to support the Town in that effort. Mr. Mele advised that the developer would install the buffers as presented and would be responsible for their maintenance. He listed the uses and the types of tenants which would not be allowed on the site.

Mr. Stevens asked that a more defined restriction regarding the tenants be included in the Development Agreement. Mr. Mele agreed that additions and changes would be made to the Agreement as each Board and Agency reviewed it.

Mr. Busey asked if the Agreement was the place to note the security arrangements in so far as adverse traffic impacts may occur. Mr. Mele said that the traffic study should be in the Agreement as well. Mr. Busey was concerned with the kind of stores that were not permitted on the site. He asked that besides using their names which made them recognizable to the general public, that the names may change in 20 years and, therefore, there should be a definition of the class of stores included in the Agreement. Mr. Mele indicated that he would work with staff to develop a definition to go with the examples.

Ms. Turin asked for clarification regarding a paragraph in Property Use Restrictions. Mr. Laystrom indicated that the paragraph could be eliminated if the Agency made that recommendation.

Vice-Chair McLaughlin asked if Mr. Laystrom was willing to negotiate with the Town on the Agreement. Mr. Laystrom responded affirmatively.

Mr. Gorlow interjected that when leases were signed with anchor tenants, they included "long running covenants" which usually lasted 10 to 20 years. Mr. Laystrom concluded that this project was needed in the Town and that the location was ideal because of the intrastate highway access.

Mr. Busey asked if there was a rendering to indicate the appearance of the project from I-75. Mr. Laystrom advised that typically, it would be part of the site plan process and that they would provide the appropriate green areas and would be willing to come back with a landscape plan for that area.

Vice-Chair McLaughlin asked if anyone wished to speak for or against this item.

Dan Pignato, 6920 SW 56 Court, was in favor of the Commons specifically because the Town needed a tax base not just based on residential. He explained that the added revenue could be used for maintenance of parks and advised that in the Town, the Public Works cost to maintain one park had risen from \$500,000 dollars in the year 2000 to \$1,650,000 in 2005. Mr. Pignato believed that the tax burden on the resident was quite heavy and it had a cap of three percent maximum increase mandated by State law. He advised that commercial property did not have that three percent cap and would bring in \$3,000,000 more tax revenues than if houses were built on the property. Mr. Pignato commented that while the Commons would take up seven tenths of one percent of the Town's land area, it would contribute seven percent of the total tax base revenue.

Chip Romano, 15917 SW 20 Street, was opposed as the site was bound on three sides by residential zoning and he believed it should remain residential.

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Eric Sternfield, 15455 SW 17 Street, was opposed because the reason he bought in the Town was that he had been told that the subject property had been zoned one dwelling unit per acre.

Michelle Knipp, 15587 SW 20 Street, was opposed because she moved to the Town for its free, open lifestyle and for the safety and security of her three small children. Since it would take years to build, she objected to the construction noise, dirt, lighting and distraction that would occur.

Kenneth Farkas, 15752 SW 15 Street, was opposed because this project was in the midst of single-family homes unlike other projects that the developer referenced. He believed that the reason a traffic count did not exist for this type of a plan was because no other municipality had allowed this type of a development near so many single-family homes. Mr. Farkas stated that what made the Town unique were the families, large home areas, and land. He estimated that while the Town would benefit from tax revenue, the developers would do a lot better. Mr. Farkas believed that the families that settled in this area never intended to have a mall in their backyards.

Lori Parrish, 2701 SW 141 Terrace, was opposed. Her objections were that the 100-foot wide, 30-foot tall buffers were inadequate; that when staff recommended that the Agency approve the project and it violated every single Land Development Code, that the developer had offered to help write the amendments to the Land Development Code in order to make the development work; that the developer had offered to help the Town rewrite the ordinance to make the project work for their purposes only and not for the benefit of the residents of the Town; that the developer's numbers were a fraud regarding police and fire costs; and that the project was not remotely compatible with the neighborhood. Ms. Parrish thought the Town's Rural Lifestyle ordinance was to protect and assure people that their lifestyles would continue when they bought their homes.

Jason Diamond, 15617 SW 28 Street, was opposed because the developer only focused on the one quarter of the project connected to I-75 and not the other three quarters which was not compatible with the surrounding single family homes. He believed that the project would devalue his home and it would be too close to where his son played.

John Pickett, 15600 South Roundtable Road, spoke in favor of the project because of the concessions which the developer had been willing to make. He appreciated the contributions to the tax base and believed that the single-family homes would be protected because there was no access to their local roads. As a native of Fort Lauderdale and a long-time resident of the Town, Mr. Pickett believed that the placement of commercial zoning along I-75 was far more practical and suitable than developing single-family homes along that corridor. As a spokesperson for the Hawkes Bluff Homeowners' Association, he submitted a newsletter which indicated that the Association felt this development would be the best use of this land and good for their community.

Jeffrey Cohen, 2701 SW 141 Terrace, lived in close proximity to the site and was opposed. He spoke of the people who were wearing yellow shirts who were in support of the project and indicated that their opinions should not be taken as those of the Town's residents since many of them were paid to be here. Mr. Cohen asked the question of how this project could possibly be considered to be compatible with the rural lifestyle. He alleged that the staff report which Ms. Nolan read was shamefully and blatantly biased and distorted, and that the attorneys retained by the developers did their jobs well and were very effective. Mr. Cohen maintained, however, that a regional mall placed in the center of one acre, single-family homes was insane. He strongly urged the Agency to consider the damage this project would do to the community if it was allowed to go forward.

Scott Brunner, City of Weston Traffic Operations Engineer, was opposed and asked that the following issues be considered: 1) the inappropriateness of a new interchange proposal connecting to an isolated private development. He believed that this project did not fill a regional need and, therefore, an application for the interchange had not been submitted to the MPO for processing;

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and 2) the fallacy that the Town's roads would not be impacted. He explained that the redirection of traffic during the construction phase of the interchange would have traffic seeking alternate east-west routes to avoid that area.

Mr. Busey asked Mr. Brunner to comment on the aspect of "counter commuting." Mr. Brunner explained that there were two peak hours in the morning and two peak hours in the evening. He indicated that there was some credibility to the concept; however, for one of each of the two hour periods, the concept would not apply and the traditional peak hour traffic would ensue.

David Hennis, City of Weston Development Services Director, had four important points for the Agency to be concerned about as well as being a concern to his City: 1) from a marketing standpoint it looked wonderful, however, in reality it was a typical suburban strip mall; 2) most town centers with mixed-use projects had complete connectivity, externally as well as internally; and there was usually a residential component to the mixed-use; 3) the pedestrian had no way to get to this site, it only provided internal pedestrian orientation; and 4) the project was incompatible with the land use to the north, east and south and that the rural single-family use was more in keeping with the surrounding properties and consistent with the Town's plan. Mr. Hennis expounded on those issues with more detail and warned that once this fracture in the rural lifestyle was made, it would be very difficult to stop the continual breaking that occurs through the area.

John Flint, City of Weston, City Manager, indicated that he was opposed to the project because his City had worked as hard as the Town to preserve the lifestyle it developed. His greatest concern was the impact of traffic to the roads in Weston since there was to be no access on the Town's local roads. Mr. Flint spoke of the dangers involved with only one way in and one way out should it be necessary to evacuate. His other concern was that since local traffic assumptions could not be made because a project like this had not been done before, why the Town would allow the developer to build it, and if it needed to be fixed, it would be fixed either at the Certificate of Occupancy or five years out. At those points, the only alternative left to mitigate would be to turn traffic out on Shotgun Road. Mr. Flint pointed out that you would not build a house with the assumption that if it did not turn out right, you would fix it later.

Mark Milrot, 15467 SW 20 Street, was opposed as it would not fit in with the surrounding area. He also felt that \$50,000 to fight the FDOT would not go very far.

Carol Gutterson, 14600 SW 18 Court, was opposed since she moved to Davie because of the equestrian opportunities, trees and education. She believed that the Sawgrass Mills Mall was close enough and that the Town did not need another mall.

Stuart Podel, 14151 SW 26 Court, was opposed because he believed it would be a white elephant in his community. He was concerned with safety and the inability of traffic to move if there was a major accident or incident. Mr. Podel felt that once the area was "punctured" by commercial, it would continue and the rural lifestyle would be lost.

Diana Podel, 14151 SW 26 Court, was opposed because of traffic issues which would go from bad to worse. She felt that all the questions should be answered before proceeding with the project.

Hans Lankutis, 14101 SW 27 Court, was opposed and wondered how the project got so far along. He alluded that the Town would be changed into a shopping mall and that the policy of examining the Land Use Plan twice a year was an excuse to make changes.

Art Waganheim, 14922 SW 33 Street, was opposed because of the project's incompatibility. He indicated that the integrity of the rural lifestyle was being compromised and provided an analogy to emphasize his point. Mr. Waganheim commented that this project was a special privilege for the developers. He was concerned about the vehicular traffic that would travel the local roads as an alternative when the main roads were congested.

Linda Hall, 14701 SW 26 Street, was opposed because of the disruption to the neighborhood and would like to keep the rural atmosphere.

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Mitchell Chester, 10391 SW 16 Place, was in favor of the Commons even though he had been “opposed” to other development. Unlike the Ikea proposal, he came to the conclusion that it would be a good project and an opportunity to enhance the tax revenue after he studied all the various aspects. Mr. Chester believed that the economic development was needed for a growing municipality, that the I-75 corridor was an established commercial corridor that could handle the traffic load, and that it was well planned. He assured that he would be one of the first to protest should Davie Commons not be developed in accordance with the representations made by the developer.

Mr. Busey asked Mr. Chester why he had opposed the Ikea project and if the Commons was to be located in his backyard, would he oppose it. Mr. Busey explained that he was trying to research the “not in my backyard” issue. Mr. Chester responded that he was against Ikea because of the “big box” development and because of the proposed one million vehicle trips a year being “dumped” next to a middle school, elementary school, and a police and fire safety complex in an area that was already gridlocked. He stated that the Davie Commons was better planned because they chose a location that had access from a major highway and did not require access next to schools. Mr. Chester indicated that the roadway infrastructure was capable of handling the expected traffic at that location.

Ellis Traub, 13220 SW 32 Court, indicated that he was speaking for his homeowner’s association which had endorsed this project on the condition that the developer kept his promises. He believed that the underlying issue was that people were opposed because they did not trust the developer rather than that the project would not be good for the community. Mr. Traub’s opinion on the issue of compatibility was that the single-family homes should not have been developed along the commercial corridor and he cited Weston as the example of planning being done right. He felt that the property was perfectly suited for what was being proposed.

Norm Blanco, 2080 SW 72 Avenue, indicated that he was the Chairman of the Homeowner’s Associations of Nova Drive and he represented 965 families who individually and collectively endorsed the Commons. The South Florida Education Complex was a source of pride for the Town and he believed this too could be a source of pride while helping the Town’s revenue. Mr. Blanco researched similar up-scale projects and found that the surrounding homes had increased in value. He believed that if 150 homes were built there instead, there would be a more serious traffic problem on Shotgun Road.

Patti Koch, 1762 SW 103 Lane, spoke in favor because the tax revenue from the Commons would help secure the Town’s rural lifestyle by helping to pay for the \$25,000,000 bond initiative. She believed that open space needed to be balanced with smart development and that the Davie Commons did provide smart development with a good tax base.

Terry Santini, 4001 SW 108 Terrace, spoke in favor because she believed that in order to maintain the rural lifestyle and open spaces, the commercial and mixed-use projects should be developed along the major corridors such as I-75, I-595, and State Road 441. Although she too wanted a good lifestyle, she wanted to be able to afford her property taxes as well. Ms. Santini recognized that the “not in my backyard” issue was being played out by many of the residents opposed to the project; however, the Agency needed to consider what was most beneficial to all 80- to 90-thousand residents and not to just a few. She reminded everyone that the developer had made every effort to accommodate the fears of the people and that they were willing and open to doing even more to assure them.

Warren Niles, 15606 SW 17 Street, was opposed because of incompatibility. He referred to the project as “Fort Commons” with the surrounding water features as the moat and the 30-foot berms as the fortress walls, particularly the sound walls on the south side of the project. Mr. Niles believed that the vehicle trip calculations were incorrect. He commented that no one could guarantee that the FDOT would not come in after a major incident and exercise a right-of-way onto Shotgun Road.

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Bob Hely, 15486 SW 17 Street, was opposed because it was incompatible with the surrounding single-family homes. He bought his home because the subject property was zoned R-1 and although someone earlier said that maybe it should not have been R-1, nevertheless it had been. Mr. Hely did not believe any of the numbers regarding costs of services; however, he acknowledged that there may some economic benefit regarding the tax base. He asked that a rendering be provided which showed a six-story building.

Lemay Rodriguez, 2941 SW 154 Lane, was opposed because it was not the vision of the Town. Depicting the Town seal, he asked if residents were willing to trade the horse for 50,000 cars; the trees for parking spaces; and the symbol of education for hotel rooms, anchor stores and retail outlets.

Ed Murphy, 2901 SW 156 Avenue, was opposed because it was too close to where he lived and would be noisy.

Jackie Simmons, 2601 SW 155 Lane, was opposed because the front of her house would face the sound wall and she suspected that the round-about would eventually be an access from the project onto Shotgun Road.

Judd Brazer, 14900 SW 33 Street, was opposed because the night lighting would change the atmosphere of his neighborhood. He could not imagine how difficult it would be to commute to his home and exit off Weston Road once the changes were made. Mr. Brazer was also concerned with the single access in and out and the probability that there may be an emergency, and people would not be able to get out.

Richard Moore, 1230 South Nob Hill Road, indicated that he represented the Fraternal Order of Police, Davie Lodge 100. His Lodge supported the Commons and declared as professionals, that it would be a safe, well planned upscale environment that would provide much needed tax dollars for the budget. Mr. Moore submitted a letter of support from the FOP, Davie Lodge #100, which stated that the additional revenue would help pay for the added services, equipment and other important public safety factors

Pete Siriani, 2701 SW 155 Lane, was opposed. Although he believed it was a fantastic project and that the developers did a great job, he felt it should be located elsewhere in the Town.

Robert Nettina, 510 Greaton Avenue, was opposed to the project and believed that the officials of Weston said it all.

Doug Garrison, 2600 SW 155 Lane, was opposed because everything was closing in.

Linda Taylor, 14990 SW 20 Street, was opposed because eventually it would lead to Shotgun Road being widened to six lanes and the homes would be encroached upon in order to accomplish the expansion.

Damon Carroll, 2701 SW 154 Lane, was opposed. He contended that the meeting was planned around Chair Bender's absence since Chair Bender was an outspoken supporter of the community. Mr. Carroll believed that a residential subdivision would be better and that the Commons would not fit. He emphasized that FDOT made the rules and the developer could only ask.

Sy Dorm, 6440 SW 42 Street, indicated that on behalf of the Davie/Cooper City Chamber of Commerce, the Commons had the Chamber's support. His property taxes had increased tri-fold in the past few years and he believed the project would help to alleviate that problem. Mr. Dorm submitted a letter of support from the Board of Directors of the Chamber.

Michael Ross, 4775 SW 72 Avenue, believed that although this Agency should listen to everyone, it should listen carefully to the surrounding residents as they would be impacted most. He warned that the one way in, one way out would be a terrorist's dream. Mr. Ross doubted that Homeland Security would approve the project.

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David Oakes, 4001 SW 108 Terrace, spoke in support of the project. He advised that the Town's Budget Advisory Committee, of which he was a member, had endorsed the project because it would provide significant additional tax revenue. Mr. Oakes spoke of a budget crisis that would be facing the Town due to such issues as the \$30,000,000 in improvements needed to bring the "sick" water and sewer system up to parity; the police and fire pensions which were "soaking up" half the budget and would only grow larger; and the additions to the number of Town's employees without adequate workforce studies. All this added to the need of more taxes. He cautioned that there were few locations available for such a development within the Town, and whatever was built would have a lasting impact. Mr. Oakes suggested that The Commons offered a viable, relatively low impact, high value source of tax revenue for the Town as well as employment opportunities for its residents. He concluded that the two-to- three million dollars in annual net tax revenue would help pay for the \$25,000,000 bond debt that Davie's citizens approved to support the open space lifestyle they wanted; it would soften the "pension blow" that was expected; and it would help pave roads and put more police officers on those roadways to keep the Town safe. Mr. Oakes asked who wouldn't prefer a few-minute commute as opposed to a few hours a week on grid-locked highways into Fort Lauderdale or Miami.

