

## MINUTES

### BROWARD COUNTY PLANNING COUNCIL

June 28, 2018

**MEMBERS PRESENT:** Mayor Daniel J. Stermer, Chair  
Thomas H. DiGiorgio, Jr., Vice Chair  
School Board Member Patricia Good, Secretary  
Brion Blackwelder  
Commissioner Richard Blattner  
Robert Breslau  
Commissioner Felicia Brunson  
Mayor Bill Ganz  
Vice Mayor Michelle J. Gomez  
Mary D. Graham, via telephone  
Richard Grosso  
Commissioner Nan H. Rich  
Vice Mayor Beverly Williams

**MEMBERS ABSENT:** Vice Mayor Angelo Castillo  
Commissioner Heather Moraitis  
David Rosenof  
Richard Rosenzweig  
Mayor Michael J. Ryan

**Also Present:** Barbara Boy, Executive Director  
Andrew Maurodis, Legal Counsel  
Earl Hall, Esq.  
Nancy Cavender, The Laws Group

A meeting of the Broward County Planning Council, Broward County, Florida, was held in Room 422 of the Government Center, Fort Lauderdale, Florida, at 10:00 a.m., Thursday, June 28, 2018.

(The following is a near-verbatim transcript of the meeting.)

**CALL TO ORDER:** Chair Daniel Stermer called the meeting to order.

CHAIR STERMER: Good morning, everybody. I'd like to call to order the June 28th, 2018 meeting of the Broward County Planning Commission -- Council. I'm sorry.

**PLEDGE OF ALLEGIANCE:**

CHAIR STERMER: If we could all please rise for the Pledge of Allegiance. And I'd ask Earl Hall to please lead us in the Pledge.

PLANNING COUNCIL  
JUNE 28, 2018  
dh/NC

**(THE PLEDGE OF ALLEGIANCE WAS LED BY EARL HALL.)**

CHAIR STERMER: Thank you. And thank you for joining us this morning. As everyone can see, our numbers are tight this morning. So we will ask you to politely stay around on the dais. We may -- you know, when we have voting time, because we need to keep a quorum here.

**OATH OF OFFICE:**

CHAIR STERMER: But at the beginning of the meeting today, I have the pleasure of swearing in our newest member to the Council. Senator Commissioner Nan Rich, if you can come join me to take the oath of office, please.

(Applause.)

CHAIR STERMER: (Inaudible.)

COMMISSIONER RICH: (Inaudible.)

CHAIR STERMER: Please raise your right hand and repeat after me. I do solemnly swear --

COMMISSIONER RICH: I do solemnly swear --

CHAIR STERMER: -- that I will support --

COMMISSIONER RICH: -- that I will support --

CHAIR STERMER: -- protect, and defend --

COMMISSIONER RICH: -- protect, and defend --

CHAIR STERMER: -- the Constitution and government --

COMMISSIONER RICH: -- the Constitution and government --

CHAIR STERMER: -- of the United States --

COMMISSIONER RICH: -- of the United States --

CHAIR STERMER: -- and of the State of Florida --

COMMISSIONER RICH: -- and of the State of Florida --

CHAIR STERMER: -- and that I am duly qualified --

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

COMMISSIONER RICH: -- and that I am duly qualified --

CHAIR STERMER: -- to hold office --

COMMISSIONER RICH: -- to hold office --

CHAIR STERMER: -- under the Constitution of the State --

COMMISSIONER RICH: -- under the Constitution of the State --

CHAIR STERMER: -- and the Charter of Broward County --

COMMISSIONER RICH: -- and the Charter of Broward County --

CHAIR STERMER: -- and that I will well --

COMMISSIONER RICH: -- and that I will well --

CHAIR STERMER: -- and faithfully perform --

COMMISSIONER RICH: -- and faithfully perform --

CHAIR STERMER: -- the duties of --

COMMISSIONER RICH: -- the duties of --

CHAIR STERMER: -- a member of --

COMMISSIONER RICH: -- a member of --

CHAIR STERMER: -- the Broward County Planning Council --

COMMISSIONER RICH: -- the Broward County Planning -- Planning Council --

CHAIR STERMER: -- on which I am now about to enter --

COMMISSIONER RICH: -- on which I am now about to enter -

CHAIR STERMER: -- so help me God.

COMMISSIONER RICH: -- so help me God.

CHAIR STERMER: Congratulations.

(Applause.)

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

CHAIR STERMER: Come on, we'll take some pictures.

(Pictures taken.)

CHAIR STERMER: Commissioner Rich, it's our custom, if you'd like to say a few words, you're more than welcome. The floor is yours.

COMMISSIONER RICH: Okay. Well, I just want to say thank you to my colleague, the Mayor, for appointing me to the Broward Planning Council. And it's a pleasure to be with all of you. I've kind of watched and learned a lot from Barbara Blake Boy, already, and I know we'll be -- I'll be learning a lot from all of you as I start my time on the Planning Council.

And I just want to say that it's very important to me, because as I look and I read every time something comes to the Commission, many of you know that I have a very strong focus on affordable housing, and I'm hoping to be able to add something as far as that issue is concerned in our planning for how to resolve that crisis in our community. So I'm very glad to be here. Thank you.

