

MINUTES

BROWARD COUNTY PLANNING COUNCIL

October 24, 2013

MEMBERS Anne Castro, Chair
PRESENT: Commissioner Bobby DuBose, Vice Chair
Commissioner Michael S. Long, Secretary
Tim Bascombe
Vice Mayor Richard Blattner
Mayor Vincent Bocard
Beam Furr
School Board Member Patricia Good
Mary D. Graham
Dan Hobby
Lynn Kaplan
Commissioner Martin D. Kiar
Commissioner Michele Lazarow
Commissioner Rita Mack
Mayor Michael J. Ryan
Nicholas T. Steffens
Mayor Daniel J. Stermer

MEMBER Neal de Jesus
ABSENT:

ALSO Barbara Blake Boy, Planning Council Executive Director
PRESENT: Andy Maurodis, Legal Counsel
Earl Hall, Co Legal Counsel
Vaughn Weiner, Woodmont County Club
Estelle Birken, Woodmont County Club
Martin Sager, Woodmont Country Club
Holly Mantore, Woodmont Country Club
Ron Baker, Woodmont Country Club
Julie Krolak, City of Coral Springs
Dr. Juan Ortega, Land Design South
Dennis Mele, Esquire
Stephen Cohen, Delray Beach
Malcolm Butters, Butters Construction and Development
Sandra Jackson, Deerfield Beach
James Benefield, Deerfield Beach
Tom Terwilliger, Pompano Beach
Jean Dolan, City of Pompano Beach, Consultant
Horacio Danovich, Pompano Beach CRA

Tim Hernandez, Pompano Pier Associates
Chris Heggen, Kimley-Horn and Associates
Scott Backman, Esquire, Woodmont Country Club
Justin Schmidt, Woodmont Country Club
Zau Akerman (sp.), Woodmont Country Club
Antoniette Appel, Esquire, on behalf of Plaintiffs
Daniel Levitan, Woodmont Country Club
Helene Emanuel, Woodmont Country Club
Doug Comstock, Woodmont Country Club
John Cunningham, Woodmont Country Club
Ernesto Hernandez, Woodmont Country Club
Paul Emanuel, Woodmont Country Club
Ken Fink, Waterford & Woodmont HOA, Inc.
Ken Tuma, TLH Development
Walter Keller, Consultant, Parkland Royale
Lindsay Murphy, Consultant, Parkland Royale
Brian Tuttle, Parkland Royale Developer
Mayor Michael Udine, City of Parkland
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, October 24, 2013.

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

CALL TO ORDER: Chair Anne Castro called the meeting to order.

CHAIR CASTRO: We're going to go ahead and call this Broward County Planning Council regular meeting for October 24th to order.

PLEDGE OF ALLEGIANCE

CHAIR CASTRO: Please, if we'd all stand, I believe Mr. DuBose is going to lead us in the Pledge of Allegiance.

(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER BOBBY DUBOSE.)

ROLL CALL

CHAIR CASTRO: Thank you, sir.

We have Nancy doing our minutes for us again today, so if you would please

do the roll call.

THE REPORTER: Yes, ma'am. Mr. Tim Bascombe. Vice Mayor Richard Blattner.

VICE MAYOR BLATTNER: Here.

THE REPORTER: Mayor Vincent Boccard.

MAYOR BOCCARD: Here.

THE REPORTER: Mr. Neal de Jesus. Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Here.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Here.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: Here.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Here.

THE REPORTER: Ms. Lynn Kaplan.

MS. KAPLAN: Here.

THE REPORTER: Commissioner Martin Kiar.

COMMISSIONER KIAR: Here.

THE REPORTER: Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Here.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Here.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER MACK: Here.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Present.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Here.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Here.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Here.

CONSENT AGENDA

AGENDA ITEM C-4 - Excused Absences

CHAIR CASTRO: I know we have one excused absence request from Neal de Jesus, but I'm going to go ahead and ask for a motion to excuse Mr. --

COMMISSIONER DUBOSE: So moved.

MS. GOOD: Second.

CHAIR CASTRO: -- de Jesus and Mr. Bascombe. Thank you. I heard a first and a second.

UNIDENTIFIED SPEAKER: Second.

CHAIR CASTRO: All in favor?

Objections?

Seeing none, passes unanimously.

Thank you all very much.

VOTE PASSES UNANIMOUSLY.

CHAIR CASTRO: A quick reminder, bagel and coffee fund. If you will please take care of that if you can today. And also a quick housekeeping chore.

As you all know, we all talked about presenting Mayor Fisher, who left us, an award or a Proclamation and everything for his service on the Council.

We actually we're going to appear before the Pompano City Commission for this event. We have two dates that was able to reach with Pompano. One is November 26, which I think is the Tuesday right before Thanksgiving, and the other's December 10th. And I know some of you expressed an interest in going and participating, so, for those of you who might be interested in going, do you have a preference? Okay. Calendars are coming out.

Again, November 26th is the Tuesday right before Thanksgiving. So if you're planning to travel Thanksgiving weekend and you know that, that's probably not a good idea. You might want to defer to December 10th.

I'm open to either one, because I'll be in town, so it doesn't matter for me. But whatever you all want to do.

COMMISSIONER LONG: What time?

CHAIR CASTRO: This would be 7:00 o'clock, I think, at Pompano City Hall.

CHAIR CASTRO: Five. Tenth? I'm getting a lot of sense of that. Tenth. Okay. We'll do December 10th. Thank you very much. And thank you all very much.

AGENDA ITEMS C-1 - C-3

CHAIR CASTRO: Okay. Now we're moving on to the Consent Agenda. Are there any items on the Consent Agenda that anybody wants to pull or discuss? May I have a motion, please?

MAYOR STERMER: Move the Consent Agenda.

CHAIR CASTRO: Thank you, sir.

MR. STEFFENS: Second.

COMMISSIONER DUBOSE: Second.

CHAIR CASTRO: Thank you.

All in favor?

Any opposed?

Seeing none, passes unanimously.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1 - COUNSEL'S REPORT

CHAIR CASTRO: Counsel's Report.

MR. MAURODIS: Yes, Madam Chair.

Just briefly to inform you, the Parkland Land Use Plan amendment which is on the agenda, I have had a role in working on that, a significant role in working on certain aspects of that with the City of Parkland, and there is a staff recommendation for denial.

Given that fact, I have asked a good friend of mine, Earl Hall, City Attorney for Lauderhill, to sit in for me on that particular item.

I just thought, given the status of that particular matter, that everyone would feel more comfortable, and certainly me, and Earl has graciously agreed to do that, and I appreciate that.

So I just wanted to let you know. That's on the Parkland Land Use Plan amendment.

CHAIR CASTRO: And you should reflect that that's PH 7. No problem. Thank you, sir.

AGENDA ITEM R-2 - EXECUTIVE DIRECTOR'S REPORT

CHAIR CASTRO: Executive Director's Report.

MS. BOY: Good morning. I just have a couple of quick things to go through.

The first item is just about the Broward County evaluation and appraisal report. Some of you are familiar with this process through the State agencies, the former Department of Community Affairs, and now the Department of Economic Opportunity.

They require anyone with the Comprehensive Plan to do a review every

seven years, evaluation appraisal report.

We actually did Broward County's in 2011, and it was adopted and sent out to the State and approved. But now, because of the changes in -- the statutory changes in 2011, we're due again already.

So I've been working with County staff, and basically it's just correspondence to be sent to the State stating how we've addressed the major issues identified in the 2011 evaluation appraisal report, and any statutory requirements that changed how we've addressed those in our Comprehensive Plan.

So I just wanted to inform you that we'll be sending that correspondence and I feel like we're in full compliance with all the issues and all the statutory requirements.

So that's just an informational item.

Second is just another informational item. October, not only is it Breast Cancer Awareness Month, but National Community Planning Month.

So that's a month to celebrate you all.

CHAIR CASTRO: One minute. Before -- I want to just ask Nancy to let the record reflect that Mr. Bascombe is here now. Thank you. Sorry.

MS. BOY: So the other item is I wanted to let you all know just a status update.

Proposed Broward County Land Use Plan Amendment PCT 13-1, that's the proposal to have the affordable housing policy applied to any allocation of flexibility units of a hundred or more to commercial and employment center properties, have that policy apply. The County Commission considered that policy on Tuesday for transmittal to the State review agencies, and it passed five to three.

As you're aware, you had recommended denial. That will come back to you most likely at your January meeting for a second Public Hearing.

So I just wanted to give you the time frame on that. We'll be sending it to DEO this next week, and then they have 30 days to review it.

It won't make it back quite in time for your December meeting. The other item that I need an action on is the additional agenda materials that I sent out yesterday, one of them does affect PH 7.

The listing was we received additional materials for PH 5, 6, and 7.

PH 7 is the Parkland item, and those materials clarify the affordable housing commitment.

And subsequent to me sending this out to you, I also received sign off from County staff accepting that affordable housing commitment.

So I need a vote of the Board to accept the additional agenda materials.

MR. STEFFENS: So moved.

MAYOR STERMER: Second.

UNIDENTIFIED SPEAKER: Second.

CHAIR CASTRO: Anybody have any discussion?

All in favor?

Any objections?

Seeing none, carries unanimously.

MS. BOY: Thank you.

VOTE PASSES UNANIMOUSLY.

MS. BOY: And the final item is the Affordable Housing Workshop that was held by the County Commission last week.

Mayor Stermer and Commissioner Lazarow attended. Of course, Commissioner Kiar was participating in it. So I believe that Mayor Stermer is going to give you a quick overview of the happenings of the workshop.

MAYOR STERMER: Thank you.

Quick. Among the three pages of notes -- of course, Commissioner Lazarow said she wasn't going to take notes and she was just going to listen. I listened. It was -- and I believe Commissioner Lazarow would concur, and I think so would Commissioner Kiar, that there's going to be further discussion with regard to Policy 1.07.07, understanding that it was a negotiated agreement with the cities that created the menu of options.

Some people termed what the cities have done as a great escape route for

cities to take --

COMMISSIONER KIAR: I didn't say that.

MAYOR STERMER: I didn't say you did.

MAYOR STERMER: And others believed that there needed to be further conversations with the city.

Which my take away was, great, we'd all, at some point, have a future conversation, until I heard about the agenda item two days ago that you're basic -- the County Commission disregarded the recommendation from this Board and is transmitting to the State their desired effect of 1.07.07, and that everything should now come back to the County Commission as a amendment to a Land Use Plan.

That's a choice they make.

It must come back here again, so I look forward to it coming back and having a spirited conversation about it.

Commissioner Lazarow?

COMMISSIONER LAZAROW: Thank you.

I think you're ready for a job as a stenographer. I watched you. It was amazing.

Now, I took away some -- it was discouraging. I mean, it was disheartening, for sure. And as you said, I'm going to concur that there definitely needs to be more discussion.

One of the things that I took away from that was to hear that there's been no cost of living increase in Broward County in 30 years. So everybody's salary's been flat.

And that was something that I didn't know, and I think that really plays a big part in this discussion.

And so it would be nice if everybody could afford to live where they want, which is something that was also discussed, where they would like to.

So I don't know that that's a possibility, but I think also it's going to require some discussion, further discussion regarding the salaries and incomes and things that we have a problem in Broward County.

We're also the 18th most populated county in the country. I didn't know that, either.

So I learned some -- the PowerPoint was really -- the PowerPoint that you all received -- we all received was really pretty much the crux of the beginning of it. So that was very educational.

And it was obviously my first workshop, so thank you.

CHAIR CASTRO: Thank you.

Commissioner Kiar.

COMMISSIONER KIAR: Thank you, Madam Chair.

Actually, I just wanted to address where I perceived the County Commission was going by passing the flexibility unity issue the other day.

It was kind of interesting. You know, as you know, most of us on the County Commission, including myself, believe very strongly in local control.

I don't believe that the County Commission should get involved in many of the local issues that I think are better handled by the individual cities.

Where the County Commission should get involved are regional issues.

And between the time of our -- when we voted on this matter at the Planning Council and until it was voted on the County Commission the other day, we did have the Affordable Housing Workshop.

And what really struck myself and, I think, some of the other County Commissioners was that there really is no affordable housing left in Broward County.

And if -- and if you look at what the median income is for folks, they are not able to afford a home. It's not there.

And so it showed me -- and this is what I believe -- that this is an issue that likely can't be fixed on a city by city basis. I think it's really actually a regional issue, because it affects the entire County.

Now, to do that as we go forward, there is going to be some proposed changes. I think the best way to do it is for the city and the County -- the cities and the County to work together so we could really figure this out.

But it really is a regional issue. I actually consider it somewhat similar to the E-911 issue, where it couldn't be fixed on a city by city basis. It had to be done regionally.

And I think that was really the perspective that came from the County Commission the other day. It wasn't to do something difficult to the cities. It wasn't to try to exercise any type of power that folks believe they have over the cities. It wasn't that.

It was more of a perception that this is a regional issue and something that needs to be fixed on a countywide basis.

And that's why, I believe, it was passed.

But now, with that said, this is just a small part of what needs to happen with affordable housing.

And I'm really looking forward, just as one of our County Commissioners, and I'm pretty sure the rest of the County Commission is as well, in working with the cities and working together so that we can really try to fix this as we pertain -- as we re-write portions of the Administrative Code to try to ensure that there is more affordable housing for the people of Broward County.

And that's -- I really just -- I wanted to let you know the perspective, I believe, from the County Commission. Like I said, it's not a County versus city type of thing.

It's more of a regional issue where we just kind of feel that we need to take a role, have a role, along with the cities, to try to fix it.

So I just wanted to let you all know that's really where I think the County Commission's perspective is in this matter.

CHAIR CASTRO: Thank you.

COMMISSIONER KIAR: Thank you.

CHAIR CASTRO: Mayor Stermer.

MAYOR STERMER: And -- well, Commissioner, I appreciate that.

What I would request, Madam Chair, through you and through this Board, is that this Board agrees to convene a workshop between this Board, the Board of Broward County Commissioners, and the Broward League of Cities.

If policies are going to start to get changed, whether on a regional issue that impact all the way down to local governments and how local governments deal with land use issues that then have to make their way back through the County Commission and the State, that we all at least then sit down at the table and have another conversation.

We got to where we are today based on a conversation, and it's not up to one party or the other to turn around and say the rules of the game are going to change without another conversation.

And since we're the body that sits in between them and reviews it, I think it's incumbent upon us to be a leader in that, and convene a workshop amongst the County and the Broward League of Cities.

CHAIR CASTRO: Would you like to make that into a motion?

MAYOR STERMER: I would.

COMMISSIONER KIAR: I'll second --

CHAIR CASTRO: Is there a second?

COMMISSIONER KIAR: I'll second that motion as well. I think it's a very good motion.

CHAIR CASTRO: Any discussion? Mr. Steffens.

MR. STEFFENS: As usual, I'd like to make an amendment that we include advocates for affordable housing in that discussion as well.

CHAIR CASTRO: Sure. Absolutely.

Anybody else?

Vice Mayor.

VICE MAYOR BLATTNER: Just a question. How many of us are there up here? I can't count.

MS. BOY: There's 18 members right now.

VICE MAYOR BLATTNER: Eighteen. And how many are on the County Commission?

MS. BOY: Nine.

CHAIR CASTRO: Nine.

VICE MAYOR BLATTNER: Twenty-two.

CHAIR CASTRO: And League of Cities.

VICE MAYOR BLATTNER: And League of Cities. And League of Cities is more. I'm just thinking that maybe we ought to pick people to represent us, and ask the same of the other agencies.

Otherwise, 30 people in a room is going to be difficult to get any consensus out of it at all.

CHAIR CASTRO: I tend to agree with you.

Why don't we first reach out to the other parties and see if they're willing to do the workshop at all, and then we can kind of figure out the rules of the road as we go.

MS. BOY: Possibly we could prepare a letter from the Chair to the County Commission and League of Cities about the motion, and then see what the interest is and pursue it that way, if that's okay with the Board.

CHAIR CASTRO: And, of course, it will be public, so even if we pick a smaller --

MS. BOY: Right.

CHAIR CASTRO: -- committee, everybody can attend, by all means, and, you know, do whatever, because it will be like a public meeting.

So but I tend to agree with you. I think it needs to be a little more wieldy.

Just real quick, too, on the discussion, and I agree totally with Mr. Steffens on his point, because, you know, one thing I found with the affordable housing advocates and subject matter experts, this situation is very complex.

And that's one reason I sort of voted against this thing. I understand where Commissioner Kiar is going, but the reality is the thing they're proposing, it doesn't really -- it's not even a drop in the bucket, number one.

Number two, it's actually a delay to housing being developed, which doesn't make any sense to me.

I stayed away from the Home Rule Charter. I agree with that position, too,

but that wasn't the mainstay for me.

I stayed away for the fact that you've already gone through the process once. You've made a deal with the County. It's been approved.

I stayed away from the fact that individual cities have now gone in and gotten their flex units approved, that we have to go back yet another time.

And I don't mean the cities. I'm talking about the taxpayers. Because all this costs money.

But the reality is, unless you're going to bring insurance into it -- as I -- I indicated, more than half of my mortgage payment now is insurance, and I don't know how you solve that, even at a regional level, unless you're going to bring the whole issue of wages, to Commissioner Lazarow's point.

I don't know how you compel private employers to pay their people more. I mean, the governments aren't paying their people more, even.

So I'm not sure -- I feel like we're -- we're making this into a big cure-all, like we're doing something and we're puffing, and, really, we're not getting anything done relative to the issue that's really sincere and meaningful.

So I think a workshop's a great idea. So if we could do that, that would be fine.

And I saw some other hands?

COMMISSIONER DUBOSE: In regards to the workshop, I agree with Vice Mayor in making it smaller.

VICE MAYOR BLATTNER: Thank you.

COMMISSIONER DUBOSE: But my only carve-out is I think we need the entire County Commission to participate. I don't think we need representation from that body, because ultimately they're the ones that'll make the decision, and I think that they should be a part of the full discussion.

That's just my only amendment to that recommendation.

CHAIR CASTRO: Okay.

MS. BOY: I just wanted to also mention that there is an item coming forward to the County Commission in November to follow up on some of the

suggestions and recommendations that were discussed at the workshop.

So there's a couple of, I think, really good ideas. Real bonus densities being offered as an incentive. If you do have a set-aside, you know, just a straight out bonus density.

That's going to be examined in the next couple months, so that's going to be hopefully initiated on November 12th.

And then also relative to Policy 1.07.07, I think the thing that's kind of a missing link here is there's some concern that there isn't a way that it's implemented that's the same for every city. Some city gives this information, some city gives this information, and the County staff has to kind of sort through it all and figure out what it is.

So the proposal is a change to the Administrative Rules document, which, obviously, will come to you, also, but the County Commission examining that and kind of setting out not so much a template, but kind of the checklist of things that need to be included for when County staff's reviewing it.

So that's going to the County Commission November 12th.

COMMISSIONER KIAR: I have a quick question to that, if it's okay.

And I appreciate that. And you do a great job, without a doubt, Barbara.

I know that's coming on November 12th, like you indicated. I know that was indicated at our last County Commission meeting. Would there be any harm in delaying it until after we could potentially have the -- you know, the workshop that's been proposed?

I mean, if -- basically, if we can have the workshop in November and this can come in December or January, would there be any harm in that?

MS. BOY: My opinion, and so this isn't fact --- I think it's a great thing that should be initiated, because part of the process is reaching out to the city staffs and interested parties.

So we want to try to start the workshop process. We want to try to schedule a workshop for December, because we want to get this stuff moving and delaying it will delay it being adopted and the rules being implemented. So right now -- the County Commission, they're going to see Land Use Plan amendments that, although, we may determine they meet the policy, aren't subject to that kind of template.

So the sooner that you can get everybody's input and get the rules adopted, that's just my opinion.

COMMISSIONER KIAR: Sounds good. Thank you.

PUBLIC HEARING

CHAIR CASTRO: We're about to start the Public Hearings.

I want to remind the audience, because we have a few people here today, if you're going to speak, there's a little form you need to fill out. They're usually on the tables. You can bring it to the table over here, to Ms. Blake Boy, and she'll put you on for speaking. You have to indicate which item you want to speak on. So if you're going to get up and speak, please make sure you've filled out the little form and you've given it to her. Okay?

MS. BOY: I can just let you know how many speakers we have on each item.

We have speakers on Items 2, 5, 6, and 7.

And the speakers for Items 1 and 3, are for questions only, so they don't need to speak unless there's some sort of question for them.

So 2, 5, 6, and 7.

CHAIR CASTRO: Okay.

MS. BOY: And Item 6, we have ten speakers for.

CHAIR CASTRO: Okay.

AGENDA ITEMS PH-1, PH-3, and PH-4

CHAIR CASTRO: Do we have any items that we want to go ahead and approve then?

MAYOR STERMER: I move Items 1, 3, and 4.

CHAIR CASTRO: 1, 3, and 4.

Thank you.

Do we have a second?

COMMISSIONER DUBOSE: I'll second it.

CHAIR CASTRO: All in favor? Any objections?

Thank you.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-2 - AMENDMENT PC 13-4 - Second Public Hearing on Amendment to the Broward County Land Use Plan – City of Deerfield Beach.

CHAIR CASTRO: So we're going to go to PH-2.

MS. BOY: Item PH-2 is a proposed amendment in the City of Deerfield Beach.

It's the Deerfield Beach Country Club Golf Course.

The proposal is approximately 73.7 acres from commercial recreation to employment center high.

This is the second Public Hearing on the amendment. You all first heard it in June of this year. Subsequent to that, it was transmitted to the State reviewing agencies by the County Commission.

One comment was received back from the Florida Department of Transportation regarding a potential interchange analysis.

Planning Council staff and the applicant have provided a response to that, outlining the plan, and part of that is the applicant is going to be working with FDOT during the site plan process.

But also I want to mention Planning Council staff had identified two adverse impacts to the regional transportation network prior to sending it to the State.

And those impacts were along Hillsborough Boulevard.

There's several improvements that are outlined in your backup, Attachments 2, 6, 22, 23, and 24. Those were determined to successfully mitigate the impacts.

I also want to point out that the intersection at Fairway Drive and Hillsborough Boulevard, the applicant is proposing to improve all four quadrants of that intersection, including improving dedicated turn lanes

where there are no dedicated turn lanes, to improve the flow of traffic and improve the capacity.

We had received sign off from County staff on that before the June meeting, and you all recommended approval at that time.

The applicant is here if you have any questions about the project.

There are two residents signed in to speak on this. So I'm not sure if you want to have the residents --

CHAIR CASTRO: Why don't we go ahead with the residents, please.

MS. BOY: Ms. Sandra Jackson, followed by James Benefield.

MS. JACKSON: Hello. Oh, here we go. Thank you.

Hi. Good morning. How you doing?

CHAIR CASTRO: Good morning.

MS. JACKSON: I'm just up here to say I'm in approval with Butters Construction. They have been working with the community.

When we came to a Commission meeting before, we did some petitions where, you know, some of the residents were approving the project.

The group has been working with the residents, so I think you guys should go ahead and approve it.

As you can see, they've been trying to do everything they can do dealing with the traffic, and they've been really good access to the residents in that area.

Thank you.

CHAIR CASTRO: Thank you.

MS. BOY: Mr. James Benefield.

And while he's coming up, I just want to mention that the improvements that are proposed by the applicant, I should have pointed this out, they will be recorded in a Declaration of Restrictive Covenant that will run with the property.

So it's not just that they're offering to make an improvement, and it may or may not happen. It's going to run with the property, so they won't be able to - the amendment won't be effective unless they record that declaration for

that restriction.

Sorry.

CHAIR CASTRO: Thank you. Sir.

MR. BENEFIELD: James Benefield.

CHAIR CASTRO: Is it -- the button on?

MR. BENEFIELD: Thank you. James Benefield, Deerfield Beach, Florida.

Well, the coming of the Butters Company to my neighborhood has made a good impact. And they have shown that they are concerned about the citizens in that neighborhood.

Before they came into existence and coming into the neighborhood, it was just like nothing. I'm a gardener. I like to grow things.

At that particular time, I couldn't even grow anything back there. After they came in, as a good gesture, they cut the trees back there. Now I can grow peppers and stuff back there. And I pride myself on having some of the hottest peppers that anyone could want.

And that is the Carolina heat.

So, you know, it's a win/win situation.

We like it. I can go in my back yard now and have sun back there.

So I'm with it.

CHAIR CASTRO: Thank you, sir.

MR. BENEFIELD: Thank you.

CHAIR CASTRO: Thank you.

MR. STEFFENS: I think the record should reflect that some peppers were shown that we can eat afterwards.

UNIDENTIFIED SPEAKER: Brightly colored peppers.

MR. STEFFENS: Really hot peppers.

MAYOR STERMER: Marty, you need to take a bite.

COMMISSIONER KAIR: Absolutely.

CHAIR CASTRO: Does it meet the gift ban or what?

CHAIR CASTRO: Does the applicant have anything they want to say at this point in time? Then we'll bring it to the Council.

MR. MELE: Dennis Mele on behalf of the applicant.

If you have any questions, I'm here to try to answer them.

CHAIR CASTRO: Okay.

Coming back to the Council.

MR. BASCOMBE: I think Mayor Stermer, because we don't know they're actually hot, should actually try one.

MAYOR STERMER: Not a problem.

CHAIR CASTRO: Ms. Graham.

MS. GRAHAM: Thank you, Madam Chair.

I wasn't at the June meeting.

And I'm not opposed to the development or the land use change in any way.

I seriously am concerned about that Fairway Drive exit onto Hillsborough and -- because I worked back there for two years. I know what it was like to get out of the development off of Fairway at peak hours, from 4:00 o'clock on.

So if the applicant would like to explain. I know this is an extra lane, but just some other information, with the bank there, the bank parking lot, as soon as you turn in the -- just all the existing businesses and private ownership along Fairway, please.

MR. MELE: I'm just trying to get to the graphic that shows the traffic improvements, and I think I can explain everything. But I'm not real versed in this piece of equipment here.

MS. BOY: As soon as you get to it, we'll pop it up so we can follow you.

MR. MELE: Thank you. There we go. So this graphic is showing you the interchange -- or the intersection, rather, of Fairway Drive and Hillsborough Boulevard.

Just off to the left of the drawing is the interchange of I-95 and Hillsborough.

So here's what we're doing.

Apparently, when you come out of -- I guess I can point with this thing, right, but I can --

MS. BOY: It's right there.

MR. MELE: Right here, when you come out of Fairway Drive right now, there's only two lanes. There's a left turn lane, and there's a lane that's shared for through movement and right turns.

So if you want to turn right, you've got to wait behind all the people that are going through, and it bottles up the intersection.

So the first thing we're doing is we're creating a third lane.

So there'll be a left turn lane, a through lane, and a right turn lane.

And keep in mind, in the afternoons, most people want to turn right because they want to get over to I-95.

MS. GRAHAM: 95.

MR. MELE: The second thing we're doing, on the eastbound leg of Hillsborough, right here, currently there's one left turn lane, three through lanes, and one right turn lane.

We're adding a second left turn lane.

Now, keep in mind, under your requirements for traffic improvements, we are only required to look at the afternoon rush hour.

That's not what we did here. We looked at the morning and the afternoon, because the traffic is very directional here.

In the morning, people are coming off of 95 and going into the complex. In the afternoon, they're coming out of the complex and going back to 95.

So the city's traffic engineer asked us to look at the morning and the

afternoon.

So this improvement I just described, where we're adding an additional left turn lane for eastbound movements, that's a morning item.

The one I described first, of the right turn out of Fairway to Hillsborough, that's an afternoon improvement.

The other thing that we're doing is on the westbound Hillsborough movement, we're adding a right turn lane where there does not exist one today.

And then we're also adding -- you can see we're lengthening the left turn lane for westbound movement.

Anytime something's colored in yellow or blue, that means we're putting something new in.

And we're also adding a transition for the eastbound movement.

In addition to all these traffic improvements for vehicles, we're putting in bike lanes. We're putting in sidewalks, and we're putting in a new traffic signal.

All of this has been reviewed by the Broward County traffic planning people, and they signed off on it. As Ms. Boy told you, it's one of your exhibits here.

And all of this has also been reviewed with DOT, because it is so close to I-95, DOT has jurisdiction.

Now, DOT will have to issue a permit, but their traffic planning people have already said all of this is permissible.

The other thing we did, if you know that intersection well, there's a bunch of - - there's like entry walls into the Fairway complex. So when we first proposed this, one of the city people said we don't know that there's enough right of way.

Well, we surveyed the entire intersection, and there is enough right of way for everything we're showing.

We're going to have to move one of those signage walls, the one that says Fairway Business Park or something. It's actually in the right of way, so we'll have to move it.

But everything we're showing you can be accomplished, can be permitted,

and there's right of way to do it.

And all of the traffic planners say that making these improvements will generate more capacity on the road than we're using for our project.

If you have any questions, I'll be happy to answer them.

CHAIR CASTRO: Thank you.

Ms. Graham.

MS. GRAHAM: The developer does good projects. He's not going to do something that's not going to work.

But if that's the only ingress and egress out for the existing businesses along Fairway Drive and this new development, I'm just not sold.

I'm sure you're going to get approved today, but, again, it's not that I'm against the development.

I seriously question, just from a design standpoint as an architect, the entrance and exiting from the one location there on the north side of Hillsborough.

CHAIR CASTRO: Thank you.

MS. GRAHAM: Thank you.

CHAIR CASTRO: Mr. Hobby.

MR. HOBBY: Just a question.

The biggest problem, it seems to me, even without this development, is coming off of the northbound lane of I-95 and then transitioning across Hillsborough Boulevard to get in the left-hand lane, whether there's one or two.

Is there any consideration that if you can't make it all the way over that there's a safe place to make a U-turn to come back east to get into that down the road, or a long enough lane to make that?

MR. MELE: Actually, the very left -- the very next median opening, U-turns are allowed. And if you can't make it here, there's certainly room to get there and make that U-turn.

COMMISSIONER LONG: Okay.

CHAIR CASTRO: Any other?

Do I have a motion?

MAYOR BOCCARD: So moved.

MR. HOBBY: Second.

CHAIR CASTRO: (Inaudible.)

MR. STEFFENS: Second.

CHAIR CASTRO: Second?

Okay. Call the roll, please. Call the roll.

I have a motion to approve by I think it was Mayor Stermer, and a second by Mr. Hobby.

CHAIR CASTRO: Or was it -- I'm sorry. Oh, no.

UNIDENTIFIED SPEAKER: We're good.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Yes.

THE REPORTER: Vice Mayor Richard Blattner.

VICE MAYOR BLATTNER: Yes.

THE REPORTER: Vincent -- I'm sorry -- Mayor Vincent Boccard.

MAYOR BOCCARD: Yes.

THE REPORTER: Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Yes.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Yes.

THE REPORTER: Ms. Lynn Kaplan.

MS. KAPLAN: Yes.

THE REPORTER: Commissioner Martin Kiar.

COMMISSIONER KIAR: Yes.

THE REPORTER: Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Yes.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER MACK: Yes.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Yes.

Thank you. This motion passes.

Thank you.

MR. MELE: Thank you.

CHAIR CASTRO: Thank you.

VOTE PASSES 16 TO 1 WITH MS. MARY D. GRAHAM VOTING NO.

AGENDA ITEM PH-5 - AMENDMENT PC 13-10 - First Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – City of Pompano Beach.

CHAIR CASTRO: We're on to PH-5 now.

MS. BOY: PH-5 is the first Public Hearing for a proposed small scale amendment in the City of Pompano Beach.

It's approximately 5.4 acres. It's proposed from recreation/open space to commercial.

It's generally located right at Atlantic Boulevard and just north on State Road A-1-A.

Some of the amendment highlights are sufficient facilities and services available to serve the proposed land use.

An adverse impact to the regional transportation network was identified on Atlantic Boulevard.

The city and CRA staff have identified a financial improvement, or financial investment that would help mitigate the impacts of that -- adverse impact, and the County staff has signed off on it.

So the proposal -- here's the aerial photo -- it's currently a surface parking lot that serves the beach, and there's also an existing fire station and a library.

The fire station and the library are proposed and are going to be moved across the street to the west side of A-1-A.

And the City owns the property, the City and the CRA, and they're proposing kind of a gateway development that would enhance the area, provide for a

connection between the intracoastal and the beach, kind of a gateway.

They're proposing a parking garage.

Currently, there's a couple hundred parking spaces on the surface parking lot, so it's horrible drainage, that sort of thing.

With this proposal, they will also be improving the drainage. They'll be improving the -- the surface area on the -- from the parking lot that exists now.

The land use change would allow for restaurants and potential hotel use, which is kind of what they see as the -- you know, the gateway for their -- for the beach and the City there.

There is additional agenda materials, as well as a couple of comments from residents stating that they believe that this proposal is in conflict with the City's Charter.

I just want to let you know that Planning Council staff was in contact with the City about that, and Attachment 19 is correspondence from the City's attorney stating that they don't believe that there's a conflict with the City's Charter.

The Planning Council staff is recommending approval, recognizing the City's proposed transportation mitigation.

There are several people here for questions only, but there is one resident signed in to speak, Mr. Tom Terwilliger.

CHAIR CASTRO: Mr. Terwilliger.

Thank you.

MR. TERWILLIGER: Good morning. My name is Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, Florida.

I would like to urge you to disapprove the proposed land use amendment.

The amendment, if approved, violates the Pompano Beach City Charter Section 25-253(g) and the spirit of the voter referendum that established this Charter amendment, which I quote, notwithstanding the authority and power granted in this Charter with respect to the sale of lands, the title to which is vested in the City of Pompano Beach, no power or authority is granted for sale or lease except for a lease which would provide a benefit to the public at

large.

The vote begs the question, who is the public at large. Would it be a tourist from another country or another state, or the citizen taxpayers of Pompano Beach?

In Vateo (Phonetic) Waterworks versus Bird (phonetic), the public use was defined, and I quote, "It may be limited to the inhabitants of a small or restricted locality, but must be in common, not a particular individual."

The local Pompano Beach taxpaying citizens meet this definition, to the exclusion of the individual foreign tourist.

A land use change from public recreation to commercial does not provide a benefit to the public at large.

A land use change will contribute to enabling a violation of the City Charter and a loss of local taxpaying citizens' access to prime beach front property for build recreation.

To amend this plan and to allow for a commercial hotel on public property violates the legal thesis on two grounds.

First, it goes against the will of the people. The people voted in a referendum and said no to a hotel, which the City and the CRA are now attempting to circumvent.

And, secondly, while a hotel may benefit the tourists, no studies or proof of any kind has ever been presented that the Pompano Beach residents would ever stay there, and thus it fails the test for the benefit to the public at large.

Lastly, there is the issue of traffic. The traffic flow for Pompano Beach residents using the beach is already stressing the east-west arteries, specifically Atlantic Boulevard, not to mention the parking and congestion nightmares on A-1-A and Briny Avenue.

The traffic issue alone is sufficient justification to disapprove this proposed issue.

Mr. Linn, the City Attorney, attempts use logic by saying in his letter that should local citizens have a broken air conditioner, they may wish -- wish to rent a room at the hotel.

Mr. Linn has apparently forgotten that many areas of Pompano Beach have over 30 percent of its residents living below the poverty level.

The likelihood that they could afford such a beach hotel is totally without foundation.

The land use amendment should be for multiple reasons disapproved or at least amended to include language preventing the use of local public lands for a commercial hotel or residential facility to be primarily used by individuals, specifically individuals who are not Pompano Beach citizens and being part of the public at large.

Thank you.

CHAIR CASTRO: Thank you.

Start left to right. Ms. Kaplan.

MS. KAPLAN: I just have a couple questions, but my questions actually are not directed to this gentleman.

CHAIR CASTRO: Oh, for the applicant.

MS. KAPLAN: For the applicant.

CHAIR CASTRO: Is the applicant here?

UNIDENTIFIED SPEAKER: Yes.

CHAIR CASTRO: Sir, you may sit down.

MS. GRAHAM: I have a question for him.

CHAIR CASTRO: Oh, we'll come around -- sir, don't go far.

MR. TERWILLIGER: I'll be here.

CHAIR CASTRO: We're just going to go around there. We'll -- we'll -- you can direct him when you come up to (inaudible).

Go ahead, Ms. Kaplan.

MS. KAPLAN: My first question is as far as the parking garage, do you know how tall, how many stories? Is it going to be a one story parking garage or --

MS. DOLAN: Yes, to my -- Jean Dolan, consultant to the City of Pompano Beach.

The parking garage is going to be a five story parking garage.

MR. DANOVIK: It has -- good morning, members of the Council. Horacio Danovich. I'm with the Pompano Beach CRA.

The parking garage has a limitation of 55 feet. That's by Charter and by regulations. Its five stories is the maximum that can be built.

MS. KAPLAN: Okay. My concern there, then, would be there's obviously residential properties behind that area, so I would be concerned with, A, their property values, and also their line of sight.

I would imagine at this point, one of the reasons they bought there was it's close to the ocean, and I would be concerned about their line of sight.

MR. DANOVIK: We've done some preliminary evaluations and shadowing testing to verify the impact to some of the buildings in the area, whether their view would be blocked and how it would be blocked and how would they be impaired, and we found that the impact is minimal at best.

We've had some design consultants actually visit the homes of some of the people that live in the area, from their balconies, and actually do some measurements.

There's a height differential between Pompano Beach Boulevard and A-1-A --

MS. KAPLAN: Uh-huh.

MR. DANOVIK: -- where the road goes from 11 feet to four feet, so it automatically has a huge drop.

So the view is not as impaired as everybody thinks it would be.

MS. KAPLAN: Okay. Because that's an east-west exposure, and like one of the reasons I personally would want to live there is like for the sunrises. Was that taken into consideration? Because I would imagine people pay pretty good money to want to see -- to have a favorable view.

MR. DANOVIK: Well, two things that we've done so far. We have not completed a full design, because we're not at that stage yet, so all these elements are part of the consideration that will come down the road.

But some of the things that staff has looked at and is looking forward to is creating a design not only that is inviting, but that makes the community go up, not down.

MS. KAPLAN: Well, that was my –

MR. DANOVIK: But --

MS. KAPLAN: -- that was going to be my next question, the impact on property values.

DANOVIK: Our intent -- so far, the work that the CRA and the City have done on Pompano Beach Boulevard has already provided an increase in the value and the perception that the area has gone up, considering that area has not received any improvements in over 50 years.

So right off the bat, the \$15,000,000 that the City committed to improve Pompano Beach Boulevard has given a good impact to the community.

This will actually be an even higher impact, because everything else that's going to be there is going to provide for the locals the ability to come in and be serviced within walking distance, preventing additional traffic, being able to have the ability to go to restaurants and have the amenities within walking distance.

So the public at large is really being served.

MS. KAPLAN: And they support -- does the majority of --

MR. DANOVIK: We've held --

MS. KAPLAN: -- the residents --

MR. DANOVIK: -- a number of focus group meetings and some public meetings, and the -- I can attest that the -- there is support from the advisory committees, from the City Commission, from the CRA Board, from members of the communities and the buildings like the Ocean Monarch, Sea Monarch, Granada House, Parliament House, all buildings that are directly abutting the -- this facility, and from members of the Northwest CRA Advisory, or the northwest community, which are far away from this site.

Members as far away as Coral Springs have (inaudible) and have indicated their desire to visit Pompano Beach because of the things that we're doing.

So it's not just centralized to Pompano Beach. The impact is far greater and the benefit is far greater than just that.

MS. KAPLAN: Okay. Thank you.

MR. DANOVICH: You're welcome.

CHAIR CASTRO: Mr. Steffens.

MR. STEFFENS: Actually, getting back to the gentleman before who raised the traffic question, but I'd like to hear from the applicants, and, I guess, Ms. Boy, you, as well.

When Mr. Mele was speaking before, we talked about the whole p.m. trip designation. Is that the same -- is that the standard they have to look at as well with regard to the traffic?

MS. BOY: Madam Chair, I -- thank you.

The Planning Council -- the Broward County Land Use Plan, we look at the p.m. peak hour impacts. That's what the analysis is based on, and that's what the long range transportation level is based on.

So there's p.m. traffic -- p.m. peak hour traffic counts that the volumes are based on, and then the capacities, you know, are based on signalization and that sort of thing.

So we have a standardized roadway capacity analysis that we utilize for every Land Use Plan amendment so the analysis is consistent across the board from the Planning Council staff.

