

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

February 2, 2009

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Walters, called the meeting to order at 9:38 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

Councilmember Walters welcomed new members Katy Sorenson and Barbara Jordan.

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Margaret Bates
Councilmember Michael Blynn
Councilmember Scott J. Brook
Councilmember Heather Carruthers
Councilmember Jay R. Chernoff
Councilmember Josephus Eggelletion, Jr.
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Barbara J. Jordan
Councilmember Ilene Lieberman
Councilmember Jose Riesco
Councilmember Joseph Scutto
Councilmember Katy Sorenson
Councilmember Paul Wallace
Councilmember Sandra Walters

The following Ex-Officio members were present:

- Mr. Tim Gray, representing the Florida Department of Environmental Protection
- Mr. Elbert Waters, representing the South Florida Water Management District

The following Council members arrived after the roll call:

- Councilmember Marta Perez

Councilmember Walters welcomed new member, Josephus Eggelletion.

AGENDA ITEM THREE: Minutes of previous Meeting

Councilmember Bates stated that she was present at the last meeting, but that was not reflected in the roll call. She requested that it be corrected.

Councilmember Lieberman moved to approve the amended Minutes from the previous meeting. Councilmember Heyman seconded the motion, which carried by a unanimous vote.

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

Councilmember Lieberman moved to approve the Intergovernmental Coordination and Review Report. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

AGENDA ITEM FIVE: Development of Regional Impact (DRI) Program

a) DRI Assessment Reports

None

b) Development Orders (DO)

None

c) DRI Status Report

Information only

AGENDA ITEM SIX: Proposed Local Government Comprehensive Plan/Amendment Reviews

Councilmember Walters explained to the Council members that these items are related to the conveyance of Regional Planning Council comments regarding proposed new comprehensive plans or proposed amendments to comprehensive plans. This is not final adoption, or any specific approval process of any kind. She requested that Mr. Samuel S. Goren, Legal Counsel, provide a brief explanation.

Mr. Goren stated that the Council would be listening to several different land use amendments this morning. The Council will also be listening to staff make presentations regarding its analysis of these applications. At some moment in time, before the Council gets to the item regarding the Town of Davie, which may be a lengthier discussion, the Council will set up a process which it can approve by motion to make sure that it provides the Council and the public the chance to be heard. There are some limitations. There is a document called the *Strategic Regional Policy Plan (SRPP)* for the South Florida Regional Planning Council which is part of the analysis that is given to all land use amendments. It is a creature of State law and was adopted by the Council some years ago and is updated periodically by the Council. The limitations are that this is the principal document upon which the Council makes its review, analysis and recommendation. This is one stop on a longer road, because the item will come back to the Council for further review once it is considered by other governmental agencies. To the extent that this is transmittal, the Council is allowed to make comments and as a matter of law, to the extent that the Council has comments regarding issues with compatibility with the *SRPP*, the Council must make those issues part of the record today and adopt accordingly. The document, when it is transmitted elsewhere will be clothed with the Council's concerns. This is not a zoning or site plan hearing. It is nothing other than a land use transmittal hearing which the Council has handled dozens of times. He stated that he would urge the Chair to review all the others that are before the Council to hopefully move them forward and then he will assist the Chair in establishing some premise to establish the rules this morning so as to make sure that everyone is on the same page.

Councilmember Walters advised the Council that there was an item on today's agenda where there are a lot of concerns and positions. It is important that Council members realize that its role as the Council is to take off its local government, county or city hat and look at this in relation to the *SRPP*.

- a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments - None
- b) City of Hallandale Beach
- c) Islamorada, Village of Islands
- d) Village of Palmetto Bay
- f) City of Sunny Isles Beach
- g) Town of Golden Beach
- i) City of Doral

Councilmember Chernoff moved to adopt agenda items 6b, 6c, 6d, 6f, 6g, and 6i. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

Councilmember Sorenson stated that the staff report for 6d needed a correction under community profile; line four should say Cutler Bay, not Cutler Ridge.

- h) Miami-Dade County

Councilmember Heyman stated that she had a concern with amendment 11; the Miami-Dade County Commission passed it unanimously to start allowing charter schools proportionate mitigation when we look at development. There are areas where it was demonstrated to have a significant number of charter schools that literally remove a significant number of seats from the public school demand. To not include it in certain areas; our commission has voted twice now unanimously and it seems to be a situation where it juggles back and forth between the School Board and the Commission. Where should we go from here; twice now the County Commission voted unanimously for it and now they are both saying it should be vetted out some more on an interlocal agreement, she asked. It clearly should be a consideration, we have moved ahead with religious schools, and charter schools fill the same need for seating bodies. The County and the School Board have vetted this out. To not have this move forward or accepted, what do Broward or Monroe Counties do in this situation?

Councilmember Sorenson stated that she was not present for that vote; had she been there, she would have voted no. She stated that she has been given the charge at the Commission level to follow through on the interlocal agreement. It has been kind of at a standstill on the Commission and School Board level for quite a while and it is time that it moves forward. I would assure my colleague and the Council, she stated, that I plan to move forward toward getting that interlocal agreement and it should be part of that discussion.

Councilmember Heyman stated with that, I will move it as is.

Councilmember Eggelton stated that he remembered when charter school language was first adopted at the State of Florida. He stated that he was in the Legislature at the time and they never intended for charter schools to have this type of mitigation at all. It was never the original intent of the prime sponsor of the bill. The intent was never to grow charter schools the way that they are today. The Legislature has decided to use charter schools as a way of getting around public schools, because they could not get vouchers passed. He stated that he did not support this amendment.

Councilmember Lieberman stated that the summary of staff analysis shows that Amendments 8 & 9 were found to be consistent with the *SRPP*. The way that it is described on pages 3 and 4, it is a bit confusing. This is transmittal, not adoption and it says that the proposed amendment appears to be inconsistent on page 3 for #8 and the same language is found on page 4 for #9 in bold as a comment from Council staff. Then it shows that it has gone through a multi-step process. Council staff recommended denial, the Westchester Community Council voted to adopt, then at the bottom it says that staff analysis confirms that it would have minimal impact so, she stated, I don't know how you get from the comment to what you are saying at the bottom without saying due to the actions outlined by the Westchester Community Council and the others, it is now consistent for transmittal.

Councilmember Walters pointed out that the comment was not referring to consistency with the *SRPP*; it is referring to consistency with urban core guidelines in Miami-Dade County.

Councilmember Lieberman stated that it was a question for staff. If Council staff puts a comment in bold then it needs to explain how it gets to that decision other than other people have voted yes.

Ms. Rachel Kalin, Council staff, stated that staff was just addressing the findings from Miami-Dade County staff showing inconsistencies with the Miami-Dade Comprehensive Development Master Plan (CDMP), Council staff is not finding it inconsistent with the *SRPP*.

Councilmember Lieberman requested that a line be added to say that although Miami-Dade County staff has found it inconsistent, Council staff analysis shows that both 8 and 9 are not inconsistent with the *SRPP*.

Councilmember Wallace asked for further clarification.

Ms. Kalin stated that the two amendments were inconsistent with the Miami-Dade CDMP, not the *SRPP*.

Councilmember Walters clarified that it was an internal inconsistency that was being pointed out, and as far as the *SRPP* is concerned, the staff did not find it inconsistent with that.

Councilmember Lieberman moved to approve the staff recommendation with an amendment to include a line to say that although Miami-Dade County staff has found it inconsistent with the Miami-Dade CDMP Council staff analysis shows that both Amendments #8 and #9 are not inconsistent with the *SRPP*. Councilmember Heyman seconded the motion which carried by a unanimous vote.

e) Town of Davie

Councilmember Walters stated due to the high volume of interest on this item she was proposing a time limit to all speakers as follows: the staff report will be presented first, the Town of Davie and the applicant will share a 15 minute time frame, the affected communities would have 10 minutes, each speaker from the public would have 2 minutes and the Town and the applicant would have a response time of 5 minutes.

Councilmember Gunzburger asked why the results from the Broward County Planning Council were not included in the backup.

Ms. Dekle stated that staff does not typically include the Planning Council analysis with Council staff analysis of the municipal or town reviews. That is not a part of the backup that Council staff provides. It

was provided to the Council as part of the information that staff received to look at the Broward County amendment. It was not a part of the package that came to the Council with the Town of Davie's analysis.

Councilmember Gunzburger stated that she did think that they would carry equal weight because it does involve a County issue that affects communities beyond the Town of Davie.

Councilmember Lieberman stated that the previous staff report for Miami-Dade included the results from the Westchester Community Council and the Planning and Zoning Board for Miami-Dade County. In this one we don't even include the results from the Broward County Planning Council. She stated that she was surprised by the inconsistency between the two, because if we are going to include the results from the Westchester Community Council why wouldn't we include the results from the Broward County Planning Council. Her second concern was a request made by the Council at the January meeting to provide the Council members with a transmittal of the draft recommendation. She stated that she did not receive a copy of the draft recommendation.

Ms. Dekle stated that the request was for the Broward County amendment, not the Town of Davie amendment.

Councilmember Lieberman stated that the Council also requested that the minutes from the discussion at the Broward County Board of County Commissioners be included as well.

Ms. Dekle stated that they were attached to the Broward County amendment.

Councilmember Walters stated that she did receive those documents via email.

Ms. Kalin stated that Council staff sent the two documents via email on January 15.

Councilmember Asseff stated that it was her understanding that the Council was reviewing the Town of Davie, not Broward County. Can we move forward with Davie?

Mr. Goren stated that the Council's attempt now was to simply adopt by motion the presentation made by the Chair, with one exception the close of public discussion will be signaled by the two 5 minute closing statements from the Town and the applicant. Following that will be deliberation among the members.

Councilmember Brook moved to approve the proposed procedures. Councilmember Heyman seconded the motion, which carried by a unanimous vote.

Mr. Goren stated that some members have inquired about ex-parte communications, which are privileged communications that might have occurred to anyone of you from any member of the public, a consultant, an attorney, or someone of that type who has sought the Council's guidance in this particular situation. There is an Attorney General's opinion dating back to 1992 which allows for ex-parte communication.

Councilmember Perez arrived at the meeting.

Ms. Kalin reported that the Town of Davie Proposed amendment #09-D1 contains one (1) map amendment to the Land Use Plan and one (1) text amendment to the Future Land Use Element (FLUE). The amendment was reviewed concurrently with an amendment to the Broward County Land Use Plan (BCLUP), however, the Broward amendment #09D-1AR was reviewed under the Alternative Review process and Council staff analysis was sent directly to the County on January 15, 2009. Both Davie and

Broward are related to The Commons Development of Regional Impact (DRI): an approximately 152 acre-site of unimproved land within the Town of Davie for a mixed-use project consisting of 1.1 million square feet of Commercial, 885,000 square feet of Office, and 300 Hotel rooms. At this time, the DRI Impact Assessment Report and Develop Order conditions are not being considered by the Council. On January 22, 2009, the Applicant requested the DRI be heard at a later date, allowing more time to further address regional issues with applicable review agencies and affected parties. The map amendment would designate 152 acres of Residential 1 DU/AC to Commercial within the proposed DRI site mentioned above. The text amendment would add a new policy group (No. 28) to provide compatibility for commercial uses with direct access off an interstate highway system. The Town of Davie Council approved (4-1) the transmittal of the proposed amendment at its February 7, 2007 meeting. Staff recommends a finding of General Inconsistency with the *SRPP*; more specifically staff analysis has resulted in the following objection: The amendment as proposed is not supported by adequate facilities; the amendment does not address the issues of development site access, compatibility, mobility, and transportation impacts on the regional system. The amendment is therefore incompatible with Goals 4, 8, 9, 10, 11, 12, 17, 20 and Policies 4.2, 8.2, 8.4, 8.7, 10.3, 11.2, 12.1, 12.4, 17.2, 20.1, and 20.5 of the *SRPP*. Council staff recommends the Town delay approval of amendment #09-D1 until development site access, compatibility, mobility, and transportation impacts on regional system can be adequately addressed. In addition, the Florida Department of Transportation (FDOT) and Department of Community Affairs (DCA) analysis of the Broward amendment #09D-1AR recommended that the County not move forward with the process until the potential impacts of the interchange modification are approved by FHA and mitigation issues are addressed.

Mr. Dennis D. Mele, attorney for the applicant, requested clarification of the timeframe.

Councilmember Walters stated that the Town of Davie and the applicant will share a 15 minute timeframe. Any affected communities will have 10 minutes each, each speaker from the general public would have 2 minutes each and the Town and the applicant would have 5 minutes to answer questions and wind up before the Council proceeds to discussion.

Mr. Mele asked why the Town of Davie would not be given its own time to give a presentation.

Councilmember Walters stated that they would have a 10 minute timeframe.

Mr. Mele stated that he was asking because he was not aware that the Council was going to combine his time with Davies' and he tried to trim his comments down, but was concerned that he would not have enough time to say what needed to be said and neither would Davie.

Mr. Goren stated that the Chair could change the timeframe should she deem it necessary.

Councilmember Asseff stated that she would like to hear from Davie since it was the Town's project. We also needed to hear from the City of Weston. The Council doesn't really have all of the facts from the people presenting the project.

Councilmember Chernoff moved to extend time to the Town of Davie, comparable to that of affected parties. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

Mr. Mele stated that the applicant had received a letter from the DCA and also from the FDOT and he wanted to state for the record today that the applicant will not proceed to the adoption hearing for the land use amendment either at Davie or at Broward County until after the Interchange Modification Report (IMR) is done. Mr. Mele then went on to go through his presentation on the benefits of the Davie

Commons. He stated that the project was a combination of retail, office and hotel. The retail is upscale fashion retail, the office will be class "A" office space and then a luxury hotel. The project will create 6,000 permanent jobs and 2,000 construction jobs. He then showed a general location map. Mr. Mele explained that currently Arvida Parkway or Royal Palm Boulevard dead-ends at I-75, the interchange is a three-legged interchange with the fourth leg not having been built yet. That was what the IMR was for. Mr. Mele stated that the site is surrounded by presently developed properties and is an infill site. He showed a conceptual map of the location site, as well as conceptual pictures of the five different districts that are planned to be built as part of the project, accommodating various retail experiences such as, restaurants, office and hotels. Mr. Mele explained that this was a bit confusing because there were two land use amendments for this project, one in Broward County and one in Davie. Davie is what was being discussed today. The 152 acres of the original proposed project were designated to all be Commercial and the amendment has already been modified at Broward County. The Broward County amendment has been modified to provide for 119 acres of commercial and 32 ½ acres of recreation and open space, that is the proper areas and berm areas along the east and northern portion of the site. There is a letter from Davie in the SFRPC staff file, that prior to adoption it will conform to Broward County's amendment. Mr. Mele then showed the plans for the proposed berm which will be 30 feet in height with landscaping along the top and will create a 45 foot high opaque buffer. The applicant has also set the buildings back several hundred feet from the property line, locating the buildings closer to the expressway, and farther away from Shotgun Road, and 20th Street. Mr. Mele then discussed the next slide, which showed data regarding the job creation revenues to government, including the three main governments that they will be paying revenues to, which include Broward County, Town of Davie and the School Board of Broward County. The slide also shows the Broward County unemployment figure from September 2008 which has increased. The line of sight diagram shows the tallest building at 60 feet in height following the restrictive covenant. The next slide, Mr. Mele explained, shows the interchange as it is today with illustrations to show the proposed changes to provide access to the site, all of which will be paid for by the applicant. Mr. Mele then showed a slide which provided a breakdown of project traffic distribution. He explained that currently all of the traffic studies show, with the land use amendment and the DRI that about 32% of the traffic will come from the north on I-75 into the site, about 37% of the traffic will come from the south, and the remaining 32% will come from the west, from Weston. The City of Weston has repeatedly stated that all of the traffic created by this project will come through Weston, but this slide, Mr. Mele stated, illustrates that you really can't cut through Weston to get from one place to another. Mr. Mele stated that there was a letter that the Council had received from the City of Weston, dated January 29, 2009, that mentions, among other things, that the Broward County Planning Council staff recommended denial of this project. The only reason that the Broward County Planning Council staff recommended denial was because some of the road improvements that are necessary to mitigate the impact of the project are in Weston on streets that Weston has jurisdiction over and Weston has indicated that it will not give the applicant a building permit to make these road improvements. If Weston had not said that, then the Broward County Planning Council would have recommended approval. The SFRPC staff report indicates that all of the facilities and services that are required to be mitigated have been mitigated and all of the levels of service are acceptable; the one exception is traffic. The only reason that the traffic mitigation is not been deemed acceptable is because Weston will not issue the permits for the local road improvements that would allow the applicant to mitigate the impacts from the project. Mr. Mele then showed slides illustrating the right-of-way that is already in place and had been dedicated some time ago. Mr. Mele informed the Council that the applicant asked the City of Weston why it would not give building permits for these road improvements. Weston's response was that its Comprehensive Plan prohibits the widening of these roads. The applicant then requested copies of the excerpts from the Comprehensive Plan that show that these road improvements are not compatible. The map that was provided, he explained, is the next slide. The heavy dashed lines indicate where lanes will be added, changing a four-lane road into a six-lane road. This is exactly what the applicant is talking about doing. The next slide is an excerpt from the Weston Evaluation and Appraisal Report (EAR), which highlights

that the City proposes widening Royal Palm Boulevard from east of Country Isles Road to Weston Road to a six-lane divided roadway. This is exactly what the applicant is proposing to do; it is what the Broward MPO, the FDOT and all the other review agencies said would address the traffic. Mr. Mele addressed another concern raised by the City of Weston, and that was the concern that the road improvements would necessitate cutting down existing trees. Mr. Mele explained that the slide shows that the existing pavement is actually wider than necessary for a four-lane road and the road would only need to be widened by three feet of pavement on each side, and that would not impact any trees. The next slide shows the location of the sidewalk which is separated from the road by a large area and would not be disturbed by the road improvements. Mr. Mele then explained the slide that showed a side-by-side comparison of the I-75-Royal Palm Boulevard Interchange as it currently exists and as it is proposed. The westbound lanes of the interchange currently handles over 60,000 cars per day so certainly the eastbound improved interchange proposed to be built can handle the 32,000 cars per day that would go to the project site. Mr. Mele stated that they were present today for the Council's land use amendment review. The applicant held off on the DRI because they wanted to continue working on the other issues. After receipt of the DCA's Objections, Recommendations, and Comments (ORC) Report the applicant will work with all affected parties while they are waiting for the IMR to be approved. Once the IMR comes back, he explained, we will know the interchange design and will move forward toward the adoption hearings.

Councilmember Eggelton stated that the applicant has agreed to delay the land use amendment; he asked if the Town of Davie had also agreed.

Mr. Mele stated that he was not sure, but believed that they would because the DCA letter recommended doing that, but Davie will be speaking in a few minutes and could address the question.

Councilmember Blynn stated that the presentation showed an estimated 6,000 jobs with a payroll of approximately \$280 million, which comes out to \$47,000 per job.

Mr. Mele stated he was correct.

Councilmember Blynn stated that indicates that the majority of the jobs would be very low income.

Mr. Mele stated that some of the retail jobs tend to be lower income, but the hotel and office jobs would vary.

Councilmember Chernoff stated that some of the reports show that the jobs would be limited to Davie residents is this correct.

Mr. Mele explained that the eastern part of Davie is a Community Development Block Grant area where incomes are very low. The applicant has been asked to make special provisions for people in the eastern part of Davie, like for example providing a transportation shuttle, and doing other things to encourage employment in that area. The applicant will hold job fairs and other activities on a regional basis.

Councilmember Wallace asked if these retail locations would create new jobs or move them from somewhere else.

Mr. Mele stated that the stores that will potentially move in would not build new stores if they thought it would take away shoppers from existing stores. He added that this project would not compete with Sawgrass Mills Mall, because Sawgrass was an outlet mall. The applicant does not feel that it would take jobs away from other places.

Councilmember Wallace asked for some clarification on the letter sent from the City of Weston. He stated that the letter points out that this would, "Require approval of Interchange Modification from FDOT and Federal Highway Administration (FHWA), which would violate established policies requiring connection to local public road network". Does that mean that getting the modification would violate policies or it is a violation to do this prior to getting the modification?

Mr. Mele stated that he did not want to speak on behalf of the City of Weston, but he has heard them explain this several times, as follows: the contention is that we are not connecting the fourth leg of the interchange to a public street, but we are doing that. The FDOT and FHWA have already given us a Memorandum of Understanding which tells how to do the IMR study. There has been no indication of violation of FDOT or FHWA policies.

Councilmember Wallace stated that he heard the objection raised by people in Weston that the traffic flow has been specifically designed, and the staff report makes reference to the fact that local access to the development from Davie has been restricted and that all access must come from Weston. The slides in the presentation seem to show a different picture. Council staff says that local access from the Town of Davie has been restricted and that all access comes in from Weston; he asked Mr. Mele to respond.

Mr. Mele stated that half of that was correct. He explained that there is no access from a street in Davie, the only street that can access it is Shotgun Road, which is a two-lane rural road on a 60-foot right-of-way that cannot be widened. It is not suitable for access to a facility of this type. The comment that all access is through Weston is incorrect, entrance from the north and south is from I-75.

Councilmember Carruthers asked, as a follow-up, so the only way to access this, even if coming from a couple of blocks away, is to get on I-75 and come back around or go through Weston?

Councilmember Lieberman responded, you got it.

Councilmember Carruthers asked to go back to slide #2 on the presentation.

Mr. Mele stated that access from the western part of Davie, closer to Flamingo Road, the natural way would be to get to the site is by getting on I-595 to I-75. If coming from the western part of Davie, closer to the site, one could go north on Shotgun Road, west on 14th and then come back down Weston Road.

Councilmember Carruthers stated that there are three examples of single-entry sites, but they are all islands. She asked if the applicant had any other examples of land-locked developments that have only one point-of-entry.

Mr. Mele stated that the FIU campus is not an island.

Councilmember Carruthers asked what the volume of traffic was at the FIU campus compared to the projected traffic for this project.

Mr. Mele stated that he did not know the volume, but it is a large campus with a lot of activities. He pointed out that the entrance was off of a local street; this project was off of an expressway interchange.

Councilmember Carruthers asked if there was any possible way to provide access from Davie on a local street?

Mr. Mele stated that the only local street that borders is Shotgun Road, and the road does not have capacity, as a two-lane road that cannot be widened. He stated that they looked at every alternative, but to no avail.

Councilmember Asseff asked when I-75 was planned was there no plan for people to head east on that portion?

Mr. Mele stated that he spoke to some people that worked on that and it was designed so that additional roadway could be added to the eastern leg, but there was no reason to put it in at that time?

Councilmember Asseff asked how Weston ended up with no access except going around I-75; it's like a private community?

Mr. Mele stated that Weston started out in the unincorporated area of Broward County as a community development district and a DRI.

Councilmember Asseff asked wasn't it like this parcel when it started?

Mr. Mele stated that it was a lot bigger, had to go through the same processes, but had to go through an interchange justification report.

Councilmember Gunzburger stated that she would like to know about any major shopping center where so many people would be there. She stated that the Sawgrass Mills was mentioned, because it is the closest, but it has several entrances. She stated that the Fashion Mall in Plantation is a dead mall, but it even has several entrances, as does the Broward Mall or the Galleria. She stated that it raised a great concern for public safety.

Mr. Mele stated that the difference in this project was the direct access to an expressway, so the volume of traffic could be handled by the interchange. In terms of the public safety aspect, there was a very long discussion of that issue, and the Police and Fire Chiefs are here to speak about that today. Mr. Mele stated that he has heard at several of the meetings that for security and safety purposes, the first responders actually prefer a situation where there is one-way in and one-way out.

Councilmember Lieberman stated that the staff backup found the amendment incompatible with several goals and objectives and Mr. Mele did not address some of those in his presentation. Staff said that the amendment as proposed is not supported by adequate facilities and fails to address development site access compatibility. Mr. Mele spent most of his time discussing transportation impacts on the regional system. She asked for an explanation of the 2.1 million square foot of development being proposed on 152 acres. Councilmember Lieberman stated when she calculates that she gets 13,815.79 sq. ft. to the acre. She asked what development was just south of the proposed site, and how was it developed?

Mr. Mele stated that the development just south was residential.

Councilmember Lieberman asked how many units per acre?

Mr. Mele stated that the developments both north and south of the site were 1 unit per acre.