CHAIR STERMER: Appreciate it. Thank you. And Ms. Graham is on the phone with us this morning. Ms. Graham, that's you, correct? Mary?

UNIDENTIFIED SPEAKER: Somebody is there.

CHAIR STERMER: Okay, who's on the phone?

(Laughter.)

MS. BOY: It should -- it should be her. I just sent her the PIN number again, so -- so --

CHAIR STERMER: Okay. Is there a motion with regard to --

MS. BOY: She's texting me.

**CONSENT AGENDA:**

**AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR JUNE 28, 2018**

**AGENDA ITEM C-2 - JUNE 2018 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE**

**AGENDA ITEM C-3**

**A. APPROVAL OF MINUTES MAY 24, 2018**

**AGENDA ITEM C-4 - EXCUSED ABSENCE REQUESTS**

CHAIR STERMER: Is there any item to be removed from any -- from the Consent Agenda by any member of the Commission -- any member of the Council or any -- oh.

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

Yeah, I'm not worried.

MS. BOY: I'll just -- can I just go through the excused absence requests --

CHAIR STERMER: Please.

MS. BOY: -- for the record?

CHAIR STERMER: Yeah.

MS. BOY: Commissioner Castillo, Commissioner Moraitis, Mr. Rosenof, Mr. Rosenzweig, Mayor Ryan, and then I think Mary Graham has joined us on the telephone.

UNIDENTIFIED SPEAKER: Check the mute button.

CHAIR STERMER: Mary?

MS. BOY: She's been texting me, so hopefully --

CHAIR STERMER: Okay. She's -- she's around --

(Laughter.)

CHAIR STERMER: -- she's around somewhere.

MS. BOY: Okay.

CHAIR STERMER: Is there a motion to approve the Consent Agenda? Moved by School Board Member Good, seconded by Commissioner Gomez. All those in favor of the Consent Agenda, signify by saying aye. Any opposed? Consent Agenda passes unanimously.

**VOTE PASSES UNANIMOUSLY.**

**REGULAR AGENDA:**

**AGENDA ITEM R-1 - REQUEST FOR FORMAL INTERPRETATION OF THE BROWARD COUNTY LAND USE PLAN PLATTING REQUIREMENTS FROM THE CITY OF DEERFIELD BEACH** (Note for the Record: Earl Hall, Esq., was the Planning Council Attorney for this item)

CHAIR STERMER: We are now on to Item R-1. Ms. Blake Boy.

MS. BOY: Sure. Item R-1 is a request for a formal interpretation of the Broward County Land Use Plan platting requirements. It's located in the City of Deerfield Beach.

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

MS. GRAHAM: Hello?

CHAIR STERMER: Good morning.

MS. BOY: Hi, Ms. Graham?

CHAIR STERMER: Good morning, Mary.

COMMISSIONER BLATTNER: I think we've lost her.

CHAIR STERMER: She comes, she goes, she comes.

MS. BOY: As you're aware, Planning Council staff, when a platting interpretation is requested of Planning Council staff, we issue it based on the policies and rules that are adopted in the plan. In the cases where an applicant, or, in this case, the municipality, believes that there is an interpretation that can be made, they forward it to the Council for a formal Planning Council interpretation.

So that's what you have before you today. The property is located in the City of Deerfield Beach, as I mentioned. And under the existing platting rules, Planning Council staff issued an interpretation that any addition to the building on the north side of the property would trigger a plat and plat note amendment. If the addition had been being made to the south end of the building, also on unplatted land, it would not have triggered platting because of the rules of a pre-1977 building that was constructed and any addition to that. So working with the city, it was a good time, because we're also researching additional plat exemptions.

So Planning Council staff, the recommendation is obviously the pleasure of the Council, but we did outline in your report how the interpretation could be made, if it is your pleasure, to be able to fit in with existing rules, an expansion of the existing rules. So that's the recommendation in this case, to expand the under ten acres expansion to include unplatted properties if the majority is specifically delineated or post-1953 plat.

CHAIR STERMER: Appreciate it.

MS. BOY: The applicant is here if there's any questions.

CHAIR STERMER: Understood. Is there any questions with regard -- with regard to Item R-1? Is there a motion with -- Mr. Grosso.

MR. GROSSO: I have -- what -- what are the implications for this for -- for future? If we do it for this one, what does this mean for others in the future?

MS. BOY: Sure. In the future, we did some research on the platting interpretations for the past three years that we've issued, and there were about 25 properties that could have benefitted from this, from an interpretation such as that.

As you may recall, part of Broward Next, we increased the threshold from five acres to ten acres, so that was an initial, you know, expansion of the rule that was made. And so it seems to me that this interpretation would not open -- like there wouldn't be -- every property wouldn't be exempt from platting for this, but it's narrow enough to expand, which is what you've asked the staff to research.

MR. GROSSO: How much of a hassle is it for them to go through the platting?

MS. BOY: I can't speak for the applicant, but what I can tell you is that sometimes platting a property has deterred people from developing in Broward County. So, I mean, it could be something like that that they can't expand their -- the business, business operations.

MR. GROSSO: What do we give up? What's the down side to the County of not having a project go through replat?

MS. BOY: So the whole property on here, so the piece to the south is already platted post-1953. There -- there's no loss to the County. There are still going to be impact fees collected, and that's primarily what platting is utilized for. So the -- all of the things that have to happen, transportation concurrency, impact fees, those things will all still occur before they can get a building permit.

MR. GROSSO: Okay. Thanks. Thank you, Mr. Chair.

CHAIR STERMER: Is there a motion with regard to Item R-1?

MAYOR GANZ: Yes.

CHAIR STERMER: Moved by Mayor Ganz --

MR. DIGIORGIO: Second.

VICE MAYOR WILLIAMS: Second.

CHAIR STERMER: -- seconded by Mr. DiGiorgio. Any further discussion with regard to Item R-1? All those in favor, signify by saying aye. All those opposed? Motion carries unanimously.

MS. BOY: Thank you.

**VOTE PASSES UNANIMOUSLY.**

**CONSENT AGENDA:**

**AGENDA ITEM C-4 - EXCUSED ABSENCE REQUESTS**

CHAIR STERMER: Item R-2.

MS. BOY: Item R-2. Before -- Ms. Graham is having a hard time phoning in, and --

CHAIR STERMER: Thank -- thank you, Mr. Hall.

MS. BOY: -- and so she's watching online. I don't know if you want to grant -- issue her an excused absence request since she's unable to telephonically participate.

CHAIR STERMER: Is there a motion to amend the Consent Agenda to include Ms. Graham, who's watching us but can't communicate with us?

COMMISSIONER RICH: Moved.

MS. GOMEZ: Second.

CHAIR STERMER: Any opposition to adding Ms. Graham as an excused absence, even though she's watching us?

UNIDENTIFIED SPEAKER: No, she --

CHAIR STERMER: All those in favor, signify by saying aye. All those opposed? Carries unanimously.

MS. BOY: Okay. Just in case. She might join us, but maybe not.

CHAIR STERMER: Okay.

**VOTE PASSES UNANIMOUSLY.**

**REGULAR AGENDA:**

**AGENDA ITEM R-2 - REQUEST FOR INITIATION OF AMENDMENT TO THE BROWARDNEXT - BROWARD COUNTY LAND USE PLAN NATURAL RESOURCE MAP SERIES - ENVIRONMENTALLY SENSITIVE LAND MAP: LOCAL AREA OF PARTICULAR CONCERN**

MS. BOY: Item R-2 is the initiation of the Natural Resource Map Series amendment for environmentally sensitive lands. A private property owner -- sorry, just want to forward here to -- a private property owner wants to expand its business, and the parcel is designated as a Local Area of Particular Concern. And the land -- the County's Land Development Code carries through rules regarding that.

So the only way to initiate an amendment for even considering removal from this map would be for the Planning Council or County Commission to initiate an amendment so that we can begin the review. And the review would involve sending out the application

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

to County review agencies, the environmental folks, the -- this is in the City of Dania Beach. So this is a request for an initiation of an amendment to begin the review of such project.

CHAIR STERMER: And before Mr. Grosso jumps out of his skin, this is just to commence a review process. This isn't doing anything towards anything. I know the sensitivity to it. And I just want to be clear, this is only about being able to have it go to the agencies like Dr. Jurado --

MS. BOY: Right.

CHAIR STERMER: -- and things like that. To even have them say, good, bad, indifferent, we have to start something, because then it has to go up to the County Commission, as well. It's just starting a conversation. Nothing's happening because of it.

MR. GROSSO: Am I that predictable?

(Laughter.)

CHAIR STERMER: On this one, yes.

MR. GROSSO: I do have a question.

CHAIR STERMER: Please, Mr. Grosso.

MR. GROSSO: Is the -- is the property -- what's the basis for the designation, LAPC?

MS. BOY: My understanding from the material that was submitted is that there's an existing mangrove. There's also part of the map. So as you know, the Natural Resource Map Series is utilized when we review County Land Use Plan amendments, and then the additional level of review comes through the Land Development Code at this case. So for any -- I don't want to say opportunity for it to be developed, but this would be the first step, and then they would also have to go through the Land Development Code process to change those rules also.

MR. GROSSO: I mean, just my reaction, though, is that if it's there because it's a mangrove and it's still a mangrove, what --

MS. BOY: Uh-huh.

MR. GROSSO: -- what's different? What's changed? What would be the basis for removing it from the map?

MS. BOY: That's what we'll find out if we begin the review. I don't have a -- I don't have an answer for -- like yes or no what the recommendation would be. I do know that the

property owner's been working with the -- with the County staff about the property and about the logistics of it. I don't have -- I don't know what the review agency comments are going to be or what the City of Dania Beach -- as the local governing body, that's why they would weigh in.