I'm not sure if the city did any additional studies, which I believe that they have. Horacio can speak to that.

MR. DANOVICH: Before the City engaged the developers into creating this destination area in Pompano Beach, we've done extensive studies, particularly on traffic impacts, and we have found that the impacts are not during the night. The impacts are more during the day. The beach goers. That's a higher impact.

And the capacity is not being affected as one would expect. The numbers are almost equal, day or night.

And we're providing additional parking facilities to the -- for the purpose of accommodating those that are going to be beach goers in the future, and those that are going to be visiting the area at night when there's -- they want to go dine and wine.

And the roadways are all conducive to being able to funnel traffic to and from as it is today.

You know, Pompano Beach Boulevard is a local road and has a certain capacity, and it's running at capacity -- under capacity.

MR. STEFFENS: So just so I'm clear, your assertion or your information that you've collected is that by building a new parking garage, a hotel, more commercial space, you're going to have no or negligible impact on traffic both at day and night? Is that --

MR. DANOVIK: No, we're not saying that it's going to -- we're going to have negligible impact.

We're saying that we're making provisions to accommodate what we believe would be the impact caused by this development.

MR. STEFFENS: Okay. What specific accommodations are you making?

MR. DANOVIK: We're -- we added 128 parking spaces on Pompano Beach Boulevard. We have a temporary parking facility at the corner of A-1-A and Atlantic that has another 120 parking space capacity.

The garage will house approximately 500 parking spaces.

We're in the preliminary evaluation of another garage on the west side of A-1-A that will have an additional 500 car spaces.

So we've added capacity.

Right now, the parking lot that's there only has 315 parking spaces. The garage alone would almost be double that.

CHAIR CASTRO: Commissioner Kiar.

COMMISSIONER KIAR: Thank you, Madam Chair.

My first question is what was the -- was it unanimous from the City Commission?

MS. BOY: I don't -- I believe the vote was three to two at the City Commission. I'm not sure which two Commissioners voted against it. Maybe the city knows.

(Note: It was later verified that the vote was four to two at the City)

COMMISSIONER KIAR: If they can answer that, I'm kind of curious.

MS. DOLAN: Charlotte Burrie voted against it and so did Commissioner Brummer.

COMMISSIONER KIAR: And do -- is that -- I don't know how the City of Pompano Beach works. Are they -- do they run in districts? How did the district Commissioner vote?

MS. DOLAN: Oh, the district Commissioner voted for it.

COMMISSIONER KIAR: He voted in favor.

My other question is it looks like that one way they're trying to alleviate some of the traffic concerns is by -- is -- was where the City, I guess, they're putting \$137,000, approximately that, into the signal improvement fund for the County?

MS. BOY: It's actually 109,000.

Subsequent to the letter from the city for -- stating \$137,000, we worked with the County staff during the review, and the County staff felt like there should have been some more credits for the residents that are in the area, because the way that the model works, it's very difficult to know what kind of credits are given for pedestrian and bicycle and transit and that sort of thing.

COMMISSIONER KIAR: Uh-huh.

MS. BOY: So the amount is actually reduced to \$109,000.

But they'll be paying for -- or, sorry --

UNIDENTIFIED SPEAKER: 106.

MS. BOY: -- 106. Sorry. 106,921.

COMMISSIONER KIAR: So then --

MS. BOY: So that would be paid into the fund.

And then the city's also asked that if the -- that improvement's already done by the time their project is coming on line, would the County consider shifting those funds to right -- to -- in the -- the actual general area of this project. So there is that caveat, also.

COMMISSIONER KIAR: That was my concern, because I was reading the letter on Attachment 6 -- and it addresses that, and how if it's less than 137, it

actually says if -- if the funds were shifted there, it says these signal improvements will cost far in excess of the \$137,000, \$138 mitigation amount -- and then -- you know, so it -- it actually is going to cost a whole lot more to help these residents, if I'm understanding, than that -- than the \$106,000 amount.

MS. BOY: Right. The \$106,000 is their proportionate share for the direct impact to Atlantic Boulevard. So that's kind of like saying there's -- I think it's 138 trips to that segment, so that would mitigate their impact to the long range transportation plan.

You know, they're not paying for the entire link of Atlantic Boulevard, because there's other -- there's already other traffic on there. But they're mitigating their impact.

COMMISSIONER KIAR: I understand. Thank you very -- oh, yes, ma'am.

MS. DOLAN: And I'd like to just clarify.

The improvement that we're saying is much more is the pedestrian signals that we're going to put in at 2nd and 5th.

What we have to mitigate is signal timing on Atlantic. And Atlantic, as you know, we just got finished redeveloping to a Complete Street profile -- -- so it's kind of like contradictory to what our intent is on Atlantic Boulevard, which is to make it more walkable and keep the traffic slow.

So we're saying once the methodologies catch up with Complete Street objectives, if then they decide that we can use that money for the pedestrian improvements we're trying to do, then that would be considered in the future.

COMMISSIONER KIAR: I have a question about that, then. Just so -- if I understand, so that area is going to be part of the Complete Street program, which could potentially make traffic even more difficult.

So does that mean, then, once that's implemented that it -- it will actually be even more difficult and more congested for traffic in that area? Or am I -- am I not following that correctly?

MS. DOLAN: Atlantic Boulevard is completed. The Complete Street link between US-1 and A-1-A is already completed.

COMMISSIONER KIAR: Great. Thank you.

Thank you.

CHAIR CASTRO: And just quickly, when you do Complete Streets, the idea, to me, is you inflict the pain so that people divert away from it, so I think your capacity goes down, actually, over time. But I could be wrong.

Commissioner Long.

COMMISSIONER LONG: Well, a couple questions.

On the three condos that surround this area, what's the height of those condos?

MR. DANOVIK: If I'm correct, right now, there are seven -- some that are 17 story high, that far exceed the 55 foot mark.

COMMISSIONER LONG: Okay. And the hotel would be how many stories?

MR. DANOVIK: Not more than 55 feet, either.

COMMISSIONER LONG: So that's -- that's capped out --

MR. DANOVIK: That's capped --

COMMISSIONER LONG: -- size of the garage.

MR. DANOVIK: -- within the entire parcel.

COMMISSIONER LONG: Okay. And, Mr. Terwilliger, if I could ask you a question. I know your concern is the hotel parcel right there. Is it your feeling that just having a hotel there would mean that no local residents would be using, maybe, spa services or the restaurant or the coffee shop or any of the accessories to the hotel?

MR. TERWILLIGER: There is a restaurant that is not attached to a part of this hotel, which is being focused for local residents.

The likelihood of Pompano citizens using the hotel and its amenities are slim to none.

COMMISSIONER LONG: Okay. And, you know, you have the new Marriott down the road --

MR. TERWILLIGER: That is correct.

COMMISSIONER LONG: -- and I know that has a lot of different services, as well. I mean, would you say that would be -- I know that's a different

thing, but not part of the public use?

MR. TERWILLIGER: It is a private business on a private land, and it is attracting some citizens specifically from the beach.

I will say that I have done a survey of many of the hotels along the beach, many of which are the older single story, two story facilities, and, to be very honest, they're concerned about the impact of a city facility taking some of their traffic away that some of these facilities have.

So not only is it probable that it won't be used by local citizens, it could actually be detrimental to some of the local small hotels that are trying to exist on A-1-A.

COMMISSIONER LONG: Okay. Thank you.

And also with the -- not -- not for you. I'm sorry. For the Planning Council and the CRA, if I get this right, we're adding Pier Street to this plan, which doesn't exist now, as part of the parking lot?

MR. DANOVIK: That's correct. That's correct. It would align with the pier, its structure itself, and then realign with Northeast 2nd Street west of A-1-A.

COMMISSIONER LONG: Okay. And the plans are, I guess, now where there used to be parking on the west side of A-1-A, to do that once again? Because I guess the fire station's there now, and --

MR. DANOVIK: That's correct.

COMMISSIONER LONG: -- and you're going to add parking, possibly a parking garage there?

MR. DANOVIK: That's correct. That's the plan.

COMMISSIONER LONG: Okay. So overall, the actual parking would increase dramatically in that area. So now you've added parking on the corner of Ocean Boulevard, or what is it, Pompano Beach Boulevard now, and --

MR. DANOVIK: It's going to be at the corner of Northeast 3rd Street and A-1-A. That's where one garage is planned for. And the other one is just south of where the new fire station is being built.

COMMISSIONER LONG: Okay. And you have the surface lot down on Atlantic.

MR. DANOVIK: That's correct.

COMMISSIONER LONG: Okay. Thank you.

MR. DANOVIK: You're welcome.

CHAIR CASTRO: Mr. Hobby.

MR. HOBBY: Thank you.

Let me just preface this by saying that although I've got some concerns about the layout here and the track record for beach improvements in Pompano Beach has been stellar. And anybody who went to the beach five years ago and go today would probably feel that they've gotten lost and ended up in a -- someplace else.

But I do have some questions.

First of all, on -- in terms of the City Charter, I would ask our staff if they concur with the City attorney's opinion.

MR. MAURODIS: Well, it is -- it has been and continues to be our policy to accept the interpretation by the city of its own Charter and documents, so we rely -- we do not go and second guess and offer contrary opinions on these matters.

We accept the interpretation of the city of its own documents.

MR. HOBBY: So, in other words, if someone disagreed, they'd have to --

MR. MAURODIS: They --

MR. HOBBY: -- what would be their recourse?

MR. MAURODIS: -- they have their own remedy, whether that be a deck (Phonetic), whether that be an administrative proceeding of certain sorts.

But because we don't view ourselves as, you know, the -- you know, our role as weighing the -- the technical issues that led to the application being made to us, especially when there's an interpretation from the City attorney, who is the chief legal officer of the city, that it's consistent with the Charter, we accept -- we accept that.

We think the alternative would open us up -- it would take us down a very dangerous road, so --

MR. HOBBY: That's fair enough.

MR. MAURODIS: -- we accept it. It's well-reasoned enough.

But that's not even something we would get into.

MR. HOBBY: Okay. After all these years, I didn't realize that.

MR. MAURODIS: Yeah.

MR. HOBBY: The second thing is, Horacio, you had mentioned about the public input, and you mentioned quite a few groups. Has there been a workshop or a session that has just been general public, or has it always been targeted at specific groups?

MR. DANOVICH: I'm going to ask Tim Hernandez to join us, because he actually personally went to each and every building on a focus group basis, plus the ECRA advisory committee meetings that - where this was presented on several occasions, and perhaps Tim can provide a little more information to you.

MR. HERNANDEZ: Hi. Tim Hernandez with Pompano Pier Associates. We're the developer that won the RFP to redevelop this area.

I personally I think probably attended at least 30 public participation events. I -- and I -- I'm going to recite these from memory, but I met with every single condominium at their -- at their site. I went to Ocean Monarch, Sea Monarch, Grenada House, Bermuda House, Jamaica House, et cetera, et cetera.

We went to all the civic associations, Rotary Club, Chamber of Commerce, and there's so many of them, I can't remember them all.

We -- then we had numerous -- oh, here's the list, at the end of --

MS. DOLAN: It's Attachment 6.

MR. HERNANDEZ: Okay. Attachment 6.

Also we had a gigantic Public Hearing at the MLK Center that was attended by 200 -- approximately 250 people from E. Pat Larkin Center at the beach, people from the beach, people from generally the city at large, City of Pompano Beach.

Then subsequent to that, we had, I guess you'd call them like almost small group meetings with various different people, so they could sit down, and we

could go through the plan, and we modified the plan and all that kind of thing to try to address any concerns that they had.

But, I mean, largely, we had fantastic support. And there's been a big demographic change in this area, and what you found is that there were a lot of people that were saying like why can't we have what -- what they have in Lauderdale by the Sea, or what they have in Deerfield Beach?

You know, why can't we have -- be able to walk to restaurants? Why can't we have a place when our residents -- when our family members come to stay and visit us? They can't necessarily -- we can't get Mom and Dad and three kids and, you know, our children, in our little condo on the beach, our thousand square foot condo on the beach.

We'd like them to be able to stay right here. We don't want them to have to stay in Coral Springs or in Fort Lauderdale or at Cypress Creek Road. We'd like them to be able to stay across the street.

So we can go to the beach, and we can have a great experience looking at a great vacation visiting Grandma and Grandpa. Nothing wrong with that.

So, I mean, we had tremendous support at the -- from the civic level all the way down to grass roots people.

Sure, there were some people that came up and said, you know what, I use this parking lot as my guest parking lot. Sure, there were some people like that, but that was by far the minority.

And I think if you check all the public record and look at all the endorsements we got from all the different agencies and the citizens of Pompano Beach, this is something they've been dying for for many years.

And the biggest question we got is, when can you start?

MR. TERWILLIGER: May I respond?

CHAIR CASTRO: You would like to respond? It's up to you. Yeah, go ahead.

MR. TERWILLIGER: Thank you.

I ran for District 2 Commissioner in the City of Pompano Beach in 2012. I personally knocked on approximately 2,000 citizens' homes up there, you know, where they live.

Out of the 2,000 homes in my district that I went to, I found only five of the people that had ever been to the beach within the last five years.

Most of the citizens that we're talking about here, they're talking about benefits for the people who live along the beach. That is a very small percentage of the entire population of the community.

Ninety percent of the population of the City of Pompano Beach does not use the pier.

To be perfectly honest, economically, Pompano Beach is depressed. They're likely to spend whatever rare dollars they have to try to maintain their homes and not to use it for entertainment facilities.

Thank you.

CHAIR CASTRO: Thank you.

MR. HOBBY: I've got one more question, and that is is there contemplated in the lease -- or maybe we're not that far yet -- with the -- for the hotel any further restrictions on public use beyond the footprint of the hotel?

Does the CRA or the city contemplate giving special access rights or special rights in terms of what activities can take place in the area to the hotel?

I'm thinking, for instance, the Seafood Festival or some of the other activities.

MR. DANOVICH: Mr. Hobby, the -- I don't know all the details A to Z on the developer's agreement, but I know the general scope.

And the general scope is very flexible to the city to continue operating as normal as they have.

For example, the Seafood Festival, which is held every April of every year, will continue to operate exactly in the same fashion.

The 4th of July celebrations will continue to operate and be offered to the public in the same fashion.

Parking accommodations will be made specifically for those holidays or events, and that is in the developer's agreement. The developers agreed to that from the get-go.

MR. HOBBY: Okay.

MR. DANOVICH: And the intent is to provide the best that we can for everybody that comes to visit Pompano, not just the residents, but everyone at large.

MR. HOBBY: Thank you.

MR. DANOVICH: You're welcome.

CHAIR CASTRO: Mr. Bascombe.

MR. BASCOMBE: Thank you, Madam Chair.

I'm very interested in this area, because I actually live in Sea Ranch Lakes. I drive by this area.

And I want to, obviously, commend the City for doing a phenomenal job on making the beach area a lot better for people.

One thing, though, that bothers me, and I'm going to echo what the resident said, is that this area, being that you're a unique city in Broward County, specifically northern Broward County, that has a high population of working class people, this area definitely should be available to them, whether it be the businesses that are there, whether it be the open space that is there.

But my concern, my big concern is that I don't think the City has really done a good job in stewarding the commercial properties that are there right now.

The WCI property, which is on the -- for -- if you don't know, it's actually the northwest corner of Atlantic and A-1-A, there's a ton of commercial which really hasn't been developed.

There seems to be some type of a redevelopment thing going on across the street. The building across the street from the WCI property is still up. It needs help.

I am concerned that you're adding more commercialness when the commercial you have really isn't viable and really doesn't do what it's supposed to do.

MR. DANOVICH: All right. Thank you. As a function of the CRA's program, we instituted a incentives program to -- to help other merchants revitalize their fronts and facades, and even their interiors.

And, for example, Harbor Village, which is just on the west side of Atlantic Boulevard, and was a blighted commercial subdivision, we spent \$3,000,000

of CRA monies to make it better.

A similar impact we did on -- on the last block on East Atlantic Boulevard between A-1-A and Pompano Beach Boulevard, the whole block that is -- that includes a store, I think, that's been there for 30-some years.

The -- there are three or four new restaurants that were just opened as a result of the improvements, that came as a result of the façade improvements plan that the CRA instituted.

Indeed, there are several shops that still are not occupied and -- and they're in the process, but the pieces of the puzzle are beginning to form.

For example, just north of the Atlantic Boulevard bridge, a brand new restaurant just opened up on a site that had been closed for years.

I don't know if many of you already have visited the -- where the Sands Hotel is, there's a new place called Sunset Catch. That restaurant was abandoned, closed to the public, and had just opened up and spent several hundreds of thousands of dollars modifying the place and making it available to the public.

Downstairs, the (Inaudible) family is in the midst of entering into a letter of intent to build that site with a brand new restaurant.

Across the street on the south, Madison's -- the Madison's Family, Madison's Steak House, owns businesses in Canada, came to Pompano Beach specifically to open a business there. They are in the DRC process right now as we speak.

So Marriott would have never picked Pompano Beach if they didn't see that there's a great opportunity to provide that kind of service.

So the pieces are little by little coming together. And this is perhaps the culmination of our overall master plan and our overall vision.

Yes, there's still a lot of work to do. We're not going to deny that. But the -- you know, we need to continue working towards making this as good as we all think it will be.

MR. BASCOMBE: If you could just address, though, catering to the working class. What are you doing specifically in this project which will do that?

MR. DANOVICH: I'm going to let Tim Hernandez answer that a little bit, because some of the mixed tenants that he's working with will answer that

question for you.

MR. HERNANDEZ: Thanks.

This -- I mean, you kind of have to look at the master plan that we developed for this project, but there -- there's several things I think that are going to make it very accessible to really all strata of -- of society here.

I mean, what we're looking to do here is we have -- when this gets developed, there's going to be a couple of beach front restaurants that are going to be on the north and south side of the pier. Okay?

These are not going to be all white tablecloth restaurants. Okay? We're obviously looking to try to cater to the existing residents in the immediate area and -- and existing beach goers, because, you know, we're not going to be able -- the scale of this development is very small. There's probably a total of about four or five restaurants that are going to end up being there.

So what we're going to have, the anticipation is there's going to be a -- kind of like a casual seafood type place that's going to be there, kind of like the character of like a Rustic Inn type of place like that.

There's going to be a place where you can just go and have burgers and fish sandwiches and things like that.

We're going to take that existing concession stand out there, which right now all you really do is get, you know, like maybe a reheated slice of pizza or hot dog and -- and a soda, and we're going to upscale that so you can get your burgers, and you can get your -- like I said, your fish sandwiches, things like that.

We're going to hopefully have some space there for smaller restaurants, so you could have like a little Tai sushi place, a little Italian place, you know, so - for the smaller space places.

And then we're probably going to have -- and this is very interesting -- we're going to have a place that's going to be a restaurant on the first floor, but on the second floor, adjacent to the hotel, we're going to have a banquet facility.

Because what's interesting about Pompano Beach -- and if you've around Pompano Beach for a while, you'll recognize that there's no place for people to have like -- the average person to have a wedding, to have a graduation party, anything like that right there on the ocean.

You have to either go to golf course or almost, sadly, you have to go to like

Lighthouse Point Yacht Club to go have anything.

COMMISSIONER LONG: That is very sad.

MR. HERNANDEZ: But I'm just saying, for the people in Pompano, they're going someplace other than Pompano.

So we're doing some things like that, and I think those are the kind of things, you know, that are going to make this appealing to everyday people, you know, forever.

MR. BASCOMBE: Well, I hear what you're saying, but the -- you bring up master plan --

MR. HERNANDEZ: Uh-huh.

MR. BASCOMBE: -- cohesiveness.

MR. HERNANDEZ: Yes.

MR. BASCOMBE: You've got that massive piece which is on the -- I guess the north side when you across between A-1-A on the beach.

MR. HERNANDEZ: Right.

MR. BASCOMBE: What's the plan for that?

MR. HERNANDEZ: Well, I don't have anything to do with that. That's owned by the people who have the --

MR. BASCOMBE: What are they doing, though? Because that's --

MR. HERNANDEZ: (Inaudible) --

MR. BASCOMBE: -- a big, big part of --

MR. HERNANDEZ: -- Jean, you probably --

MR. BASCOMBE: -- what really (inaudible).