Councilmember Lieberman stated traditionally there are housing transition zones why was that not done in this case.

Mr. Mele responded I don't know that you treat a buffer with commercial next to residential differently; everyone who lives in a home deserves the proper protection from joint land uses with proper buffering. He then showed a slide illustrating the land use pattern in the area. Also, he pointed out that the staff report did not have the 32.5 acres of open space land use that we now do have along the eastern northern portions of the site which will be put in prior to the adoption hearing. The Broward County Planning Council actually found the amendment compatible because of the land use change.

Councilmember Lieberman questioned: you are going to do some buffering on the east and the north and you are raising the intensity on the south so it is more than 13,000 sq. ft. per acre in some of the locations?

Mr. Mele stated that the applicant was also adding buffers to the south side as well. Certainly the portion of the site that is developed is more intense because we are setting aside a lot of open space, but that is probably true of any development. As to how many square feet per acre, he has not measured that out.

Councilmember Lieberman stated that it is very rare to have one unit per acre Estate 1 next to a high intensity 13,000 square foot unit per acre development and this was an anomaly. Following up on the question raised by Council members Carruthers and Gunzburger regarding the single access, this developer has built other malls off I-75, specifically on the west coast of Florida. How many access points does this mall have, she asked?

Mr. Mele stated several.

Councilmember Lieberman asked how many is several, more than five?

Mr. Mele responded four or five.

Councilmember Lieberman stated that she went to go visit that mall to get an idea of how busy it was to get an idea of whether or not there is a market for commercial and one of the things that caught her attention was the number of entrances and exits it had than the one being proposed here.

Councilmember Carruthers stated that someone said that it had 11 entrances.

Mr. Mele stated that the mall being discussed did not have access directly from the expressway, and that was his whole point earlier with multiple access points versus limited. It is the capacity of the streets that surround the project that are the issue.

Councilmember Lieberman stated that the applicant had also built a new mall in Las Vegas; she asked how many entrances that mall had?

Mr. Mele stated that it had multiple access points.

Councilmember Lieberman asked how a concert being held in the open space, for example, would affect or delay traffic at the entrance/exit if there was only one. She asked if they had looked at what the queuing time would be.

Mr. Mele stated that he wasn't sure that they would be able to have a concert due to noise.

Councilmember Lieberman stated ok, some other major event, let's say Santa is coming to The Commons or there is an Easter egg hunt, what is the queuing time, has that been estimated?

Mr. Mele stated that he did not know. He stated that the staff report states the Council staff recommends that the Town delay approval of the amendment until development site access compatibility...can be adequately addressed. He stated that he believed what staff was saying is wait until the IMR comes so we know what the access is, and we have already said that we would do that.

Councilmember Brook stated that he would like that clarified by staff.

Ms. Dekle stated that certainly is a threshold issue for staff.

Councilmember Lieberman stated that doesn't mean that the issues go away, but you want to see the IMR.

Mr. Mele stated if you look at the traffic studies that we do for the DRI, it is a book twice as thick as this one, so I am just not in a position where I can pick a number to answer if there is a major event hosted at the location. I can certainly tell you that this is set up for business and for people who want to come here; we are not going to have events that would make it impossible for people to get here so they won't come back a second time.

Councilmember Heyman stated that she would like to hear from Weston before she asks what additional things were done; same thing with the compatibility that Councilmember Lieberman has started to bring up. She stated that she would like to hear from the Town of Davie about the accountability.

Councilmember Chernoff stated that it was his understanding that the Council could ask anyone a question at any time during the discussion.

Councilmember Heyman stated that she would hold her questions for Davie and Weston until they are speaking. She stated, for clarification, besides the IMR you are not going to do the DRI until you move things forward in a coordinated effort and then do those applications, is that correct?

Mr. Mele stated that the DRI application had already been filed. If found sufficient by DCA the next step would have been to come here for a recommended DRI Development Order (DO). We put that off, because we think that these IMR issues are integral to finalizing that.

Councilmember Heyman then asked if it transmits then these other things are going to have be worked out and then you will come back?

Mr. Mele stated that the State Statute requires that the DRI and the land use amendment be adopted by the Town of Davie at the same time so we can come back here for your DRI review and DO before we go to Davie for the adoption of the DRI.

Councilmember Heyman questioned: after things adjust the Council, will get to see it again?

Mr. Mele responded yes.

Councilmember Heyman stated that her biggest concern with this project was altering the very nature of the Town of Davie. What comes to mind, where we had a direct drop off from an expressway or major road was what was done in an effort to negate all the flow of traffic through now Miami Gardens for Joe Robbie Stadium, she stated. That is the only example that she knows where a developer built an exit from a major artery. She stated that she was just in Estero, the location of the mall discussed by Councilmember Lieberman earlier. I-75 goes there, but you have to get off and wait four lights and you

have five major entrances to come in, but it puts it through the area. This proposed project puts the traffic right on I-75 and being able to drop off from FDOT 32,000+ cars right from I-75 and FDOT is saying that it can handle that, and the bulk of the cars will never go through local traffic.

Mr. Mele stated that is correct, the cars come right off the expressway ramp and right into the site.

Councilmember Jordan asked what the percentage of retail was.

Mr. Mele responded that it was 1.2 million out of 2 million.

Councilmember Jordan then asked how that translated into 6,000 jobs.

Mr. Mele stated a little less than 4,000 retail and the balance in office and hotel, but not all of the retail would be low-income jobs.

Councilmember Jordan stated that it was mentioned that a part of this project was part of the CDBG, she asked for some more information on that.

Mr. Mele stated that the Town of Davie is a very large geographic area and the project site is on the western edge of Davie. There is an area located just north of Griffin Road, south of S.R. 84, just east of the Turnpike that is a very-low-income area, known as a CDBG area. What the applicant has been asked to do was to create as many economic opportunities for that area as it could. In addition to having employers reach out directly to people in the community, we are also providing transportation from that area to the site.

Councilmember Jordan questioned, so the project itself is not located in that area?

Mr. Mele responded no, it is 12 miles away.

Councilmember Jordan asked, so would it benefit people from that area?

Mr. Mele stated yes based on the programs that the applicant is putting in place to encourage jobs for residents in the area. That does not mean we are not doing it on a regional basis as well.

Councilmember Scutto stated that the residents of Davie and Weston have a lot of concerns. As far as the development there are a lot of us that would like a development like this in our communities. He asked if anything was going to be done to the Griffin Road exit? He also asked if there had been any discussion about what would be done if there was an accident that blocked the solitary entrance/exit?

Mr. Mele stated that there were planned road improvements on I-75, Griffin Road, and 14th Street to mitigate the traffic. In doing the traffic analysis, they looked at all of these roads to see when the amount of requirements to make improvements to pay into a fund that FDOT has already set up to pay for those improvements. Someone asked earlier about FDOT, they actually sat in on all of our DRI DO conditions meetings and agreed that the traffic mitigation that we came up with will mitigate.

Councilmember Scutto stated that his concern was if an accident were to happen on that one-lane, and there was no access to the development, and ramp to I-75 is closed. The Town of Davie would not have any impacts to its roads or neighborhoods, the access would be through Weston. If an accident were to happen, then Weston Road and Royal Palm Road would get shut down, then what happens?

Mr. Mele stated that they had done analysis with accidents at all different locations, to make sure that there were alternate ways to access the site and still keep traffic moving. In some cases, of course, this may require a police officer to direct traffic. He reiterated that all of the traffic would not be going through Weston, only the residents of Weston that wanted to access the site would travel through Weston.

Councilmember Eggelton stated if he understood everything that was being discussed here this was not here for a DRI review. Once the applicant finishes with the interlocal agreement this will come back, correct?

Councilmember Walters responded correct.

Councilmember Eggelton then asked why the Council was spending so much time on the same questions? He stated that he would much rather get to the Town of Davie.

Councilmember Perez stated that similar to this, when Merrick Park was being built in Coral Gables there was a lot of opposition, but it proved to be a very successful economic help to the residents of Coral Gables.

Councilmember Asseff stated that the City of Weston was here not too long ago claiming that they didn't have anywhere to build a high school. She suggested that the applicant build a school so that Weston would have a school to alleviate its problem.

Mr. Mele stated that it was his understanding that Broward County Schools could not build any more schools until it used up the capacity that already exists elsewhere in the County.

Mayor Tom Truex, Town of Davie, stated that he was in attendance to tell the Council that the Town of Davie was in favor of the project. Davie has spent more time and effort studying this project, more than any other project, for the last 10 years. The buffers on this project are extraordinary. The Town has also addressed the safety concerns which will be discussed later in this presentation. He then stated that he wishes that the Council would not minimize the importance of the so-called low paying jobs. To the individuals that need that employment, those jobs are very important. He then introduced the Town Administrator.

Mr. Gary Shimun, Town Administrator for Town of Davie, stated that the point that he wanted to make was that this for the Town was an issue of fairness. We have a neighboring community that he feels should not have the right to veto this project. The Town attempted mediation with Weston and there was no solution that was acceptable to Weston. All of the traffic issues were discussed; they also discussed expansion of the streets in Weston according to the City's Comprehensive Plan and that was unacceptable. Shotgun Road is a very narrow, rural road that is not acceptable for this type of traffic so the highway makes the most sense in this case. This seems to be protectionism for Weston's commercial business, because what you saw in those slides was the entire west side of I-75 fully developed, but yet you are telling us on 150 acres on our side we are not allowed to do that is just a little hard to believe. We need these jobs in the Town of Davie, he stated. Mr. Shimun pointed out this is one of the few areas that Davie has available for commercial use. A large chunk of the Town is taken up by educational institutions, which are non-taxable properties that take up thousands of acres in the center of our town. When Weston residents head out of there, the first place that they drive to is Davie, I-75 and I-595 are in Davie. The Town of Davie, he stated, handles all of the police and fire responses to those roads, but they get no money from Weston for that. All of the traffic from Weston dumps into Davie; there is nothing west of Weston.

Mr. David Quigley, Planning and Zoning Manager for Town of Davie, stated that page three of the staff report stated that the amendment would be internally inconsistent with the Town's Comprehensive Plan Rural Lifestyle Policy. He explained that the Rural Lifestyle Policy was designed to protect rural areas that exist, but the specifics as to which areas are protected are defined by zoning categories. If this amendment were to be approved, the area would become commercial. The staff report does acknowledge that the physical arrangement of the site account for compatibility with the rural areas.

Mr. Shimun then introduced the Town's Police Chief to discuss the safety concerns.

Mr. Patrick Lynn, Police Chief for the Town of Davie, stated based on the discussion today there is a great deal of concern about the ingress and egress of the site. He informed the Council that he and the Fire Chief looked at this project from a public safety standpoint. As mentioned, we considered the consequences of accidents in the area and although it seems counterintuitive, more entrances and exits do not make it easier for us. Generally speaking, in the instance of a significant incident at the mall, the idea is to contain the incident and to contain the people involved and not facilitate some sort of chaotic evacuation. With the design the way that is now, his belief is if there were a need for an evacuation, he could more efficiently and more quickly move people onto I-75 with two police officers than he could with 10 officers at five different intersections, because that traffic has a tendency to come back around and create a bigger problem on the local roadways.

Mr. Shimun then introduced the Town's Fire Chief.

Mr. Joseph Montopoli, Fire Chief for the Town of Davie, stated as Chief Lynn mentioned, we did some extensive work on the comprehensive plan for emergency response, and we believe that we don't have any real issues with this. We have access to the site in two different places, I-75 and Shotgun Road. We have also looked at the amount of roadway that can hold people in an emergency exit and we have an additional emergency exit, giving us a total of three exits back out of the site if in fact we had to evacuate the site. As Chief Lynn alluded to in emergency situations we like to have control over it and that is best accomplished by limited entrance and exits. Mr. Montopoli stated we feel that the site is safe.

Mr. Shimun reiterated that the Town of Davie feels as though this is an issue of fairness on the Town's ability to make some of its own local decisions and he asked all of the Council members to think about how they would feel if another county could say we don't want to do something over here so you can't do what you want to do.

Councilmember Gunzburger asked Mayor Truex if he made a statement that if there was access to the Commons in Davie it would have been denied.

Mayor Truex stated he was pretty sure that this application would not be approved if there was access through Shotgun Road.

Councilmember Gunzburger asked so you are saying that Davie residents don't want the problems?