MR. GROSSO: Okay. Well, and my sense would be that, I mean, I'm okay with us reviewing it. I'm not going to be interested in us later saying, well, the city wants it so, therefore, we approve it. And I don't love the precedent of someone just saying, the natural resource designation precludes me from doing what I want, so take it off the map.

MS. BOY: I mean, I would --

MR. GROSSO: Just to put that out there.

MS. BOY: -- defer to Andy, but this is the only method that they have to be able to --

MR. MAURODIS: This -- this is --

MS. BOY: -- initiate the --

MR. MAURODIS: -- the sole --

MS. BOY: -- the amendment.

MR. MAURODIS: -- this is the sole way that they can get a review of this situation. So I think it's for -- it's kind of a process issue to allow it to go through. It isn't -- it's not like they had a lot of different options. This is their only way to have a review of this Land Use Plan. The city has a right to have a review of the Land Use Plan. So I think it is appropriate to do the study, and I think if you -- and I -- and I will tell you, this grants them no rights to have it changed -- have it changed. If you want to include it in the motion, I have no problem with that. They gain nothing but the right to have it reviewed.

MR. GROSSO: Okay. Thank you. Thank you.

CHAIR STERMER: Commissioner Rich.

COMMISSIONER RICH: In the letter here, it says that the property owner is committed to offset the impacts at an off-site mitigation area. Are they -- is it at their discretion, or is it required that if you move or damage a mangrove that -- or a -- you know, that you have to replace it and mitigate it --

MS. BOY: I --

COMMISSIONER RICH: -- someplace else?

MS. BOY: -- I can ask the applicant to come up, but I believe that they're doing -- that that's in preparation, like they're reserving the opportunity to do that. Kelly Ray from Leigh Kerr and Associates is representing the applicant.

MS. RAY: Hi. Kelly Ray with Kerr and Associates on behalf of the applicant. They are pursuing a mitigation through the Everglades Mitigation Bank for -- to offset the impacts to the site.

CHAIR STERMER: And as I understand it, this is part of a larger conversation that's actually continuing to go on with Broward County, so this is just a piece in the puzzle that's been -- it's not like this just showed up out of nowhere. The County, at least administration, is aware of the conversations that are taking place.

MS. RAY: Yes, that's correct.

COMMISSIONER RICH: Okay. I -- yeah. I would --

CHAIR STERMER: Just --

COMMISSIONER RICH: -- I would support just this, but --

CHAIR STERMER: Understood.

COMMISSIONER RICH: -- personally, I mean, anything dealing with environmentally sensitive lands, as far as I'm concerned, is kind of taboo. That's --

CHAIR STERMER: Understood. Mr. DiGiorgio.

MR. DIGIORGIO: Thank you, Mr. Chair. Just a question, Ms. Blake Boy. Before Broward Next, if there was a designation of environmentally sensitive, what would the applicant have been able to do before coming directly to --

MS. BOY: It's the same process as before. The process didn't -- hasn't changed.

MR. DIGIORGIO: Okay. So it hasn't changed --

CHAIR STERMER: No.

MR. DIGIORGIO: -- under Broward Next. It would have to come to us to initiate this to begin with?

MS. BOY: Yes.

CHAIR STERMER: Correct.

MS. BOY: Correct.

MR. DIGIORGIO: Thank you.

CHAIR STERMER: That hasn't changed. Is there a motion with regard to Item R-2 -- oh. Mr. Blackwelder.

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. BLACKWELDER: I have a lot of questions about this, and I don't have any answers to why would we even entertain such an idea for an LAPC. I was around when these were created and designated and studied and the naturalists participated. And to make it a storage -- take it and convert it to a storage yard for some wetlands of a different type in a different location, I don't even know that they're mangroves being -- being the mitigation. I -- as far as I could tell, it's sawgrass or other type of mitigation elsewhere, of which we have a relative abundance compared to the remaining mangrove swamps in the County.

So I just -- I don't want to initiate a process that I don't believe in whatsoever from the information presented. Yet if I had in advance the -- some studies and information about the resource values and the conditions of the property, I might support this. But I'm not going to -- I'm not going to step down the road and have the dominoes go. We've had too many situations in this County that you get the ball rolling with something like this. And I don't see any reason to get the ball rolling, other than to keep and hold steadfast to the designation that exists.

This is a Local Area of Particular Concern. It's designated on their plat, which is hard to read in the backup materials, because it's small, but it's preservation area, mangrove preservation area is what's involved in that. That means something to me. And it's like taking away one of the monuments and features of the County to invade the -- the map series on the LAPCs. So I don't -- I just don't -- I don't get to first base on this, and this is first base to me.

CHAIR STERMER: Understood. Commissioner Blattner.

COMMISSIONER BLATTNER: Well, it's a little -- little confusing. In a sense, it's like we're suggesting to go ahead with something that we're not in favor of anyway. I don't know if it's our position at this point to say that, from -- from a legal point of view, if we can -- if we're required to move forward with this for something we don't like, and then we hear, well, they've already applied for mitigation, we're headed for a collision. And I don't know if we need to do that. Can we not -- if we deny this, what we're saying is, no. Wetlands win. Don't even try. And I think the sense of this board, of what I'm hearing, is, hey, that's how we feel. So my question is this. If this is how we feel, are we required to go ahead with this or what?