The Agency recessed at 12:20 a.m. and reconvened at 12:27 a.m.

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

Mr. Laystrom was given the opportunity to respond to several issues brought up during the public hearing. He reiterated that the developer would be responsible for any additional police and fire personnel; clarified that buildings would not exceed 60-feet whether they were parking garages, hotels or department stores; that the 30-foot berm was meant to reduce the impact associated with such projects and in consideration of the neighboring residents; that all levels of traffic studies had been made following a system that had been used by the County for years; that the results of those studies were in the backup material and would be submitted and reviewed by County and State agencies; explained the logic of the developer in providing a five-year, after occupancy local traffic study; and would resolve emergency access issues. Mr. Laystrom explained that the developer took that extra step to provide a Developer's Agreement to ensure that they would fulfill their representations.

Vice-Chair McLaughlin asked if a hotel, which may or may not be planned for the site, was to be eliminated, would the public safety personnel also be reduced. Mr. Laystrom responded that if any element were to be removed, it would result in a decrease of public safety personnel.

Vice-Chair McLaughlin asked how "lost traffic" would be handled trying to go a back way from 136 Avenue off I-595. Mr. Laystrom responded that they intended to have their own security force patrolling Shotgun Road for the first six- to- 12 months after opening. Vice-Chair McLaughlin explained that he meant more in the way of signage on I-595 to provide direction for vehicular traffic. Mr. Laystrom responded that it had not been put into the Developer's Agreement; however, they would certainly provide signage for locating the project.

Vice-Chair McLaughlin asked if experts had determined the numbers mentioned for the proposed annual net tax revenues. Mr. Laystrom indicated that the Town's former Budget and Finance Director Chris Wallace had made the calculations with the Property Appraiser's Office as a resource.

Mr. Busey asked about the high-tension wires located on the site and how it would affect the single-family home subdivision should one be developed instead. Mr. Laystrom responded that it had been done before; however, in this case it would not be ideal and he explained why.

Mr. Busey stated that while the tax revenue would benefit all the residents, he asked if there was any way to achieve a compromise between those living near the project who seemed to be opposed, and those living further away who seemed to be in favor. Mr. Laystrom explained that while the "not in my backyard" issue could not be resolved, the purpose of the public participation meetings was to let the public know what the developer planned to do, and at the same time, for the developer to address those concerns expressed by the public.

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Ms. Turin asked about State Statutes regarding the road system and if this project was somehow non-compliant. Mr. Laystrom explained that the City of Weston participated in the methodology meetings that the developer had with FDOT and with the South Florida Regional Planning Council. The City of Weston raised the non-compliant issue and it had been determined to not be in effect here. However, Mr. Laystrom opined that although it was not a land use issue, it would continue to be raised during the FDOT process since it was a regulation for interchange applications.

Ms. Turin asked staff if the Town had analyzed the issues raised about the single entrance and any safety concerns. Ms. Nolan responded that comments had been raised by both the Police and Fire Departments since the initial Development Review Committee meeting. Both Departments had commented that an emergency access lane be provided into and out of the site. She advised that the whole process would stop should that not be provided as it was a condition of approval.

Mr. Busey asked if there was a definitive study showing that the Town's Districts 3 and 4 were contributing a disproportionate share of the tax revenue as opposed to Districts 1 and 2 as alleged by one of the residents. Ms. Nolan indicated that the allegation may have come from an economic study made by the Town and that because of the high value of the homes in those areas and the less need for services, one may draw that conclusion. However, without the study to reference, she could not give a definitive answer.

