

**TOWN COUNCIL  
WORKSHOP MEETING  
MAY 14, 2002**

The meeting was called to order at 6:02 p.m. Present were Mayor Venis, Vice-Mayor Clark, Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Mayor Venis explained the purpose of the workshop.

Development Services Director Mark Kutney introduced new Planners Debbie Ross, Roberta Moore, and Brad Swing and Chief Landscaping Inspector Jack Martin.

Planner Marcie Nolan provided a Powerpoint presentation that was the focus of the workshop and further explained that mini charettes would be held following the presentation. She explained the history and intent of the zoning in progress referendum and summarized the outcome of the three previous workshops regarding this issue.

Ms. Nolan explained how the charettes should proceed and distributed a map of an undeveloped property for each group to plan. Each map was prefilled with wetlands and old growth Live Oak trees and each group was asked to place homes, recreational trails, and roads on the same theoretical 10-acre site.

A recess was called for group discussions at 6:24 p.m. and reconvened at 6:51 p.m.

Ms. Nolan described the different scenarios created by the groups and spoke of the differences and similarities of the amenities proposed.

Ms. Nolan spoke in detail about open space design and specific relative language. She explained that the benefit of the open space design was that it detailed what uses were allowed within the open space and she cited code language from various counties and municipalities. Ms. Nolan pointed out that it was extremely important that the Code's language was specific because misinterpretations could thwart the overall effort. She explained that density was not taken away as it allowed landowners and developers to achieve full density under the municipality's current zoning. No land designated for open space was taken for public use unless the landowner or developer chose to do so. Ms. Nolan stated that placing a conservation easement on open space and conservation lands would guarantee permanent protection of the lands in subdivisions. She advised that the owner of the open space land was responsible for maintenance, taxes and liability therein and explained how each applied.

Ms. Nolan explained the difference between the open space design concept and the cluster design. She also explained how the open space design concept was beneficial for the Town and deferred to Council for direction as to whether or not to pursue this option.

Councilmember Paul asked about the land trust concept and if it was available in the Town. Ms. Nolan indicated that this could fall under the Community Redevelopment Agency and added she felt that some sort of managing entity would need to be in place. Councilmember Paul asked if the present trail system and open spaces would be included and if additional purchasing was required to set up a land trust. Ms. Nolan indicated that it would depend on how the trust was developed.

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Land Use Attorney Andrew Maurodis spoke on the concept of taking property for public purposes. He explained the legalities of Councilmember Paul's question and confirmed that a land trust was best suited for public property, as significant problems could arise otherwise. Councilmember Paul confirmed that if land was part of a development, it could not be considered public land; therefore, it could not be part of a land trust. Mr. Maurodis agreed, but stated this should not deter the Town from investigating and/or pursuing this option.

Councilmember Truex asked if developers wanted to use the open space concept, would it be their right to do so or would Council have flexibility to control it. Ms. Nolan indicated that certain areas had already been set aside where this concept would be applicable. She stated that the key elements were the quantity and quality of open space and these factors needed to be clearly indicated in the Code, as they were not in the E-zoning ordinance. Mr. Kutney further explained how the Town could be involved in the control of the open space concept and its application. Mayor Venis clarified how one of the flaws with E-zoning category was that property owners paid taxes on portions of land that were waterways.

Ms. Nolan asked Council if this concept could be used as one of the tools for the zoning in progress. Vice-Mayor Clark felt the presentation was very good and quoted Ms. Nolan regarding the strength of this idea as far as having open space without the Town having to purchase the land. She felt it was a benefit that the Town could achieve the look of open space with this concept. Vice-Mayor Clark indicated her support for this concept and felt the Town should pursue it.

Councilmember Truex was leery of the cluster category - described as a "golf course community without a golf course" - because the type of resident it would attract might be at odds with the vision shared by most residents. He felt that a mechanism needed to be included that would allow present and future Councils the right to deny this type of development and then he would be more supportive.

Mayor Venis asked if the minimum lot size would be 35,000 square feet. Ms. Nolan indicated that the concept would allow for lots between 20,000 and 35,000 square feet.

Councilmember Paul expressed her concerns with how the language would have to be in place to restrict any loopholes. She indicated that even though the lots might be smaller than anticipated, the homeowners would enjoy the benefit of increased open space. Councilmember Paul felt she would like to see the Town move forward with this concept.

Val Zilate commented that staff frequently gave answers to questions that were oftentimes incorrect and they stood behind the incorrect information that ultimately hurt property owners. He felt it was imperative that staff be well trained in the rules of the Code and be encouraged not to give information unless they were positive about it.