CHAIR STERMER: Andy.

MR. MAURODIS: I don't -- may I, Mr. Chair?

PLANNING COUNCIL  
JUNE 28, 2018  
dh/NC

CHAIR STERMER: Please.

MR. MAURODIS: I don't believe there's an absolute, because there's -- there's a may in the initiation. What we do try to do, take that -- the kind of an obligation, in most cases, to initiate, because without that, we're -- you don't even allow someone to get into the system.

What I'm thinking -- what I would respectfully suggest as a possibility for you to consider, based upon the comments I'm hearing, is that you can deny the request, legally, what we would say, without prejudice to the right of the applicant to come back to you and provide some supporting material for their request, so that at least there's not necessarily a prima facie, but some basis for an analysis other than they want to use the land.

So you could -- you could do that if you just feel that the record doesn't allow you that -- that -- to make an intelligent decision about doing it. I would feel more comfortable with that as this is the only entre for a city to get a review of the map, and you want to at least allow that to happen. So you could deny it without prejudice of them bringing back a fuller packet that would at least show some basis that a review was worthwhile, other than they want it.

CHAIR STERMER: School Board Member Good.

MS. GOOD: Mr. Attorney, and if we approve denial, the County Commission, will this continue forward to the County Commission?

MR. MAURODIS: No, it would not. It -

MS. BOY: If it's initiated today, this isn't a Public Hearing --

MS. GOOD: Okay.

MS. BOY: -- so it would be scheduled for a Public Hearing at a future date. So there's been no review. We don't have any comments from any of the environmental agencies or the City of Dania Beach. So if it was initiated today, it would be scheduled for a future Planning Council Public Hearing date for you all to make a recommendation at that point in time. And then it would go --

MS. GOOD: Then it would go.

MS. BOY: -- to the County -- right, to the County Commission --

MS. GOOD: Thank you for clarifying.

MS. BOY: -- for consideration.

CHAIR STERMER: The question is whether we start a process to then make a decision based upon reports and information before us as compared to, as Mr. Blackwelder would say, not getting out of the batter's box. That -- that's the decision we're making today.

If the motion is to deny, it's to say, sorry, we're not even going to let you into the process to have us review it, based upon reports, analysis, and review by the various departments and staff. Let's remember, this is by the port, and involves various things. And, in the past, the port, the airport, and other things have been expanded to allow for the progress of this County and its economic engines, basically the Enterprise Zones of the port and the airport.

And, like said, the County has been -- it's not like an applicant is coming forward to do something that the County isn't intimately involved with. So the choice is the pleasure of the Council.

MR. BLACKWELDER: To -- to just indicate, I'm not trying to keep them in the batter's box. I support what Mr. Maurodis said, that we deny it without prejudice and we get better information before us before we start them down the road.

CHAIR STERMER: Understood. Ms. Blake BOY.

MR. BLACKWELDER: So if that could be a substitute motion or a -- I would make that **motion**.

CHAIR STERMER: Is there a second to the motion?

MS. GOOD: Second.

MAYOR GANZ: Second.

CHAIR STERMER: It's been seconded. Ms. Blake Boy, any further comments?

MS. BOY: I did just want to mention that the Administrative Rules Document provide for any amendment that is initiated by the Planning Council may be withdrawn by the Council prior to transmittal to the County Commission. So at such -- if this ever got initiated, gets initiated, or in the future gets initiated, you maintain control of whether or not a recommendation goes forward because you're the initiating body by the Administrative Rules. So I think that's just a good piece of information.

CHAIR STERMER: Thank you. There's been a motion to deny without prejudice Item R-2 by Mr. Blackwelder, seconded by School Board Member Good. Any further discussion? Understanding that a yes vote is a motion to deny without prejudice, a no vote is to oppose that motion, all those in favor, signify by saying aye. All those opposed?

MS. GRAHAM: Aye.

CHAIR STERMER: Hi, Mary. Good morning.

MS. GRAHAM: Good morning, Chair Stermer.

CHAIR STERMER: Okay. Well, now come back and remove the excused request.

MS. GRAHAM: Thank you.

CHAIR STERMER: The motion -- the motion passes unanimously. It's a motion to --

MR. DIGIORGIO: I'm sorry. I opposed the motion.

CHAIR STERMER: Oh. It wasn't unanimous. Mr. DiGiorgio's in the negative with regard to Item R-2.

**VOTE PASSES 12 TO 1 WITH MR. DIGIORGIO VOTING NO.**  
**AGENDA ITEM R-3 - COUNSEL'S REPORT**

CHAIR STERMER: Mr. Maurodis, Counsel's Report.

MR. MAURODIS: Yes. At the last meeting, I was asked a question with regard to our practice of doing restrictive covenants running to the benefit of the County and whether it would be advisable or possible to broaden the enforcement authority to the public at large or a portion of the public at large. I thought about this a good deal, and I would strongly recommend that that not be done. I think there are a number of legal issues that could get in the way of that.