Ms. Turin asked about the cost factor regarding the number of officers that would additionally be required. Mr. Laystrom explained that the figures were calculated prior to the Police and Fire Departments submitting their comments and whatever the difference was, the developer would cover the cost.

Vice-Chair McLaughlin commented that having been on the District Boundary Review Committee, the allegation that Districts 3 and 4 were contributing a disproportionate amount to the tax base may be because it took up almost 60% of the Town in land area alone. He also believed that the safety issues for police and fire could be worked out. Vice-Chair McLaughlin indicated that some mitigation needed to be done for the lost traffic on the interstates and believed this too could be worked out. He liked the fact that the schools population would not be impacted the way a residential subdivision would. Vice-Chair McLaughlin believed this project was needed for a tax base wherever the location was; however, because of the unique location off a major highway, it would have less impact on the neighborhood. He added that although he too would like to see the area expanded for mailing out notices, specifically for those involving land development amendments; however, the developer had met the current Code of 500 feet.

Mr. Busey expressed that although there were several issues, the two strongest issues regarded traffic and what the land use originally had been. He continued that on the opposite side of the argument and in favor of the applicant were two strong points, the first being the increased tax revenue and secondly, the "not in my backyard" issue. Mr. Busey felt that the other issues could be resolved or mitigated. He expressed that the Town needed to be regarded as a whole and that the long-term effects had to be considered. Ultimately, Mr. Busey's major concern was the "sustainability" of lifestyle in South Florida and what happened when large chunks of green space were removed.

Ms. Turin expressed that a positive impact was the tax benefit for the whole Town; however, the flip side was the traffic situation and the scheduling of traffic studies. She felt that if a subsequent traffic study showed that there was a problem after the project was done, it would be like "closing the barn door after the cows were out." Ms. Turin's second major concern was the viability of the project since it was being based solely on office space and commercial/retail with no residences. She recalled the failure of the Fashion Mall in Plantation as well as the troubles with Bayside in Miami. Ms. Turin commented that if a project of this size were to fail, it would be a huge problem because of the magnitude of the project.

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Mr. Stevens believed that the only way to insure that the Town kept its open space and parks and maintain them, was to have a sound tax base and that required the right mix of residential and commercial uses. He understood that this was a well planned project in which the developer went above and beyond what most developers do to work with the Town and residents to meet their true concerns. Mr. Stevens recalled his experience on this Agency when other residential subdivisions wanted to go into the western areas and the neighboring residents came to argue against that because of the new neighborhood would contribute to traffic on Shotgun Road. He added that they did not want a school there because of the traffic on Shotgun Road. Mr. Stevens suspected that the residents present tonight arguing against this development would be going through the roof if 150 new homes would be putting trips on the same roads where there were problems. In addition, students would be attending schools which were overcrowded. In this situation, the Town was in a position of not adding traffic to Shotgun Road, getting an entrance off I-75, and not affecting the school system.

Mr. Stevens found it enlightening that the officials from the City of Weston conflicted in their opinions of whether the traffic would become a Town problem or a problem for Weston. While considering our neighbors, this Agency's first concern was the Town and its residents. He went on to defend some of the points made by the Agency members, specifically the trust issue and that this developer was willing to enter into a legal and binding contract thereby giving the Town legal recourse should it be necessary.

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to approve subject to the comments in staff recommendations and also subject to the developer entering and negotiating a Developer's Agreement with the Town. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – no. **(Motion tied 2-2)**

As a tie vote mandated that the item be tabled to the next meeting, Mr. Laystrom indicated that he would prefer that it be denied in order for it to move forward.

Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to reconsider the motion. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – no; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 3-1)**

Mr. Stevens made a motion, seconded by Ms. Turin, to deny for the sole purpose of allowing them to move forward in the process. In a roll call vote, the vote was as follows: Chair Bender – absent; Vice-Chair McLaughlin – yes; Mr. Busey – yes; Mr. Stevens – yes; Ms. Turin – yes. **(Motion carried 4-0)**

4. OLD BUSINESS

There was no old business discussed.

5. NEW BUSINESS

There was no new business discussed.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

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7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 1:15 a.m.

Date Approved: _____

Chair/Agency Member