Mayor Truex stated no, I didn't say that. Shotgun Road is a rural residential road and it would not be compatible to have that amount of traffic empty onto Shotgun Road and into those neighborhoods.

Councilmember Gunzburger raised concern with the affect that this project may have on the value of the homes in the area immediately surrounding the project site. As to the comment about all of the problems that Davie has to pay for on I-75 and I-595, she would like to point out that the City of Hollywood

provides beautiful beaches for all those who do not pay for them. It happens in many communities that you provide an amenity that we share with the entire county and we look at it as part of what we do civically.

Mr. Shimun responded every time that he visits Hollywood Beach he gladly pays his \$5 or \$6 to park there.

Councilmember Gunzburger stated that money in no way offsets the cost of maintaining the beach.

Councilmember Wallace asked what information the number of jobs that will be created was based on, where do they get that number from?

Mr. Mele stated it was submitted as part of the standard format of information required with the DRI.

Councilmember Wallace asked who predicts the number of jobs.

Mr. Mele stated that the applicant comes up with a number and Council staff and other review agencies review it to see if it is accurate or not.

Councilmember Wallace asked where the applicant got the data that establishes the method to predict the number of jobs on a retail development of this scale.

Mr. Mele responded a variety of sources including the University of Florida, BEBR, the Bureau of Statistics and analysis of other retail establishments in South Florida.

Councilmember Wallace stated that retail does not create new jobs it just moves them around.

Mr. Mele stated that he gave the Council his thoughts on that when Councilmember Wallace stated that earlier.

Councilmember Wallace asked if there was anyone here who could address that.

Mr. Richard Ogburn, Council staff, stated as a standard part of the review of a DRI, staff uses an industry standard model that helps staff understand how the initial job creation for a project of this sort plays out over time in terms of job creation for all sectors of the economy. It includes measurements of projected substitutions that might occur and which are likely to occur in the case of retail. It is a county-based model and a regional-based model so we look at those impacts. When the DRI project is brought to the Council for review it will see the results of the analysis done by staff as a part of the project review.

Councilmember Wallace asked if the method predicts the number of jobs to be produced at that particular site.

Mr. Ogburn replied it produces a number for the site itself; of course, that is based on the industry standard. Our analysis would help to assess to what extent additional jobs would result from. Also it measures to what extent those jobs might substitute for other jobs that currently fit within the general area of the project. The analysis takes all of that into account and you would get a final analysis that would say 6,000 direct jobs at the beginning of the project would presumably produce x number of jobs at build-out as a result of direct and indirect effects of the project.

Councilmember Walters pointed out that this is the same methodology for all projects.

Councilmember Wallace stated that the Council needed to address this, because he has a real significant hang-up with it. He stated that he thinks that this kind of data has not been historically used by economic development professionals to justify that there are going to be new jobs.

Councilmember Walters stated that was an issue that could be discussed at another time.

Councilmember Lieberman stated the current land use on this property is one unit per acre and asked what the zoning is?

Mr. Shimun responded the current zoning is agricultural.

Councilmember Lieberman then asked what agricultural generally permits as development?

Mr. Shimun stated live stock.

Councilmember Lieberman questioned: so there is no development at all permitted in agricultural under Davie's zoning code?

Mr. Shimun stated residential was allowed in agricultural.

Councilmember Lieberman then asked how many units per acre?

Mr. Shimun stated one unit per acre.

Councilmember Lieberman stated so this is the same land use as that to the south, east and north of the property?

Mr. Shimun stated yes.

Councilmember Lieberman asked for clarification of the comment regarding the reason that Shotgun Road was not widened, which was because it would be incompatible with the rural lifestyle just to the east.

Mayor Truex stated putting all of that traffic on those roads would be incompatible, but the proposed buffers are extraordinary.

Councilmember Lieberman asked if it was more of a buffer to have 13,815 square feet to the acre than it is to have another road? Could the developer have given you right of way from the north, south, and eastern portion of this property to widen the roads by two lanes in each direction, she asked?

Mayor Truex stated that it would only be for the length of the property.

Councilmember Lieberman stated that she knew, and she was looking at the pattern here and it looks like SW 20th Street goes all the way to the west and then turns south. She stated that she was talking about ways to get out of the property. There was a discussion of fairness, and she was just trying to get a handle on how it was fair not to widen roads or ask for right of way from the developer, but push traffic impacts onto a neighboring city.

Mr. Shimun stated the only thing they can do is give an expressway along that short stretch, but it doesn't help to the north or to the south.

Councilmember Lieberman asked if the Town had any right-of-way reserved elsewhere on Shotgun Road?

Mr. Shimun responded not that I am aware of.

Councilmember Lieberman asked that he check.

Mr. Shimun stated that he is not aware of any.

Councilmember Lieberman asked the Council, wasn't there just a recent land use plan amendment from Nova Southeastern University for a shopping center on University Drive that was being converted to educational? Does anyone remember how little of that shopping center was retail when it came in, most were vacant? She informed the Council that Nova Southeastern was in front of the Board of County Commissioners for a shopping center on University Drive where the vast majority of businesses had gone out of business.

Mr. Shimun stated that Nova had already purchased that property. He added there is a difference between ending a lease and going out of business.

Councilmember Lieberman stated that there were stores that had gone out of business. Her recollection was that 70-75% had gone out of business.

Councilmember Jordan stated that the concern that she has is when it is said that the developer is being required to recruit regionally for employment it concerns her because the first priority should be the community in which the project is being built. We, as a Council, should look at the impact of traffic and those kinds of thing regionally, but not require them to recruit regionally. She stated that she would hope that this not be a requirement from this Council.

Councilmember Chernoff stated, since he raised this issue earlier, that he did not have an issue with giving Davie residents first priority, but he wanted it to be open to anybody else, but as it is currently written it restricts it to only Davie residents.

Councilmember Jordan stated that she did not have a problem with that.

Councilmember Asseff asked if the taxes on that property were based on agricultural.

Mr. Shimun stated correct.

Councilmember Asseff then stated if this development is built then the taxes will be based on the new development, and would increase the Town's tax base as well as the County's and the School Districts.

Councilmember Heyman asked Mayor Truex if the compatibility issue had been addressed by the Town?

Mayor Truex stated that there is not 100% consensus in the Town, but the level of discussion has been remarkable. The Town of Davie requires developers to have a series of meetings with residents and in this case there were about a dozen meetings. There are some that are adamantly opposed to this project, but it is fair to say that the majority of the people in Davie do see the benefit.

Councilmember Heyman then asked how the Town Council felt about this project?

Mayor Truex responded in order to move this forward the Town has a charter that requires a 4 out of 5 vote and this was approved.

Councilmember Heyman stated that the change from agricultural to a large commercial property was significant. She asked if enough concessions had been made and if the buffers were sufficient.

Mayor Truex stated that he could give his opinion, but there are those that would disagree, but the short answer was yes.

Councilmember Heyman stated that he was one of five elected members in Davie, this is a Davie Comprehensive Plan; and for the last 10 years she will assume that Mayor Truex has either been a resident or a law maker there and so she is asking specifically as a party representing the Town.

Mayor Truex stated that the answer was yes.

Councilmember Eggelletion stated that he wanted to follow up on the job issue. He asked if it was correctly stated earlier that the jobs would be targeted to resident in the eastern part of Davie.

Mayor Truex stated that Mr. Mele may be better suited to answer that question.

Mr. Mele stated that was correct.

Councilmember Eggelletion asked what the typical income was for those residents.

Mayor Truex stated that it is lower income.

Councilmember Eggelletion asked what the contrast would be between the income levels of residents in Davie and those in Weston.

Mayor Truex stated that it would be night and day.

Councilmember Eggelletion stated that there are a lot of providers of products for landscaping in the Town of Davie, is that correct? Does the developer plan to buy some of the landscaping from the landscape businesses in Davie, he asked.

Mr. Mele stated that the developer has not signed any contracts yet, but it certainly would give priority to businesses closest to the property.

Councilmember Eggelletion stated that retail was not the only use going into this project; there will be restaurants, hotels, class A office space, commercial, -- all of which produce jobs.

Councilmember Carruthers asked what percentage of the jobs would be service sector.

Mr. Mele stated that he did not know the exact number.

Councilmember Walters stated that she felt confident that they would have these numbers when the DRI comes back for Council review.

Mayor Eric Hersh, City of Weston, stated that he and fellow Commissioners Stermer, Hendrickson, Chermack were present to show that the City of Weston was opposed to this project. This has been discussed many times in the City over the last five years. Every elected official has felt that the quality of life would be adversely affected by this project and are unanimously opposed to the project. It is interesting to hear the Mayor of Davie state that they don't know if there is any right-of-way along Shotgun Road; it has never been addressed because they rightfully so want to protect the lifestyle of their residents surrounding this project who would be affected by widening that and Weston Road. The City of Weston also needs to protect the lifestyle of its residents. All the City is looking for is fairness in the issue. Mayor Hersh stated that he visited one of the developer's other sites, Aventura Mall, on Saturday night. The traffic trying to get to the mall, which has six or seven access points, was backed up to Ives Dairy Road onto I-95 in both directions. This is the kind of impact that will affect the residents of Weston. This is a very important issue to the City of Weston.

Mr. Jaime Cole, Attorney for the City of Weston, stated that Mr. Goren made it clear at the beginning of the meeting that this was an issue of compatibility with the *Strategic Regional Policy Plan (SRPP)*. Council staff has issued a Report that has found that this is incompatible with eight very specific Goals and 13 very specific Policies of the *SRPP*. He requested that the Council think back through the presentations given this morning. He asked how many Goals were addressed by the developer and the Town, not one. The presentation given by the developer was the same, non-technical presentation that was given at the meetings with the residents, the County, and the Council is supposed to be dealing with the technical Goals and Objectives. There are four major issues that the City of Weston has, and they go directly to Goals and Policies within the *SRPP*. The first is compatibility; the staff report lists the specific Goals that relate to this issue. The issues that illustrate that it is not compatible are use, this is very high commercial right next to single family homes; intensity is not compatible; and height is not compatible; noise is not compatible; and traffic is not compatible. The second issue here was traffic, he stated. As to traffic, there are two ways to deal with local traffic: access from Davie or access from Weston. The Town of Davie has said that it does not want access from Davie, and that is understandable, and the City of Weston has said the same thing. Mr. Cole showed the Council a chart illustrating that those located across the street from the project would not be able to access the site without driving, through Weston, at least 15 minutes just to get there. Mr. Mele stated that only 2% of the traffic would do this, but that information was based on a study that was done about three or four years ago, prior to the construction of many houses built in west Davie. This project is going to cause major issues in the City of Weston. In order to mitigate the traffic in Weston the developer has proposed paying for certain improvements. Mr. Mele referenced the City's Comprehensive Plan and stated that the proposed improvements were compatible with it; however the developer is proposing to widen Royal Palm Boulevard from Weston Road to I-75 to seven-lanes, which is incompatible with the Comprehensive Plan. The developer is also proposing to widen Post Road from Bonaventure Boulevard to Weston Road to four-lanes; this is also not compatible with the City's Comprehensive Plan. This is not a matter of the City of Weston being unwilling to help out; the problem is that it violates the Comprehensive Plan, which violates intergovernmental coordination, and violates all of the various Policies and Goals set forth in the staff report. The third issue is the economy: the studies that were done by the developer were done three or four years ago; the economy has changed since then. Three or four years ago the County was expanding as was the retail demand, as was the population; that is not happening now. So to use the general if we build a certain number of square feet and create a certain number of jobs, although it sounds good and when the economy is expanding you can do that. When the economy is contracting you cannot do that. When new retail is built, the stores have to come from somewhere, and every new job created here will steal a job from somewhere else. The same applies to the office space. The City of Weston hired an economist to study the impacts of this project. He surmised that due to the lack of retail demand, hotel demand, and office demand this project would cannibalize the other projects in the entire area. The last issue is emergency management. This

project has one-way in and one-way out; this just doesn't make any sense, he stated. There is not one mall in the area or built by this developer that has only one access point. The City of West hired an emergency management consultant to analyze this project. The consultant concluded that this is a major emergency management problem. The City of Weston requests that the Council adopt the staff recommendation and include incompatibility with Goal 18 and Policies 18.1 and 18.14.

Councilmember Eggelletion asked how high the Cleveland Clinic was.