One is, as far as the certainty for a developer, there's a lack of certainty there if anyone at any time can come up and challenge it. The concept of basically a republic form of government is that we entrust various governmental entities with the enforcement authority, and they -- the government would speak with a single voice on that.

Additionally, if there were issues that came up that required modification to the document -- at least the possibility of a challenge by a resident to the modification that the County and the developer thought was appropriate. I think it -- and further, if one party challenges it based upon one concept, another party may not like the result, and is it res judicata? Is it collateral estoppel, things of that sort.

So I would strongly recommend -- it's not done. We don't do it that way, and the purpose is that the County is the one approving it. The County is -- has -- is given authority, sovereign authority, to approve it. And they place the conditions on it. And it's their charge. And they're, frankly, in the best position to do it, to enforce it. So I would not recommend broadening the enforcement authority.

CHAIR STERMER: Thank you for the report. Any further comment with regard to the request from the Council's Report? Thank you, Mr. Maurodis.

**AGENDA ITEM R-4 - EXECUTIVE DIRECTOR'S REPORT**

CHAIR STERMER: Ms. Blake Boy.

MS. BOY: Good morning. First, congratulations and welcome to Commissioner Rich. We've been working together since she was elected, so I look forward to working with you on the Planning Council, as well. I don't have -- oh, I do have one -- one thing to report.

The Planning Council staff, we had a workshop this past Monday, Broward Next, to go through with municipal staff and interested parties regarding your initiation of a review of the commerce category and residential uses for these former retail sites along commercial corridors that are significantly smaller than we've seen for Activity Center applications. And then the dual part of that is that the County Commission also, when they held their affordable housing workshop in April, reiterated that, and with an eye towards affordable housing. So we had a first workshop to talk about that this past week. We also talked about platting exemptions and the review of the trafficways documentation.

So I'm putting together an email for interested parties and local governments for a comment period so we can start drafting some language to address specifically the commerce and residential piece for these retail sites and big box sites. So that will be forthcoming after your -- probably, I think, the September or October agenda, you'll have a first Public Hearing on that item.

The other item, I just wanted to let you know for as far as signed in speakers, everyone is for questions only, with the exception of Mr. Parness on Item 2, and that's only if there is a discussion on PH-2 that he would ask to speak.

CHAIR STERMER: Got it. Remind everybody of the calendar after today for the rest of the year, please?

MS. BOY: Sure. Well, August 23rd is your next meeting. The July meeting was canceled at your March meeting, so no meeting next month. So the next time we meet is about two months from today. Then it's the fourth Thursday --

CHAIR STERMER: Thanksgiving.

MS. BOY: -- September and October.

CHAIR STERMER: And November, Thanksgiving.

MS. BOY: Well, September or October, we'll vote on the combined meeting date for

November/December, which will -- it usually ends up being the first Thursday, but just depends on the survey from you all and what the best date is for that.

CHAIR STERMER: Reminders. If you have not contributed to the coffee fund, please do so.

COMMISSIONER BLATTNER: Where is that in the agenda? I'm just --

CHAIR STERMER: Yeah, it's permanently there in invisible ink, but it's on every agenda. The refreshments in the back are not funded by our staff but funded by us. So please, if you can, please contribute to the fund. And, lastly, the Executive Director has sent us polite reminders earlier this week. If you have not filed your Form 1 yet --

UNIDENTIFIED SPEAKER: Or 6.

UNIDENTIFIED SPEAKER: Or 6.

CHAIR STERMER: -- or 6, or whichever form you're required to file, please do so. The July 1st deadline is this weekend. So, please, you can file it electronically, if you haven't done so, or you can go downstairs and drop it off at the Supervisor's Office. Because once that gets uploaded, it gets uploaded not only if you sit on this board, to wherever else you sit, so it gets pushed across the platform and covers you wherever you may be. So, Ms. Blake Boy.

MS. BOY: And then I would just suggest that if you've already sent it in, just to double check, because there's many of you that it's not showing up that you filed it, yet, but you've told me that you filed it with your city clerk or you've sent it to the office. So there seems there is a delay in it being recorded on the website. Just -- so just for your information. And then contact me if you need anything done at the building next week. I'll be here.

CHAIR STERMER: No vacation?

MS. BOY: No vacation.

CHAIR STERMER: No vacation. Okay.

### **PUBLIC HEARING:**

CHAIR STERMER: Is there any -- since there are only questions from speakers, is there a motion with regard to -- any questions with regard to PH-1, PH-2 --

COMMISSIONER BLATTNER: Yes, Mayor.

CHAIR STERMER: -- PH-3?

Mr. Blattner -- Commissioner Blattner.

COMMISSIONER BLATTNER: Yeah. I am aware that -- by the way, is anybody here from the City of Sunrise? I'm aware that Sunrise has a wonderful building boom, and it's kind of exciting. But when I see that we're making contributions in lieu of constructing housing in -- in an area that is building versus my community, where I'd love to have some land on which to build, I continue to be concerned about the contributions which don't result in any new housing being built. And I don't know exactly where to go with this. We've had these discussions before. So I'm very happy to have you here, Commissioner Rich, for your expertise. I thought it would be a good entre for you to help us out here.