MR. HERNANDEZ: -- that's the remnant piece from the WCI development. Okay? And I believe that -- that's planned for like a condominium slash hotel development down the road when the market gets (inaudible).

MR. BASCOMBE: And does anybody from the City know what -- what the

status of that project is right now?

MR. DANOVICH: The site that you're referring to, if I'm correct, is Parcel A, and that parcel has been approved and has a developer's agreement for a hotel and more residential facilities.

However --

MR. BASCOMBE: Another hotel, did you say?

MR. DANOVICH: Yes. However, there -- the site, that -- there's nobody building it right now.

The developers that own that facility have been on a holding pattern, waiting for things to improve, the market to come around.

And, you know, discussions that we've had with them as recently as yesterday, there's people that are asking because they want to do it, they're not quite there yet.

So they're again, they're in a holding.

MR. BASCOMBE: I'm going to make a statement on this one, because I think when you look at master planning an area, you cannot jump on something and do this without knowing what every -- everything else that's going to go on.

And I think -- I think there's a -- I don't -- I think you're doing it piecemeal this time. And I believe you really should have the big picture in mind.

Now, I -- obviously, I think what you've done for Pompano so far as been absolutely phenomenal, especially along the A-1-A corridor. It's actually helping it a lot. So I understand that.

But I'm concerned that there isn't an overall plan, master plan that makes that beach area, which is so important, because once you build that ten, 20 story, whatever your height limits are, hotel, you're not going to go back on that.

You have a lot of condominiums in that area which, let's face it, they're kind of old. They weren't very well planned in the beginning.

And I think you've really got to take a hard look at this, because we're not talking about ten years. We're not talking about the economic income of people now. We're talking about 50 years down the road.

MR. DANOVIK: Mr. Bascombe, if I may, there have been two master plans that were done for this area.

One was done in 2008 by Bermello Ajami that included developing this particular parcel and what the developments around that parcel should be.

And it contemplated the -- pretty much the plan that we have today, and was the forefront of what would be today the development that Mr. Hernandez is - is spearheading.

And after that, the CRA staff did an even larger master plan --

MR. BASCOMBE: Can I stop you for a second? When was that plan done?

MR. DANOVIK: 2008.

MR. BASCOMBE: 2008. So it took in account economic downturn, things like that?

MR. DANOVIK: It took into account -- in 2008, what Bermello Ajami did was what was available at the time, and then in 2011, CRA staff conducted a much larger master plan to account for some of the other elements that were -- that had not been accounted for, including the developments that are coming on board today.

So it did take into account those pieces.

MR. BASCOMBE: Don't you think we should be looking at that as a Board before we make a decision on that piece?

MR. DANOVIK: I -- we can -- we can certainly make it -- make it available to you.

We did a Charrette where our planning staff conducted a Charrette by the beach, and invited members of the community from different factions, and had them participate and give us their ideas and input, and we will be happy to provide the results of that to you.

CHAIR CASTRO: Ms. -- go ahead. I'm sorry. Are you finished?

MR. BASCOMBE: I'm just -- you know, I'll add this when we get into our discussion.

CHAIR CASTRO: Ms. Graham.

MR. BASCOMBE: Thank you.

MR. DANOVICH: You're welcome.

MS. GRAHAM: Thank you, Madam Chair.

I have a question for Mr. Terwilliger.

You mentioned the referendum, I presume August 2012, the three items that were on for the Pompano voters. And one of them was the Charter change for the public lands. Is that correct?

MR. TERWILLIGER: Actually, it was before 2012. 2012 was the municipal election, primarily.

MS. BOY: It was 2008.

MS. GRAHAM: Okay. When -- but when did the voters vote on the Charter change to prohibit the city from taking city owned land? I thought that was August of 2012. You're saying it is not?

MR. TERWILLIGER: Actually, I believe it was earlier, but --

MS. GRAHAM: Okay.

MR. TERWILLIGER: -- irrespective --

MS. BOY: It was --

MR. TERWILLIGER: -- of the date --

MS. BOY: -- it was 2008. I have a -- a copy of it --

MS. GRAHAM: Okay. 2008.

MS. BOY: -- as well.

MS. GRAHAM: Okay. I just want to reference the timeline from when voters voted for that and the Charter was changed because the majority of the voters approved it.

MR. TERWILLIGER: That's correct.

MS. GRAHAM: This whole discussion, then, is moot, if this is, in fact, what the voters approved, whether it was '08, or '10, or '12, because talking about

private lands that have been sitting in limbo that aren't getting developed has nothing to do with the item before us.

Now, this is the 5.4 acres that the City now owns that is at grade parking, it's the old little library, one story library, and it's the fire station.

(Note: It was later confirmed that the initial City of Pompano Beach's Charter Amendment occurred in 2008 and was subsequently reaffirmed by the voters in 2012)

MR. TERWILLIGER: Yes.

MS. GRAHAM: And approximately how long has the City owned this land, that you know of? Roughly. Take a stab at it.

MR. TERWILLIGER: I -- I'm going to say it's over a decade.

MS. GRAHAM: Oh, well, actually, I thought it was longer than that. I mean, I --

MR. TERWILLIGER: Well, I don't know --

MS. GRAHAM: Okay.

MR. TERWILLIGER: -- beyond that.

MS. GRAHAM: Because I lived in Pompano back in the '80s, and I remember going to that library, and the fire station was there when --

MR. TERWILLIGER: It's --

MS. GRAHAM: -- I ran by it, so -- okay.

If -- if this is the Charter change -- and I know Mr. Linn is the City Attorney, and he has to opine on behalf of the people that pay him, but I just can't approve this.

I mean, regardless of what they're planning and a Marriott flag coming in and a five story parking garage that I presume is not going to be free; in other words, I presume someone's going to have to pay to park in the five story garage with the 500 spaces, I can't support it.

Thank you.

MR. TERWILLIGER: Thank you very much.

MAYOR RYAN: Madam Chair, Mr. Terwilliger, just to get a reference point and help me to understand, I did read your email, and you began it in this way. As former candidate for Pompano City Commission, I urge you not to vote.

You are a resident of Pompano, right?

MR. TERWILLIGER: I am. That is correct.

MAYOR RYAN: Okay. Do you live in this area?

MR. TERWILLIGER: I do not live in the beach. I live in District 2, which is basically between Federal Highway and I-95, between Copans and Sample.

MAYOR RYAN: Okay. So when you were knocking on doors, were you knocking on doors in the area where this would be located, that is, the district where somebody had to vote for that district?

MR. TERWILLIGER: I walked in the district that actually is not at the beach. I am in what's basically the area that is called Crest Haven, Highlands, and Leisureville.

However, as part of my efforts, I actually did go to the beach and did talk to every hotel owner and operator that I could talk to, because it was an issue that I believed concerned the entire City.

MAYOR RYAN: Understood.

During the City Commission meeting on this matter, were there residents who came out and spoke?

MR. TERWILLIGER: Yes. We -- I've actually spoken at least three times against the hotel at the beach, as well as there's been anywhere between five and ten other residents who have all spoken against having the -- the public lands being used for private purposes, and no one has supported the hotel on the beach.

MAYOR RYAN: All right. Let me -- I apologize. It was -- it was the way I asked the question.

I was curious were there residents who came out to the City Commission meeting and spoke.

MR. TERWILLIGER: Yes, there were residents.

MAYOR RYAN: Were there any who spoke in favor?

MR. TERWILLIGER: Every person that I am familiar with spoke against the hotel, and some of those people did live in the area adjacent to the beach.

MAYOR RYAN: Is that -- is that consistent with the city's assessment of what happened? Sir, can you just step forward?

MR. DANOVIK: Mayor, with all due respect, that's not consistent. We've had an overwhelming support from the -- most of the people that -- that we've talked to, in every one of the venues that we visited, and in every one of the meetings that were held publicly or attended by the public.

MAYOR RYAN: How about the Commission meetings themselves?

MR. DANOVIK: The same idea. Every -- every Commission meeting --

MAYOR RYAN: I'm not going to weigh into the middle of that. I was just trying to get to another point, quite frankly, and I'm not going to be a fact finder, and I don't think it's relevant to our analysis, but I just wanted to get a sense of that.

I apologize. I'm -- there's other people that have to talk, and I --

MR. DANOVIK: No problem.

MAYOR RYAN: -- I'm not getting to the point. They're going to be upset with me.

In terms of the Commissioner who voted -- the Commissioners who voted no, was that based on the Charter? Was that based on other developmental issues? Do you know?

MR. DANOVIK: I -- I'm going to let Jean answer.

MS. DOLAN: Yeah.

MAYOR RYAN: Yeah, so I know there were two.

MS. DOLAN: I believe both Commissioners' position as that we didn't need hotels, that the City shouldn't be in the hotel business, that they wanted to see it with the restaurants and all, but not with the hotel.

MAYOR RYAN: Okay.

MS. DOLAN: And that's the reason that we need the land use change. It isn't so much to put the restaurants there as it is to put the hotel there.

MAYOR RYAN: To the city -- thank you, Mr. Terwilliger. I appreciate that.

To the city, I was a little confused. When we were talking about accommodations for traffic, I may have misheard it, but it seemed your response focused on the number of parking spaces.

Parking is the back end of traffic. As you outlined a number of additional spaces, all I could think to myself is you are now accommodating more people to come there.

That's not addressing traffic. That's addressing where do they stop and get out of their car.

So I have some questions over the traffic issues if you're doubling or tripling the volume of parking that's available, and I'll address the pedestrian issue separately, but what is actually being done for traffic, other than some signalization in that Atlantic Boulevard? I mean, are we getting any additional lanes?

Because I, too, am familiar. I lived in Pompano for a while. And that -- with more traffic there, that could be problematic on both sides, both A-1-A and the bridge road.

MR. HEGGEN: Sure. Good morning. For the record, Heggen with Kimley-Horn and Associates. We prepared the traffic analysis that went into the backup for the proposed Land Use Plan amendment application.

There are a couple items in play here. One is that for the actual Land Use Plan amendment application, we were required to follow the procedures that are followed for all applications that come to the County.

And that looks at the -- the p.m. peak hour and looks at the -- uses the MPO's model to evaluate the traffic.

That evaluation showed that there was just one roadway segment, and that was long range, that was going to be over capacity. That was Atlantic Boulevard.

And, as was shown, we determined that in order to meet the County's Land Use Plan amendment requirements, we would need to mitigate our proportionate share, cost of the of the traffic that would be theoretically added by this amendment.

And so we went through the process, worked with County staff, and determined that a payment into the signal system would fully mitigate the impacts of this amendment on the -- that is being added to the long range impacts.

And when you look at Atlantic, it -- it's a constrained right of way, and that's partly what we're dealing with here, by way of (Inaudible) --

MAYOR RYAN: Because you have the bridge. You have immediately, when you come off the bridge, an immediate light. You've got another light that's just after that. And roads that, depending on how traffic decides to flow, can become backed up very rapidly, even under current conditions.

I appreciate the signalization.

I'm more interested were there any infrastructure changes that were discussed at any time to address what will be, if you go to 500 or more spots, a backup in that constrained area.

MR. HEGGEN: And, yeah, I wanted to go that next. I mean, and part of the point was just to demonstrate that we are complying with the regulatory requirements to mitigate the impacts of this amendment and have agreed to that.

So this -- the -- any adverse impact that is created by this amendment has been fully mitigated, and that's why the determination of support was met.

However, then looking at the actual traffic circulation in the immediate area, we -- part of -- part of the -- concept behind the development was actually to help capture some trips that are today having to -- for example, all the -- when you look at the density of the residential units around the site and the need of those users to have to get in their cars to drive somewhere else to get to a restaurant or -- this provides a lot more choices for, you know, restaurants, for other entertainment, for those residents in the immediate area.

And so part of what we looked at was the fact that we expected there -- there to be an element of capture of trips where people can now walk across the street or walk down a block, ride their bike to get to these restaurants and help increase and improve the mix of the offerings in the area.

The improvements that are being made there are primarily related to there's a proposed signal that would be added, and a lot of that is to primarily -- to accommodate the traffic coming into and out of the site, and allow it to get in, but also to accommodate pedestrians so that we can help get people out of

cars and provide a crosswalk, a signalized crosswalk and crossing for people to get from one side of A-1-A to the other.

So a lot of it is the improvements that we've looked at are because of the constrained right of ways, are looking at accommodating people to the extent possible, but also trying to accommodate other modes of transportation and make it easier for pedestrians and bicyclists.

MAYOR RYAN: Well, and along that note, I noticed in the September 20th letter from the City Manager's Office, in the third paragraph, there was a sentence, and it reads, currently there is no accepted methodology to prove that improvements to the pedestrian circulation system on A-1-A will encourage people to walk or bike to the project and thus reduce the vehicular trips on this segment of Atlantic Boulevard.

I found that to be a little inconsistent with what I thought I would hear the answer was, which was that with more localized restaurants, we would have more people walking.

But what I'm hearing on the other side, and I think it was for other reasons that that sentence may have been inserted, is that there aren't being improvements to facilitate more bike lanes, to facilitate more pedestrian access, and, in fact, it seems the city's saying there's no accepted methodology to prove that any of those improvements will benefit.

Can you help explain that a little bit to me?

MR. HEGGEN: And I believe what he's referring to is -- is that -- goes back to the analysis that we were doing for the Land Use Plan amendment.

As I was referencing, we followed the -- for the Land Use Plan amendment application, we followed the County's procedures that are adopted and utilized for all amendment applications. And those solely focus on roadway level service.

And so when we went through the process, part of our discussions -- and Barbara could elaborate on this more, as well -- is we went through a discussion, and we said, well, we don't think that an analysis that solely -- that solely focuses on roadway level of service and vehicles only is appropriate in this context for the amendment and what the city is trying to accomplish here.

However, that's the methodology that we're kind of stuck with at this point, because the -- going through the Land Use Plan amendment analysis for any application in Broward County, the -- all you are evaluated on are -- is

roadway level service and vehicle capacity.

MAYOR RYAN: All right. So are there any improvements for bike lanes or pedestrian being proposed, beyond the 130 or now 109,000 for signalization?

MR. DANOVIK: The berms already exist. A-1-A is -- has got northbound and southbound bicycle lanes that already exist, five feet in width or more, and they are -- they are used a lot.

MAYOR RYAN: Okay. But now you're going to add a lot more traffic to that area.

Has there been an analysis as to whether or not that additional traffic is going to be -- will negatively impact the safety steps you've already taken?

I know there's a couple people who want to talk.

MS. BOY: Is it okay if I talk?

MAYOR RYAN: Yeah.

MS. BOY: Okay. So what -- the concept that they're talking about, creating this pedestrian, bicycle, multi-modal environment, Chris was correct when he was saying the analysis we do right now, by the Land Use Plan, focuses on single occupancy vehicles only. We don't have a methodology.

The hope and what we want to do with this Complete Streets idea is the next step of the process. Once you see those policies, they're adopted into the plan. We're going to establish a group. We're going to try to establish something to determine pedestrian, bicycle transit levels of service so that when Land Use Plan amendments are reviewed, we can look at this in totality.

There's no methodology right now --

MAYOR RYAN: I -- that's a fair point.

MS. BOY: -- that's existing.

MAYOR RYAN: That's a fair point. We haven't caught up yet --

MS. BOY: Right.

MAYOR RYAN: -- on that. And --

MS. BOY: We're --

MAYOR RYAN: -- I understand that.

So how do we backfill, if you will, if we approve something -- and it's not just this project. So my question really goes more broadly.

We approve a project, and we know that there are issues -- at least, we may feel in our heart there are issues --

MS. BOY: Uh-huh.

MAYOR RYAN: -- in the future for bike lanes and things like that, how do we make sure, after the fact, that the -- that those conditions are alleviated or addressed? Or is there any method at all?

MS. BOY: I'd have to say there is not a method right now. There's not a professionally accepted methodology right now to account for those levels of service.

So right now, our policies are directed towards single occupancy vehicle and the transportation impacts, you know, from that.

MAYOR RYAN: Final set of questions. Related to this public at large issue, it might be helpful for you to remind us what the standard of review for a vote on this is.

I understand the practice has been in the past not to interfere with legal counsel's analysis.

MS. BOY: Uh-huh.

MAYOR RYAN: Is there a is there either a prohibition against doing that as opposed to a practice, or does it fall outside of what our accepted standard of review?

Let me say it this way. For instance, if everybody here voted no because they disagree with Mr. Linn's interpretation that a staycation or, you know, your broken air conditioner qualifies as a hypothetical that is likely to satisfy the public standard of public at large, or the legal standard for that, just in that off chance that people didn't buy that well reasoned approach --

MAYOR RYAN: -- what would be the impact? Do we have the power, even, at that level, or is that challengeable?

MR. MAURODIS: I think -- you know, I would say it's arguably challengeable. There's no hard and fast rules on this.

But I would call us back and to kind of step back and say this role is Broward County Planning Council, and I think in order to fulfill your function as a Planning Council, I think we have to rely upon the city that has forwarded this amendment, has reviewed their own Charter, and accept their -- the opinion on their own Charter, and then look at the planning aspects of it, because otherwise you would be basically basing your opinion on a legal determination, where we're basically saying, well, the City Attorney was wrong in his interpretation of the Charter.

And I -- while there's not definitive rulings on that, I think you would be close to stepping outside your role, which is to look at the planning issues of this.

MAYOR RYAN: Understood.

MR. MAURODIS: And as much you may look -- I know what you're talking about --

MAYOR RYAN: And I'm trying to compartmentalize to make sure that we don't go astray. We have to meet our role, even if we have some doubts about --

MR. MAURODIS: I --

MAYOR RYAN: -- certain aspects of the analysis.

MR. MAURODIS: -- agree. I think that's exactly the way to do it. I think we have to accept it on the four corners of the document that the city has interpreted their Charter this way.

Now, other people have their own remedies, but --

MAYOR RYAN: Right. And the other remedies, there could be litigation. There could be other things that happen on that. Okay.

MR. MAURODIS: Yes.

MAYOR RYAN: The final thing is I must admit I do share what I think were some of the comments about this being somewhat piecemeal.

I hate to interfere with the city's decision, but I don't -- I really don't have a good enough sense of how this fits within what -- everything else that's being planned. I've heard some anecdotal.

And I feel awkward interfering with it, but I also don't feel comfortable that this meets the overall planning that we're supposed to -- I'm not saying I'm against it, but it may be something that this either needs to be tabled and it needs more information, if that was the will of this body, or I would need some better education on where this fits overall.

CHAIR CASTRO: I still have Commissioner Lazarow in que, School Board Member Good --

MAYOR RYAN: I know Ms. --

CHAIR CASTRO: -- and then I think Commissioner Long had his hand up.

MAYOR RYAN: -- Ms. Boy wanted to respond.

CHAIR CASTRO: That's fine. Let me just wrap this first. Right? Anybody else after that? Okay. Going back to the end. Please, Ms. Blake Boy, go.

UNIDENTIFIED SPEAKER: I'm sorry. I have a --

UNIDENTIFIED SPEAKER: -- go ahead.

CHAIR CASTRO: Go ahead. Respond.

MS. BOY: I was just talking to the City CRA staff, and they can give us an Executive Summary.

This is a small scale amendment, so you generally hear those back to back.

Your next Public Hearing would be the December 12th Public Hearing.

So prior to that, they'll be able to get me a summary of the master plan information that Horacio was referencing during his information, and we'll be able to include that in the backup for the December 12th hearing also.

MAYOR RYAN: Okay. Thank you.

CHAIR CASTRO: Commissioner Lazarow.

COMMISSIONER LAZAROW: Yes. Thank you.

If it's any consolation, Mayor, I can't read my own notes, so not to worry.

Unfortunately, I don't know the area as some of my colleagues do. I wish I had the time to drive to every single one of these locations before they come

before me, but I don't.

If I may ask -- I forgot your name, I'm sorry -- what your position is in the CRA.

MR. DANOVIK: Horacio Danovich. I'm the CRA engineer.

COMMISSIONER LAZAROW: Engineer. Okay.

So my question is, you know, had it been a five-zero vote, or a four-one vote, I might be a little bit more, you know, swayed.

Unfortunately, I know how three-two votes go.

And I was just wondering, was the vote -- did you ask if the vote was because of the Charter --

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER LAZAROW: -- yeah, and he did -- he --

UNIDENTIFIED SPEAKER: (Inaudible.)

