

## **SOUTH FLORIDA REGIONAL PLANNING COUNCIL**

### **Minutes**

January 7, 2008

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Asseff, called the meeting to order at 10:38 a.m.

#### **AGENDA ITEM ONE:** Pledge of Allegiance

#### **AGENDA ITEM TWO:** Roll Call

Councilmember Patricia Asseff  
Councilmember Michael Blynn  
Councilmember Scott Brook  
Councilmember Jose "Pepe" Diaz  
Councilmember Suzanne Gunzburger  
Councilmember Sally Heyman  
Councilmember Ilene Lieberman  
Councilmember Morgan McPherson  
Councilmember Dennis Moss  
Councilmember George Neugent  
Councilmember Marta Perez  
Councilmember Jose A. Riesco  
Councilmember Dixie Spehar  
Councilmember Sandra Walters  
Councilmember Lois Wexler

The following Ex Officio Members were present:

Mr. Gary Donn, representing the Florida Department of Transportation;  
Mr. Tim Gray on behalf of Chad Kennedy, representing the Department of Environmental Protection; and  
Mr. Elbert Waters, representing the South Florida Water Management District.

#### **AGENDA ITEM FOURTEEN:** Other Matters for Consideration

##### **a) Election of Officers - 2008**

Mr. Samuel S. Goren, Legal Counsel, announced the recommendations of the Nominating Committee, made up of the following Council members: Councilmember Asseff, Councilmember Blynn, and Councilmember Neugent.

The recommendation was as follows:

Councilmember Perez - Chair  
Councilmember Walters - Vice Chair  
Councilmember Scuotto - Treasurer  
Councilmember Chernoff - Secretary

Councilmember Heyman moved to accept the recommendation of the Nominating Committee. Councilmember Diaz seconded the motion, which carried by a unanimous vote.

Councilmember Asseff passed the gavel to Councilmember Perez, who then took over as Chair.

Councilmember Perez thanked Councilmember Asseff for her wonderful leadership as Chair for 2007 and presented her with a gift from the Council.

Councilmember Asseff thanked everyone for the gift and thanked them for a wonderful year.

**AGENDA ITEM THREE:** Minutes of previous Meeting

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

Councilmember Perez stated that the presentation by the South Florida Water Management District (SFWMD) was a time certain item that would be moved up on the agenda.

**AGENDA ITEM ELEVEN:** Special Projects

a) **Presentation by the South Florida Water Management District on Water Supply Planning**

Mr. Chip Merriam, Deputy Executive Director of Water Resources for the South Florida Water Management District (SFWMD), gave a presentation on Water Supply Planning. Topics discussed included the following:

- Statewide Water Use Today and by 2025,
- Water Use Categories,
- Public Water Supply Demands of the Lower East Coast,
- State Law (Senate Bills 360 and 444),
- Results of New Laws,
- Alternative Water Supply,
- Local Government Requirements,
- Ten-Year Water Supply Facility Work Plan, and
- The SFWMD's Role.

Councilmember Walters stated that the Water Management District in Las Vegas is paying its property owners for converting typical landscaping to xeriscaping for the purpose of conservation. She asked if the SFWMD has any incentives or would something along those lines be an option for incorporation into plan requirements.

Mr. Merriam stated that there have been a series of summits conducted with some leaders of communities in the district. These summits were conducted to look for ideas to put in place. Many of the local government ordinances on what residents can have in their yards is way outside of the SFWMD's authority. The SFWMD is currently working incentive programs with local governments, one of which is the Saving Incentive Program (SIP). The SIP basically states that a local government can come up with a good idea and the SFWMD will fund it. Some are conversions of toilets and some are conversions of shower heads. These are small, but they add up.

Councilmember Moss stated that Mr. Merriam mentioned State funding available to the tune of about \$18 million. He asked if there was recognition on the part of the State that it should help local governments deal with this particular issue.

Mr. Merriam stated that in the legislation that occurred in 2005, the answer was yes. With not knowing what the tax changes will be there is recognition, but Miami-Dade County is facing billions of dollars worth of projects. While the SFWMD's \$3, \$5, and \$10 million project funding assistance is nice, it is a long way from the billions needed for the projects that the County is facing. The SFWMD is more than happy to work with the local governments on legislative projects that they want to bring forward to Tallahassee. The SFWMD will go to Tallahassee with the local governments to help support these projects for State funding.

Councilmember Heyman asked if the SFWMD has reached out to the tourism industry, especially hotels. There is an opportunity for hotels to go green by having the guests place special cards on the bed, for example, to have the sheets changed.

Mr. Merriam stated that the SFWMD has not, but the State is. The State is requiring that State employees stay in green hotels when traveling. The SFWMD can help get the word out, but the easiest way to do it is through utilities that incorporate that in their bills.

Councilmember Blynn asked what was being emphasized in recycling, especially for the golf courses.

Mr. Merriam stated that the SFWMD is pushing them. They are on the highest level of restrictions that they can be on. Most golf courses are converting to reuse as quickly as they can and where there is an incentive that can be given through the utility the SFWMD will do that.

Councilmember Neugent stated that Monroe County takes a bit of exception to what appears to be unfairness from the standpoint of wastewater treatment. Monroe County is held to the highest standard in the State to treat wastewater to advanced wastewater treatment (AWT) standards. Miami-Dade and Broward as well as other counties in the State do not treat to tertiary standards. That is a tremendous amount of water wasted on a daily basis. He asked if there were any initiatives on the part of the State to bring other areas within the State into advanced wastewater treatment in light of the fact that the one use only situation is no longer acceptable.

Mr. Merriam stated that Miami-Dade County is in fact going a couple of steps beyond Monroe County. It is going to do advanced treatment through high level disinfection, then sand filtration, and then reverse osmosis. The water, at the end, will either meet or exceed drinking water standards in order to put it back into the canals to recharge the well fields. There is a lot of work to be done in Broward. Palm Beach County is putting in AWT into their systems right now, because their wellfield is next to a protected resource, the John Arthur Marshall Loxahatchee Wildlife Refuge. The State and a couple of Legislators are working toward getting rid of ocean outfalls.

Councilmember Perez thanked Mr. Merriam for taking the time to bring this presentation to the Council.

#### **AGENDA ITEM FOUR: Project Reviews**

##### **a) Intergovernmental Coordination and Review Report**

Councilmember Lieberman moved to approve the Intergovernmental Coordination and Review Report. Councilmember Neugent 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

a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments

- City of Coral Gables - PEFE
- City of Miami Gardens - PEFE
- City of Coral Springs - PEFE
- City of Lauderhill - PEFE
- City of Sunrise - PEFE
- City of Hallandale Beach - PEFE
- City of Weston - PEFE
- City of Dania Beach - PEFE
- City of Fort Lauderdale - PEFE
- City of Miramar - PEFE
- City of Cooper City - PEFE
- City of South Miami - PEFE

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Wexler seconded the motion, which carried by a unanimous vote.

b) City of North Lauderdale

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Wexler seconded the motion, which carried by a unanimous vote.

c) City of City of Parkland

Ms. Terese Manning, Council staff, stated that the City of Parkland Proposed Amendment 08-1ER includes the City's EAR based amendments. The amendment includes proposed changes for all comprehensive plan elements that are based on the recommendations in the EAR. Council staff analysis has resulted in objections to the Transportation Element concerning future transportation planning for Nob Hill Road, University Drive and Riverside Drive. The proposed amendments are premature, not yet coordinated with future transportation plans of the Florida Department of Transportation, the Broward County Comprehensive Plan, the Broward County Trafficways Plan, and adjacent local governments. Until the issues are resolved, the proposed amendments are incompatible with SRPP Goals 8, 20, and 21, and Policies

8.1, 20.3, 21.2 and 21.7. Staff is working with City staff and others to resolve the issues. For example, we are working with the State Road 7 Collaborative on a partial solution and there is a meeting to be held on January 11 with DOT, and the MPOs from Broward and Palm Beach Counties, and other interested parties to discuss the issues. Staff recommends a finding of General Inconsistency with the *SRPP* for the Transportation Element, particularly with Goals 8, 20, and 21, and Policies 8.1, 20.3, 21.2 and 21.7 and a finding of General Consistency with the *SRPP* for the remainder of the amendment.

Ms. Roberta Moore, representing the City of Parkland, stated she was in attendance to answer any questions. She turned her time over to Ms. Lisa Dykstra.

Ms. Lisa Dykstra, Calvin, Giordano & Associates, stated that in working on this Transportation Element, we understood that these are ongoing questions that the agencies have. We are prepared to work with staff however long it takes in order to figure out what needs to be done to move forward. She added we will find out more information after the January 11, 2008 meeting.

Councilmember Wexler stated that she is on the Broward MPO. The meeting that was mentioned by Ms. Dykstra is a meeting of the Broward and the Palm Beach MPOs to discuss this issue, only.

Councilmember Lieberman stated that she was going to move staff's recommendation. She stated that she attended a meeting on November 20, 2007 that had Secretary Pelham, Secretary Koppelousis, and Secretary Wolfe as well as representatives from affected local governments. It became painfully obvious at this meeting that there is a disconnect between Broward and Palm Beach Counties with respect to this issue. In addition to the MPO meeting on January 11<sup>th</sup>, there is also a joint meeting of this Council with the Treasure Coast Regional Planning Council on January 18<sup>th</sup>. As an example, in Broward's plan it shows that State Road 7 (SR7) will be six lanes with two additional lanes for rapid transit. In Palm Beach's plan, it shows that SR7 will be eight lanes, with no rapid transit. What both Secretaries said was that they really believe in the future of rapid transit for this area, because it is an urbanized area and they would like to see how Broward County is going to work with Palm Beach County to be able to address that issue. The second discussion at that meeting was whether or not to extend the Sawgrass Expressway north of its terminus and to bring it further up, into Palm Beach County. There is vacant land that is currently agricultural, but is in the Jupiter area. The third issue discussed was adding an exit to the Turnpike at SW 10<sup>th</sup> Street to head east. This would allow drivers to get over to I-95, which would provide two evacuation routes north and south. She requested that they look into the transportation objectives for Broward County and Palm Beach County becoming inter-related. She stated that she believes in her lifetime someone will be able to get on a bus in Miami-Dade County on SR7 and go up through Palm Beach County without a transfer. This is not going to happen unless we get involved in this and make sure that the same reserved right-of-way for mass transit exists along all of these corridors.

Councilmember Brook asked Legal Counsel if there was a conflict of interest, being that the City of Coral Springs had already taken a position.

Mr. Goren responded that there was not a conflict of interest.

Councilmember Brook asked if it was typical of the Council to make a recommendation as it did on this item; to find one element inconsistent, but the balance of the amendment consistent.

Ms. Carolyn A. Dekle, Executive Director, responded yes.

Councilmember Brook stated that he seconded the motion as amended.

Councilmember Moss asked if there was a certain point where there are so many elements in an amendment that are found inconsistent that the entire amendment is found inconsistent.

Ms. Dekle stated no, I don't believe so. What staff would do is hopefully work out these issues between now, the time of transmittal, and the time of adoption. If that does not occur, then you would see staff continue to recommend objections on the elements or the amendments that it finds inconsistent. Each element in an amendment is evaluated individually.

Councilmember Diaz asked if the progress to move forward was based on the recommendation and there are several parts of this, are they going to be separated out.

Ms. Dekle responded, yes, each element is evaluated on its own merit related to the SRPP.

Councilmember Lieberman explained page two of the staff report lists several issues in the Parkland EAR. The only objection that staff is raising is to the Transportation Element. So as Ms. Dekle was explaining, the elements are reviewed individually and if there is a specific element that staff finds inconsistent, it will identify that specific element as being inconsistent. This then reserves the Council's right to raise the issue when the amendment comes back for adoption.

Councilmember Lieberman moved to adopt the staff recommendation with the recommendation that Broward and Palm Beach Counties work together to address the concerns expressed at the November 20<sup>th</sup> meeting referenced earlier. Councilmember Brook seconded the motion, which carried by a unanimous vote.

d) City of Tamarac

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

Councilmember Wexler requested that the motion made on item 6b be emailed to her so that she can raise it for discussion at the January 11 meeting of the MPOs.

e) City of Coconut Creek

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

f) City of Doral

Councilmember Gunzburger moved to approve the staff recommendation. Councilmember Diaz seconded the motion, which carried by a unanimous vote.

g) City of Fort Lauderdale

Councilmember Walters moved to approve the staff recommendation. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

h) Miami-Dade County

Ms. Manning stated that the Miami-Dade County Proposed Amendment package 08-1 contains a total of 13 amendments: Seven are proposed changes to the Future Land Use Plan and six are text amendments. A chart summarizing the amendments can be found on pages 2-4 of the staff memo. A clarification is needed for the chart; Text Amendment No. 14 Part 3 should have a recommendation of General Consistency with the *SRPP*.

Councilmember Diaz asked if each amendment would be voted on individually.

Councilmember Lieberman stated that the easiest way to get through this item was to approve the amendments where no discussion is needed.

Councilmember Diaz moved to approve the staff recommendation on the following Amendments: 1, 6, 12, 13, 14 part 1, 14 part 3, 15, 16, and 17. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

Ms. Manning stated that proposed Miami-Dade County amendment 3 conflicts with Goal 5 and Policies 5.1 and 5.3 of the *SRPP* due to school overcrowding issues.

Mr. Michael Larkin, legal representative for applicant on Amendment Number 3, stated that Goal 5 and Policies 5.1 and 5.3 involve school overcrowding. Miami-Dade County is moving very quickly to adopt a school concurrency element into its comprehensive plan. We elected to travel under that School Concurrency Element once it is in the plan. The Legislature has stated that all local governments must adopt this element by January 1, but on December 18 the Miami-Dade County Commission felt that it needed additional time to absorb the complex details of this concurrency element. As a result it asked Secretary Pelham for an extension until March 31 to finalize and integrate this School Concurrency Element into its comp plan. The School Concurrency Element will be heard on January 15 by the Governmental Operations Committee of the County Commission and I anticipate first and second reading will be well before our scheduled adoption hearing for the County Commission in April of 2008. As a result we are asking that the Council find this amendment consistent with the *SRPP*, subject to a finding that the County Commission must adopt its school concurrency element prior to the adoption hearing. According to the staff report this is the only reason that the amendment is being found inconsistent.

Councilmember Heyman stated that the County Commission supported this amendment by a vote of 12-0. We have a real problem down in Miami-Dade County, and we are trying to make a change not only to have the student stations calculated for public schools, but also for charter and private schools as well. She stated that she supports the amendment, contingent on the Commission adopting its school concurrency element.

Councilmember Diaz seconded the motion made by Councilmember Heyman.

Mr. Nathan Kogen, Planning and Zoning Director for the City of Doral, said this proposed amendment is abutting the City and it is proposing a significant amount of intensity. There was a memorandum sent from City of Doral staff examining the project. There are several positive points to it; however the Doral City Council would like to formally object to the application based on the detail that the application was not presented to the City of Doral at its onset, it was transmitted afterward. The Doral City Council feels that the project will create a significant impact to schools and transportation. The original recommendation from Miami-Dade County staff did list some concerns as well.

Councilmember Diaz stated that the City of Doral was notified with sufficient time. The project is located outside the City of Doral. When it was discussed by the County Commission, he did tell them that when it comes back from DCA, the Commission will review it, because he does not want any problems with the School Board. This amendment is consistent with the area and he is planning on doing a study of the area by way of a charrette. This property is basically a hole-in-the-doughnut in the middle of an intense retail area and this is why he supported the project, with the request that the applicant work with the City of Doral to make sure that the City's concerns are addressed.

Councilmember Wexler requested clarification of the school concurrency deadline issue.

Ms. Manning stated according to the 2005 Legislation, all local governments were given to the end of 2008 to adopt the school concurrency provisions; however, the Legislation also included a provision that required DCA to set up a schedule for local governments to adopt the amendments so that not everything came in at once. Miami-Dade County was scheduled for January 1, 2008. All of the cities and the County have asked that DCA reconsider that deadline and as of this date DCA has not.

Councilmember Wexler stated that the extension issue is very important, because as a requirement of the element there are certain mechanisms that will be kicking in and staff is moving in the parameters that an extension is not going to be granted or has not at this time and the applicant believing that it will occur.

Mr. Larkin stated that the County Commission just needed some more time to understand the school concurrency issue, because it is not an easy element to understand. The Commission felt that the request was reasonable.

Councilmember Wexler stated that she is very familiar with the school concurrency issue because of her time on the Broward County School Board and her time on the Broward School Oversight Committee. She stated that she has no problem at this point considering that this is proposed and not adoption. She stated that was prepared to come into the meeting and support moving it on, but the bigger issue is DCA. If indeed it does not grant the extension for the implementation then that is a big issue.

Mr. Ivan Rodriguez, Miami-Dade County Public Schools, stated that Miami-Dade County did request an extension, but, none of the cities have requested an extension. About 21 cities have adopted their elements and transmitted them to DCA, but none of them have come back for adoption. The School Board did meet with the applicant and at one time the applicant proffered a covenant that they were going to make a contribution, then they decided to wait for the school concurrency so they withdrew the covenant. For that reason, the School District is requesting that the application be denied or be deferred until such a time that the applicant is able to address the impact of the proposed residential development to schools in the area.

Councilmember Diaz stated that the County Commission discussed this issue at full length, and there are several issues that are contradictory to the beliefs of the Commission within what was proposed. The School Concurrency Element came to the Commission at the last minute and it did not have the time to review it. It was a 12-0 vote, because the Commission needed more time so it asked the DCA for an extension. There are many issues that need to be addressed.

Councilmember Moss requested clarification on the school concurrency issue.

Ms. Dekle stated that page 4 of the staff report shows the objections listed for this amendment, they relate to exacerbating school overcrowding and that is the issue that staff is raising at this time. One thing that staff has learned over time is that if the Council does not object to an amendment, then the Council is often not at the table as the issues are being worked out. That is really what is happening here. These are proposed



amendments; there is time to work through the issues, as has been indicated. It seems as though it is the intent of all involved parties to work through these issues, and the way that Council staff becomes a participant in that is through the Council's policy action in objecting to the amendment.

Councilmember Blynn asked about the workforce housing element.

Mr. Larkin stated that there would be 1,050 residential units total, of that 10% would be workforce housing.

Councilmember Blynn asked if Mr. Larkin could commit, on behalf of his client, that the workforce units would be built before the other units and that they would be ready prior to the school facility being opened.

Mr. Larkin stated that the development schedule had not yet been finalized, but he anticipated a phased development. He stated that he could not commit to a development schedule right now.

Councilmember Diaz stated that he would keep that issue in mind when the amendment comes back to the County Commission for review, because that was also a concern for him.

Councilmember Gunzburger asked if it was common practice for Miami-Dade County to only request 10% workforce housing, Broward County requests 15%.

Councilmember Moss stated that Miami-Dade County is still working on an affordable housing plan. Currently the County requests 10%, but that may increase when the plan comes back.

Councilmember Asseff moved to approve the staff recommendation on the amendment.

Councilmember Lieberman seconded Councilmember Asseff's substitute motion for discussion.

Mr. Goren stated on the table was a substitute motion by Councilmember Asseff, seconded by Councilmember Lieberman.

Councilmember Brook asked for clarification of whether or not private and charter schools are considered in regards to potential students generated, but not in regard to current enrollment. He also stated that he would be hard pressed to agree to additional overcrowding; he referenced the school capacity chart on page 3 of the staff report which shows Eugenia B. Thomas Elementary as currently over-enrolled with the potential for an additional 177 students generated by the proposed project. He also referenced Doral middle also listed as currently overcrowded, with the potential of 81 new students. He stated that even if half of the potential students generated by the project went to a private or charter school there would still be an extremely high number of new students. Without a form of mitigation to address the issue, he stated that he would support the substitute motion.

Councilmember Diaz stated that there are other schools coming on line and there is another application coming forth that would provide a high school. He stated that he agreed with the points raised by Councilmember Brook. He stated that the County Commission would like the DCA's opinion on the amendment. He stated that he takes this matter very seriously, because he does not want any more overcrowding of schools in his district.

Councilmember Neugent asked regarding the Legislation that was passed concerning the maximum number of kids in classrooms, he asked how that situation gets addressed when we continue to fall further and further behind.

Councilmember Perez stated that she agreed with the staff recommendation, because one of the things that we are having a problem with is actually having a conversation about concurrency with the Commission.

Councilmember Blynn stated this is disastrous overcrowding.

Mr. Larkin responded the way that the School Concurrency Element will work there will be a definition of when a school is overcrowded and if any development has a residential component, which will generate student population and the educational facility that will serve that generated population is overcrowded, the developer will not be able to go forward. The local government will not be able to approve that application, unless that developer undertakes the mitigation measures. Mr. Larkin informed the Council that there was a relief school on line, just as Councilmember Diaz mentioned, that will have 1,600 student stations serving K-8, which are the two education facilities that would be affected by the proposed project.

Councilmember Lieberman stated that there has to be concern raised based upon the current condition of the elementary school plus the impact of this project, the school is currently overcrowded. The Miami-Dade Commission has not yet adopted its School Concurrency Element; it has requested an extension until March. No one on this Council can predict the future, but she feels that the Miami-Dade Commissioners will work very diligently on it, but we don't know if the issue will be resolved. She added there is not much of a difference between adopting the staff recommendation of inconsistent based on school overcrowding or finding it consistent with a concern as to the school overcrowding. One thing that did concern her was the intergovernmental coordination or lack thereof. The City of Doral testified to the Council that it has not had sufficient time to coordinate with Miami-Dade County. Whether this project is in Doral or just outside of it, it will still have an impact on the City. Councilmember Lieberman stated that she seconded Councilmember Asseff's motion, because she wanted to have more discussion about the intergovernmental coordination between the City of Doral and Miami-Dade County.

Councilmember Moss informed the Council that the same issue was raised at the Commission meeting and it was determined that the City of Doral did have an adequate amount of time to address any issues. He then asked, of the School District representative, if the School District was satisfied with the mitigation plan presented by the applicant.

Mr. Rodriguez replied, under the current conditions, yes.

Councilmember Moss asked if the mitigation planned had not been withdrawn by the applicant would the School District be opposed to the project.

Mr. Rodriguez stated if the mitigation plan was still in place, it would have mitigated the impact.

Councilmember Moss asked for clarification of the mitigation plan.

Mr. Rodriguez stated that the plan would have included a monetary donation of about \$3.2 million.

Councilmember Moss asked why the applicant withdrew its mitigation plan or voluntary contribution.

Mr. Larkin stated that the applicant felt that the Commission would act in a timely way, well before the adoption period. The applicant felt that the school concurrency regulations that will be in place are very fair and will be uniformly applied to all applicants. The applicant also realizes that they are taking on something of a risk and that certain educational facilities that will serve the project might be over capacity as it is defined in the Miami-Dade County Comprehensive Plan. They are willing to take that risk because there are also, on the other hand, mitigation measures that will be available to the developer. These might be more

costly, but it is a decision that they came to as a project team and it is a decision that the applicant is happy with.

Councilmember Perez stated that the Council would now entertain the substitute motion made by Councilmember Asseff to adopt the staff recommendation and seconded by Councilmember Lieberman.

Councilmember Asseff moved to approve the staff recommendation. The motion was seconded by Councilmember Lieberman, which carried by a 9-6 vote.

Councilmember Lieberman moved to approve the staff recommendation on Amendment #5. Councilmember Gunzburger seconded the motion.

Councilmember Diaz made a substitute motion; he moved to find Amendment #5 consistent with the SRPP.

Mr. Richard Perez, representing Lowes Home Center, stated that Council staff found Amendment #5 inconsistent for three reasons, but principally because it finds that there is no real need to move the Urban Development Boundary (UDB) to provide for this type of project. Mr. Perez stated that he and his client vehemently disagree with that assessment. The applicant has been working on this project for some time and in the process has gathered signatures and petitions from this neighborhood all in support of the project. The applicant has done an enormous community outreach project, and what was heard from the neighborhood were two things; the community needs additional retail services in the area as well as a high school. Over a course of a couple of years, the applicant has developed a plan to try to address both of those needs. As part of this project there is a 29 acre parcel of land set aside for a high school. The applicant has been actively working with the School Board on this issue, but there is not an interest from the School Board to build a high school on this site. There is however, a reputable charter school operator to build a relief high school here. Council staff has looked at two Metropolitan Statistical Areas (MSA) or census blocks that go from Medley all the way down south, and has said there is no need here. The real important measure is not these two gigantic MSAs, but the area, the three square miles surrounding the project site. This area has 21 square feet of retail per resident; Broward County has 41 square feet of retail. What does this mean to the daily lives of people in this area? It means that they are driving incredibly long distances and there is not a significant amount of retail in the neighborhoods.

Councilmember Diaz stated that this project is located in his district, and he has been working on it for five years. The previous application died because there was no school component. He stated that he is looking into the future to try to get a school in an area where it is extremely needed, as was stated by the representative for the applicant. Councilmember Diaz added that he would like a follow up discussion with the School Board, who has said that it is not needed; he would like to see the numbers. Pristine water land this is not, it is meleleuca infested muck land. This will provide a solution to the school overcrowding, that is why he is favor of the amendment. The School Board is not in support because it wants paid mitigation. The charter school company that has volunteered to take on and build this school is one of the top in the nation.

Councilmember Lieberman stated that she made her motion because the staff justification was not just that the area is outside the UDB, but because it says that it would allow for expansion of the UDB in an area that is identified in the Conservation Element of the Miami-Dade Plan as an area to be avoided when considering UDB expansion. This is transmittal, the time for the Council to raise its concerns. She has two concerns with this amendment, the first being that the area should be avoided when considering UDB expansion, and the second being that the School Board having said that it would not consider the site for a school, so it would have to be a charter school. She then moved to call the question.

Councilmember Gunzburger seconded the motion.

Councilmember McPherson stated that he seconded Councilmember Diaz's motion.

Mr. Perez stated, for clarification, the reference to the area that must be avoided in UDB expansion that was a provision that Miami-Dade County staff has retracted. This site is actually in the Urban Expansion Area and is outside of the area that is specifically designated as prohibited.

Councilmember Lieberman stated that she would like that to be clarified by Council staff.

Ms. Nancy Lee stated that she was present on behalf of Clean Water Action, the National Parks Conservation Association, the Urban Environment League, the World Wildlife Fund, and the Sierra Club, and she had a handout for the Council that she gave to someone to be copied and now they are not being passed out. She stated that she was not aware that documents could not be passed out at the meeting.

Ms. Dekle stated that she had the copies. There have been several written documents that have been brought to the meeting today and will be available to the Council members. Staff has been instructed in the past not to bring information on the day of the meeting, because there is simply not enough time for the Council members to read and analyze the information.

Ms. Lee questioned, will that be after the vote?

Councilmember Blynn stated that he objected to that. He stated that he would like to look at the material that Ms. Lee has brought.

Councilmember Perez asked if the Council objected to the document being handed out.

With no objection made, Councilmember Perez stated that they would pass out Ms. Lee's handout to the Council.

Ms. Lee thanked the Chair. She stated that the groups that she represents are against transmittal; it is not about the school, it is about moving the UDB. Lowes has 16 acres within the UDB to build on and chooses not to use the 16 acres and is trying to push the school in order to move the UDB. The South Florida Water Management District has said issuing a consumptive use permit for water would have no provisions for moving the UDB. All of the groups that she is representing are all against moving the UDB. Moving the UDB would impact the wellfields, and the buffer lands. Miami-Dade County staff was against it and so is Council staff.

Ms. Manning stated, according to County staff the project is located in an area that should be avoided when moving the UDB.

Ms. Dekle explained that the language was permissive.

Councilmember Perez stated that there would be a roll call for the vote on the substitute motion made to find Amendment #5 consistent.

The substitute motion did not pass, the vote was 12 no and 3 yes.

Councilmember Brook moved to approve the staff recommendation. Councilmember Lieberman seconded the motion, which carried with a no vote by Councilmember Diaz.

Ms. Manning stated proposed Miami-Dade County amendment 8 conflicts with Goals 11, 12 and 20 and Policies 11.10, 12.6 and 20.2 of the *SRPP* due to potential significant negative impacts on public facilities and services and inadequate justification for expanding the Urban Development Boundary. Staff would also like to point out that a covenant has been proffered for no residential development.

Mr. Chad Williard, representing the applicant for amendment #8, stated that this amendment had come before this Council two years ago. A few changes have occurred since then. When this amendment was reviewed by the Council previously the project included business office and residential, the applicant has since proffered a covenant limiting the development to commercial only. Therefore there will be no impacts to schools; however there will be added property tax and revenue. Also, 172<sup>nd</sup> Avenue has become very important in the last two years. Since the last UDB expansion cycle, the County Commission directed the County Manager to try to acquire this land to extend 172<sup>nd</sup> Avenue. A year-and-a-half has gone by and nothing has happened, this is probably in large part due to the fact that it will cost about \$7 million to acquire and construct this four lane extension. The applicant in this cycle has also proffered a covenant agreeing to fund, construct and dedicate this four-lane extension. Staff has raised three primary concerns that he would like to address. The first is traffic, the applicant has submitted two traffic studies, and both studies demonstrate adequate capacity on area roadways and that there would be no negative impacts on those roadways. These studies were submitted to Miami-Dade County staff and have not been refuted in any way. An issue was raised with respect to fire rescue. Fire rescue is not a level of service concurrency level item, any impacts will be addressed at the time of building permit through the payment of impact fees also; extending 172<sup>nd</sup> Avenue will improve fire rescue response times. The third issue, commercial supply and demand; in 2005 there was 700 acres of vacant commercial land in this planning tier. Two years later it is down to a little over 220 acres. Staff has stated that land will be depleted by 2014. Staff has a target horizon of ten years, but we only have six years in this planning horizon. This planning tier has the lowest amount of commercially designated land per 1,000 people in Miami-Dade County. The Council found this consistent two years ago, and we ask that you do the same now.

Councilmember Heyman stated that she wanted to raise some concerns, because she voted against this the time before last based on the residential component. The project has been restricted to no residential this time, something significant was added. Directly south, within the UDB is a 1,500 unit residential project being constructed and will soon be occupied. We were extremely remiss in not having sufficient transportation throughout. One thing that was proffered to Miami-Dade County after the previous CDMP was that the applicant said that he would pay for a road extension where the County Commission said it really needed a road, this is 172<sup>nd</sup> Avenue. The applicant has accepted as a covenant to fund construction of the road. Because there is no longer a residential component there will be no impacts to schools. The project will assist in meeting Goal 20 of the *SRPP* because of the covenant to construct the 172<sup>nd</sup> Avenue extension. The project will also meet Policy 11.10 in regards to adding to the infrastructure of the road. Because of the fact that the applicant is willing to commit to the construction of the 172<sup>nd</sup> Avenue extension, she supports this project. Councilmember Heyman stated that this project was in compliance with Goal 20 and Policy 11.10 of the *SRPP*, and she made a motion that it be found consistent.

Councilmember Asseff seconded the motion.

Councilmember Perez asked for clarification of the motion that was made.

Councilmember Heyman requested that the recommendation state that the project was not in conflict with Goals and Policies as stated in the staff recommendation, and be found consistent.

Councilmember Lieberman stated that the only reason that the amendment would be found inconsistent was because of Goal 12 and Policy 12.6 of the *SRPP*.

Councilmember Neugent requested to hear from Council staff on the issue.

Ms. Dekle stated that there was adequate commercially designated land within the existing UDB and there was not adequate justification for expanding the UDB at this time.

Councilmember Neugent asked if staff agreed with the comment raised by Councilmember Heyman.

Ms. Dekle stated yes, but the amendment was still inconsistent based on Goal 12 and Policy 12.6 of the *SRPP*.

Ms. Manning informed the Council that she had been informed by County staff that there were concerns regarding the traffic analysis that still had not been addressed.

Mr. Patrick Moore, Department of Planning and Zoning for Miami-Dade County, stated that County staff has concerns with the traffic analysis done on Kendall Drive.

Councilmember Diaz asked if the issue would be solved by the applicant.

Mr. Moore responded, yes.

Ms. Nancy Lee stated that the concerns of the groups that she was representing are listed in the handout passed out previously. When the UDB is moved everything has to be contiguous to the line. This in turn prompts other property owners to submit a request to move the UDB, and it opens the "can of worms". If the Planning Department in Miami-Dade County said that it was not the time because there is enough commercial, industrial, and residential land within the line, then it is not the time to move the line. Moving the line for a road is not good planning.

Councilmember Wexler stated that she wanted to address Policy 12.6, because it talks about the Watershed Study and the Policies that were formulated based on that study. In staff's verbiage on amendment 8 they seem to indicate that the Miami-Dade County Commission adopted the recommendations of the Watershed Study. She stated that she would like confirmation on that.

Ms. Dekle stated that it was not adopted by the Miami-Dade County Commission, but was accepted.

Councilmember Wexler stated that it has far less meaning in that case.

Ms. Dekle stated that Policy 12.6 was adopted prior to the Watershed Study being complete. The Council, she explained, worked as part of the Watershed Study working group, and said that it would utilize that information in its analysis as it goes forward. The Miami-Dade County Commission did not adopt the Watershed Study, but Council staff does believe that it has value and is useful in its analysis.

Councilmember Lieberman asked for some clarification, she said she thought that Councilmember Heyman moved to strike, as inconsistent, Policy 11.10, Goal 20 and Policy 20.2 based on the applicant's testimony. Mr. Robert Daniels, Council staff, told Ms. Dekle that staff agreed with Councilmember Heyman, is that correct?

Ms. Dekle responded, yes.

Councilmember Lieberman stated that the only thing left would be Goal 12 and she has a question about that. She stated that she realized that this amendment represents moving the UDB, Councilmember Heyman has informed the Council that the development to the south is a 1,500 unit home development that is being built. As a practical matter the chances of retaining agricultural and rural land here is probably slim to none. She stated that she is looking for some verbiage which reflects the concerns. The concern is the traffic impact on Kendall Drive, because it acts as a reliever road, the impact would be much worse on the roads if 172<sup>nd</sup> Avenue was not built. There are really no goals remaining to find this inconsistent, she asked for staff's help. With regard to fire rescue, there is testimony and evidence that it is a pay and go system. She stated that she was looking for those goals that talk about without maintaining rural land and agriculture, because this will not be rural and agricultural lands.

Mr. Daniels stated that his comments to Ms. Dekle were based on the assumption that the issues with transportation with regard to the infrastructure policy that the issue regarding transportation had been accepted by the County and were workable. At this point they have not been accepted.

Councilmember Lieberman stated that Mr. Moore stated that the only issue was the impact to Kendall Drive, in which case that you could be singled out as an impact, but clearly they want SW 172<sup>nd</sup> Avenue to go through.

Mr. Daniels responded, based on that information staff recommends that the Council stay with the objection to the infrastructure, but point out that the issues could be resolved between now and adoption.

Councilmember Heyman moved to find amendment No. 8 generally consistent with the *SRPP* expressing concerns about traffic impacts on Kendall Drive and acknowledging that the applicant has proffered covenants to restrict the development from any residential development and to fund construction of SW 172<sup>nd</sup> Avenue to the existing site south of the amendment site. She also acknowledged that the construction of SW 172<sup>nd</sup> Avenue would eliminate the inconsistency with Goals 11 and 20 and Policies 11.10 and 20.2 as called out in the staff report. Councilmember Diaz seconded the motion, which carried with no votes from Council members Moss, Neugent, and Riesco.

Councilmember Lieberman moved to approve the staff recommendation for Amendment 9. Councilmember Heyman seconded the motion, which carried by a unanimous vote.

Ms. Manning stated that proposed Miami-Dade County Amendment 14, part 2 conflicts with Goals 11, 20 and 21 and Policies 11.10, 11.12, 20.8, 20.11, 21.2 and 21.5 of the *SRPP* due to inadequate intergovernmental coordination consistency with long range transportation plans for the area, and inadequate data and analysis to support non-aviation related development.

Councilmember Moss asked if the report was stating that the City of Opa Locka had not participated in the process.

Ms. Manning stated that was correct.

Councilmember Moss asked if the City voiced any objections on this.

Ms. Manning stated that the City had concerns because it had not been contacted.

Councilmember Lieberman moved to approve the staff recommendation for Amendment 14, part 2. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

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

a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments

- None

b) Town of Davie

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

c) City of Hialeah

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Riesco seconded the motion, which carried by a unanimous vote.

d) City of Plantation

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

e) Broward County

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

f) City of Fort Lauderdale

Councilmember Lieberman moved to approve the staff recommendation. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

**AGENDA ITEM EIGHT:** Reports

a) Executive Committee Report

b) Financial Report

Councilmember Brook requested that the financial report show the previous month's report on the same sheet for comparison.

Councilmember Gunzburger moved to approve the Financial Report for November. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, started her report by thanking Councilmember Asseff and Councilmember Scuotto for the holiday party. She then introduced the two new staff members, Karen Hamilton and Rachel Kalin. There will be some Policy Board changes; she will work with the Chair to discuss that. She informed the Council of a joint Broward and Palm Beach Metropolitan Planning Organizations (MPO) meeting to resolve the University Drive issue. It will be held on Friday, January 11,



2008. The Secretary of the Florida Department of Transportation is going to be attending the Southeast Florida Transportation Council meeting in our offices on January 14, 2008. Ms. Dekle reminded the Council of the joint meeting with the Treasure Coast Regional Planning Council that will be held on January 18, 2008 at 11:00 a.m. Transportation will be provided to Council members and staff and will leave from the Council offices at 9:30 a.m.

d) Legal Counsel Report

Mr. Goren informed the Council that the Legal Counsel's report on the Revolving Loan Program is provided in the backup.

e) SFRPC Revolving Loan Funds Status Report

Mr. Goren stated that a final default judgment was entered in favor of the SFRPC against Mr. Lockett on November 5, 2003, for damages and attorney's fees for a total of \$70,349.32. The SFRPC still holds a second mortgage on the property. After several bankruptcies, legal counsel received \$50,000 plus all fees and costs to settle the matter, a total of \$62,687.30.

Councilmember Moss asked about the Council's previous discussion on the whole issue of change in Florida law that talked about if you were going to build a hotel of a certain size, etc. Was that issue ever resolved?

Mr. Goren stated that it was part of the Council's Legislative package, which was submitted and will be resubmitted in 2008.

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

Information only

g) Evaluation and Appraisal Report (EAR) Status Report

Information only

AGENDA ITEM NINE: Contracts

None

AGENDA ITEM TEN: Highlights of Council Activities

Information only

AGENDA ITEM ELEVEN: Special Projects

a) Presentation by the SFWMD on Water Supply Planning

This presentation was done earlier in the meeting.

b) Statewide Regional Evacuation Study Program Update

Information only

**AGENDA ITEM TWELVE:** Strategic Regional Policy Plan (SRPP)

None.

**AGENDA ITEM THIRTEEN:** Regional Initiatives with Treasure Coast Regional Planning Council

None.

**AGENDA ITEM FOURTEEN:** Other Matters for Consideration

None.

**AGENDA ITEM FIFTEEN:** Correspondence and Attendance Form

Information only.

**AGENDA ITEM SIXTEEN:** Councilmember Comments/Public Comments

Councilmember Wexler stated that when speakers come before the Council and provide information, she relies heavily on staff to provide the backup or documentation.

Ms. Dekle stated that was one of the reasons that the Council has instructed staff, in the past, not to bring in information on the day of the meeting, because staff does not have the opportunity to validate that information.

Councilmember Wexler responded, the general public does not know that. They are given their three minutes; they bring forward information that is what the open process is all about. When it comes to other government entities I would be comfortable if I got in advance, but I would never say no to anything that the public would want to share with the Council.

Ms. Dekle stated that for the future, if there is anything that speakers would like to hand out to the Council it would be helpful if it be provided ahead of time this would give staff adequate amount of time to validate the information.

**AGENDA ITEM SEVENTEEN:** Upcoming Meetings

- a) February 4<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)
- b) March 3<sup>rd</sup>, 10:30 a.m. (Miami-Dade County Commission)
- c) April 7<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)
- d) May 5<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)

**AGENDA ITEM EIGHTEEN:** Adjournment

The meeting was adjourned at 12:35 p.m.

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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 January 8, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 4<sup>th</sup> day of February 2008.

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Jay Chernoff, Secretary

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Date