CHAIR STERMER: Well, let -- let's hold PH-1. Is there --

COMMISSIONER BLATTNER: I'm not objecting to PH-1. I -- because it's not going to -

CHAIR STERMER: Just for the -- let's -- we'll have a conversation.

CHAIR STERMER: Is there any objection to moving PH-2?

MS. GOOD: Move.

CHAIR STERMER: There's been a -- we're going to go --

MR. GROSSO: PH-2 is the one -- the Sunrise project?

CHAIR STERMER: No, that's PH-1.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. GROSSO: PH-2 is the Deerfield project?

CHAIR STERMER: Correct.

MS. BOY: Yes.

MR. GROSSO: Did we not have a significant amount of neighbor opposition to that one?

UNIDENTIFIED SPEAKER: No, that was (inaudible).

CHAIR STERMER: That was a different item.

COMMISSIONER BLATTNER: That was a different project.

MS. BOY: Yeah, no. That was the proposal last month, the Pinnell property where

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

several residents came and spoke on that project, and that will be back before you at the August Public Hearing. This is the -- this is Deerfield Beach, Toll Brothers, the Century Village.

MR. GROSSO: Okay. So all that material we had, that was the backup attachment to the minutes from the last meeting? We have all that in our backup.

MS. BOY: Right. But there were -- there were some emails before the first Public Hearing that's included in the backup of PH-2.

MR. GROSSO: Those have all been resolved now?

MS. BOY: Well, I can't speak for the resolution --

MR. GROSSO: Do we have any members of the public that are here to speak in opposition?

MS. BOY: No. There's no one to speak on the item except for questions today. And we did notify Century Village, and Mr. -- I'm sorry -- Commissioner Parness is here in support of the proposal, if you want to hear from him.

MR. GROSSO: Thank you. Thank you.

CHAIR STERMER: Commissioner Rich.

COMMISSIONER RICH: Thank you, Commissioner Blattner, for bringing up that issue. You know, this is -- this problem runs through many of these, where the decision, rather than building affordable housing or designating units of affordable housing, is taken over by whatever small incentive, \$250, \$500.

And I know when each of these comes to the -- to the Commission, I just -- there -- there's not a lot I can do right now, because this is what our Broward Next plan says. So that's one of the reasons we had the Commission workshop. And we are going to have a rational nexus -- nexus study done, because we're only going backwards as far as trying to solve this crisis by the fact that we're continually approving things with -- that don't require any kind of affordable housing to be a component.

And if you -- if you have, for instance, a 600-unit development, which we approved this past few months ago, that gives \$250 per unit, it's \$150,500, rather than having, you know, ten percent of affordable housing units there. So it's a major discussion that I think needs to be had, because every time we approve one of these, it means, you know, it's another development where there is no affordable housing. And we have, by all accounts, up to the need of 70,000 rental units right now in Broward County.

So I think -- you know, I -- there's nothing, you know, I can do right now. It -- this is the way it is, but I think that in the future, and shortly, I mean, we need to. And the

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

Commission is really having a serious discussion about this now, so I'm hoping that we're going to have some significant changes where we will be able to move ahead in resolving this crisis in our community.

MAYOR STERMER: Thank you.

COMMISSIONER RICH: And it's not just -- I want people to realize, I mean, it's workforce. That's a huge portion of it. So that's why the business community has become so involved in this now. It's economic development.

But it's seniors. We're seeing increasing -- it's a Silver Tsunami is what it's dubbed -- seeing seniors that are losing their homes. They came down here decades ago, and they -- you know, they bought their condos. Now they're getting major assessments because they're old and they can't afford the assessments, and then the maintenance and the insurance.

So at the Broward Partnership for the Homeless this year, normally they'll have, you know, 40, 50 seniors in a year come and be homeless, and now they had, over the first six months, 224 people. So to give you a sense of it. And then it's special needs and veterans and, I mean, it's a whole group of people in our community. So I'm just putting it out there. This -- I mean, as I said, this is what we have in front of us now, but we need to really look at solving the problem.

CHAIR STERMER: We agree.

#### **AGENDA ITEM PH-1 - AMENDMENT PC 18-6**

CHAIR STERMER: Having had the discussion, is there a motion with regard to PH-1?

COMMISSIONER BLATTNER: I'll make the **motion**.

CHAIR STERMER: Moved by Commissioner Blattner, seconded by School Board -- School Board Member Good. All those in favor of PH-1, signify by saying aye. Any opposed?

MS. GRAHAM: Aye. Motion carries unanimously.

**VOTE PASSES UNANIMOUSLY.**

#### **AGENDA ITEM PH-2 - AMENDMENT PC 18-7**

CHAIR STERMER: Is there a motion with regard to PH-2?

MR. DIGIORGIO: So **moved**.

CHAIR STERMER: Moved by Mr. DiGiorgio --

MAYOR GANZ: Second.

CHAIR STERMER: -- seconded by Mayor Ganz. Any discussion with regard to PH-2?