COMMISSIONER LAZAROW: I'm sorry.

MAYOR RYAN: (Inaudible.)

CHAIR CASTRO: No, they didn't want the hotel.

MAYOR RYAN: Right.

CHAIR CASTRO: They didn't want the hotel use.

MAYOR RYAN: Based on more of the -- the planning aspects.

COMMISSIONER LAZAROW: And who voted no for the hotel? You're talking about the Commission?

UNIDENTIFIED SPEAKER: That was the Commission that was the Commission that voted no for the hotel.

CHAIR CASTRO: Two of the Commissioners --

COMMISSIONER LAZAROW: Two of three --

MS. BOY: Three to two.

COMMISSIONER LAZAROW: Two Commissioners voted. That's what I meant. Okay.

So I'm certainly not in a position to challenge the City Attorney, although sometimes I challenge my own, Mr. Maurodis, so I wish that I could say that that was good enough, but I understand what you're saying.

And as someone who sits on a CRA board of my own city, it is a very complex issue.

I hate to say it, sometimes you have to take an estimated guess, because you really don't know what is going to happen, whether it's going to be successful or not.

I disagree also that sometimes competition is good and businesses bring business to other businesses.

So there's a lot of things here that I'm having trouble weighing.

If this park -- if this piece of property has been empty or blighted for over a decade, is that what I heard? Did I hear that it was empty over a decade?

COMMISSIONER LONG: It's been a parking lot.

COMMISSIONER LAZAROW: Parking lot. But, I mean, that's all it's been for the last however many years.

And other than this, there would be no chance for a city park or any kind of -- there would be no other kind of open space? You said it would only be good for this for the CRA?

MS. DOLAN: This is a city parking lot for the beach, so it will continue to provide that function, even after we get the land use change and do this redevelopment.

So there's no intention of changing the character of the purpose for this piece.

It's part of a much larger beach park.

COMMISSIONER LAZAROW: Okay.

MS. DOLAN: The beach park is, I believe, 35 acres, so this is just one piece

of that.

COMMISSIONER LAZAROW: So there is going to be a park?

MS. DOLAN: It's already there.

COMMISSIONER LAZAROW: Okay.

MS. DOLAN: Yeah, the (Inaudible.)

COMMISSIONER LAZAROW: And so, you know, unfortunately, the words that you used, Mr. Terwilliger, you could use either way, when you said who, you know, who is the public at large? Well, who is the public at large?

It could be this use that they're presenting. So that can go either way.

I understand your position, but I'm not sure that it doesn't provide that capacity.

And the other question I had was they seem to have a good track record, so I'm hearing, in the CRA. I'm hearing that they've done great -- well, good things in the CRA, so I'm more inclined to lean that way.

And I just wanted to say one more -- excuse me -- that's it.

Thank you.

CHAIR CASTRO: School Board Member Good.

MS. GOOD: Thank you, Madam Chair.

Staff, when I was looking at your planning analysis, the very first line, it mentions the proposed land use designation would be generally compatible with the surrounding existing, and that word, generally, kind of --

MS. BOY: That's the word that we use. It's generally compatible.

MS. GOOD: So do you find that it is --

MS. BOY: It is --

MS. GOOD: -- it is compatible?

MS. BOY: -- it is compatible. It's high density, you know, surrounding it to the -- to the north and south, and then to the west is the other city property,

community facilities, where the fire station and library are being relocated.

There is a condo across the street also on the -- on the west side of A-1-A.

It absolutely is compatible, especially next to the high density residential.

MS. GOOD: Okay. And then on the other -- Category 4 of your planning analysis, you reference that the City intends to significantly increase the amount of open and green space and available parking spaces within the surrounding amendment area.

MS. BOY: Uh-huh.

MS. GOOD: What green space is being --

MS. BOY: The way that the site plan is proposed, what we've seen, and the city can speak further to this, is right now it's pavement.

MS. GOOD: Right.

MS. BOY: That City parking lot, this site, actually, the land use pre-dates the 1977 Land Use Plan. That's why the fire station and the library are on there as non-conforming land uses, and they're going to be located across the street.

So those have been there prior to 1977.

I was speaking to staff before the meeting. The pavement doesn't meet the code. The drainage there is terrible, you know, that there's -- the way that the proposed site plan is is to improve that area, and there will be open spaces. There'll be connection to the intracoastal.

They're going to expand the 2nd Street across to the Intracoastal Waterway, and there's also a connection right to the pier.

So, it's pavement right now.

MS. GOOD: Okay.

MS. BOY: It's literally --

MS. GOOD: Anything is better.

MS. BOY: Yeah. It's literally pavement.

MS. GOOD: With regard to the question of the Charter issue, I just wanted to ask of counsel, if we had received a letter from the City Attorney saying that it is a Charter issue, is that something that we would be able to weigh in as a Planning Council based on our limited ability?

MR. MAURODIS: My recommendation is that it -- by virtue of the fact that this application from the City has made its way to you, with or without the opinion, the City is indicating they believe that they have authority to do this.

MS. GOOD: I guess what I'm getting at is we're somewhat limited as to what we can factor in in our decision here today. I mean, we may like to get more into the details, but, again, we're -- we have a narrow --

MR. MAURODIS: I think it's a planning focus. I think you have to keep it on the planning focus and not get involved in making a legal determination as to -- as to whether the city did it right up to right there.

The City is kind of saying they did it correctly by virtue of the fact that they're here.

And I would recommend that you focus on where most of the questions have been, which is on planning considerations.

MS. GOOD: Absolutely.

MR. MAURODIS: Because that is, frankly --

MS. GOOD: What -- where we should be.

MR. MAURODIS: -- what the Planning Council does, yes.

MS. GOOD: And, again, I mean, I appreciate the comments from my colleagues. I also understand that some of this development can actually help some of the existing commercial uses in the area, certainly bring new people to this specific redevelopment area.

And I may have my own opinion as to whether or not this Charter issue, but I -- I really have to concur with counsel that we have to get guidance from the city's attorney.

I don't think that we should be playing that role here, and we should limit ourselves to what falls within our purview, and what we have to consider in these reviews when we consider these applications.

CHAIR CASTRO: Thank you.

I have Ms. Kaplan, Mr. Steffens, Vice Mayor Blattner, Commissioner Long, and then Ms. Graham.

And, as a friendly reminder, we still have two more items, so --

MS. BOY: With quite a few speakers.

CHAIR CASTRO: Huh?

MS. BOY: With several speakers.

CHAIR CASTRO: Yes.

MS. KAPLAN: I'll make it fast. I'll talk fast.

How many current parking spaces are there right now?

MR. DANOVICH: Three hundred and fifteen.

MS. KAPLAN: Three-fifteen. Okay. And the parking garage, this five story parking garage, is going to provide?

MR. DANOVICH: Anywhere between 425 to 500, depending on the design.

MS. KAPLAN: Okay. So --

MR. DANOVICH: We're hoping to -- that it'll be the latter.

MS. KAPLAN: Okay. So there's definitely an impact on traffic.

The biggest hurdle I have is -- well, let me ask you this question. If it was just a two story parking garage, how many parking spaces?

MR. DANOVICH: It is -- we are -- we're estimating about a hundred parking spaces per story.

MS. KAPLAN: Right. So you're looking at four --

MR. DANOVICH: Two hundred. That means the garage would only have 200.

MS. KAPLAN: Okay. My biggest issue that I have, my hurdle is the height of the parking garage. And I, personally, if I lived behind there, it would be like what they call visual pollution.

That's what I'm really struggling with. So I just wanted to make that statement, and to find out really how much additional parking spaces you're looking at adding with this taller parking garage.

CHAIR CASTRO: Mr. Steffens.

MR. STEFFENS: Very quickly. The concerns that were raised by Mayor Ryan with regard to whether this particular piece of this puzzle down there on the beach is best suited for maybe what might be the long term plan, is that something -- I guess this is for Mr. Maurodis -- is that something that's within our purview, or is that -- you know, our purview, as -- as I understand it, and however liberally we may construe it at times, for our own ends, of course, is whether it really -- it complies with the Broward County Land Use Plan.

Is part of that whether it fits in with the -- what may be going on in Pompano Beach, what we think should be going on in Pompano Beach? How does that work within our --

MR. MAURODIS: Well, it --

MR. STEFFENS: -- jurisdiction.

MR. MAURODIS: -- it's -- you consider the goals, policies, and objectives of the Broward County Land Use Plan, which is a general issue, but I -- I generally -- and when it comes to planning considerations, take a wider view of your -- of your purview, because I think you take a -- you know, a longer view, a higher view of this matter.

So I'm not terribly concerned by a broader planning review that has been discussed.

CHAIR CASTRO: Commissioner Long.

COMMISSIONER LONG: I think Ms. Graham was --

CHAIR CASTRO: We've got Ms. Graham, too, and Vice Mayor --

COMMISSIONER LONG: Okay.

CHAIR CASTRO: -- Blattner. But we're going to stay with you.

Ms. Graham. Then we'll do Vice Mayor Blattner. Sorry.

MS. GRAHAM: Thank you, Madam Chair. I'll make this quick.

To Barbara's comments about how this is a non-compliant use, grandfathered in prior to 1977, with the fire station, with the library, with the at grade parking, and no drainage, compatibility, pervious space, so on and so forth, even if that is the case, and I'll agree with you that it is, the land use amendment as the fix is not necessarily – and I'm not saying you propose that, but this land use amendment to now do the development and introduce green areas -- and I presume this is a schematic plan from EDSA of what they're looking at with the little side streets and everything broken up -- regardless of Mr. Linn's opinion, you're still asking for us to take something that is City owned and approve the land use change based on a proposal like this.

And, as an architect, I just don't see how this is going to be better.

What I do understand is that by the City taking the lead, whether they put the hotel in or not, will help add some confidence and lead the way for all the other privately owned parcels that now sit north of Atlantic and east of the intracoastal.

By the City doing that, it's supposed to be a catalyst, I presume, or an impetus, so that in two or five or eight years from now, all of the other land now being held can get funding to do whatever they want to do.

I'm still not convinced. I'm sorry. I'm a skeptic, because as an architect, having seen how development goes or doesn't go or halfway goes, I just can't support it.

You'll probably get approved, but, again, Mr. Linn's opinion being included in here, it just doesn't make sense for private land.

Fort Lauderdale, sadly, made the same mistake over the last couple of years. And I've lived and owned in Fort Lauderdale now for 16 years.

I won't cite the parcels and the cases specifically, but people that live in Fort Lauderdale know that when you take public land and presumably by the beach, like the one site was, or even offer a second site as a swap for something that's further west in downtown, it doesn't always work.

It's public land. It belongs to taxpayers. I see it as a taxpayer asset, for lack of a better noun.

So that's my comment.

CHAIR CASTRO: Vice Mayor Blattner.

VICE MAYOR BLATTNER: I just have a question for anybody from Pompano.

Is the hotel going to pay more taxes?

UNIDENTIFIED SPEAKER: I don't --

CHAIR CASTRO: It's either the pilot or a lease.

MR. DANOVICH: I don't know that that -- Mr. Blattner, that has not been determined that I know.

VICE MAYOR BLATTNER: Well, I'd sure like to have an answer for that when it comes back.

Also, has the City of Pompano Beach adopted --

MR. HERNANDEZ: It makes a lease payment

UNIDENTIFIED SPEAKER: (Inaudible) taxes.

MR. HERNANDEZ: It does. It makes a lease payment and then in addition -

UNIDENTIFIED SPEAKER: Right.

MR. HERNANDEZ: -- it pays taxes.

MR. MAURODIS: It would pay -- it -- as a hotel --

MR. HERNANDEZ: Yeah.

MR. MAURODIS: -- it would end up paying taxes.

MR. HERNANDEZ: Right.

MR. MAURODIS: The Property Appraiser will --

VICE MAYOR BLATTNER: On public land.

MR. MAURODIS: Yes.

CHAIR CASTRO: Yes. When you put a -- and I know this from my City well, when you put a for-profit business -- Mr. Jordan and I are going to have a debate about this at noon. I have to hard stop at noon.

When you put a for-profit business on government property, the Property Appraiser will actually assign a property tax to the facility itself, and they will charge the operator of that facility, even if it's under a lease, because it's for-profit, property taxes.

VICE MAYOR BLATTNER: Good. Thank you.

Has Pompano Beach adopted the Complete Streets Program?

MS. DOLAN: We're implementing the Complete Streets Program, and we do have some goals, objectives, and policies in our plan. It's not as strong as the MPO's and organized. I think that's going to be one of our next amendments to our plan is to incorporate more organized policies around that goal (inaudible).

VICE MAYOR BLATTNER: And I ask the question because after the comments that a few of my colleagues made, (inaudible) about traffic and so forth and making room for bike lanes and so forth, that is the Complete Streets concept.

And maybe when you come back, we can talk about that and -- and see if the Commission has adopted it.

How much of the total property that's available here will -- in terms of acreage or square footage, what is the total amount of land involved here?

MS. DOLAN: The parcel is 5.4 acres.

VICE MAYOR BLATTNER: And how much of that will be taken by the hotel?

MS. DOLAN: Percentage wise?

MR. HERNANDEZ: It's probably -- I would guess it would be less than an acre, probably three quarters of an acre, more or less.

VICE MAYOR BLATTNER: Okay. So there's at least four acres available for other uses, including parks and so forth.

MR. HERNANDEZ: Oh, yeah. It's mostly -- the rest of it, it's going to be -- probably a quarter of the site is going to be the parking garage, and then the rest of it will be the -- the small restaurants that will be there.

VICE MAYOR BLATTNER: So to me, this very interesting discussion. I'm learning a lot.

This is really about whether there should be a for-profit entity on public property.

And I'm stuck with the legal question of whether or not we have a vote here, and what's the -- what does the Charter of the city allow that -- allow to be done.

Because some people -- some of you have said this is a planning issue. I'm not sure it's a planning issue. I think that it's really an issue of if the city Charter allows this to be done, it may be a terrible project, it may be a wonderful project, what's our role?

CHAIR CASTRO: Our role is they want to go from, obviously, open space/recreation, which, when I get to speak, I'm going to opine on a little, because I'm still stuck on the fact that this is an asphalt parking lot -- and they called it open recreational space.

So to me it was a red herring from the get-go.

Where you go from there, we can debate all day, but that's our role, is they need to change that, obviously, to commercial. That's what we're deciding.

VICE MAYOR BLATTNER: When the Commission or the CRA, in its wisdom, years and years ago decided to move the fire station and the library off that property, clearly they had in mind that it was going to be redeveloped. Now, they may not have had it in mind that it would -- it would be a for-profit enterprise, but, clearly, that possibility did exist.

CHAIR CASTRO: Mr. Long? Anybody else? Okay. Mr. Long, and then I'm going to go.

MR. HOBBY: I just have one --

CHAIR CASTRO: Okay.

MR. HOBBY: -- clarification, if you will allow me.

COMMISSIONER LONG: I will say that, as a kid from New Jersey, every summer, we spent our time on Pompano Beach. Moved down here 43 years ago and, according to my dermatologist, I spent way too much time on Pompano Beach, right next to the pier, having the pizza shop and everything else there and fishing off there.

I'm very familiar with the property. I also know the politics that have been involved with this in the City of Pompano Beach for decades.

There has been a number of failed attempts to bring in different restaurants and hotels and things like that.

As described, the parking lot is basically 98 percent asphalt, with, at best, two percent pervious space.

It does charge, has been charging for a long time for the use of that.

It -- really, its sole use is for one reason, is the beach. That's it. It's not been -- other than a couple guest spaces that maybe people will do there, it has some metered parking around the perimeter.

The fire station has been there, but that is -- is that completed yet, or just almost ready?

MR. DANOVIK: No. We're close. May is the target completion and opening.

COMMISSIONER LONG: It's delayed but close.

So that's been done.

The library, as small as that was, I believe maybe it was an old pumping station prior to that --

MR. DANOVIK: Yes.

COMMISSIONER LONG: -- so that, you know, had its own issues.

As one who's grown up on this property more than anybody else probably on this dais here, it has been a blighted area for a long time. Things just stopped growing probably in the late '60s, early '70s. The condos rose up, restaurants closed. There's just nothing there.

In the last few years you saw an absolute redevelopment, growth over the last year, of the beach itself. It is now a family oriented place, whereas, most people would say why? Isn't a beach always that way? No. It's a totally different environment now. It's gorgeous.

So they have really developed this whole area with little fountain park and things like that, lot of areas for cookouts, and gorgeous, well landscaped.

They've added more parking on the Atlantic side.

This, I believe, is not the first phase of a redevelopment, but maybe the

second or third for what has been going on.

I support this. I know the condos around. I know the level differentiation, as well, for the one directly to the west.

This brings people down. And when we talk about competition bringing other competition in, just in the Pompano Beach/Lighthouse Point area, a good example from a restaurant point of view, we had a Chick-Fil-A move in.

Greatest thing since sliced bread, because now we have a Pollo Tropical. Now we have PDQ. Now we have Whole Foods going in the old K-Mart. Now we have Sports Authority going in the old K-Mart.

Now, this has been part of the little redevelopment right there, because now more traffic is coming there.

Now, we talk about traffic, and there's -- the issue, I think, is really not on A-1-A area north/south. It's east/west.

And that's been a problem and will continue to be a problem, and it has to be addressed. There's no doubt about that.

When it comes to the argument about public use, I mean, having banquet facilities in Pompano Beach, other than the Galuppis, on the golf course, that's about it. So there's been just a shortage of that.

As a graduate of Pompano High School, we have constantly always tried to have reunions someplace in Pompano has made it extremely difficult to do.

Bringing people back, especially the locals, because I believe they'll be using these restaurants more than anybody else.

The condos and things, there's something to do down there. You have the pier. It's a fishing pier. It's a gorgeous pier. It's been around for years.

But this property has been blighted for decades, and it's about time something has happened.

I like the fact that it does connect to the intracoastal now. Before, you had to kind of cross through a parking lot.

There's just a lot of positive things happening, and I hope this is just one of many of things that are happening.

So I am definitely in support of this.

CHAIR CASTRO: Mr. Hobby.

MR. HOBBY: Just a quick clarification. I forgot which one of you said it, but the Commission vote was 3-2?

CHAIR CASTRO: Yes.

MR. HOBBY: Was someone not present or was it 4-2?

CHAIR CASTRO: I think they only have five members.

MR. DANOVIK: It's possible. I don't -- I'm not a hundred percent sure, but the Mayor may have had to abstain because he was member of the Planning Council at the time. That is a possibility, though I'm not sure.

But we could find out for you.

MR. HOBBY: Well, that's not -- I just --

UNIDENTIFIED SPEAKER: (Inaudible) the Mayor votes.

MR. HERNANDEZ: Can I -- can I just weigh in, as far as the background? Every other vote that happened on this project, there were numerous votes, were all 5-2. There have -- in favor.

There was two -- two votes that were -- no, because of the Mayor, too.

MR. HERNANDEZ: One must not have been there, but it was always 4-2. You're right. You're right.

CHAIR CASTRO: Okay. I'm sorry? Go ahead.

COMMISSIONER KIAR: All I wanted to say is, you know, I -- I have -- in particular, have some pretty significant concerns with this project.

But, as I stated before, and I want to be consistent, I do believe, you know, somewhat in local control and if the City Council -- Commission voted in support of this, and in particular to me it was important to hear that the actual District Commissioner voted for it. I'm going to rely on them and vote for it now.

But that's really the only reason I'm voting for it, because I do have significant concerns, especially when it comes to the traffic issues, and I hope -- and I -- and I'm going to need -- when this comes ultimately to the County Commission, I'm going to need a lot more information in -- for a number of

the concerns that I have.

But I will be supporting it now, and that's the only reason.

Thanks.

CHAIR CASTRO: Okay. I'm going to wrap this up with a few quick comments.

This has been a fascinating experience this morning. We've gone on different levels so far out it's amazing.

And in honor of my friend Mr. Fink, who was here earlier, I'm going to tell you I'm going to get a little parochial now.

I was born and raised in the County. I know all the beach areas, too. I don't know this specific one. I remember the asphalt parking lot, to be honest with you.

I'm still stunned that that was counted as a recreational open space. I mean, to me, that's the antithesis. I'd rather have a building with some trees and stuff than just asphalt sitting out there, absorbing the sun, heating up the area, baking everything. I don't even understand that.

But that's -- you know, whatever we're going to cure it to.

But my understanding of the issue really is it's currently public parking. Is it free?

MS. BOY: No.

CHAIR CASTRO: The new parking, it will be more than what's there. And is it going to be free?

UNIDENTIFIED SPEAKER: No.

CHAIR CASTRO: Okay. The only issue is the restaurants would be allowed, even though they're for profit, because I'm assuming even in open and park rec, you can have restaurants. You have them all over the parks all over the County.

UNIDENTIFIED SPEAKER: Correct.

CHAIR CASTRO: You have food concessions or whatever, and they're for profit.

So the issue that comes into play is really just the hotel. That's the bother.

So the parking lot is going to block the view anyway. So the hotel's going to block the view, maybe.

But on views, guess what? Property rights go both ways. And I don't care whether the government owns it or a private citizen owns it.

I have a good example for you.

And, again, I have to leave here at 12:00 so I'm going to apologize in advance.

It's called the Broward County Aviation Department. Not only going to block my view, they're going to make a lot of noise over my view and everything else. And guess what? Under law, they're entitled to do that.

And when I moved there, I didn't expect them to build that behemoth -- no offense, Commissioner Kiar -- south runway that has now become the Grand Canyon of Federal Highway. I never would have seen that on the horizon when I moved there 25 years ago.

Yes, I knew I moved near an airport, but that would have not ever crossed my mind as a good plan under any scenario, let alone a good choice.

But I've got to deal with it. I've got to live with it. And I've been told legally I don't have any other opportunities.

So, the Charter question, I won't even jump into a city's Charter dispute. If he has an issue, to your point, he should go to a court of law. He should file a lawsuit. He can kill the whole thing and be done. And we probably should have done that before it even moved forward here.

But to your point, we have to rely on the local attorney -- and I agree wholeheartedly with that -- just like we rely on the traffic engineers, the environmental people, the School Board, and all the other people that give us our materials.

If we start to oversee every one of those items, you better like quadruple the planning staff here, because we won't have enough people to do this.

So based on all that -- and I have no particular concern about the plan, the lack of plan. I leave that in the local government and the people that they represent.

Apparently, half of the Commission at least, with one abstaining, so the five that voted, 60 percent said we want to do this. That's good enough for me.

So I plan to support it.

So, with that, I will entertain a motion to anybody, whatever they want to move, and second and --

UNIDENTIFIED SPEAKER: So moved.

COMMISSIONER DUBOSE: I move for approval.

CHAIR CASTRO: Approval?

COMMISSIONER KIAR: Second.

CHAIR CASTRO: Second?

Call the roll, please, Nancy.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: No.

THE REPORTER: Vice Mayor Richard Blattner.

VICE MAYOR BLATTNER: Yes.

THE REPORTER: Mayor Vincent Boccard.

MAYOR BOCCARD: Yes.

THE REPORTER: Commissioner -- Mr. de Jesus is absent.

Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Yes.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Yes.

THE REPORTER: Ms. Lynn Kaplan.

MS. KAPLAN: No.

THE REPORTER: Commissioner Martin Kiar.

COMMISSIONER KIAR: Yes.

THE REPORTER: Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Yes.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER MACK: Yes.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

CHAIR CASTRO: Yes.

I believe it passed.

COMMISSIONER KAIR: Yes.

CHAIR CASTRO: Again, my excuse is --

UNIDENTIFIED SPEAKER: Thank you.

CHAIR CASTRO: -- I do apologize. I've never done this before, but, literally, my meeting is with the County Attorney over guess what, the airport. So I've got to go next door, so, unfortunately --

COMMISSIONER KIAR: And, by the way --

CHAIR CASTRO: -- I'm going to pass the gavel to Commissioner DuBose, and he'll take care of the rest of the meeting, and he's aware of the program. Okay?

COMMISSIONER KIAR: -- and you've done --

CHAIR CASTRO: Thank you all.

COMMISSIONER KIAR: -- you've done an excellent, excellent job with that.

CHAIR CASTRO: Thank you.

COMMISSIONER KIAR: Just want you --

CHAIR CASTRO: Hopefully, we'll bring it home and finish it.

UNIDENTIFIED SPEAKER: Absolutely.

UNIDENTIFIED SPEAKER: Good luck, Anne.

VOTE PASSES 14 TO 3 WITH MR. TIM BASCOMBE, MS. MARY D. GRAHAM, AND MS. LYNN KAPLAN VOTING NO.

AGENDA ITEM PH-6 - AMENDMENT PC 13-12 - First Public Hearing on Amendment to the Broward County Land Use Plan – City of Tamarac.

COMMISSIONER DUBOSE: All right. Next we have PH-6.

MS. BOY: PH-6, this is a -- in the City of Tamarac, a proposed amendment for approximately 44.1 acres from commercial recreation to 38 acres of low (5) residential and 6.1 acres of commercial.

The commercial proposed parcel is Pod D on the aerial photo that's up.

This is generally located south of Southgate Boulevard and west of University Drive.

Some of the amendment highlights are sufficient facilities and services available to serve the proposed land use.

You'll notice that development pods are approximately nine golf course holes right now, and they're all separated from existing residential by either a roadway, golf course that will remain, or lake and canal areas.

As I stated, this is golf course, and so it's subject to Policies 5.04.04 of the Land Use Plan related to that.

The applicant -- and we've done -- has provided information, and we've provided an analysis that it meets these policies.

They provided the Phase 1 and Phase 2 environmental assessment. That's on file in our office. It's referenced in your report with an Executive Summary.

I do want to note that this course is under a current deed restriction to retain the golf course uses.

And, saying that, that if that deed restriction is not changed and this Land Use Plan change goes forward, even if the -- even if the plan changes and that restriction stays in place, they would not be able to build the residential at that point.

The applicant's fully aware of that risk.

But that deed restriction runs with the city and not with the County.

So, again, a little bit outside of our purview, so to speak.

There are additional agenda materials in your backup materials.

There is an updated to the affordable housing commitment that just clarifies the timing of the payment. The commitment remains the same, \$750 per dwelling unit. And that's based on a study that's included, which actually states that kind of the gap that the city is noting is about \$400, and they have offered \$750.

County staff has signed off on that commitment.

There's also a couple of letters of support that you accepted as the additional agenda material.

The Planning Council staff recommendation is approval, recognizing the applicant's voluntary commitments regarding the restriction of commercial square footage, the unit and number type, which is single family residential, the preservation of the remaining 27 holes of golf course lands for a minimum of 50 years, which also there's a -- there's a piece on the -- sorry, I'm bad at directions -- on the north kind of west corner of University and Southgate that they're not sure if that's going to be incorporated back into the golf course or if it'll be open space. They're working with the applicant's working with the city and the residents to determine what's the best use of that, but it will be some sort of open space, either a park or a part of the golf course.

Sorry. The staff recommendation also references the \$750 per dwelling unit.

The applicant is here for any questions. I'm not sure if they want to speak.

We have about eight other speakers signed in to speak, so I'm not sure how -- if you want to hear from the applicant first or if you want to hear from the speakers first.

COMMISSIONER DUBOSE: Okay. This is Attorney Toni Appel?

MS. BOY: Oh, well, I have -- sorry. I just picked up the wrong one.

I have a list of speakers, but that's not the applicant. That's why I was just asking --

COMMISSIONER DUBOSE: Okay.

MS. BOY: -- do you want to hear from the applicant first or do you want me to go through the speakers?

COMMISSIONER DUBOSE: We can hear from the applicant.

MS. BOY: Okay.

MR. BACKMAN: Good morning. Oh, good afternoon. Scott Backman representing the applicant.

Just a couple quick points of clarification.

Really, the only thing I want to address is the deed restriction issue.

Just so that this Council is aware, obviously, we are aware that there is a Declaration of Restrictions currently encumbering the golf course.

It is to the benefit of the City. The City in the past has previously amended it, and there is a proposed amendment to the Declaration as it relates specifically to this Land Use Plan amendment pending before the City of Tamarac.

It's part of our development agreement with the City of Tamarac. It's been vetted on multiple occasions with the City Attorney for the City of Tamarac, and will be considered by the City on final adoption, assuming we make it all the way through this process.

So I just wanted to give that additional point of clarification to the Council.

The only other thing that I want to do, and then I'm happy to answer any questions the Council may have, I neglected, when we actually submitted and started processing this application through the County process to submit a petition with over a hundred signatures on it, as well as about 40 or 50 letters of support that were all provided as part of our city process.

I did provide those to Planning Council staff yesterday. I do have some hard copies here as well, just so that the Council does have them available.

In addition, I think the green shirts here behind me are all -- are here in support, and there were about two or three other individuals here supportive of the amendment that had to leave as a result of the length of the meeting this morning.

But, other than that, I'm happy to answer any questions you might have.

MS. BOY: Do you want to start with the speakers?

COMMISSIONER DUBOSE: Yes.

MS. BOY: Okay.

MAYOR RYAN: Mr. Chair, point of order. If everyone's here in support of, rather than having eight people speak, perhaps they could designate somebody to speak on their behalf.

I'm not trying to minimize the impact of it.

Additionally, if there are speakers who are against it, we should, you know, perhaps start with them so that they have the opportunity to be heard.

COMMISSIONER DUBOSE: What do you have?

MS. BOY: The first speaker is Ms. Antoinette Appel.

COMMISSIONER DUBOSE: Are they all in favor?

MS. BOY: No. Ms. Appel --

COMMISSIONER DUBOSE: No. Okay.

MS. BOY: -- is not in favor of it.

I don't mean to speak for her, but just from speaking with her on the phone. And I believe she has a short presentation --

COMMISSIONER DUBOSE: Okay. And that's what we're working on. Anne did indicate that she had promised her five minutes, so.

MS. APPEL: I represent the class --

COMMISSIONER DUBOSE: One moment, please.

MS. BOY: I can do a timer on my phone if you want --

COMMISSIONER DUBOSE: You have it?

MS. BOY: -- so that you guys can start. Let's do that.

COMMISSIONER DUBOSE: I guess that's a complex piece of equipment.

MAYOR RYAN: From my experience, they've been able to work that quite well when I go to the podium, so I don't know.

COMMISSIONER KIAR: Also just to let the audience know, and for one, I love hearing everybody as well, but if something has been said and you want to waive in support or waive in opposition, you can get up and say I waive in support or I waive --

COMMISSIONER DUBOSE: All right.

COMMISSIONER KIAR: -- (inaudible) as well.

COMMISSIONER DUBOSE: Barbara, go ahead.

MS. BOY: Okay. Ms. Appel.

MS. APPEL: I'm Antoinette --

COMMISSIONER DUBOSE: Ms. Appel, whenever you're ready.

MS. APPEL: -- Appel. I'm an attorney, and I represent the class of Chiles versus the City of Tamarac, the litigants in a Petition for Writ of Certiorari.

To bring you up to date, the court issued a rule to show cause directed to the City why the Writ of Certiorari should not be granted.

The City answered, and we filed our response.

Everyone is now awaiting the decision of the court.

You have been told that there is an existing restriction, existing covenant which runs through the year 2074.

The language in the revised covenant that appears in your package is the same language that appears in the current covenant.

The question -- one of the planning questions for you is why should the residents of the City of Tamarac believe that that covenant, the new covenant, will be observed any more than the old one?

The old one requires the vote of 75 percent of the residents of Woodmont, the homeowners of Woodmont, to vacate or amend.

There has been no attempt to obtain that 75 percent.

The homeowners are opposed to the building on the Woodmont Golf Course.

The proposed development decimates the green space in the Woodmont area.

I don't think you can see that. I'm sorry.

The issue of whether the covenant exists has already been decided by a court in Broward County and yes, folks, you were a party to that suit.

The case is -- there's a case number on one of these. I can't read it from here, either.

All right. It's 72-11731. The County of Broward and the City of Tamarac would be parties to that.

The covenant exists.

What the City is proposing to do here is going through the back door using a Land Use Plan amendment to do what it cannot do through the front door.

Moreover, you have not been told that there is a change in circumstances. A new charter school has opened on the corner of 81st and Pine Island Road.

So we now have three major facilities. We have Taravella. We have Pivot Charter, which is a high school with two sessions a day, and we have Renaissance Charter.

The corner of Southgate and Pine Island where the proposed commercial development will go in is a tragedy waiting to happen.

The kids don't observe the traffic lights now. There have been any number of accidents, some of them pretty serious, some of them fatal.

That should figure into your planning.

There is no overpass.

Those of us who have had attempted break-ins in our house, know what's -- what happens when the police get called. We're told, oh, they're all at some accident scene.

What happens if they're at some accident scene when they're supposed to be monitoring the crossing of the kids at the corner of Southgate and Pine Island?

MR. STEFFENS: Point of order. Can the applicant -- can the citizen please speak into the microphone?

MS. APPEL: Sure. How -- what happens when the police are not available to monitor the crossing of the kids in the morning and the evening?

The traffic analysis you were given shows that the traffic in that area on Pine Island has an F rating. It exceeds, by a substantial amount, the capacity.

The additional material you were given that I was just given, okay -- they don't speak to the people opposed, they only speak for the city -- says, hey, there's arsenic that they want to build houses on top of, and that it exceeds the EPA level by a fair amount.

These things should figure into your planning functions.

I'm not asking you to make a legal decision. We filed the case --

MS. BOY: That's time.

COMMISSIONER DUBOSE: Could you please wrap up?

MS. APPEL: -- we filed the case. We're not asking you to make a legal decision.

We're asking you to make a planning decision. How much are you willing to put kids at risk, in closing, in crossing the street, and people at risk by building on arsenic?

COMMISSIONER DUBOSE: Thank you, Ms. Appel.

MS. BOY: Mr. Daniel Levitan, followed by Helene Emanuel.

MR. LEVITAN: I'll pass.

COMMISSIONER DUBOSE: What was that?

MR. LEVITAN: I pass. Levitan passes.

COMMISSIONER DUBOSE: Okay. Mr. Levitan passes.

MS. BOY: Ms. Helene Emanuel, followed by Doug Comstock.

VICE MAYOR BLATTNER: Point of order, Mr. Chair. I may have to ask -- I may have to recuse myself from this. My son works for the law firm representing the applicant.

Do I need to recuse myself --

COMMISSIONER DUBOSE: Andy?

VICE MAYOR BLATTNER: -- Mr. Attorney?

MR. MAURODIS: Your son works for the law firm representing the applicant?

VICE MAYOR BLATTNER: Applicant, yes.

MR. MAURODIS: We have --

VICE MAYOR BLATTNER: I will recuse myself.

MR. MAURODIS: -- we have had situations like this. It is a close call. It may not be a conflict.

However, under --

VICE MAYOR BLATTNER: It's the appearance of conflict.

MR. MAURODIS: Under 286.12, if the member feels that there is a strong appearance of a conflict, that's the only case where he may recuse himself.

And it's close enough to me where I think he is within his rights to do so.

VICE MAYOR BLATTNER: Thank you, sir.

MR. MAURODIS: And I think it's a good (inaudible).

COMMISSIONER DUBOSE: Thank you, Andy.

MS. BOY: Ms. Emanuel.

MS. EMANUEL: We're all probably aware that populations move north when city -- cities grow.

We were part of that move north. We moved from north Miami to Tamarac, and specifically to Woodmont Country Club.

It was a lovely golf course, a very active club membership, socially, in every way.

As time went by, some of the population went north. All the population grew older. Things at the club, because of the economy, were falling. People were moving away. And it wasn't what it was when we originally knew it and moved to it.

The plan, which I have gone to a few meetings to obtain some idea of what was going on, really is a very good, effective way for the club to remain viable, to help the whole area of Tamarac, because there's commercial buildings, commercial businesses that are doing very well because of the Woodmont population shopping in the neighborhood.

Taking away half of one of the golf courses, using it to build houses, with a limit on that, is very good compromise for everyone around, for those of us who still live at Woodmont and want to see it survive, and survive in a lovely way.

And for those whose houses may be -- the view will be slightly different, but the people building them are being very careful to do the best job they can in putting in the new buildings, reviving Woodmont, and keeping the surrounding area in very good shape.

So I am for that compromise. I think they did a good job on working things out.

And I'd like this Commission's hearing to vote yes and allow them to go ahead with the plans.

COMMISSIONER DUBOSE: Thank you.

MS. EMANUEL: I have one other comment to make.

The acoustics here are fine. Anybody sitting out there cannot understand anything you are saying. We started out at the back of the room, and gradually came down to the second row, because it was difficult and particularly your voice doesn't carry at all.

MS. BOY: Sorry.

MS. EMANUEL: Thank you.

COMMISSIONER DUBOSE: Thank you. We'll have Commissioner Kiar work on that --

COMMISSIONER DUBOSE: -- moving forward.

MS. BOY: Mr. Doug Comstock, followed by John Cunningham.

COMMISSIONER DUBOSE: I'm sorry. Before you move on, Commissioner Mack needs to be excused to leave, and I know we lost Vice Mayor Blattner. At what point are we in (inaudible) --

MS. BOY: We need ten members for a quorum.

COMMISSIONER DUBOSE: Okay.

MS. BOY: So we have ten.

COMMISSIONER DUBOSE: Okay. So (inaudible) they can leave.

COMMISSIONER KIAR: I just have to head to Tampa --

COMMISSIONER DUBOSE: Uh-oh.

COMMISSIONER KIAR: -- soon.

COMMISSIONER DUBOSE: Okay.

COMMISSIONER KIAR: But I'm trying to wait, though, to vote on these things.

COMMISSIONER DUBOSE: Okay.

MAYOR RYAN: And, Mr. Chair, I have to leave at 1:00 o'clock for a Public Safety Committee meeting, so.

COMMISSIONER DUBOSE: Okay. All right. Let's keep (inaudible) continue on.

MR. COMSTOCK: Just here to show my support. I'm in favor for this project.

COMMISSIONER DUBOSE: Thank you.

MS. BOY: John Cunningham, followed by Ernesto Hernandez.

MR. CUNNINGHAM: Yes. Commissioners, my name is John Cunningham. I reside in Tamarac, Florida.

I'm also in favor of the new project.

Thank you.

COMMISSIONER DUBOSE: Thank you.

MS. BOY: Mr. Ernesto Hernandez, followed by Mr. Paul Emanuel.

COMMISSIONER DUBOSE: Is there anyone that's not in support of that's left?

MS. BOY: Paul Emanuel. He's next. (Inaudible.)

UNIDENTIFIED SPEAKER: They all agree.

MS. BOY: Okay. Do you want to speak? Do you want to state your name?

MR. HERNANDEZ: I'll say I'm in support of (inaudible).

UNIDENTIFIED SPEAKER: He waived in favor.

COMMISSIONER DUBOSE: Thank you.

MS. BOY: Is in favor.

MS. BOY: That was Mr. -- okay. Mr. Paul Emanuel --

MR. EMANUEL: I'm here because it's good for me, but not just for me. I'm a resident of Tamarac, and it's great for everybody. It's a win/win situation. Every aspect of it.

And anyone who's against it is hard to believe.

So please vote yes.

COMMISSIONER DUBOSE: Thank you.

MS. BOY: The final speaker is Mr. Ken Fink. He had to leave because he had a meeting to go to, but he was going to speak in favor of the amendment.

With that, that wraps up the public speakers.

COMMISSIONER DUBOSE: Thank you.

Do we have any discussion from the dais? School Board Member Good.

MS. GOOD: Thank you, Mr. Chair.

Just a clarification. Of the individuals that are here in support of the project, could we get an idea of those that live next to this proposed land use change?

MS. BOY: She wants to know if any -- who -- how close you live to the --

MS. GOOD: Those of you who are here in support of the project, I just want to understand, are -- do you live within -- adjacent to the proposed land use change or the golf course?

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. BOY: There's one more?

MS. GOOD: I know, but --

MS. BOY: There's one more speaker. I'm sorry. There's one more speaker that I didn't -- he signed up on the sign-in sheet and not on a slip.

COMMISSIONER DUBOSE: Okay.

MS. BOY: I'm sorry.

COMMISSIONER DUBOSE: School Board Member Good, can we --

MS. GOOD: Absolutely.

COMMISSIONER DUBOSE: -- pause and --

MS. GOOD: I'd love to hear this gentleman.

COMMISSIONER DUBOSE: -- go back to the public?

MS. BOY: Go ahead. Please say your name.

MR. SAGER: My name is Martin Sager. I've lived in Woodmont for over 30 years.

Although my face is new to this Board, my wife of 73 years and I have purchased, remodeled, and sold properties in Richmond, Virginia, Tamarac, and Miami Beach.

In 1953 I bought property in Miami Beach, and I've been before the boards there as well as in Tamarac.

My villa at 8120 Pine Circle is now located on the second hole of the Pines Golf Course, with a view of the second hole, of the lake, the ninth hole, and the tenth hole.

I will lose the view of the lake, the ninth and tenth holes.

I'm willing to lose the view and not stand in the way of progress.

The people that have sent you letters in opposition, as well as the attorney that spoke for them, these people have never belonged to the Woodmont Country Club, and they came to Woodmont because of the way the area looked and because of the way it was maintained.

And, of course, the members who've been there, like myself, over the years have not only paid for the dues and the assessments, but they've kept this up.

The developers, Ziev (Phonetic) and his son, have the cash on-hand without borrowing money to go through with this development, which is surely needed to maintain the country club and to keep it viable so that we can stay in existence and not lose property values.

So I -- excuse me, but I also want to point out that there is coming to the -- the area in Tamarac from south and north of it, there's coming a group that's employing a hundred employees, and they will need residence, and hopefully, they will want to be near where they work. So that is also a plus for Woodmont.

So I encourage all of you to vote yes, and we'll have progress and go on.

COMMISSIONER DUBOSE: Thank you.

UNIDENTIFIED SPEAKER: Sorry.

COMMISSIONER DUBOSE: School Board Member Good.

MS. GOOD: Just real quick, maybe with a show of hands of those that are here with us this evening that live within the Woodmont Country Club (inaudible) -- homes.

I can't -- those in the green shirts? Okay.

So those that are wearing green shirts that are not raising your hands, you do not live within the Woodmont Country Club. Okay.

Thank you.

COMMISSIONER DUBOSE: All right. Member Steffens.

MR. STEFFENS: Thank you for the new title.

This is for -- and, again, I guess I'm kind of a two-beat drummer.

But with regard to our purview and the jurisdiction of this entity, to what degree -- the attorney and counsel for the opposition, for lack of a better term, to this project, raise concerns about students, I guess, paying attention to light signals, behaving inappropriately in crossing, and there are very serious concerns, I'm sure, about possible injuries and -- to death, I guess.

What -- does that comport at all with our jurisdiction (inaudible)?

MR. MAURODIS: I think looking at the surrounding uses and how they

interact, I mean, that's getting -- the students and the injuries, that gets to a micro level, but looking at the surrounding uses such as schools and how they interact with the proposed use would seem to me to be a fair planning issue that you can consider if you deemed it relevant, and give it the weight that you wish to give it.

MR. STEFFENS: Okay. And just two other things before Mr. Backman goes, because I'm sure he's going to want to respond.

The unavailability of police and the potential arsenic in the ground, are those part of our analysis, as well, and do we have any supporting documentation with regard to that arsenic claim? Maybe Mr. Backman is better --

MS. BOY: Yes, that's in the Executive Summary in your backup, and that's the Phase 1 and Phase 2 environmental.

And the applicant's provided correspondence that they're going to -- they will have to comply with any cleanup plan through the County, the State, and the federal government regarding arsenic cleanup.

MR. STEFFENS: Okay. That's what I thought.

But, Mr. Backman, if you have anything to add with regard to that (inaudible).

MR. BACKMAN: Just on your first point, actually, the concern, it relates to Parcel D on the map in front of you, which is the proposed commercial parcel at the corner of Southgate and Pine Island.

Taravella High School is really almost immediately to the north of that across Southgate.

The concern was raised at the City, as well, and in order to address it, and it's certainly acceptable to the City, depending on the types of usage that end up on that parcel and whether or not they are actually attracting students during the time of dismissal, we've actually agreed over and above whatever is done by the School Board, by the Tamarac Police Department, that we're also going to have on-site security and monitoring during the dismissal hours on that particular parcel.

So that's part of our development agreement with the City of Tamarac.

MR. STEFFENS: Thank you.

COMMISSIONER DUBOSE: Member Kaplan.

MS. KAPLAN: Thank you.

I'm going to sound redundant, but my question is there a height limitation on the commercial? Because one of the gentlemen stated, that spoke in favor, that it was going to be great for everyone.

My concern is how many of the current residences are going to be impacted by this commercial structure, depending on how many stories it's going to be.

MR. BACKMAN: A couple things along those lines.

The proposed commercial zoning designation, because there is a concurrent rezoning running through the City at the moment, as well, has a 40 foot maximum height restriction.

That said, our intention, the market, the corner that it's on, and the commercial that's immediately adjacent across the street to the west is to have one story neighborhood retail type of uses.

So ideally, if the market bears it, we are looking at one story -- I don't -- 15 feet, 17 feet type of retail commercial uses out there.

In addition to that, the proposed buffer out there for the handful of homes that are out there on that peninsula will be a lake at least a hundred feet wide, as well as a six foot high wall on the commercial side of the parcel.

COMMISSIONER DUBOSE: Okay. Mr. Hobby.

MR. HOBBY: I've got kind of a procedural question. It is -- right now, whatever vote we take really doesn't have any affect unless the covenant is changed; is that correct?

MR. MAURODIS: Well, the -- it's -- the answer's a little bit complicated in that the attorney's -- the City Attorney's opinion is that they are moving forward with an amendment to the covenant.

I think, speaking to Mr. Gordon's (Phonetic) associate, he believes that they're acting with consistent with the covenant presently, I think.

And he's indicating that everything they're proposing to do is consistent with the covenant.

So I think what the purview of this, there may be issues -- and there's a lawsuit, so that certainly could change the dynamics of this thing, but it was forwarded to the -- forwarded to the Planning Council, and then ultimately the

County Commission for review, so I think we should, based -- again, this is another one of these things on the planning considerations.

And, in conjunction with the County Attorney and the City Attorney, our view is that you should move forward and not consider the restrictions in your planning analysis of this.

They'll have to suffer the consequences if they're unsuccessful in their lawsuit (inaudible).

MR. HOBBY: It just seems that, you know, there's a lot of effort and resources and time that goes into this. Is there no threshold at which point the -- you know, beyond which or in front of which the Planning Council or the planning staff just does not accept --

MR. MAURODIS: Yeah, well --

MR. HOBBY: -- an application as ready?

MR. MAURODIS: Yeah. There was an official transmission by the City Commission for the City of Tamarac.

At that point in time they've fulfilled the application requirements together with a -- that's not necessarily required as part of the transmission, an opinion from their City Attorney that what they are doing is authorized.

So at that point, it is our job to review this from the planning standpoint.

MR. HOBBY: Okay.

MR. MAURODIS: And, you know, it becomes a mandatory obligation for us to review it, because they transmitted it and they -- again, with the opinion from the City Attorney that the proposed amendment from the City of Tamarac's standpoint and their obligation is authorized.

So at this point --

MR. HOBBY: Okay.

MR. MAURODIS: -- once it's transmitted by the City Commission, we are charged with the responsibility to review it.

MR. HOBBY: Yeah. My -- and my question doesn't have anything to do with the merits of the case. It just seems like, you know, from a layman's standpoint, kind of premature, but I guess the City Attorneys have a lot of say

in these processes.

MR. MAURODIS: Well, and, again, it's the City Commission which prevented it. As, you know, even the opponent indicated that they're asking you to make a planning decision on this issue.

And it's the biggest amount of time is being spent by Tamarac and the applicant, frankly, yeah.

MR. HOBBY: Okay.

COMMISSIONER DUBOSE: All right. Ms. Boy, were you going to add something?

MS. BOY: No. He said what I -- that's what I wanted to say.

COMMISSIONER DUBOSE: Okay. Great.

Member Graham.

MS. GRAHAM: Thank you, Chair DuBose.

It seems like there's a lot of leveraging going on here, and if I wrongly looked at the prior thing we voted on and now I'm looking at this, I'm just trying to figure out did I misunderstand something.

There's a deed restriction currently on the property, in spite of the fact that it hasn't been resolved, but they're coming before us for a Land Use Plan.

Did I understand that?

MS. BOY: That's correct.

MS. GRAHAM: Okay. That's it. That's all I needed to know.

COMMISSIONER DUBOSE: All right. Mayor Boccard.

MAYOR BOCCARD: Thank you, Chairman DuBose.

More comment than concerns. We just -- in the City of Coral Springs, we addressed a very similar issue.

Golf courses today are really a struggling business, and they need as much help as possible.

And we had to come before this board and, most recently, our Commission, Broken Woods, which they decided to develop the entire golf course, which we approved.

I know in the near future we're going to be seeing a very similar situation coming before us with another property in Coral Springs.

And I think this is something that we have to look at the viability of the residents that will be impacted by this.

And I think this is of benefit to them, actually. This will make the golf course community a sustainable proposition for them, because now they will have the ability to have the housing stock to help support the golf course and the membership and everything else that they need.

So just as a point of reference and information, you know, Coral Springs, we had the same issue come before us, and we supported it.

And I think today, if I had to vote on this right now, I'd be in support of this.

Thank you.

COMMISSIONER DUBOSE: Okay. Mayor Ryan.

MAYOR RYAN: Yes. If we could go back to the procedural issue, I -- because I do believe that we ought to -- Mr. Maurodis, if we could go back to the procedural issue. Could you again explain to me, because I'm looking through the materials, what was the threshold transmission that generated the legal obligation for the Planning Council to now consider it?

MR. MAURODIS: The City of Tamarac City Commission --

MS. BOY: So we got a -- we -- the City Commission of Tamarac took an action to transmit the Broward County Land Use Plan amendment to the Broward County Planning Council with a recommendation of approval.

So that establishes the transmittal of the application.

MAYOR RYAN: And they did that through a resolution or?

MS. BOY: I'm not sure if it was a resolution or ordinance.

MR. BACKMAN: It was the ordinance on first reading which is transmittal to the Council --

MS. BOY: To the Council --

MR. BACKMAN: -- and then the County Commission.

MS. BOY: -- so then we received the application with that correspondence, so we verify it. That's part of the application checklist. Has an action -- positive action been taken by the city, because if the city recommends denial, it doesn't come to us, or, you know, it doesn't take an action.

So they've taken the action. They filed the application. They filed the fee for us to -- to --

MAYOR RYAN: They being who?

MS. BOY: -- prepare the analysis.

MAYOR RYAN: They being who? The applicant?

MS. BOY: I'm sorry. The applicant.

So the transmittal action happens from the city, and then the applicant submits the prepared application for review.

MAYOR RYAN: So that I'm clear, again, that transmission, that action by the City Commission creates a legal obligation.

MS. BOY: That's correct.

MAYOR RYAN: We don't have a choice -- staff didn't have a choice to say, look, there's a deed restriction. Why would we have the Planning Council vote on something as an advisory opinion, at best, in a sense, or be dragged into the middle of one fight or another?

You're telling us, as a Council, we had a legal obligation.

MR. MAURODIS: Yeah, that -- in our rules, that's one of the three or four ways to get a land use amendment to the Planning Council.

And it is one of the classic ways, probably the most used way, is the transmission by the City.

MS. BOY: Right. The other ways are for only the Planning Council initiates something, or the County Commission initiates something.

MR. MAURODIS: But the most common way, almost every one that you

see, is done that way.

MS. BOY: Yes.

MAYOR RYAN: Okay.

MS. BOY: Ninety-nine percent of map amendments come through a city action.

MAYOR RYAN: Thank you.

That's all I have.

COMMISSIONER DUBOSE: All right. I'll entertain a motion.

MAYOR STERMER: So moved.

MAYOR BOCCARD: Second.

COMMISSIONER DUBOSE: The motion is --

MAYOR STERMER: To approve.

COMMISSIONER DUBOSE: -- to approve? All right.

It's been moved and seconded.

If you would call the roll.

THE REPORTER: Yes, sir.

COMMISSIONER DUBOSE: Who made the motion?

THE REPORTER: Mayor Stermer.

COMMISSIONER DUBOSE: Okay. And who seconded the motion?

MAYOR BOCCARD: I did.

COMMISSIONER DUBOSE: Mayor? Okay.

THE REPORTER: Mayor Boccard seconded.

COMMISSIONER DUBOSE: It's a Mayor Mayor thing. All right. Call the roll.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Yes.

THE REPORTER: Vice Mayor Richard Blattner. Mayor Vincent Boccard.

MAYOR BOCCARD: Yes.

THE REPORTER: Mr. Neal de Jesus. Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Yes.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: Yes.

THE REPORTER: Ms. Lynn Kaplan.

MS. KAPLAN: Yes.

THE REPORTER: Commissioner Martin Kiar.

COMMISSIONER KIAR: Yes.

THE REPORTER: Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Yes.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Commissioner Rita Mack. Mayor Michael Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

COMMISSIONER DUBOSE: Okay. Thank you.

With that vote, that item passes on the first hearing.

VOTE PASSES 13 TO 1 WITH MS. MARY D. GRAHAM VOTING NO.

AGENDA ITEM PH-7 – AMENDMENT PC 13-13 – First Public Hearing on Amendment to the Broward County Land Use Plan – City of Parkland.

COMMISSIONER DUBOSE: And now we have a --

MS. BOY: Item PH-7.

COMMISSIONER DUBOSE: -- Item PH-7 and we'll have Attorney Earl Hall sitting in for Mr. Maurodis.

MR. HALL: Good morning.

COMMISSIONER DUBOSE: All right.

MR. HALL: Afternoon.

COMMISSIONER DUBOSE: Good afternoon.

Ms. Boy, you have the floor.

MS. BOY: The proposed amendment is located in the City of Parkland and it's in the area known as The Wedge.

It's approximately 183 acres from one unit per 10 acres to low (3) residential.

It's generally located south of Lox Road and west of the proposed Nob Hill Road.

The proposed amendment, while it's generally consistent and compatible with the area, Planning Council staff identified two issues when formulating the recommendation that you see in your book, which is a recommendation of denial.

That's based on not meeting two policies.

One, the affordable housing policy, 1.07.07, and the transportation policy due to adverse impacts to Lox Road -- on Lox Road all the way east to State Road 7.

Subsequent to you receiving your backup materials, over the last couple of days, the applicant has provided additional information regarding affordable housing, worked with the County Affordable Housing staff, and the County Affordable Housing and Planning Agency just sent us yesterday, late yesterday morning, after I sent your additional agenda material, that they consider compliant -- that they are in compliance now with Policy 1.07.07, the affordable housing policy.

So the denial now from Planning Council staff's perspective is really based on the transportation impacts to Loxahatchee Road.

Although the recommendation is for denial, you'll see in your backup materials there is a structured recommendation if you wanted to transmit this to the -- to the County Commission with an alternate recommendation, and if that was what you considered, I would just say that the affordable housing being resolved prior to the second Public Hearing just be moved to a commitment, and it be only for the transportation issue.

The applicant is here, and I believe would like to speak.

And I believe -- is Mayor Udine still here?

MAYOR UDINE: Yes.

MS. BOY: Hi.

MAYOR UDINE: Hi.

MS. BOY: He and Mayor Udine are here to speak on the issue.

COMMISSIONER DUBOSE: Just real quick, a point of clarification.

So we can do a conditional recommendation to the Commission, but -- County Commission, but we will hear this again; right?

MS. BOY: Right. This is --

COMMISSIONER DUBOSE: This is the first hearing.

MS. BOY: -- the first Public Hearing, so this would still go to the County Commission for consideration of transmittal to the State, and then it would come back to you for your second Public Hearing, probably in, it seems, about February --

COMMISSIONER DUBOSE: February.

MS. BOY: -- it will come back for a second Public Hearing. Maybe January. I'm not -- February.

COMMISSIONER DUBOSE: Okay. All right. And who's here?

MS. BOY: So we have -- I don't know who wants to speak first, Mayor Udine or the applicant.

MS. BOY: Mayor Udine would like to speak first.

COMMISSIONER DUBOSE: Yes.

MAYOR UDINE: Thank you.

COMMISSIONER DUBOSE: Welcome back.

MAYOR UDINE: Thank you. Good evening -- good afternoon.

I just want to speak on behalf of the City of Parkland. We are in pretty much unanimous support of this application.

Just a little bit of the history, very briefly, because I know you're busy.

This is something that came before the City Commission and passed unanimously five to zero. It passed unanimously in our Planning and Zoning Board.

There has never been one member of the public that spoke against it. In fact, people are calling City Hall pretty much 24 hours a day because they want to get on the list to get more information because they're interested in this.

This is a key component of the master plan throughout The Wedge.

One of the reasons that we wanted to do this in Parkland is because we want to bring this type of property, because there are no school children. Zero school children will come out of this.

And it's a key component to balance off the rest of the school children numbers out on the west side of -- in Coral Springs and Parkland.

So this is something that you're going to see where we're getting a lot of our friends and neighbors that are leaving Broward County and going up to Valencia and Valencia Shores on Boynton Beach, there's nowhere else in the County where there is this mass of land where they can do this. This is the spot where it's left.

It's very much welcomed by the City of Parkland, and we support this.

I know the affordable housing component they've complied with, or they will comply with.

MS. BOY: Yes, they have.

MAYOR UDINE: My understanding is the traffic issue relates -- and I was on the MPO, but I really don't remember anything about it anymore. I kind of blacked it out as soon as I left that committee, but my understanding is the traffic component relates to the fact that they do the traffic analysis assuming there was four traffic lights on Lox Road, and there's only potentially two traffic lights on Lox Road.

There's never going to be that many traffic lights on Lox Road. I don't think there's any traffic lights on Lox Road now.

The City is working on the different intersections more towards the east to see what kind of traffic flow will be there, but I personally don't think this is going to be a big traffic issue in any event.

It's mostly a contained community, and kind of like a high end cruise ship on land.

Thank you.

COMMISSIONER DUBOSE: Thank you, Mayor Udine.

Ms. Boy, do you want to respond to that?

MS. BOY: Thank you.

Just one thing I forgot to mention which is very important is that this is going to be age restricted to a 55 and over senior active living community, single family homes.

So that -- it's a very important component. That's why there's not going to be any school children generated.

And I'm sorry, I forgot to mention that.

MAYOR UDINE: Right.

MS. BOY: And there'll be a Declaration of Restrictive Covenant that would run with the property, so that there would never be school children able to live there.

COMMISSIONER DUBOSE: Okay. Who else do we still have from the public?

MS. BOY: We have -- they're all from the applicant, so I don't know who wants to speak, because they have several --

MR. TUMA: Good afternoon, everyone. Ken Tuma of Urban Design Kilday Studios.

There's going to be a short PowerPoint. I know we're out of time, but I'm going to do three slides, and that's it. Talk for less than a minute.

And I want to talk about transportation.

Now, I'm not a transportation engineer. We have Dr. Juan Ortega here who can take us into the depths of transportation, but I'm going to kind of keep it at a high level.

So the challenge and the recommendation of denial, as Ms. Boy had indicated, is Loxahatchee Road.

It's a five mile road, indicated on your screen.

Today, it has no lights on it.

The area identified in red to the north is in Palm Beach County. It does not have access to the site or to Loxahatchee Road.

And the area to the south is The Wedge parcels.

And if you can go to the next slide, that would be great.

So what we're talking about is a classification issue. And Traffic 101, there's two types of classification. There's interrupted flow or uninterrupted flow.

Interrupted flow means there's signals, there's signalization.

Uninterrupted flow means there's no signals.

And that's the issue that we're dealing with today.

The current and the future road is five miles. It doesn't have any signals. It is an uninterrupted flow today.

And in the future -- or, excuse me, and when it was located in Palm Beach County, as you know, this road was located in Palm Beach County and, as part of The Wedge, it came down, it was classified as an uninterrupted flow for the five miles of it.

When it became part of Broward County, there is no matching collector item for this. In other words, it's identified as a non-State collector roadway, and there's no matching uninterrupted flow category within the Broward County Land Use Plan, so it was placed in the interrupted category.

So the designation that it was placed in, which was Designation 274, basically assumes that there will be a signal for between two miles or between two signals and four and a half signals every mile, or a total of ten to 22 signalized intersections on Loxahatchee Road.

That's not going to happen. It does not meet that classification.

So there are no existing signals today on Loxahatchee Road, and there's no intent for there to be. There's no warranted signals on Loxahatchee Road today.

But based on that original classification of the Broward model, it basically said that this road fails. It does not meet level of service F, both now and in the future, if it's identified as an interrupted flow. In other words, if there is signals it doesn't need.

However, if it's identified as an uninterrupted flow, it does meet level of service in 2035.

So, with this special consideration, we're asking you to recognize that this road operates as an uninterrupted flow, and that this is a unique condition

because this property was brought into Broward County.

And that is the issue that is before us on the recommended -- recommendation of denial.

So we're requesting you to take a look at this unique situation, and I'm here to answer any traffic questions you may have.

COMMISSIONER DUBOSE: Well, we'll do -- I'll go to Ms. Boy -- and we'll finish the public, and then we'll come to the Council.

MS. BOY: Thank you. I just want to mention as a follow-up to the -- the transportation overview that was just given by Mr. Tuma, Planning Council staff, the reason that we've determined it hasn't met the policy -- and I can't agree or disagree with the presentation that Mr. Tuma's made today, because I just received this information, and I have to go to the MPO and the Broward County planning staff to see if they believe that this meets the criteria and could be reclassified, because we use adopted capacities and volumes.

So that's the point at which we're at right now.

So I just wanted to make that clear, that I don't have an answer as to whether or not there's an agreement or whether or not this is the case yet or not.

COMMISSIONER DUBOSE: Okay. And I guess I'll point out as well this is the first hearing.

MS. BOY: Right. Exactly.

COMMISSIONER DUBOSE: So we do have time for that. And this is another situation where we could do something conditional moving forward.

Who else do we have to --

MS. BOY: They're all from the applicant.

COMMISSIONER DUBOSE: -- and just don't go far, because there may be questions for you.

MS. BOY: Besides Mayor Udine, Mr. Tuttle, Dr. Ortega, Ms. Murphy; there's no one from the public.

COMMISSIONER DUBOSE: Okay.

COMMISSIONER DUBOSE: At this point, I'm going to ask you if you would

just allow any questions to arise, because if you further your presentation, we may lose our quorum, and we won't be able to take action. So --

MR. TUTTLE: I just wanted to thank Barbara for the work she's done on the project. I'm the developer, and no problem.

COMMISSIONER DUBOSE: All right.

COMMISSIONER DUBOSE: Good. So far, I have Member Furr, School Board Member Good, Commissioner Kiar, Member Steffens, Member Kaplan -- you know what? Let's just go around the room.

COMMISSIONER DUBOSE: All right. We'll start down at the end.

MS. KAPLAN: Okay.

COMMISSIONER DUBOSE: I think you need to turn the mic on. Okay.

MS. KAPLAN: Barbara, you must have been reading my mind, because my first thought was will the MPO be able to reclassify --

MS. BOY: Right. That will be one of the determining factors in whether or not the data that they provided in this regard, whether or not -- we just don't have the time. You know, we have this --

MS. KAPLAN: Okay.

MS. BOY: -- we -- we have like ten days to two weeks for these other review agencies to be able --

MS. KAPLAN: Okay.

MS. BOY: -- to look at this information.

MS. KAPLAN: Okay. And then, just as a point of a reference as a newbie, when -- is this a particular item that you might necessarily consider tabling until we receive some additional input? I'm just looking for a -- I'm sorry.

MS. BOY: I mean, in the past, this is the first Public Hearing and --

MS. KAPLAN: Okay.

MS. BOY: -- Mr. Hall can speak more on this if you'd like to, but generally, you're provided a recommendation at the first Public Hearing to be given to the -- forwarded to the County Commission.

MS. KAPLAN: Okay. I'm just -- I'm learning.

And just -- my question is in this memo dated October 11th from Juan Ortega, it says -- it states that Loxahatchee Road operates and will be expected to operate as an uninterrupted flow facility.

Is that really realistic with the thought of all these new --

MS. BOY: Right.

MS. KAPLAN: -- properties being built?

MS. BOY: Right. The plan that we use to evaluate transportation impacts is the long range plan.

So right now, sure, it may be operating as uninterrupted flow. They're not -- they don't think that in the long range it will be, but there's a lot of residential development coming on line, and that's why we need to work with the MPO and the County Planning and Redevelopment staff to determine whether or not this reclassification would be warranted.

And if it's not, then they would still have a transportation issue on that link.

If it is warranted, then -- and it's level of service D, and they're not at more than three percent above capacity, and they're not -- they can go to level of service E or F, then they would be meeting the policy.

So it's just going to take us a little bit of time to determine that.

MS. KAPLAN: Okay. And would they consider other options like widening the road or lessening the number of intersections, things of that nature?

MS. BOY: Widening -- it's limited by the traffic use plan at 94 feet, so, really, the road -- it's really going to come down to signalization and --

MS. KAPLAN: Okay.

MS. BOY: -- whether or not -- and how that creates or limits the capacity.

MS. KAPLAN: Okay. Thank you.

COMMISSIONER DUBOSE: Member Steffens.

MR. STEFFENS: Thank you.

Pardon my naïveté, but attachment to the traffic analysis who prepared that?

MS. BOY: Planning Council staff.

MR. STEFFENS: Okay. I don't pretend to be a cartographer, traffic analyst, or anything of that nature, but when we're -- is there any consideration given to the nature of the development, specifically that it's going to be a 55 and over community when you're coming up with there are going to be around 500 some-odd homes, and now you're saying there'll be 500 some-odd peak hour trips?

That would mean essentially every single house is going to have one car egressing or regressing out of that community on that road during the p.m. hours, which to me -- and, again, I don't pretend to be something I'm not, but that seems a little bit against just common sense.

But maybe you're stuck with an equation that doesn't take into consideration that they're 55 and over.

MS. BOY: Okay. So Attachment 2 is the initial traffic analysis. And that's done just based on low (3) residential single family homes.

So then Attachment 3 is the proposed deed restriction for the 55 and over residents.

MR. STEFFENS: Attachment 3.

MS. BOY: So then Attachment 4 is the new traffic analysis.

MR. STEFFENS: Okay. Oh.

MS. BOY: And that's where the one link is indicated.

MR. STEFFENS: Got it.

MS. BOY: However, it was five links that were adversely impacted.

MR. STEFFENS: Got it. Okay. I apologize.

Thank you.

COMMISSIONER DUBOSE: Go ahead, Commissioner Kiar.

COMMISSIONER KIAR: Thank you, Mr. Chair.

I'll just be very brief.

I'm actually very excited about this project. I was lucky, when I was in the Legislature, to have input into House Bill 1315 that brought The Wedge into Broward County.

And I think that I'm excited to see this go through, and I hope it gets through quickly.

The one thing I wanted to bring up and -- is I appreciate the hard work of the Planning Council on the traffic analysis, but I know that area pretty well, representing it for a number of years, and I also know that the City Commission in Parkland would not approve something of this nature and be so supportive of something of this nature if they had significant concerns about the traffic impacting the people of that community.

And I know that they know this area very, very well.

So I personally am very excited about this.

I'm going to vote to approve it, and I'm very much looking forward to it coming to the County Commission, because I think it's going to be an exciting project for Broward County.

Thank you.

COMMISSIONER DUBOSE: We're going around the table.

MAYOR BOCCARD: Thank you.

I would concur with the comments that have been spoken just recently, but, you know, I only have one concern, and that's the true traffic analysis of how it's going to impact the City of Coral Springs.

It's not so much this particular project, but the entire Wedge project. Some of this traffic could be filtering down through our city, and I'm a little concerned about that.

But I'm in support of the project, of course, but that would be something that I would need to know at the next meeting.

COMMISSIONER DUBOSE: Mayor Stermer.

MAYOR STERMER: Mayor Udine and the Commission in Parkland are fully aware of my position with regard to transportation in The Wedge.

I sat quietly on the last item, paying deference to the city, and, understand, I will do so again now.

But the City of Parkland knows transportation-wise, The Wedge is going to be a disaster.

The roads should have gone through to Palm Beach County.

I sat on the MPO and intervened on behalf of the MPO in the (inaudible) hearing between Parkland and Coral Springs.

This is going to be a nightmare traffic-wise in the future. Not specifically because of this development, but in part because of this development, because when you add up everything else that's going to exit onto Lox Road, not one development is going to have the impact to require something, but in total, they all will.

And Mayor Udine and I, for many meetings, had vehement disagreements about this. He disagreed with me getting involved, and I got that.

But out of deference to the City of Parkland, I will vote yes for this.

But I believe, in the future, significant work is going to need to be done, both on Lox Road, as well as heading south and impacting the City of Coral Springs.

Commissioner Kiar, have a great time. I, actually, at one point brought this to the County Commission when the conversation was going on between Parkland and the City of Coral Springs, and the County Commission refused to get involved.

And, you know, there's lots of study and lots of talk about what's going on in the northwest quadrant of this County with regard to traffic, and I believe this is actually going to make that -- this, spilling out onto State Road 7, a really difficult place for people in the northwest County in the future to move.

COMMISSIONER DUBOSE: School Board Member Good.

MS. GOOD: Thank you, Mr. Chair.

Again, I want to thank Mayor Udine and the Commission for supporting a project within The Wedge that doesn't generate children.

(Laughter.)

MS. GOOD: Why is it so funny? No. And we can only hope that it doesn't generate children.

(Laughter.)

MS. GOOD: But I did have just a couple of quick questions with regard to the covenant that's being proffered.

And I understand that the covenant will be recorded at such time as this moves forward; is that correct?

MS. BOY: Right. If the amendment is adopted by the County Commission, at that point, the declaration would be recorded in the public records and run with the property.

MS. GOOD: So my first question is what would be the process to change that covenant?

MS. BOY: The process to be released or change the covenant, the County set up a process, and it goes through the Development Management Section of the Planning and Redevelopment Division.

And it's basically filed similar to a delegation request or a plat note amendment.

They provide all of the correspondence. They get the action of the City. They provide all that information, and then that division sends it out to the review agencies and we provide comment on what the impact would be if it was released.

So, for instance, for example, this would be -- say they wanted to remove the age restriction. At that point, we would say that, you know, they need a school capacity report and there needs to be school capacity.

That way, it would need to be approved, you know, by the School Board, and all of those kinds of things would happen.

MS. GOOD: You read my mind. I just wanted --

MS. BOY: Okay.

MS. GOOD: -- to know at what point in the process should it be --

MS. BOY: Like if they ever asked --

MS. GOOD: -- considered to --

MS. BOY: -- for a release from the age restriction, it would have to go through the City of Parkland and Broward County and the School Board, since it's going to run in favor of the School Board for the age restriction.

MS. GOOD: Okay. Thank you for clarifying that.

The other question, or comment, I guess, I have is the covenant itself, I know you were saying that the covenant will be recorded sometime after it gets approved.

Is there any prohibition to have language in the covenant that speaks to the fact that the declaration will be recorded within a certain time frame of such approval?

MS. BOY: Well, one of the kind of good things that we've done on the County land use side is the ordinance that adopts any County Land Use Plan amendment says in it that this amendment will not be effective until such time that all of the voluntary commitments are fulfilled as made through the Land Use Plan amendment.

So it doesn't -- I don't -- there's no guarantee of the times, so maybe you could ask the applicant if they would put that in, but the good news is it does not become effective until such time as they record it in the public record.

MS. GOOD: And I understand all that. I guess from my perspective, just I'd like certain assurances.

I guess today it made me a little nervous, hearing so many different restrictions are currently on property and still they move forward.

I know the applicant has all intentions of recording it, but I think, seeing that district staff would probably feel more comfortable in seeing language that says within X number of period of time, the covenant will be recorded, whatever staff feels that's acceptable.

MR. TUTTLE: The applicant would be willing to agree that within ten days of the second approval by the Broward County Commission the deed restriction will be filed.

By the way, our deal with the City requires it to be filed in the next 45 days.

MS. GOOD: And that's fine. And, Mayor Udine, through the Chair, if that's okay.

COMMISSIONER DUBOSE: Yes, you know, wait to be recognized. Mayor Udine.

MAYOR UDINE: Just to clarify that comment, we've made part of our approval in the city a condition that that approval will automatically be revoked if it's not recorded as the 55-plus community.

MS. GOOD: Okay.

MAYOR UDINE: So that's -- the key to the whole thing to us is it's -- this isn't getting approved through Parkland if it's not the 55-plus.

And I heard you mention, and I know that there are -- I don't think they're allowed to live there anyway, if -- if you're 55 and you have a child.

UNIDENTIFIED SPEAKER: I get it.

UNIDENTIFIED SPEAKER: Not that you're 55 but (inaudible).

MS. GOOD: Thank you, Mr. Chair.

And I appreciate everyone's efforts in assuring that, of course, nothing would happen should this not be recorded, but, for me personally, I don't think it would hurt to have language in here to further reinforce that, saying that the covenant will be recorded within a certain time frame --

MS. GOOD: -- after the necessary approvals have been obtained. I mean, I'm not an attorney, Mr. Hall. Welcome. I didn't mean to put you on the spot.

But, you know, whatever, you know, our Council feels that -- I'm just trying to get a certain time frame. I don't want to leave it open and then, you know --

MS. BOY: Well, they just volunteered --

MR. HALL: Right.

MS. BOY: -- for some days; right?

MR. HALL: The applicant just made it a voluntary commitment, so you can make it a part of your motion if you choose to approve this item.

COMMISSIONER DUBOSE: All right. Anything else?

MS. GOOD: That's it. Thank you, Mr. Chair.

COMMISSIONER DUBOSE: Okay. Member Hobby.

MR. HOBBY: Yes. I feel very much like Mayor Stermer does about the future of this.

Did I understand correctly that Lox Road cannot be improved or widened? I mean, I've been out that road many times and --

MS. BOY: Well, there's a 94 foot trafficway, so there's a limitation for the right of way that's there.

The way that it is in the long range plan, I believe the lineage exists, so the real issue for the capacity is going to come down to the signalization, and that's what the applicant's disputing, is the way that we have it -- or that the County and MPO have it classified right now.

So it's mostly going to be, you know, signalization and turn lanes and that sort of thing, as opposed to an actual, you know, widening --

MR. HOBBY: So the -- just --

MS. BOY: -- kind of issue.

MR. HOBBY: -- I haven't been out on it in a while. It's a two lane undivided road; is that not correct?

MS. BOY: It's --

MR. STEFFENS: Yes.

MS. BOY: -- it's two-lane undivided?

UNIDENTIFIED SPEAKER: Yes.

MS. BOY: Okay.

MR. HOBBY: The -- will this -- in the future, does anybody foresee that this project will have access to the now rather oddly named County Line Road?

MS. BOY: As far as access to County Line Road?

COMMISSIONER DUBOSE: Hold on. Mr. Hobby, who are you directing -- are you still with staff?

And here's why I'm asking, we're about to lose quorum here very shortly.

MS. BOY: Right. There's no access right now to County Line Road, and there's no access planned.

That doesn't mean that that couldn't change, but right now there is none.

MR. HOBBY: Okay. And I also understand it's -- that there's -- what's the situation with connecting roads from Palm Beach County? And that is based on --

COMMISSIONER DUBOSE: And who are you -- (Inaudible.)

MAYOR STERMER: -- and I'll address this to her, based upon the bill that was passed, it prohibited the land to be annexed into the County if there were roads that went across, mainly University Drive.

MR. HOBBY: And finally, is the mining operation active?

MR. TUMA: Good afternoon again. Ken Tuma.

This site does not have a mining operation. Yeah, the site identified in yellow does not have a mining operation.

MR. HOBBY: No, no. The -- the --

UNIDENTIFIED SPEAKER: To the west.

MR. TUMA: To the west? The -- the Bishop Pit property that's owned by WCI? Today, it's not -- I believe that they're actually not mining out there today, but it still has an active mining permit.

MR. HOBBY: Okay. And the recycling facility, is that active?

MR. TUMA: It's still in use.

MR. HOBBY: Okay. Thank you.

COMMISSIONER DUBOSE: Okay. Thank you.

MR. BASCOMBE: Vice Chair --

COMMISSIONER DUBOSE: Mr. Bascombe.

MR. BASCOMBE: -- I'll make it quick.

I guess my concerns are the same as Mayor Stermer. I think the traffic on

Lox Road is going to be an issue.

So I don't disagree with this project. I think it's a good project.

But I do think we need to have some kind of a conditional approval based on getting more information being reviewed by the agencies that needs to.

COMMISSIONER DUBOSE: Thank you.

Mayor Ryan.

MAYOR RYAN: Thank you, Mr. Chair.

I share those concerns and that of Mayor Stermer. I think it's one of these odd positions we're in when we approve a project when we know there's going to be a problem, and we get to the end and the last person says, well, it wasn't due to me. It was due to everybody else, and our leverage is less.

And we're in this awkward position because we want to have deference to the city and its planning.

I guess my position would be we're faced with a denial from staff. And I trust staff. They provide great information.

I could not vote in favor without the conditions that were discussed here on traffic, and I would like to see it more comprehensively addressed to the extent possible, so that anything that is planned is smart, doesn't impact the surrounding communities, and ultimately protects against mission creep that will make it impossible for us to correct later.

COMMISSIONER DUBOSE: Thank you.

Member Furr.

MR. FURR: Thanks.

I'll make a motion to approve it with the condition that it doesn't come back to Planning Council until the traffic issue's been resolved.

MS. GOOD: Second.

COMMISSIONER DUBOSE: There's a motion and it's been seconded by School Board Member Good.

Call the roll.

THE REPORTER: Mr. Tim Bascombe.

MR. BASCOMBE: Yes.

THE REPORTER: Vice Mayor Richard Blattner. Mayor Vincent Boccard.

MAYOR BOCCARD: Yes.

THE REPORTER: Mr. Neal de Jesus. Commissioner Bobby DuBose.

COMMISSIONER DUBOSE: Yes.

THE REPORTER: Mr. Beam Furr.

MR. FURR: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Dan Hobby.

MR. HOBBY: No.

THE REPORTER: Ms. Lynn Kaplan.

MS. KAPLAN: Yes.

THE REPORTER: Commissioner Martin Kiar. Commissioner Michele Lazarow.

COMMISSIONER LAZAROW: Yes.

THE REPORTER: Commissioner Michael Long.

COMMISSIONER LONG: Yes.

THE REPORTER: Commissioner Rita Mack.

COMMISSIONER DUBOSE: She left.

THE REPORTER: Mayor Michael Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mr. Nicholas Steffens.

MR. STEFFENS: Yes.

THE REPORTER: Mayor Daniel Stermer.

MAYOR STERMER: Yes.

THE REPORTER: Ms. Anne Castro, Chair.

MS. BOY: I just have one question for clarification, Ms. Good, about the school --

MAYOR RYAN: Do we need to separate --

COMMISSIONER DUBOSE: Do we need to entertain a second motion or because we've already (inaudible)? Okay.

And with that vote, the motion has passed.

VOTE PASSES 13 TO 1 WITH MR. DAN HOBBY VOTING NO.

COMMISSIONER DUBOSE: And I'll entertain -- am I entertaining it as an amendment or will it be a separate (inaudible).

MR. HALL: An amendment to the motion.

COMMISSIONER DUBOSE: An amendment to the motion. All right.

School Board Member Good.

MS. GOOD: Thank you, Mr. Chair.

I make a -- propose an amendment that the Declaration of Restrictions proffered along with the application include a designated time frame in which the covenant is recorded upon approval of the application.

MAYOR BOCCARD: Second.

COMMISSIONER DUBOSE: All right.

THE REPORTER: Second -- who seconded?

COMMISSIONER DUBOSE: It's been seconded by --

UNIDENTIFIED SPEAKER: Mayor Bocard.

COMMISSIONER DUBOSE: Okay. Member Hobby.

MR. HOBBY: I voted no on this. If I vote yes on the amendment, am I changing my vote?

MR. HALL: No, you're not.

COMMISSIONER DUBOSE: No.

MR. STEFFENS: Can we do a point of order? Can we do a voice vote?

COMMISSIONER DUBOSE: Okay. Yes.

MR. STEFFENS: Do I need to make a motion for a voice vote?

COMMISSIONER DUBOSE: All right. Do we need a motion for a voice vote?

MR. HALL: No.

COMMISSIONER DUBOSE: All those in favor?

Any opposed.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER DUBOSE: Meeting adjourned.

(The meeting concluded at 1:04 p.m.)