Mr. Cole stated that he believed that it was four stories.

Councilmember Eggelletion stated the Cleveland Clinic is located next to I-75, correct?

Mr. Cole responded yes, but there is no residential in the area.

Councilmember Eggelletion stated that the proposed project was next to I-75, correct?

Mr. Cole responded yes, one side is along I-75.

Councilmember Eggelletion stated that the Cleveland Clinic was a commercial area, correct?

Mr. Cole responded yes.

Councilmember Eggelletion asked what the length of the Cleveland Clinic was.

Mr. Cole stated that pretty much everything east of Weston Road from Griffin to Royal Palm is all commercial and on the other side is commercial.

Councilmember Eggelletion stated if he understands correctly there is commercial in front of Cleveland Clinic and then there is a hedge and then you go right into the residential area.

Mr. Cole stated that was not correct.

Councilmember Eggelletion requested that he explain.

Mr. John Flynt stated to the west of Cleveland Clinic on the other side of Weston Road is industrial and then beyond that there is a water body and then beyond that is residential.

Councilmember Eggelletion asked how big the water body was.

Mr. Flynt stated that he was not sure, but it is rather wide.

Councilmember Eggelletion asked if the offices that were built in Weston cannibalized businesses in other areas.

Mr. Cole responded no, there was extra demand for office at the time.

Councilmember Eggelletion stated that is not what was said. What was said was when you create retail and offices it cannibalizes those things in other areas.

Mr. Cole responded absolutely not, when the economy is growing and demand is growing then you need to build more to meet the demand, but if the demand is stagnant or contracting, then you cannot create more demand.

Councilmember Eggelletion asked when the City of Weston was built.

Mr. Cole stated in the 80-90's.

Councilmember Eggelletion asked weren't we in a recession in the 80's? If that was the case, then why would it not apply at Weston at the time? He stated let me move on. Councilmember Eggelletion stated that Anne Kolb fought against Weston tooth and nail, because she felt that the development would destroy the Everglades and would harm the rural lifestyle of the Town of Davie. He stated that he finds it rather curious that the same arguments are made back and forth. He then asked if it was proper for one city to behave that way toward another city; isn't the appropriate thing to do is for those cities to sit down and try to work something out?

Mr. Cole stated that is the appropriate thing to do; however, in this situation, Davie is not willing to do that. Davie has said Shotgun Road is not going to be open, so Weston has done the same thing on Weston Road. This project is in Davie, and they should deal with the traffic in that city.

Councilmember Eggelletion asked if there was a four alarm fire in Weston and the City's fire department could not respond, who would the City call?

Mr. Cole responded Davie and Sunrise.

Councilmember Chernoff asked if the City agreed with the traffic study done by the applicant.

Mr. Coles stated no we don't.

Councilmember Chernoff asked if the City felt that a lot of Weston residents would go to this mall.

Mr. Cole stated that the City does not feel that 1/3 of the traffic would be from Weston.

Councilmember Chernoff asked if Weston Roads were crowded right now.

Mr. Cole responded yes they are crowded, but are within the Level of Service (LOS). If this project were built, it would then go beyond to an unacceptable LOS, which is why the traffic study showed that traffic improvements were needed.

Councilmember Chernoff stated that the City of Weston traffic is very heavy right now, at a LOS D. It is at a high capacity, as is I-595 and this is what happens with development.

Councilmember Asseff stated that there was concern raised by Weston about maintaining quality of life, but they should also worry about that in neighboring cities. There is no affordable housing in Weston; it has never been an affordable housing community. It seems like the City of Weston is saying it doesn't want anyone using its roads, but it can use everyone else's. She stated that she did not find that fair and the City needs to be more open-minded about this to be able to work with neighboring communities. This is a project that could help out the Town of Davie; there has to be a way to work it out.

Mr. Cole stated that this project was designed so that all of the local traffic is in Weston and none of it is in Davie.

Councilmember Heyman stated that it seems as if Weston's major concern was the significant adverse impact of traffic to Weston.

Mr. Cole stated yes.

Councilmember Heyman asked if FODT had given an opinion on the issue.

Ms. Dekle stated as previously stated, the FDOT as well as DCA have both issued comment letters at this time around the issue of transportation access to the site. FDOT in particular has said that it is premature to move forward with this Comprehensive Plan amendment at this time until the issue is resolved.

Councilmember Heyman asked if there was ever any consideration to remove the option of Royal Palm and only have access from I-75.

Mr. Cole responded yes, the City of Weston worked with the developer on that exact proposal, but it doesn't seem to be an option.

Councilmember Heyman requested an explanation.

Mr. Mele stated that the applicant, Town of Davie and the City of Weston went to FDOT together. The FDOT and FHWA will not allow an interchange to be built where there is no way to cross back and forth over I-75.

Councilmember Jordan asked if Davie would open Shotgun Road would the City of Weston be willing to work with them.

Mr. Cole stated yes, we would work with them.

Councilmember Jordan stated that if they were to open Shotgun Road that would be impeding into horse country, which would be destroying this rural lifestyle along that road. If you are going to put an impossible barrier to a community that is going to destroy a natural habitat, then you are setting it up for failure?

Councilmember Lieberman asked if it were any different whether a road is put in or 13,817 square feet per acre is put in next to single family homes.

Mr. Cole stated that it depends on what kind of development it is. This is going to be a very high intensity project. This is just far more intense of a development than the whole area and is just not compatible.

Councilmember Lieberman asked if the buffer would protect the single family homes from the odors coming from the restaurants.

Mr. Cole stated no.

Councilmember Lieberman asked if someone were to travel south of Shotgun Road, is there a road that runs east to west that would take you into Weston.

Mr. Cole stated South Post Road would.

Councilmember Lieberman asked what about Griffin Road.

Mr. Cole stated that you could stay on it and it turns to Orange where you can go over the bridge to Griffin Road which will take to Weston Road which will take to you to the project.

Councilmember Lieberman asked if there were any other roads that would provide east to west movement.

Mr. Cole stated Indian Trace, which is 14th and is on the other side, so there are three ways.

Councilmember Wallace asked what the FDOT's comments meant to the Council.

Ms. Dekle responded as you see in the staff report the transportation access is not the only issue that staff has elevated as being inconsistent. That is, however, a significant issue that is at this time out of the control of any of the affected parties. Staff has said that there needs to be continued discussions if this is going to move forward. Some issues that were raised earlier have been addressed. Once that issue gets resolved, then staff will analyze it at that time and will come back to the Council with its recommendation, from which the Council can then makes its policy decision.

Councilmember Wallace asked for further clarification.

Ms. Dekle stated that the staff recommendation today was for the Council to find it inconsistent in order to provide the Council staff and the Council the opportunity to continue in the discussion as the issue would move forward.

Councilmember Gunzburger asked if staff found inconsistencies with Goal 18 and Policies 18.1 and 18.4.

Ms. Dekle stated that they were not included in the staff report, but if the Council wishes it could include them in its motion.

Councilmember Gunzburger stated that she will add them to the motion.

Councilmember Blynn stated that he was very concerned with the City of Weston's lack of interest in regional planning. I extremely disapprove of what you are telling us here today. He stated that he has these four points of concern:

1. The barrier will protect everything around there geographically;
2. Only a small part of the population is going to be affected by the traffic;
3. There will not be a drastic lifestyle change as a result of this project; and
4. The City of Weston is being unfair in trying to stop this project.

Councilmember Brook requested an explanation of the basis behind the Town not looking at Shotgun Road.

Mr. Shimun stated that portion of Davie has no east/west interconnected streets. If you open it up to Shotgun Road, what are you opening it up to, a two mile drive to another street or a mile and a half to the north, it really doesn't serve the purpose. In addition, there is only 60 feet of right-of-way, so they would

have to purchase miles of right-of-way to make it work. The additional traffic would adversely affect the rural lifestyle; the Town just does not see any value in that.

Councilmember Walters asked why there was no bicycle or pedestrian access.

Mr. Shimun stated that it would really be up to the residents, but there is no need for it right now.

Mayor Truex stated given the wide open spaces there, the number of people that would actually walk, bike or ride a horse would not cut down on the traffic.

Mr. Shimun stated that there is just no practicality to that.

Councilmember Walters suggested that they take another look at that.

Councilmember Brook stated that the City of Weston attorney indicated that there were two violations to the Weston Comprehensive Plan, he asked Mr. Mele to respond.

Mr. Mele stated at the County Commission meeting Mr. Cole said that Royal Palm Boulevard was not on their Comprehensive Plan for six-lanes between Weston Road and Country Isles; he did not say that today. Secondly the section of Royal Palm Boulevard that he was talking about where he said without the project they would not need these road improvements in Weston. With or without the project, it fails the LOS from I-75 to Weston Road and from Weston Road to Bonaventure. In other words, their own Comprehensive Plan shows that they need to widen the road, even if we don't build this project. As for the comments about West Road and South Post Road, those are both intersection improvements, not mainline widening and the Comprehensive Plan does not speak to the size of intersections.

The Council took a five minute recess at 12:28 p.m.

Councilmember Walters called the meeting back to order at 12:50 p.m. She stated that the public comment segment would begin and requested that there be no clapping or excess noise from the audience. Councilmember Walters also requested, in the interest of time, that the public speakers not repeat anything that has already been said by previous speakers. She stated that she would call three names at a time and requested that those individuals come up to the podium and wait for their turn. Each speaker will have two minutes. She requested that the Council not ask the speakers any questions.

Commissioner Lois Wexler, Broward County District 5, stated that she represented west Davie and a portion of Weston. She stated that she wanted to address some of the questions raised earlier. Commissioner Wexler informed the Council that she was on the Broward County School Board when there was discussion of putting a school right off of Shotgun Road, and one of the major reasons that it was rejected was for the same reason that the Council is questioning this mall, which is one-way in and one-way out. The very heart of the issue that she sees is that the financial benefit is 100% to the Town of Davie and the impact is pretty much 100% to the City of Weston. Incompatibility is, for her, heartbreaking. Think of all of the residents that bought into that west Davie lifestyle, people that wanted to maintain a horse environment and live there for many years. Now a mall is being looked at for this location. Commissioner Wexler stated that Council staff did an outstanding job, as it usually does; the staff analysis is comprehensive and complete. She asked that the Council support the finding of generally inconsistent.

Mr. John Pickett, Davie Resident, two miles south of the project, stated that he was in favor of the project for several different reasons. He stated that the Town has been working on this project for many years,

and his Home Owners Association was one of the first to be approached about this project. They were asked their opinion, many ideas were thrown out. There are a lot of things that have been built that are problematic, Weston Commons for example. The traffic issues should be left up to the experts, he stated. The idea behind the transparency and the developers is there. The reason that the berm is 30 feet is because of the residents' input. Please recognize that this is a work in progress that has happened over six years and there has been a lot of work and input from the residents in that area.

Mr. Herb Schultz, Davie resident and business owner, stated that he was present as a member of the Board of Directors for the Davie/Cooper City Chamber of Commerce. On behalf of the almost 500 members of the Chamber, we strongly support the Commons project and ask for a positive recommendation to move the project forward. The Chamber is committed to the responsible growth and economic development of the Town of Davie, and there is no project more important to the future of our community than the Commons. It will create over 6,000 desperately needed jobs in western Broward County. Job creation is a key component of economic development, and we look forward to the positive impact that this would have on our economy. The Commons will generate an estimated 3.5 million in annual new revenue to the Town of Davie and an estimated 3.1 million in annual revenue to Broward County. The Chamber has been an ardent and long term supporter of the Commons project. As business people, we know what it takes to operate successful businesses and we look forward to the Commons becoming a strong active leader in our community.

Mr. Rich Paul-Hus, resident of Fort Lauderdale, but here to speak on behalf of his company which is one of the larger electrical contractors in South Florida, stated across the board in his industry for commercial contractors, revenues are down over 30%. In fact, last year specifically related to his company, \$40 million worth of work dried up, which resulted in his company laying off nearly 350 employees last year. This contributes to the significant amount of unemployment in this County. This is a private stimulus package for businesses like ours. Though the unemployment rate is about 6%, the unemployment rate for non-white males is considerable higher than that, in the double digits. That specific group of people represents nearly 60-70% of his workforce, which would be the people that he would hire to build this type of project. There are not many large opportunities in this community. This project has the ability to be funded by private dollars, not wait for the impact of the stimulus package. Here we have a private developer looking at impacting my businesses and thousands of employees in the community and will have a very positive impact on us. Out of the nearly 400 employees that he let go, he could put 200 people to work on a job like this, just with his company alone. On a second note, his brother, who is a resident of Davie, is in strong support of the project.

Councilmember Walters requested that the speakers state how far they live from the project site.

Mr. David Peck, Hollywood resident, stated that he was an unemployed carpenter and belongs to Local Union 79. Mr. Peck stated that he went to Aventura Mall last year and there wasn't anywhere to park, because it was Christmas time. This year, he stated, I didn't go to Aventura Mall, because I am unemployed. Weston states that this project will create a traffic impact, and yes it will, but anywhere you go in the tri-county area you have congestion. The thing is there is a population explosion here and there is nothing that can be done about that. We have to plan to provide for the future that means that we have to think about jobs, places for people to shop, and places for people to live. Right now the unemployment rate in the State of Florida is second to the State of Nevada. This project would create about 1,000 jobs for carpenters alone. There are several foreclosures on his street, which causes his property value to drop. This is going to continue if unemployment continues to grow. If this continues, next year there are going to be discussions about where the State is going to get money to pay for unemployment. The City of Weston should be thinking about how it can help Broward County.

Ms. Lori Parrish, resident of western Davie lives about 12 blocks from the site, stated that she did her due diligence before purchasing her home. She stated that she checked the Town's land development code, the land use plan, and she certainly knew the County's. The Town of Davie's Report reads all throughout says that the project does not comply with its Land Development Code; however, the developer has "graciously" agreed to allow their lawyers to help us rewrite our Land Development Code. Staff has said that it doesn't comply with the Land Development Code and it doesn't comply with the SRPP. The Town of Davie has said it doesn't comply with our code, but we will fix it so that it will comply. This project might be a good project somewhere else, but it doesn't belong in this neighborhood. There have been several things said here this morning. First of all, it is a minimum of one unit per acre, and the front yard of her property, which is a builders' acre is wider than the proposed berm. Secondly, the Sawgrass Mills has lots of couture stores. Ms. Parrish stated that she knows Broward County properties, a development of this size will not work as a destination with out big-box stores adjacent to it. If this project gets approved, it would be another big white elephant in Broward County.

Ms. Patti Koch, Davie resident, resides four miles from the project, stated that she loves Davie for it open space. The Town of Davie needs a way to pay for that open space, a means of income that would allow the Town to afford the lifestyle that it is proud of. There is discussion at every Council meeting about how the Town is going to pay for different areas, departments and programs, as well as maintaining the open space. The Commons will not only create much needed revenue to pay for these things, but will also create jobs. It will provide a much needed gathering place to dine and shop. She stated that she loves her town and wants to shop and dine in her town and keep her tax dollars in her town.

Mr. Frank Serra, Davie resident, resides 5-6 miles from the project, stated that no one was paying him to be at this meeting and no one wrote his speech. There is no subliminal message either intentionally or unintentionally, and no property taxpayer money paid for the ink or paper used for his speech. One of the main ways to stimulate the economy is construction projects. If you ever wonder how many companies large or small were funded by one construction project you would be amazed. We are talking about sub-contractors, laborers, supply and materials, or lenders; the list goes on and on. Even the person who drives the lunch wagon to the sites twice a day depends on construction projects. The Commons is such a project. Just imagine this can give 6,000 people jobs now, jobs that can support a family and the economy. The City of Weston can even benefit from the new jobs that the Commons will create. The local economy of Weston would flourish as a result of the workers buying goods and services that the Weston business owners have to offer. He asked why the City of Weston was allowing the local business owners to suffer because of the few that walk around saying NIMBY (not in my back yard) and offer no real solution. Mr. Serra stated that his boss taught him a saying, "If you go to someone with a problem, you better have three solutions." The Commons, like all projects is not perfect, it has issues that need to be addressed, but they are being addressed. This is why there is a planning board committee to review and comment on construction projects. Let's approve this and create the much needed jobs and stimulate our own economy with the Commons project.

Mr. Miguel Fuentes, representing the Florida Carpenters Regional Council, stated that the Commons is a great opportunity to put many of the members that he represents, who are currently unemployed, back to work. He stated that they have a training center in Fort Lauderdale that could facilitate that. In his conversations with the developer and other stake holders, they are certainly committed to well paying jobs that are well above minimum wage. This could be a great project if we all put our heads together. Let cooler heads prevail so that we can get this thing off the ground.

Mr. Jared Blaut, Weston resident, resides one mile from the project, stated that he was present in his capacity of the Secretary of the Davie/Cooper City Chamber of Commerce. The one thing that has not been discussed in all the talk of rural lifestyle versus commercial and the land not really being

appropriate for this type of development is the land that is being considered. It is not a park or a trail, nobody lives there, it is an isolated piece of property that is bordered by highway on the west, by residential properties to the north and east, including a rather large one in the form of Riverstone, which hasn't been discussed either. That is a rather substantial piece of property that is just south of the project site. The developers have had extensive communication with all of the residents in the area. The berms, landscaping and donation of property to build a fire department are all considerations to prevent any sort of impact or the least possible impact on the surrounding community. No trail will be harmed, no park will be closed, and no horses will be prevented from walking where they are not already walking. The Commons is isolated and Weston itself could not have been built without the help of the surrounding towns allowing access to the west. Griffin Road has been expanded on a number of occasions. Weston has an ongoing discussion with Southwest Ranches about allowing emergency access. We all have to work together, and the Commons project is for the greater good of the entire district.

Mr. Kenneth Farkas stated he is representing the Home Owners Association of Highland Ranches, and he lives a ½ mile due north of this project. He is a warehouse developer, and for the record, he is not allowed to develop a warehouse without two points of ingress and egress, but somehow the developer is going to be allowed to develop 2 million square feet with only one point of access. This is about compatibility, he stated. The question becomes this, the Planning Councils of Davie and Broward County have already voted to reject this, because it is not compatible with what already exists. There is no retail east of I-75 in Davie. Twenty years ago they created this district for one acre estate homes. The reality is if this mall had been built first, these homes would not have been built. There is not another mall in South Florida that has estate homes next to it. This is not about jobs; we have seen how building construction for the sake of jobs created a white elephant that we see in the condo market in Dade County. This is about money for the developer, who bought an \$11 million piece of land and a fully developed mall is worth \$800 million. This is why on the site plan they don't bother to show you the parking garages that are the same color so it looks like surface parking. The buffer picture is only taken from 100 feet away, if you ask the developer to create the buffer picture from ¼ or ½ mile away the 30 foot buffer would disappear. I will be looking at all of those buildings from my site. This developer has managed to expand every project that they have ever made. The Destin Commons has just been granted the ability to create another 300,000-400,000 additional square feet; and we all know how many times Aventura Mall has been expanded. Nowhere in America is there a mall, of any size, that has one point of in and out.

Mr. Sy Dorn, Davie resident and property owner in Downtown Davie, a member of the CRA, Davie/Cooper City Chamber and was Small Business Person of the Year; lives 3 miles from the site. He stated no one has talked about revenue. He pays taxes on his home and buildings in Downtown Davie; this will bring jobs and tax relief for all residents and business owners.

Mr. David Oaks, a 10 year Davie resident living 5 miles from project site and in the flight path of Hollywood/Fort Lauderdale International Airport. He believes the expansion of the airport will create more pollution and noise. He commutes 50 miles daily and thinks about the lack of planning and the ability of a regional body to coordinate and encourage the development of a fast mass transit system. It is incumbent upon elected and appointed officials to have a vision of environmental and energy conservation for utilization for transportation corridors. Had there been long-term transportation planning and mass transit development in South Florida, we would be discussing the site of where rapid transit train station rather than argue over an interchange. Many of the developments are jammed against I-75 where the Commons will be. Davie is not a rural town, but that is how it is marketed. This project will strengthen the town's tax base, initially there will be traffic on the outskirts of Weston and the traffic planners will find a solution provided there is cooperation from the City and most importantly it will provide jobs.

Ms. Fern Resnick is a 12-year resident of Weston, 1 ½ miles from project, stated that she is tired of driving to Boca and Aventura to shop; and while there shops at stores in that area. It will help local businesses to keep residents in the area. There are berms in her neighborhood; they are covered with beautiful trees and keeps the noise from affecting her house. There is one-way in and out of Key West. The Commons will be a model for environmental efficiency, it will increase our tax base and bring shopping, dining and entertainment closer to our homes. If we build more homes on this property, they will bring in less revenue and overcrowded schools. Weston is a family oriented community and should work together with the neighboring communities to better the lives of our citizens and with the Commons will be a family oriented destination; we won't have to travel so far for dining, shopping and entertainment.

Mr. Adam Resnick, a Weston resident and recent graduate, stated that there are many colleges in the area and this will add new jobs in the area with shopping malls and restaurants.

Mr. Ellis Traub, a Davie resident, lives 11 blocks from the site and thinks there is a compatibility issue. He stated that Weston has been a poster boy when it comes to city/county planning. The City has created a beautiful buffer between the residential and highway areas. The difference is Davie has not created that buffer on I-75; with the buffer planned for the Commons will isolate the project and protect the communities.

Ms. Judy Paul, a Davie resident, lives ½ mile from the project and is also a former Davie Council Member who represented this district. She stated that she finds the project did not meet compatibility or traffic criteria in the Town. The county has no commercial property along Shotgun Road; changing the land use to commercial will change the future and expansion of this area and this frightens the residents. She stated that redevelopment where infrastructure and transportation hubs are located should be the primary interest in Davie, something that will increase jobs now not in 5-10 years and will work with the Master Plan for the Town. Previously, the Davie residents rejected the IKEA project because they thought it was near their homes, not compatible and was voted against it. Now IKEA is in Sunrise, the Town has all of the traffic and none of the income. Ms. Paul stated that the Commons was a nice project and recommended a different location 50 acres off U.S. 441 when she was working on the redevelopment of U.S. 441 feed off the Hard Rock and anchor for the development of U.S. 441. The developers rejected the idea, not big enough already had the option to purchase the property they are on. I have horses, she stated, I live close the project and the additional traffic coming into this will not be conducive to people who are riding horses. The future promises that are made are not always kept.

Councilmember Walters called for last minute speakers, with no further speakers public comment was closed. She stated the applicant now has 5 minutes to recap.

Mr. Mele stated that Mr. Cole mentioned that we did not recite the Goals and Policies of the SRPP that we are consistent with, there are 251 Policies and 22 Goals; so if we are inconsistent with 8 Goals and 13 Policies we are consistent with 14 Goals and 238 Policies and he will not list them all. There was a question raised earlier about Shotgun Road, it is a sixty foot right-of-way and that is all there is; the homes in the area go right up to the road, therefore it cannot be widened. There were also questions raised earlier that he now has answers to, office is done based on 4 persons per 1,000 square feet which yields about 3,540 jobs. Retail is based on 2.5 persons per 1,000 square feet at 2,750 jobs and hotels are based on the number of rooms it is .85 jobs per room in a 300 room hotel for a total of 255 jobs. In terms of the breakdown, the study that is part of the DRI shows the construction employment and non-construction employment shows a variety of income categories the lowest income is under \$12,500, the highest income category is above \$69,241, and there are jobs across the entire spectrum. In regards to the

bicycle and pedestrian access from Shotgun Road was rejected by the Town of Davie at the initial process and will go back with the amendment and talk to residences to resolve this issue.

Mr. Cole stated he had 4 comments. First is the access to Shotgun Road and right-of-way, if the only access is through Shotgun Road we would have to expand it; if there were access through Shotgun Road and through Weston, there were no traffic studies done there may not have the impact on the road. On economic issues, he stated, what is not factored is lack of jobs. If there is no demand for the retail, office or hotel, there may be a gain of 6,000, but there will be a loss of 6,000 to 10,000 somewhere else. Access on malls, Oakwood has two access points Dolphin mall has five ways in and out including access to an interstate. There is no mall in this country that has one-way in and one-way out. We have been challenging Mr. Mele to find one for the past years and has still not been found. The question is whether the improvement they want to do can even be done within the Weston Comprehensive Plan. There are five things that need to be done in order to mitigate the traffic impacts. Two improvements they say they need to do Royal Palm Boulevard, Westin Road to I-75 a fourth Eastbound lane would be added, three lanes going one-way, four the other way making it seven-lanes. According to the Westin Comprehensive Plan in 2030, it is supposed to have six-lanes, not seven, and that is the problem. The 2030 LOS with 6 lanes without the project is still at a Level D not a Level F. If the project goes through, it will become a Level F with the six-lanes; the seventh lane needs to be added but they are not allowed to do. The applicant was also planning to add two lanes to make a four-lane roadway from South Post Road to Bonaventure Boulevard, but in the 2030 Comprehensive Plan says two lanes not four. The City could not approve the permits to do the necessary mitigation unless they amend the Comprehensive Plan.

Councilmember Walters stated the purpose of the SFRPC is not to be a zoning board that should be done with FDOT and will need that data prior to the DRI application proceeding. Chair Walters closes the Public Hearing and proceed with Council Member discussion.

Councilmember Chernoff moved to approve the staff recommendation. Councilmember Heyman seconded the motion.

Councilmember Eggelton requested that the maker of the motion bifurcate the motion because there are several things that he is in disagreement with.

Councilmember Walters explained that the Council can discuss the Policies which are changeable, addable to, and subtractable. There is a motion and a second on the floor. When specific amendments arise the Council can discuss.

Councilmember Lieberman made a motion to move the staff recommendation. The SFRPC does not have approval authority of any project of any site plan. State law requires the Council to transmit today; there is no option. The question is if whether or not the Council waives its right to make comments on this project. The reason she supports staffs recommendation, she stated, is because the applicant said it isn't right yet. She stated that she asked Mr. Goren if the applicant could table the proposal until the mobility and transportation issues are worked out, and his opinion was, no. She explained to the Council that this is transmittal, not adoption, and anything that is taken out of here, the Council loses the right to comment on when it comes back, and it may want to retain the right for staff for everything. That is why she is supporting the staff recommendation.

Councilmember Sorenson stated it is the job of this Council to find consistency with the Plan and this project is inconsistent; it is the wrong place, wrong time and creates more problems than it solves. It would deplete agricultural land at a time when the need for locally-grown food has ever been greater and even though it is not being farmed now it has potential. It will cause an environmental impact. It would

build on greenfields rather than redeveloping, say the Fashion Mall, which is empty. This would create the need for new infrastructure of road widening, I 75 exchange, rather than improving existing infrastructure that needs improving. There is minimal public transit, increases the carbon footprint with vehicles miles traveled, no pedestrian access and not too many jobs. There is no money for this project right now. People are saving more and spending less, places are closing and eliminating jobs. If jobs are not being created in one area it does not mean jobs will be created somewhere else. It's an issue of regional impact. Merrick Park, in Miami-Dade, is not a transit corridor, it is not on Metrorail, not a greenfield, it's not agriculture, there was existing infrastructure; it was an infill project entirely different from this project and no comparison.

Councilmember Gunzburger suggested, as a friendly amendment, that the Council request that DCA look at these Goals to see if the project is compatible as well: Goal 18, Policies 18.1, 18.14, and 21.11.

Ms. Rachel Kalin, Council staff, stated that Goal 18 was for emergency planning; staff did not find the project inconsistent with that Goal.

Ms. Karen Hamilton, Council staff, stated that based on the information we received from the Town of Davie and based our analysis there did not appear to be an issue. Since something is not an issue as presented or any letters stating that the information is accepted.

Ms. Kalin read the Policies raised by Councilmember Gunzburger:

- Policy 18.1 *Analyze the impacts of proposed development on evacuation times, the availability of off-site shelter capacity, and the potential loss of life and property from hurricanes;*
- Policy 18.14 *Achieve flexible, comprehensive, and coordinated emergency planning for a variety of emergencies;*
- Goal 21 *Coordinated Planning and Regional Cooperation;* and
- Policy 21.11 *Enhance the regional transportation system's role in system-wide preparedness for emergency situations.*

Councilmember Chernoff accepted for discussion, Council Member Heyman seconded for discussion only.

Councilmember Brook stated that Westin made objections because the project would create 32,000 trips a day, and the applicant testified that it would reduce 16 million trips on the roads. He asked for a comment from staff.

Ms. Dekle stated there was a discrepancy about the trips generated and was one of the issues being worked out in the discussions that are taking place.

Councilmember Brook asked for a comment from staff on the age of the study of the jobs and revenue impact; the Council was told that it was three or four years old.

Ms. Dekle stated that issue was raised and we are working together to determine the best way to move forward. Most of the studies and methodologies, she stated, are commonly utilized do not reflect the contemporary economic conditions, but these economic conditions will not exist indefinitely. It would be in everybody's best interest to update that information as we go forward so that staff can do the best assessment or estimates possible. Updated information will be provided as we move forward, she stated.

Councilmember Brook requested and explanation of staff finding the project inconsistent with Goal 17.

Ms. Dekle read Policy 17.2 *Address quality of life issues including education, access to services, and safety, in order to make South Florida a more attractive location for domestic and international talent and businesses.* She stated that issue would be better understood through us looking together with DCA, the applicant, and the City at the Goals that were included in the recommendation Goal 18 and others.

Commissioner Eggelletion stated that Goal 18 is not in the backup, and he finds it difficult to discuss the Goals and Policies without having them to look at.

Ms. Dekle explained that inconsistency with these Goals and Policies were not raised by staff and were not included in the staff report for that reason. The Council, should it choose to, could include other Goals and Policies from the *SRPP* that staff did not include in the staff report.

Commissioner Eggelletion asked if we can continue the discussion about other matters pertaining to this matter.

Chair Walters stated that the floor was open to discussion of all of the pertinent Goals and Policies of the *SRPP*, not just the ones that are in the review.

Councilmember Chernoff stated that he did not accept the amendment made by Councilmember Gunzburger.

Commissioner Eggelletion stated that he would like to look at Goal 9 *Develop clean, sustainable, and energy-efficient power generation and transportation systems.* Is it the policy of the SFRPC that the developers of a DRI have to develop clean, sustainable, and energy-efficient power generation, is this not a FPL, he questioned.

Ms. Dekle explained that the component in that Goal is the part that talks to the transportation system.

Commissioner Eggelletion asked if for every DRI the developer was required to develop a transportation system; isn't it the responsibility of the FDOT, the local government or the South Florida Regional Transportation Authority (SFRTA) to create a transportation system.

Ms. Dekle stated that the *SRPP* is a Plan for the region and that Plan is developed with the FDOT, SFRTA and others. The Council's intent is to encourage, and the Council members as policymakers may require, projects to be consistent with those Goals by working with those agencies that are the primary service providers.

Councilmember Eggelletion clarified so the developer of the DRI must work with FDOT and local government to develop a smooth and efficient transit system, correct?

Ms. Dekle responded yes.

Commissioner Eggelletion stated that he thought, based on what was said by the applicant, there would be a shuttle system set up for persons, especially workers going in and out of there, to transit stops in the area. He then informed the Council that the County has had a difficult time providing bus transit service to these areas and have even cancelled it due to lack of use; or have gone to smaller shuttles only to find out they are underutilized. He can't understand why the owner or developer is being required to provide bus transit when the County Transportation Department has had difficulty providing because the people in Weston don't want get out of their BMWs and Mercedes Benzes. This is the reason why I-595 is so crowded. As part of the future transit plans that FDOT has presented to the Metropolitan

Planning Organization (MPO), it will provide for a rapid bus lane down I-595 and then eventually down I-75. If the proposed changes will tie into this, how is it that the project does not meet this particular goal, he asked.

Mr. Larry Allen, Council staff, explained the shuttle service would be not for transportation but for economic development to support the workforce and proposed headway would be LOS of F, that is insufficient.

Commissioner Eggelletion asked what would be considered sufficient headway.

Mr. Allen replied a bus at least every 30 minutes.

Councilmember Eggelletion stated there are only three routes in Broward County that have less than 30 minute headway: U.S. 441, A1A and Oakland Park Boulevard. Why would the Council require the DRI to have better headway than the whole County? Headway means the frequency that a bus comes to the bus stop.

Ms. Dekle added we are talking about a plan for the future not for today. Staff is trying to work with applicant and Town to include in the consideration the LOS which means to have frequency that would be ideal for when the project is realized.

Councilmember Eggelletion asked how is a Goal consistent with where the reality is in this particular County; why you would force on the DRIs something that is not realistic. He then asked if this Goal was achievable.

Ms. Dekle stated that it was the Council's adopted Goal at this time, so that Goal will not change today in this meeting; it is a Goal for the future and staff would like to believe that it is attainable over time and we can have that discussion to move forward modify the *SRPP*.

Councilmember Eggelletion stated that he did not feel that the Goal was realistic or achievable. Goal 8, Policy 8.2 he stated, talks about "Reducing the utilization of the Florida Interstate Highway System and other components of the regional system for short, local trips;" this project will not do that. The applicant is asking locals to use the local interstate system to get to the project. However, Policy 8.4 states "Expand use of public transportation, including buses, commuter rail, waterborne transit, etc.;" again is this not the responsibility of FDOT, local counties and SFRTA, he asked.

Ms. Dekle responded, yes sir, the applicant would work with those entities to accomplish this.

Commissioner Eggelletion stated in the presentation it was stated that the applicant was going to provide shuttles.

Mr. Mele stated that he talked about a shuttle for employment purposes, but there is also a Park and Ride Lot and a bus stop on site; Broward County Transit (BCT) says they support this amendment. The topic of headways for the shuttle buses is not in the *SRPP* Goals and Policies; it does not state how often a bus should run. Mr. Mele stated that they have letters from the Broward County Emergency Management Division saying they have no comments, so the proposed addition of Policies is not applicable. Why is there discussion about evacuation when the Broward County Emergency Management Division stated that it had no comments, he questioned.

Commissioner Eggelletion stated that he understood the first motion but wanted to bifurcate the motion because there were some things in here that he clearly could not agree with. He stated that some of these should not be part of the record to go to DCA because they are not applicable and other agencies are involved and should be responsible, not just the developer of the DRI. He stated that he did not feel that Goal 9, Goal 8 or Policy 8.4 should be included as part of this. Goal 11 states "Encourage and support the implementation of development proposals that conserve the Region's natural resources, rural and agricultural lands, green infrastructure;" it is very obvious that part of that is not going to be achieved here. In regards to enhance the utilization of regional transportation systems, it would have to enhance it with the park and ride lot and the other items that are being offered. The future plan is to have a rail, bus route or rapid transit system down I-75, which is adjacent to the project. This is a mixed land use development. Now on Policy 11.2, "Encourage mixed land uses and activities within communities to foster more balanced and energy-efficient development patterns, which are characterized by appropriate density, diverse economic, employment, and housing opportunities, and public transportation access." Seems the Council is only worried about the Transit Oriented Developments (TOD), and this has to be considered a TOD.

Councilmember Lieberman stated that there was no residential, that is why it is not a TOD.

Councilmember Eggelletion stated this is a major development on a major thoroughfare and not inside of a community and so I would think, with the exception of housing, that everything else would be included.

Councilmember Heyman stated that agreed with Councilmember Eggelletion; she doesn't like to have things included that don't apply even though it says generally, but if you remain silent on something it means you go along with it. The conclusion is and what the motion was before it started getting amended is "Find Town of Davie proposed amendment #09D-1 generally" operative word "inconsistent with the *Strategic Regional Policy Plan for South Florida*. Approve this agenda item for transmittal to the Florida Department of Community Affairs." This is what Councilmember Lieberman stated earlier. Things could be qualified and would come back to the City and applicant so that they could try to make some changes. The item could be sent with a mention that there are 120 consistencies and 20 something inconsistencies; the word generally has to hold some weight. This is the same body that has received all the other applications for Comprehensive Plan amendments over the years from the SFRPC, she stated. They have a sense of the Council's obligations and how it's been done without putting more stuff on the record. There would be more continuity at the next step to say this is what we always get and this is how we weigh it. It is generally inconsistent and no one is going to question this. So let's transmit and let the people work on this. This is how it should be voted, not be pulled apart we never have before; there is just no reason for it.

Councilmember Carruthers stated the project is inconsistent because it doesn't make use of existing infrastructure, places additional burden on our interstate, does not seem to tie in with transportation, and it is inconsistent with the rural nature of the area in which it is going. She stated that she believes that the developers are aware of the issues and will do whatever they can to address them; there may be some that they will not be able to address. Is there a way to transmit this without going word for word these are the four big issues that the Council finds inconsistent and hope the DCA will give consideration to them.

Commissioner Gunzburger stated we need to lay it out because you cannot be vague with DCA; if we do not specify they tend to ignore our comments.

Councilmember Lieberman stated that the Council has seen in the past, unless we specify as staff has done here, they tend to ignore any of our comments. She added that she did not support Commissioner Gunzburger's amendment for one reason; I do not know if there is an issue. The Council heard testimony today by the Police Chief and Fire Chief for the Town of Davie saying there is no emergency issue, and no evacuation issue; but there was also testimony saying there is an issue of one way in and one way out. For the Council to pull Goals out of the Plan when it doesn't have everything staff reviewed to look at is a mistake. In the past, we have put a comment in to say the Council heard from the applicant there is not an issue with evacuation or public safety, but the Council also heard opponents say there is need. The Council has only reviewed information from the Town of Davie and did not have information from Weston and in that way the Council could raise the issue without making it an objection. DCA has to look at it and give the Council comment with respect to that, but the Council should not take sides on this without any backup to review. Today there is discussion between two opposing parties, one saying yes; one saying no. The compromise to the motion on the floor would be to include something stating we had testimony from the applicant and testimony from opposing parties with respect to the single access and the possibility of there being a public safety or evacuation issue. Council staff did not find that because it did not have all of the information. Councilmember Lieberman then stated Councilmember Brook was right when he talks about the economic data being outdated. That is a part of the problem. She stated that she was persuaded by Councilmember Wallace who said that retail jobs just get pulled from one area to another; she has not heard anything to the contrary. There has to be an updated economic impact study either as a part of the adopted land use plan amendment or as a part of the DRI. She stated that an updated report could at least give an idea about when the market may improve. She stated that she was especially concerned because she and Councilmember Walters saw a presentation, in Tallahassee, from the State's economic development person that showed that it would be optimistic if we think there is going to be a turnaround to the economic impact in the state in two or three years. She stated that we would like to move forward on the agenda and vote on this item.

Councilmember Brook moved to call the question. Councilmember Heyman seconded the motion.

Councilmember Eggelletion called for a point of order. He asked if that would cut off any further discussion. It was stated that all of these Goals travel with this, and if I don't agree with this, I don't feel that I should have to swallow this. He stated that he had some motions that he would like to make, whether they pass or not, they would be on the record.

Councilmember Wallace stated that Councilmember Eggelletion should be allowed to make his motions for a Council vote.

Councilmember Brook recalled his motion to call the question.

Councilmember Gunzburger stated that she agreed with what Councilmember Lieberman had to say. She stated that she felt that the only reason that the emergency people gave a pass was because they only considered a hurricane as an emergency rather than looking at any other type of emergency. She stated that she would withdraw her earlier motion to include the Goals and Policies related to emergency and evacuation.

Councilmember Eggelletion moved to remove Policies 8.4 and 8.7 from the recommendation. Councilmember Jordan seconded the motion.

Councilmember Scuotto asked if Councilmember Eggelletion wanted to remove transportation as a whole or just the portion regarding headway.

Councilmember Eggelletion stated no, just Policies 8.4 and 8.7. He pointed out Policy 8.4 states “Expand use of public transportation, including buses, commuter rail, waterborne transit, and alternative transportation modes that provide services for pedestrians, bikers and the transportation disadvantaged, and increase its role as a major component in the overall regional transportation system.”

Ms. Dekle stated that the objection that staff provided was this: the amendment as proposed is not supported by adequate facilities and it fails to address the issues of development site access, compatibility, mobility and transportation impacts on the regional system. Then we list the Goals and Policies that we think give the most clear direction to the Town and to the applicant for how to respond to that objection. Some of those things are clearly in the works today. Our intent is to try to give as clear an indication as we can as staff to you as the board to the Town and to the applicant of the types of things they can do to deal with that objection. That is our intent, not to say specifically that this is the universe of actions that they can take they can come up with some other strategies that are not even included that may suffice.

Councilmember Eggelletion stated that he called the applicant up and the Council heard them say that they were going to do those things. As a part of these Goals, some of these things aren’t even in place. There is no waterborne transit in place, or commuter rail or buses, he stated. The bottom line is this is not applicable in this particular instance.

Councilmember Sorenson stated what we have to understand is when we are looking at these projects the question is whether these projects fit into our Goals, not Goals fitting into projects that developers come up with. Do these projects reflect the Goals that we have set for our region, not the opposite, not to have a Goal to try to form into a project? Otherwise it doesn’t make any sense why we are here.

Councilmember Lieberman stated what staff has done with these Goals is it’s not that every project is going to meet everything, it is not a laundry list; it’s a menu and depending on what’s viable for a particular project they will pick off the menu. So in this case, they can’t do waterborne transit, but they could expand other public transportation uses. We have mass transit concurrency developers all over the county paying to expand the mass transit system. The Chair raised an issue about pedestrians and bikers. These Goals are not intended for people to meet everything on the menu, but they are supposed to be used to give direction as you go to the next stage and look at everything that is one and this is not another. I would hate to take these out, because these go to the heart of the issue which is simply having a shuttle bus from the east side of town to bring employees to work is not public transit, because we’ve talked about impacts to the surrounding community, and this deals with the bigger picture issue of public transportation.

Councilmember Brook stated that he believes, in this economic environment, even if the study was off by about 30%, the impact of 4,000 jobs instead of 6,000 jobs and having heard the testimony from a lot of public supporters of this project, that that is something that should have strong consideration by this body at any point in time. We have yet to review the Goals during a strategic planning meeting, which we should be wrapping up shortly. I would just urge this body that as we are going forward in the future to give strong consideration to economic impact as part of the Policies, Goals and procedures that we are reviewing.

Councilmember Heyman requested that the Chair call the question before the quorum was lost.

The motion on the floor, made by Councilmember Eggelletion was to remove Policies 8.4 and 8.7 from the recommendation. Councilmember Jordan seconded the motion, which failed with five yes votes and 10 nay votes.

Councilmember Heyman again requested that the Chair call the question for the amendment on the table.

Councilmember Eggelletion stated that he had another motion.

Councilmember Walters stated that there was a request on the floor to call the question and the Council was about to lose its quorum. Having other issues that required Council action, she stated that she was going to call the question on agenda item 6e.

Councilmember Eggelletion stated that he thought this was a democracy, and added that he shouldn't even come to the Regional Planning Council meetings if his views can't be heard and voted up or down. He stated that he has served on several bodies and has never had this sort of thing happen. He stated that he would not be back if this was how things were handled; he will go to his Mayor and ask to be removed from the Council.

Councilmember Scuotto stated let's just vote on these items and move on.

Councilmember Eggelletion moved to remove Goal 9 from the report. Councilmember Jordan seconded the motion, which failed with a tie vote seven yes votes and seven nay votes.

Councilmember Eggelletion moved to remove Goal 17 from the report. Councilmember Jordan seconded the motion, which failed with six yes votes and eight nay votes.

Councilmember Carruthers asked, of the applicant, as of today when would they be hiring people to work in the stores.

Mr. Mele stated that it would take them a couple of years to get through the permitting, plus the time for construction, so we are looking at three years or more.

Councilmember Lieberman moved to approve the item as amended. Councilmember Heyman seconded the motion which carried with a nay vote from Councilmember Asseff.

AGENDA ITEM SEVEN: Adopted Local Government Comprehensive Plan/Amendment Reviews

- a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments
 - Miami-Dade County
 - Village of Key Biscayne
 - Town of Surfside
 - Miami Shores Village
- b) Islamorada, Village of Islands
- c) Town of Surfside
- d) City of Fort Lauderdale

Councilmember Lieberman moved to approve the staff recommendation on agenda items 7a, 7b, 7c, and 7d. Councilmember Heyman seconded the motion, which carried by a unanimous vote.

AGENDA ITEM EIGHT: Reports

- f) FY 2007-2008 Audit Report

Councilmember Chernoff moved to approve the FY 2007-2008 Audit Report. Councilmember Gunzburger seconded the motion which carried by a unanimous vote.

a) Executive Committee Report

Councilmember Chernoff moved to appoint Councilmember Sue Gunzburger as Secretary of the South Florida Regional Planning Council. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

b) Financial Report

Councilmember Lieberman moved to approve the Financial Report for the month of December 2008. Councilmember Chernoff seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

1) Discussion of DCA Upcoming Legislative Issues

Ms. Dekle stated that the Council will be receiving information on the upcoming SFRTA Transportation Summit. She stated that Councilmember Eggelton was a member. She added that the SFRTA was the host and the Council was doing its best to support their efforts with this project.

d) Legal Counsel Report

None

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Information only

b) Hurricane Wilma Bridge Loan Status Report

Information only

c) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report

Information only

d) Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report

Information only

AGENDA ITEM TEN: Contracts

None

AGENDA ITEM ELEVEN: Highlights of Council Activities

Information only

AGENDA ITEM TWELVE: Special Projects

a) Statewide Regional Evacuation Study Program - Update

Information only

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

AGENDA ITEM FOURTEEN: Regional Initiatives with Treasure Coast Regional Planning Council

None

AGENDA ITEM FIFTEEN: Other Matters for Consideration

a) Election of Office of Secretary - 2009

Discussed earlier.

b) South Florida Regional Transportation Authority Transportation Summit

Discussed earlier.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Councilmember Carruthers requested an update on the expedited review item that was discussed at the January meeting.

Ms. Dekle stated that Councilmember Lieberman was now the President of the Florida Regional Planning Councils Association (FRCA) and she has directed her to work with others and to bring to her and the Council a proposed legislative initiative that would deal with some of the issues that have risen through the expedited review, but also to ensure that we get an adequate amount of time for consideration of issues before the Council and also look at how we can help DCA perhaps at devolving some of its responsibilities to the regional level.

Councilmember Lieberman stated that Secretary Pelham came to talk to us; we asked him to forward our amendments and he said he would, in the amendments we are asking for Ch. 163. Councilmember

Lieberman stated that there has been some change over in the Council and in the past we have given recognition to our past members. She asked if that would be on the next agenda.

Councilmember Walters responded as soon as we have a more normal agenda, it would be appropriate to do so.

Councilmember Eggelletion informed the Council that the SFRTA would be hosting a Tri-County Regional Summit on Saturday, February 21, 2009. He invited the entire Council to attend.

Councilmember Jordan requested clarification of the Goals and Policies that are referenced in the staff reports. She stated that it gives the impression that the entire Goal or Policy may have been violated.

Ms. Dekle stated that this entire conversation has been very constructive for us as staff and for all of us as we move forward to update the *SRPP*. In some of these instances because of the passage of time since it was adopted, we may want to break them apart. The short answer to the question is we will cite a Goal or Policy if there is even a portion of it that we think will be helpful to the applicant in knowing how to make stronger applications, but I can see where perhaps you would want to break them apart and make it more clear for that particular project.

Councilmember Jordan requested more detail in the staff reports for the future so that they are not so broad in the recommendations as they refer to the Goals and Policies.

Councilmember Chernoff reiterated the need to raise issues at transmittal to allow staff and the Council the opportunity to review for and comment on the issues at the time of adoption.

Ms. Dekle agreed added that it also gave the applicant time to work with Council staff and others to try to address the issues prior to adoption.

Councilmember Asseff asked how the economic impact analysis could be accurate for a project that will not be complete for two to five years.

Ms Dekle stated that this issue was raised earlier by Councilmember Wallace. She stated that staff uses models to do these projections, as do those that submit the information. We need to look at those models to ensure that they are forecasting about where conditions are going to be as we go forward.

Councilmember Lieberman stated that the Council may need to go back and look at the economic development item and assess how much information is needed to make it reliable.

Councilmember Walters thanked Councilmember Eggelletion for hanging in there throughout the meeting. She stated that she appreciated his attention to detail.

Councilmember Eggelletion stated that sometimes a difference of opinion makes for good policy.

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) March 2nd, 10:30 a.m. (Council Offices, Hollywood)
- b) April 6th, 10:30 a.m. (Council Offices, Hollywood)
- c) May 4th, 10:30 a.m. (Council Offices, Hollywood)
- d) June 1st, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 2:50 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the February 2, 2009, meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 2nd day of March 2009.

Suzanne Gunzburger, Secretary

Date