MR. GROSSO: I have a question.

CHAIR STERMER: Mr. Grosso.

MS. GRAHAM: Chair Stermer --

MR. GROSSO: This was -- both of these projects, I think, had a notation of recharge area loss; is that right?

MS. BOY: I'm sorry. I have to check. I'm sure you're correct, since you asked the question.

MR. GROSSO: All right. I mean, my question is, assuming I read the materials correctly, we seem to know, and I've seen this before, that the project will result in a net loss of water recharge, a significant amount of additional pavement, but that's not a problem. I mean, how do we offset that?

MS. BOY: The comments that are received from the environmental agency, so they give an -- the water charge questionnaire -- water recharge questionnaire, which explains -- tells you that information. If they -- if it is a moderate or a major decrease in the water, then they will significantly -- they will note that in their report, and then we would ask that -- we would ask for that to be addressed.

When they're comparing land use to land use, they're not saying like this is just a golf course, commercial recreation underlying land use. So they're comparing land use to land use as opposed to undeveloped or to be developed.

So it's a land use analysis instead of vacant property or not vacant property. So there's a percentage coverage that's considered as part of the commercial recreation.

So it's a -- it says that it's a net decrease, you know, in the water available, but it's a minor percentage, is what the report says.

MR. GROSSO: So how do -- but how does that help increase water recharge? How does that not just continue a slow loss of water recharge function when we need to be increasing it?

MS. BOY: Well, the other piece of this is that 60 of the acres are going to be recreation open space. They're preserved as recreation open space in perpetuity for this project. So this is that -- that balance, also. It's not just this piece of property. It's going to be preserved as open space.

MR. GROSSO: That land's open space now, though; right?

PLANNING COUNCIL

JUNE 28, 2018

dh/NC

MS. BOY: Well, so it's designated commercial recreation. So it has a commercial recreation analysis, as opposed to a vacant or open space analysis. So the 60 acres to the north -- sorry. I can put the map up. So the 60 -- so here's the current -- that commercial recreation underlying land use designation, and here's the proposed change. So the 60 acres in the green to the north will be preserved as open space. So I believe that there is a benefit for water recharge from that, also. It's not just about the piece on the east side.

MR. GROSSO: Here's what I'd be interested in. Would we be able to direct staff to come back and show us an analysis of how it is that we might require no net loss of recharge functions as a part of development approvals? I'm not comfortable with, it's just a small amount, that's just a small amount. Given where we are with sea level rise and climate change, we need to not be losing recharge function. And I think -- I mean that as a matter of reality, not as a matter of planning designation comparison. Could we not get a presentation on how we deal with that?

CHAIR STERMER: We can get a presentation on whatever we want.

MS. BOY: Sure. So the Climate Resiliency Division is possibly coming to your meeting in August, so I could ask them if they could add that to the presentation.

MR. GROSSO: That'd be great.

CHAIR STERMER: Yeah.

MS. BOY: Okay. About water recharge.

MR. GROSSO: Thanks.

MS. BOY: Okay.

MR. GROSSO: Thank you, Mr. Chair.

CHAIR STERMER: Anything further with regard to PH-2? There was a motion by Mr. DiGiorgio, seconded by Mayor Ganz. All those in favor, signify by saying aye. All those opposed?

MR. BLACKWELDER: Opposed.

MS. GRAHAM: No. Mary Graham.

CHAIR STERMER: Thank you, Ms. Graham. Motion carries with two no votes, Mr. Blackwelder and Ms. Graham.

**VOTE PASSES 11 TO 2 WITH BRION BLACKWELDER AND MARY D. GRAHAM VOTING NO.**

**AGENDA ITEM PH-3 - AMENDMENT PC 18-4**

CHAIR STERMER: Is there a motion with regard -- is there any discussion with regard to Item PH-3? Is there a motion with regard to Item PH-3?

MS. GOOD: **Move.**

CHAIR STERMER: Moved by School Board Member Good --

MR. DIGIORGIO: Second.

CHAIR STERMER: -- seconded by Mr. DiGiorgio. Any further discussion with regard to PH-3? All those in favor, signify by saying aye. All those opposed?

MS. GRAHAM: Aye.

CHAIR STERMER: Motion carries unanimously.

**VOTE PASSES UNANIMOUSLY.**

**OTHER BUSINESS:**

CHAIR STERMER: We're done. Commissioner Rich, we were here for a long time this morning. You know, don't get used to this, because we're usually a little shorter.

MR. GANZ: Motion to adjourn.

(Laughter.)

CHAIR STERMER: Mr. Parness, thank you for coming. And let me -- don't let me be remiss. I also want to state Mr. Rosenzweig, Member Rosenzweig --

MS. BOY: Oh, yes.

CHAIR STERMER: -- was in an accident the other evening. That's why he's not here this morning. But he had come in earlier this week to prepare for the meeting with Ms. Blake Boy and our staff, and then was injured Tuesday evening late. So if you have the opportunity just to think about him and send him an email wishing him well. With that, we stand adjourned. Have a good summer everybody.

(The meeting concluded at 10:44 a.m.)