Joyce Stewart commented that residents spoke out loudly and clearly that the lots in the western area of the Town needed to be at least 35,000 square feet. She asked Council how they could educate people about this type of development and "sell it" to the people when the lots were less than 35,000 square feet. Councilmember Paul reiterated that even though the lot sizes might be smaller, the surrounding areas would, in essence, be an extension of their lots.

Mr. Kutney stated that the Charter amendment addressed the rural preservation aspect. He felt this concept could be used to shrink the lots even further to increase the amount of open

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space. In essence, the homeowner would be trading the space on their lot for the benefit of having more open space in their community.

Linda Greck asked about fencing for homes in this type of development. Ms. Nolan indicated that a homeowner could erect a fence within their property lines, but there would not be berms, walls, or fencing that would separate development residents from the rest of the community.

Jason Curtis, 3801 Flamingo Road, indicated that there were potential residents who did not necessarily want a full acre of property, but wanted the benefits of open space within their community. He spoke in favor of this concept.

Vice-Mayor Clark spoke on Council's vision, which was the impetus for staff developing this concept and reiterated that the goal was to preserve as much green space as possible. She added that the concept of one home per acre would not necessarily produce the open space effect the Town was striving for because the appearance would be that of more homes and smaller pockets of open space.

Councilmember Paul expressed that without public access, she would be willing to go to a maximum of 50% to 60% of open space with this type of project. She asked if a developer was willing to allow public access by including a recreational trail, if this would be an incentive for a different configuration for more open space and would it be sufficient under the public access category. Mr. Maurodis stated that if there were an incentive that was a reasonable trade-off to both the developer and the community, this would be possible. He encouraged Council to consider this and to allow staff to include it in their deliberations.

Mr. Zilate felt that the role of homeowners associations was not being considered and felt that potential residents might be concerned with the cost of maintaining the extensive amount of common grounds being considered. He suggested that the Town offer an incentive by assisting in the maintenance of the common ground.

Planning and Zoning Manager Fernando Levia felt that this was a preliminary process and that even if Council agreed to this as a design principle, it would still need to come before Council for a final decision.

Mayor Venis called for a recess at 8:01 p.m. and reconvened the meeting at 8:04 p.m.

Mr. Maurodis spoke of his communications with Town Attorney Monroe Kiar and attorney Tom Connick. He stated that the regulations being imposed for this Code were complex and needed to be carefully considered. Mr. Maurodis indicated that staff reports were considered "competent substantial testimony" by the courts. He stated that a "compatibility provision" that was well defined, would allow staff to recognize compatibilities and incompatibilities with zoning in progress issues. Mr. Maurodis indicated that requirements could be made at the platting and planning stages that would include particular features desired by the Town including those concerning traffic and roadways within and outside developments and fencing.

Councilmember Starkey asked how staff reports were compiled in the City of Parkland. Mr. Maurodis indicated that staff reports indicated whether staff objected. He stated that oftentimes, both pros and cons were included. Mr. Maurodis added that staff reports varied

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from city to city. He recommended having a traffic engineer on staff. Mr. Connick recommended that a real estate appraiser would also be beneficial for the Town. He felt that the main focus point of the staff report should be the project's compatibility with the surrounding community.

Vice-Mayor Clark asked if the attorneys' recommendation was to provide separate legal counsel for Mr. Kutney's staff. Mr. Maurodis and Mr. Connick felt this was not necessary.

Vice-Mayor Clark asked if the staff reports would be revised to include additional criteria. Mr. Connick felt that merely eliminating staff recommendations was insufficient. He felt it was extremely important to include competent, substantial evidence in all staff reports.

Mayor Venis indicated that oftentimes there were disparities in an applicant's traffic study and Broward County's criteria. He asked if staff could note that they disagreed with the traffic studies and the County's calculations. Mr. Connick stated they could as long as they had competent, substantial evidence. He added that ordinances might have to be amended, as well.

Councilmember Starkey felt the Town could put in place stronger requirements for traffic concurrency than the County had. Mr. Maurodis indicated that this could be done for local purposes, but it was very complicated.

Mr. Kutney assured Council that staff reports would never be presented that would embarrass or hurt Council. The staff reports mirrored many cities in that they had the essential facts that Council needed to deliberate projects. He stated that ethically, staff was required to make the best recommendation using their professional judgment.

Mr. Levia felt that dialogue was important and that his job as a planner was to be responsible to the public while apprising Council of all pertinent issues regarding projects put before them.

There being no further business to discuss and no objections, the meeting adjourned at 8:38 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk