

MINUTES

BROWARD COUNTY PLANNING COUNCIL

May 25, 2017

MEMBERS Mayor Daniel J. Stermer, Chair
PRESENT: Thomas H. DiGiorgio, Jr., Vice Chair
School Board Member Patricia Good, Secretary
Brion Blackwelder
Commissioner Richard Blattner
Commissioner Felicia Brunson
Commissioner Angelo Castillo
Neal R. de Jesus
Commissioner Bill Ganz
Commissioner Michelle J. Gomez
Mary D. Graham
Richard Grosso
David Rosenof
Richard Rosenzweig
Mayor Michael J. Ryan
Mayor Jack Seiler
Commissioner Michael Udine
Commissioner Beverly Williams

MEMBERS

ABSENT: None

ALSO Barbara Boy, Executive Director
PRESENT: Andy Maurodis, Legal Counsel
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, May 25, 2017.

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

CALL TO ORDER:

Chair Daniel J. Stermer called the meeting to order.

CHAIR STERMER: Good morning, everybody.

UNIDENTIFIED SPEAKER: Good morning.

CHAIR STERMER: Good morning, everybody, and welcome to the May 25th, 2017

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meeting of the Broward County Planning Council.

ROLL CALL:

CHAIR STERMER: Ms. Cavender, can you please call the roll.

THE REPORTER: Yes, sir. Mr. Brion Blackwelder.

MR. BLACKWELDER: Here.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Commissioner Felicia Brunson.

COMMISSIONER BRUNSON: Here.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Here.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Here.

THE REPORTER: Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Here.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Here.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Here.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Here.

THE REPORTER: Ms. Mary D. Graham.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Here.

THE REPORTER: David Rosenof.

MR. ROSENOF: Here.

THE REPORTER: Richard Rosenzweig.

MR. ROSENZWEIG: Here.

THE REPORTER: Mayor Michael J. Ryan.

MS. GOOD: He's here.

MAYOR STERMER: He's here.

THE REPORTER: Mayor Jack Seiler.

MAYOR SEILER: Here.

THE REPORTER: Commissioner Michael Udine. Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Here.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

MAYOR STERMER: Here. And good morning. And we have a quorum present.

PLEDGE OF ALLEGIANCE:

CHAIR STERMER: If we could all rise for the Pledge, and be led by Commissioner Felicia Brunson.

(THE PLEDGE OF ALLEGIANCE WAS LED BY COMMISSIONER FELICIA BRUNSON.)

CHAIR STERMER: And, Commissioner, on behalf of the entire Planning Council, we want to wish you a happy birthday.

UNIDENTIFIED SPEAKERS: Happy birthday.

CHAIR STERMER: She's going, gosh, how do they know that? Can't they just let it go by quietly?

(Laughter.)

MS. GOOD: She celebrates all month.

CONSENT AGENDA

AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR MAY 25, 2017

AGENDA ITEM C-2 - MAY 2017 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE

AGENDA ITEM C-3

A. APPROVAL OF MINUTES OF APRIL 27, 2017

AGENDA ITEM C-4 - EXCUSED ABSENCES

CHAIR STERMER: We're up to the Consent Agenda. Are there any items from the Consent Agenda that anyone would like to have pulled? Seeing none, is there a motion with regard to the --

MR. DIGIORGIO: I'll **move** it.

CHAIR STERMER: -- Consent Agenda?

MR. DIGIORGIO: I'll **move** the --

CHAIR STERMER: Moved --

MR. DIGIORGIO: -- Consent --

MAYOR SEILER: Second.

CHAIR STERMER: -- by Mr. DiGiorgio, seconded by Mayor Seiler. All those in favor, signify by saying aye. All those opposed? The Consent Agenda passes unanimously.

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA

AGENDA ITEM R-1 - PERFORMANCE REVIEW: PLANNING COUNCIL ATTORNEY

CHAIR STERMER: We are now up to the Regular Agenda. Ladies and gentlemen, in your backup at Item R-1, it's that time of year where I, as the Chair, am responsible for preparing performance evaluations. R-1 is with regard to Mr. Maurodis, and R-2 is with regard to Ms. Blake Boy, our Executive Director.

In your backup are memos that I prepared with regard to Mr. Maurodis. And you should all know that at the meeting before this, which was -- which was a combined Executive Committee, Land Use/Trafficways meeting, the joint meeting unanimously recommended the approval of the performance review with regard to Mr. Maurodis. Let me say a couple of things that are not in the memo. One of them is and one of them

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isn't.

Mr. Maurodis is entitled to, and has been entitled to, annual increases in his compensation. And Mr. Maurodis has graciously and voluntarily agreed to forego any request for an increase in his compensation this year. As I said at the -- at the combined meeting before this, and not breaking any confidences with Mr. Maurodis, but Mr. Maurodis believes that for his services, he's compensated fairly and believes that the funds that could be used for his potential increase should be used across the platform with regard to our staff. So I want to thank Mr. Maurodis publicly for that sympathy, and we appreciate it, and that acknowledgement. We appreciate it.

For those of you that also may not be aware, effective June 1, Mr. Maurodis will be joining the law firm of Weiss, Serota here in Fort Lauderdale, and will reside in their Boca office. Since 1995, the Planning Council has been traveling under this lovely two-page agreement with Mr. Maurodis. Literally, it's a two-page agreement dated August 31, 1995 between the Planning Council, with its really old logo --

(Laughter.)

CHAIR STERMER: -- and Mr. Maurodis. And Mr. Maurodis and I have discussed that we are going to do what would be a one-page, two-page, however many page, short reaffirmation of that agreement specifically also recognizing that he will be no longer having his own shop, but will be joining the firm of Weiss, Serota. Part of it is for clarity's sake going forward, bringing current a document that isn't 20-something years old.

And, thirdly, and probably most importantly, is pointing the folks down in payroll or in accounts payable downstairs why they're paying Weiss, Serota and not paying Andy Maurodis any longer. So I just want to bring to clarity. And what we will do is we will bring that one-page or two -- however short agreement back to the Council at a future date, once Mr. Maurodis and I complete it. But he and I talked about that before this meeting, so I just wanted to bring that forth and congratulate Mr. Maurodis --

MR. MAURODIS: Thank you very much.

CHAIR STERMER: -- on his new relationship with the firm of Weiss, Serota. We know that you have and will continue to provide this Council with your best advice, which has always been spot on, and personable, and pleasant. And we thank you for that. And we thank you for your dedication over the years to this Council, and look forward to continuing to work with you.

MR. MAURODIS: Thank you for your kind words, Mr. Chair.

CHAIR STERMER: My pleasure. Any other comments with regard to the appraisal -- with regard to Mr. Maurodis?

COMMISSIONER UDINE: I taught him everything he knows.

(Laughter.)

UNIDENTIFIED SPEAKERS: (Inaudible.)

(Laughter.)

MR. ROSENOF: It was a joint effort.

CHAIR STERMER: Mayor Seiler.

MAYOR SEILER: Mayor, I'm -- I am going to vote on this and obviously in support of it, but not because I've had any experience working with Mr. Maurodis in this role, but I will say I've worked with Mr. Maurodis for close to probably two and a half decades, and he is an incredible professional. In every setting, I've seen him provide solid legal advice and good counsel. So I'll be voting for this with absolutely no knowledge of your work on this board, but just --

(Laughter.)

MAYOR SEILER: -- on the great knowledge of your work over the last several decades in Broward County --

MR. MAURODIS: Thank you, Mayor.

MAYOR SEILER: -- providing sound advice.

MR. MAURODIS: Thank you, Mayor.

MAYOR SEILER: Anybody else? Is there a motion with regard to Item R-1?

MS. GOOD: Moved.

COMMISSIONER CASTILLO: Second. Moved by School Board Member Good, seconded by Commissioner Castillo. All those in favor, signify by saying aye. All those opposed? The motion carries unanimously. Congratulations --

MR. MAURODIS: Thank you all. Thank you all very much.

CHAIR STERMER: -- and thank you.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-2 - PERFORMANCE REVIEW: EXECUTIVE DIRECTOR

CHAIR STERMER: Item R-2 is the performance review with regard to Ms. Blake Boy. I again had the privilege of writing this performance review, and it's easy to write about

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Ms. Blake Boy when you wrap in you're writing about Ms. Blake Boy, but you're also really writing about our staff and our team. For those of you that are new to the Council, let me remind you that, while we sit in this building and it says the Broward County Planning Council, by Charter, we are an independent agency. So, in some respects, while we work with the County government, you know, Ms. Blake Boy doesn't officially report to the County government. She reports to us.

Our budget gets approved by the County government, but, you know, we sort of are an independent group of folks. So when I wrote this year's evaluation, I thought it was time, based upon what's -- different than what's gone on in the past few years to start to recognize our staff. We as an agency did it last month when we did our budget and recognized that we needed to put certain things and continue to put things in our budget, such as equipment and training and travel. And I thought it was time that -- separate and apart from the rest of County government, where the vast majority of them are represented folks, namely, they belong to a bargaining unit, the members of our staff do not belong to a bargaining unit. So the only time and the only way they get recognized for compensation increases is when the -- when and if the County Administrator and the County Commission decide to put forth some money to unrepresented folks, and that number's generally in the two to three -- under three percent a year area.

Understanding the past few years and the attempt -- and this agency's efforts to, and actual holding the line on finances, I thought it was time to recognize the Executive Director for her stellar efforts on behalf of this Council, and on behalf of the County and our 1.8 million residents, to recognize her with an increase. I believe -- I asked the Executive Director to do a survey, and, because she's an independent -- we are an independent agency, drawing comparisons to others of equivalent -- my word -- stature, are literally looking at County government employees. And I put forth a -- my -- my proposal to do a 7.5 percent increase. And I put certain reasons why in the memo.

In addition to the accomplishments of the staff under the leadership of the Executive Director for the past year, whether it's Broward Next, how many plats, how many amendments, how many -- all of the things we've done and the staff has done, I thought it was time to actually look at compensation levels and propose this increase for the Executive Director. I want to also recognize that, at the meeting before this as well, unanimously, the Executive Committee and Land Use/Trafficways recommended putting forth the 7.5 percent increase for the Executive Director for the reasons stated in my memo. There are additional data points that I have available.

I had asked the Executive Director, before I prepared the memo, to do research for me across County government of those, for lack of a better phrase, similarly situated, based on tenure, responsibility, and thought that this number was justified when looking at others in similar type positions. I will also, just for the sake of noting, and I didn't include it in the memo, that when you want to do a present-day time comparison of the former Executive Director, Mr. Snizek, when he was in his fifth year, his compensation, in equivalent dollars, would be in excess of \$157,000, if we present-dayed his fifth year

number to today's dollars, which is actually more than, with the increase, what the -- our current Executive Director would be at.

I think, based upon where we've been as an agency and where we're going next as an agency, I think it's time to recognize our Executive Director. And, over time, we will move -- move to the rest of the staff as well. But we know this is a first step in a process. We completed step one of Broward Next. We're now moving on to step two of Broward Next. And that will not be an insignificant task as well. But in addition, and at the agreement of this body, just two weeks ago the affordable housing letter went out to the County Administrator and to the Broward League of Cities calling for a discussion, as we framed it. We're not calling it a workshop. We're not talking an agenda item, but a discussion about affordable housing. And Ms. Blake Boy is again being the tip of the spear on that item.

So I think it's time to recognize our Executive Director, particularly understanding the development community out there is getting busy, and if somebody wants somebody that's talented, that's knowledgeable, they can come pluck our Executive Director away at any point in time. And I think we need to be mindful of opportunities that exist out in the public sector and in the private sector. And if we want to keep our Executive Director, I think we need to show her we want to keep her. And, to me, this is one small way of doing that. So I open up the floor for discussion.

MR. DE JESUS: Mr. Chair, I'd like to **move** the item.

CHAIR STERMER: Item's been moved --

MAYOR GANZ: Second.

CHAIR STERMER: -- by Mr. DiGiorgio, second -- second -- by Mr. de Jesus, seconded by Mayor Ganz. Any further discussion? Commissioner Castillo.

COMMISSIONER CASTILLO: So we're going to -- we're going to get to the rest of the staff in the next budget?

CHAIR STERMER: Yes.

COMMISSIONER CASTILLO: Okay.

CHAIR STERMER: Yeah.

MR. GROSSO: I just --

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: -- I'm going to support the item. I just want to say the entire staff, Andy, the same here. The responsiveness, the quick responses, clear information, happily

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accepting all sorts of pain in the behind requests and ideas and suggestions that I've made, that there's a level of professionalism there that I really appreciate. And I also think it's really important when you've got a big, important local government body like this, that we keep and attract the same level of talent that the private sector can attract and keep. And I think for all those reasons this is a good move by us. Thank you all.

CHAIR STERMER: Thank you, Mr. Grosso. There's been a motion by Mr. de Jesus, a second by Mayor Ganz. All those in favor, signify by saying aye. All those opposed? The motion carries unanimously. Congratulations, Ms. Blake Boy.

MS. BOY: Thank you. Thank you for the support. And we have a great staff and a great Council, and we couldn't do any of it without you all. So thank you.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-3 - INITIATION: BROWARD NEXT: PRESENTATION OF IDENTIFIED ENHANCEMENT AND CORRECTIVE AMENDMENTS

CHAIR STERMER: We are now up to Item R-3.

MS. BOY: Good morning. Thank you again. So I just want to -- you know, it's kind of -- it's a tough thing -- Andy and I were talking about it before the meeting -- to have your evaluation before the Board and before the public, so it's -- it's interesting. And I really appreciate the kind comments. And, again, the support that you all give us behind the scenes does -- I can't even say about how much that means. So thank you.

Item R-3 is a -- it was considered by the -- by the combined Land Use/Trafficways, Executive Committee just before this meeting. And basically, this is an initiation of a series of amendments related to what we've been seeing as we've reviewed the Broward Next documents: Clarifications of time frames, platting exemptions, as we had briefly talked about last month. An issue of aerial encroachments, and trafficways' plan for right of way preservation came up in the past couple of months. So things that we want to examine and hold a workshop to bring back to you for potential amendments to the County -- to Broward Next in the update.

The update will be effective June 2nd, pending that there is no challenges at the state, the 31-day review period will be up next week. So this is just a series of information, and then, as I presented to the committees earlier, there were other things that we've identified, just clarification. Biannual, is that twice a year or is it every other year? We know the intent is every other year, so we're going to actually state that in the plan instead of using the word biannual, so there's no confusion during that review.

And a couple of things that we're also working on related to the administrative rules document, the implementation document that we've seen that would better fitting in the actual Land Use Plan. So the Land Use/Trafficways and Executive Committee supported the initiation of the amendments as described in this memo, and then, in

addition, any others that staff may find during its review.

CHAIR STERMER: Thank you. And I don't think any of us were silly enough to think that once we got the document adopted by the County, that when we actually then start to implement some of it, there may be some things we need to tweak. So that's what this is. And initiations can come from two places, this Council or the County Commission. And I think it's usually this Council's desire to keep control of its destiny, as compared to being told what we -- what somebody else would like.

So since this document was a creation of this Council, in coordination with the County, there's some cleanup that needs to be done, so staff has requested that we initiate this change. And, as the Executive Director said, at the previous meeting held immediately before this, those present unanimously endorsed the initiation of it. And this will come back to us when, Ms. Blake Boy, just for clarity?

MS. BOY: Well, we're going to -- we're going to schedule a workshop over the summer in July, so it could come back as early as August. I would say the August/September timeframe.

CHAIR STERMER: Appreciate it. Any discussion with regard to -- Mr. Blackwelder.

MR. BLACKWELDER: Yes. I'd like to -- I -- I'm sure this isn't all of the corrective or enhancement amendments. How would someone suggest other ones? As the Chair has said, this is an ongoing process, and I don't think that you've found everything that even you would --

UNIDENTIFIED SPEAKER: No.

MR. BLACKWELDER: -- want to do in this -- from this a very humble list of changes.

MS. BOY: I believe it's covered by the -- by the additional action that the combined committee made for the other as staff find necessary.

CHAIR STERMER: There -- we did, Mr. Blackwelder, to -- to the point, there are certain things delineated in this memo, and we then gave the old catch-all and anything else that between now and the time of the item coming forth staff needs -- staff believes should come forward. So it's not confined to what's here. But if there are suggestions as to other issues that need to be fleshed out, feel free to communicate with staff. I know some of you have.

MR. BLACKWELDER: Well --

CHAIR STERMER: Some of the items that have been submitted are being reviewed, and further discussion will take place with regard to them. And if necessary --

MR. BLACKWELDER: -- when is the time -- you mentioned of time coming forth, so

what? You -- you said time coming -- between now and the time of the --

CHAIR STERMER: When the item gets put on our agenda --

MR. BLACKWELDER: For these specific --

CHAIR STERMER: -- for these specific --

MR. BLACKWELDER: -- things that are --

CHAIR STERMER: -- things.

MR. BLACKWELDER: -- enumerated. So --

CHAIR STERMER: Correct.

MR. BLACKWELDER: -- so all that's being amended or corrected or looked over for this is what's on this very short list.

CHAIR STERMER: Well, or those other things that aren't on the list that staff brings forth. If there are other suggestions that meet -- that any member of this Council or the public want to bring forth, they should communicate with staff, and we can bring those items forth one by one to initiate it.

MR. BLACKWELDER: Is there a time limit on --

CHAIR STERMER: No, sir.

MR. BLACKWELDER: -- doing that or --

CHAIR STERMER: There is not.

MR. BLACKWELDER: -- a process? Just whenever we can --

CHAIR STERMER: Correct.

MS. BOY: Right. There's no -- there's no timeframe. You know, since the state eliminated the twice-a-year review of Comprehensive Plan amendments, it's -- we do it on an ongoing basis. So we're always -- each month, we're always starting a new kind of amendment cycle, so to speak. We don't even have deadlines any longer because of that.

MR. BLACKWELDER: All right. Thank you.

CHAIR STERMER: There's a -- there's a -- it's a rolling calendar. We are not subject to calendars. Mr. Grosso.

MR. GROSSO: And I'll just -- playing off that, I'll just remind that I had my own set of language enhancements that I had shared with Barbara, I guess two or three months ago. And I thought, you know, some of them were technical, but many of them, probably most of them, were substantive changes that would require some policy discussion, policy discussions that I thought were quite consistent with the direction that the plan has already taken. But I just wanted to remind that I've submitted those, and hope that those will get a lot of consideration and maybe be brought to us for discussion.

MS. BOY: What I -- what I can do for the -- for members that have submitted comments in writing is I can put together a memo, probably for our August meeting, outlining what you've suggested as far as the substantive changes, and then attaching your comments. Then it's presented to the Council as a full.

MR. GROSSO: Were we --

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: -- are -- are we going to have our August meeting?

MS. BOY: Right. We cancelled the July meeting.

UNIDENTIFIED SPEAKER: Right.

MS. BOY: At the -- at the March meeting, you canceled the July meeting, so we're still on schedule to have a June 22nd meeting, and then I don't remember the August date. Sorry. August --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: -- the fourth Thursday in August.

CHAIR STERMER: And we -- listen, we can have another conversation as that gets closer.

MR. GROSSO: Thank you.

CHAIR STERMER: We know different people -- listen, we know summer, between when County government's out and when city governments are out, and people have private lives that -- taking kids to college or summer vacation --

MS. BOY: August 24th.

CHAIR STERMER: -- we'll sort of see what happens as that gets closer. Commissioner Castillo.

COMMISSIONER CASTILLO: Apropos of -- apropos of that comment, I had a -- I had a

-- an unexpected family matter this morning that kept me from attending both the Executive and Trafficways, and I apologize for my absence. But I have become, in my gray hairs, very well trained at doing what I'm told.

(Laughter.)

COMMISSIONER CASTILLO: And I was very compliant this morning, except for my absence, and I apologize for that.

CHAIR STERMER: Don't do it again. Mayor Seiler.

MAYOR SEILER: Just two quick questions on 2.13.1. The first one, I think what you're trying to say under that Subsection 1 is that if you're constructing two or fewer residential dwelling units, then you're exempt. But the way I read this, it says applications for two or fewer residential units on property under the same ownership, and then you have this comma, within -- within 500 feet of property exempted under -- within the past 12 months.

I'm not sure that's worded right. And I think what you're trying to say is that if you're within -- dwelling units on property under the same ownership as property that is within 500 feet of property exempted within the past 12 -- I mean, because what you're trying to do is prevent somebody coming in two units at a time, two units at a time, two units at a time, right?

CHAIR STERMER: Madam Executive Director.

MR. MAURODIS: I -- I see what your point -- we can -- you know, we could have provided that or we could - we could more clearly --

MAYOR SEILER: State that. Because that's what you're --

MR. MAURODIS: Uh-huh.

MAYOR SEILER: -- that's what you're trying to accomplish, right?

MR. MAURODIS: Yeah.

MS. BOY: Yeah. And that exists in the plan today, so what -- what this initiates is an amendment to this policy, so we could --

MAYOR SEILER: No, I think the policy's great. I just --

MS. BOY: -- so we could correct that.

MAYOR SEILER: I just don't think it's worded right.

MR. MAURODIS: No, I -- I -- I --

MS. BOY: Right. So we could correct that --

MR. MAURODIS: -- I think it (inaudible).

MS. BOY: -- as part of it.

MR. MAURODIS: It's been -- it's been this way for a long time, but --

MS. BOY: We can fix that.

MR. MAURODIS: -- we have wrestled with it, and it -- it should be changed.

MAYOR SEILER: Okay. And then the second thing I have is down under Subsection 4, and I guess is essential government facility identified or defined elsewhere?

MR. MAURODIS: I think (inaudible).

MAYOR SEILER: Because my concern about this is reading this, the County can come in, under this last part, identify something as an essential government facility, and, without any agreement or coordination with local government, plop it down. And that really concerns me greatly. That would be -- if they say, okay, we today deem a waste facility an essential government facility, we're going to go put that in Parkland or we're going to go put that in Weston, that, I can't -- you know, I'm hoping that's not what we're trying to do here. And the -- but the way it reads --

MR. MAURODIS: Again --

MAYOR SEILER: -- it could fall under that.

MR. MAURODIS: -- again, that's the existing language, and that's something that --

MS. BOY: Yeah, I think -- Andy and I were just looking, and we could actually add a definition to the section, the definition section, to further clarify that also.

MAYOR SEILER: So are you going to clarify essential government facility, but also then use that same terminology -- like down below, then you call it a governmental facility, and I think you ought to be consistent with --

MS. BOY: Clarify it throughout.

MAYOR SEILER: -- the terminology. And then I think there ought to be some requirement that there be some agreement with the affected units of local government. That only says and by agreement and other circumstances. But if they make a determination of an essential government facility, they -- they could put a, you know, jail

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in our back yard or a waste facility in someone else's back yard.

MR. MAURODIS: I think this will -- this -- and that's one of the reasons why this has been highlighted. This platting, it's -- it's -- we have probably a list of things that need -- need to be clarified on that, and you are pointing to a number on this one. So I think we could --

CHAIR STERMER: And, Mayor, in some respects that's why I asked that this issue be one of the first ones we address, because not only are there the issues that you've identified, but we know out in the development world there are platting related issues that are time consuming --

MR. MAURODIS: Development lawyers, some who may be here could speak out about the platting (inaudible)

CHAIR STERMER: Yeah. So I -- I think this -- this is the current language, and we know it needs to be improved. So that's why, in some respects, I teed it up as one of the first things to get moving now that we're moving on to the Land Development Code.

MAYOR SEILER: Great. Thank you.

CHAIR STERMER: You're welcome. Commissioner Castillo.

COMMISSIONER CASTILLO: Not to throw a wrench into things, but at some point, if somebody can explain this to me. I don't know -- I don't even understand why we need platting anymore. So why -- why we impose something that is totally unnecessary, somebody should explain that to me. Not tonight -- or today, but at some point --

MAYOR SEILER: It will be tonight, Commissioner.

COMMISSIONER CASTILLO: -- you should explain it to me, because I don't --

MAYOR SEILER: It will be tonight.

COMMISSIONER CASTILLO: -- I don't get it. To me -- to me --

UNIDENTIFIED SPEAKERS: (Inaudible.)

COMMISSIONER CASTILLO: -- to me, it makes no sense. So there it is.

MR. MAURODIS: We will address that at the appropriate time. (Inaudible.)

CHAIR STERMER: Listen, when -- when this item comes back, I mean, that's part of the reason we're bringing it forth, is --

UNIDENTIFIED SPEAKER: Exactly.

CHAIR STERMER: -- now that we've moved on to the code part of it, now is where some of these things are real life implementation, and the nitty gritty's going to happen. Some of you live with these -- with these issues in your private lives. Some of them live with them in your government life. Some of them, you know, are things we're going to have to discuss. And whether or not they continue to be viable, we'll see what happens. So, but, no, to everyone, thank you for your comments. Any other comments with regard to Item R-3? Is there a motion with regard to Item R-3?

MR. DIGIORGIO: I'll **move** R-3.

COMMISSIONER CASTILLO: Second.

CHAIR STERMER: Vice Chair DiGiorgio, seconded by Commissioner Castillo. All those in favor, signify by saying aye. All those opposed? The initiation carries unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-4 - COUNSEL'S REPORT

CHAIR STERMER: We are now on to Counsel's Report. Mr. Maurodis --

MR. MAURODIS: Yes.

CHAIR STERMER: -- good morning.

MR. MAURODIS: First, again, thank you for the kind comments during the evaluation process. I would like to add my own kind comments to the finest staff I've ever had the opportunity to work with, who make it a pleasure here. And Barbara deserved all the kind words that she received. A couple of things. In trying to calculate what occurred during the last legislative session --

(Laughter.)

MR. MAURODIS: -- I mean, you know, we've -- obviously, we can, I guess, put away our calm pills, because most of the bad bills did not pass, although if you're a municipality and wish to regulate the size, location, or color, or design of any service station sign with regard to gas prices --

UNIDENTIFIED SPEAKER: Good luck.

MR. MAURODIS: -- you know, have another thought. It's been completely preempted to the point where they can pretty much do whatever they want to advertise gas prices - - pricing signs. There is also the -- the right of way, telecom right of way bill passed. And all municipalities need to be on guard on that, because they have -- July 1, they preempt local cities, and then they have taken away a considerable amount of authority from local cities with regard to small communications devices in the right of way.

CHAIR STERMER: It -- it is interesting to note, just -- and -- and as a -- for those of you that may not have seen the final version of the bill that passed, it exempts two different governmental units. One of them makes perfect sense, because it's the Florida Department of Transportation. That's a state agency. The other one is The Villages.

MR. MAURODIS: Yeah.

CHAIR STERMER: Somehow, The Villages got exempt from the telecommunications bill. Just putting it out there.

MR. MAURODIS: Yeah, you find interesting little things pop up --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MAURODIS: -- toward the end of -- toward the end of the session. You -- you find really the (inaudible). So --

CHAIR STERMER: It may be the basis of a lawsuit to say why is one city treated differently than every other city.

MR. MAURODIS: That's the CDD (phonetic) (inaudible) --.

CHAIR STERMER: That's -- you know, we'll see.

MR. MAURODIS: -- that have that. So that, for obvious reasons, the municipalities will be looking at it, and I'm sure they all are aware of it. That would be the other significant intrusion into Home Rule powers.

Additionally, not on the legislative front, it is likely, and we're checking out, I think it was advertised for adoption at the County Commission level, we're -- we're going on that -- there is a likelihood that this board will be subject to a number of the Ethics Code regulations that elected officials are in their elected capacities. We will be reviewing that, and I will be providing detailed guidance to you on that. Sitting elected officials are aware of them, but we will be -- you know, when we see the extent of the application to you, we will stay right on it and -- and get you the guidance immediately, because, you know, that's appropriate. So just letting you know that. I want you to know that we're on top of it, and we're reviewing it for you.

CHAIR STERMER: Thank you. Mayor Seiler?

MAYOR SEILER: No, I'm good.

CHAIR STERMER: Okay. Anybody on the attorney's report?

AGENDA ITEM R-5 - EXECUTIVE DIRECTOR'S REPORT
- PROPOSED YEAR 2018 MEETING SCHEDULE AND APPLICATION DEADLINES

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CHAIR STERMER: Madam Blake -- Ms. Blake Boy on the Executive Director's Report.

MS. BOY: Thank you. There's a couple items in your backup. One is the proposed fiscal -- I'm sorry -- calendar year 2018 meeting schedule and application deadlines for things like recertifications and trafficways plan amendments and waivers. I would -- I would request that the Board take an action on that. We have double checked for any conflicting holidays when we've created the schedule, so I would ask that you approve that and we can post it to the -- to the website.

CHAIR STERMER: Is there a motion with regard to the schedule?

COMMISSIONER UDINE: So **moved**.

MR. DE JESUS: Second.

CHAIR STERMER: Moved by Commissioner Udine, seconded by Mr. de Jesus. All those in favor, second -- signify by saying aye. All those opposed? It carries unanimously. You can go post away.

VOTE PASSES UNANIMOUSLY.

- PROPOSED BROWARD COUNTY PLANNING COUNCIL LOGO

MS. BOY: The next item in your backup is the logo.

MS. GOOD: Love it.

MS. BOY: The Board asked us to bring staff's selection forward. This isn't a final version, but this is kind of what the version could look like. So we've put our selection in the backup, and Mayor Stermer said at the last meeting you would vote it up or down.

COMMISSIONER UDINE: **Motion** to approve.

(Laughter.)

MS. GOOD: Second.

CHAIR STERMER: Moved by Commissioner Udine, seconded by School Board Member Good. School Board Member Good.

MAYOR GANZ: If I could make a comment on that?

CHAIR STERMER: Oh, we're going to go -- no, School Board Member Good.

MAYOR GANZ: Sorry.

CHAIR STERMER: And then I have Mayor Ganz.

MS. GOOD: No, just very quickly, that's the one I wanted.

(Laughter.)

MS. GOOD: And I just think if you just look at the logo itself, it really pretty much tells what we do here. So it's -- it has punch, it's dynamic, it's colorful, and what a difference. So I will be supporting it. Thank you.

CHAIR STERMER: Mayor Ganz.

MAYOR GANZ: Thank you. I was looking at, and I love this logo also, but I was trying to figure out why. And I forwarded it to the -- to Barbara. Our Sullivan Park logo for the City of Deerfield Beach looks remarkably similar to this. So color scheme, layout, it -- there's some distinct similarities. So no I think I know why I like it so much. So just --

(Laughter.)

MAYOR GANZ: -- just for a point of reference, you might want to look at our Sullivan Park logo.

MS. BOY: I sure will.

MAYOR GANZ: Thank you.

CHAIR STERMER: Anybody else? There was a motion and a second. All those in favor, signify by saying aye. All those opposed?

MS. BOY: Thank you. And I would like to --

CHAIR STERMER: Feel free to utilize this going forward.

MS. BOY: Thank you. And I'd like to just say a public thank you to the Office of Public Communications for assisting us in developing this. They gave us about 18 or 20 different options to start choosing from, so when we had given you the three logos a couple months ago, we had pared it down from there. So they did a great job and we really appreciate their support.

VOTE PASSES UNANIMOUSLY.

- PLANNING COUNCIL 2017 CUSTOMER SERVICE SURVEY RESULTS

MS. BOY: The final item in your backup material under the Executive Director's Report is just a survey. It's a customer satisfaction survey that we had been sending out every other year. We're going to start sending it out annually, now that we have access to an

unlimited Survey Monkey account. We received about a hundred responses during the survey period, and there are -- at the end of the comments, there are some -- also comments that were written by people who did the survey.

I think that -- I spoke with Mr. DiGiorgio, and between the Executive Committee and Land Use/Trafficways Committee, and since we're going to be -- going to be doing this on an annual basis, he actually had a great suggestion that we'll add for the next iteration of this. And that is to -- because some people don't want to disclose their information on filling out the survey, but to put something like, you know, are you a municipal elected official, a municipal planner, interested party, consultant, applicant/agent, you know, just to see kind of who -- who's filling out the survey that we've been working with over the previous period. So we're happy to add that in as his suggestion.

CHAIR STERMER: Any comments with regard to the survey? I actually think this is a great tool, particularly since we deal with the public, we deal with governmental agencies, we deal with the development community. And I think what is good for us going forward is that we get instant feedback, instead of just wondering what's going on out there, or every three to five years taking a survey and hoping you get responses. While we got a hundred responses, that's almost, based on what was sent out, a ten percent response rate, which isn't bad. We can always improve upon that, but it was the first time. So I think it's important that we do this. To me, the most important part is the instant feedback.

Whether people want to identify themselves, so be it. The comments are actually positive, because if there's something bad that may be happening out there, not that we've had that happen, we'll hear about it, which I think is important, because then we can address it and nip it in the bud. The positive comments are always welcome. We appreciate those, and we thank staff for doing everything they're doing to get such positive comments. It actually shows the commitment of the staff to do what their job is, but to do it in such a way that people are actually enjoying their experience of dealing with the Planning Council staff. So we want to thank you all for doing what you're doing.

Any other comments with regard to the survey? We'll now move on to the Regular Agenda. Madam Executive Director?

MS. BOY: Just -- sorry, just a couple more things.

CHAIR STERMER: Oh, one more thing. I apologize.

MS. BOY: I -- do you have something?

CHAIR STERMER: Yes, I do.

MS. BOY: Oh, okay. Well, you --

CHAIR STERMER: Since --

MS. BOY: -- you go and then I'll go.

CHAIR STERMER: -- since -- since our last meeting, we had appointed Mr. McColgan, Mr. McColgan volunteered to be on the Executive Committee. Since our last meeting, you received a letter of resignation from Mr. McColgan from this body. So, therefore, that created a vacancy. I know Commissioner Williams had expressed her interest at the time to be part of the Executive Committee.

COMMISSIONER UDINE: **Motion** to appoint Commissioner Williams.

CHAIR STERMER: And there's been a --

MS. GOOD: Second.

CHAIR STERMER: -- motion by Mayor -- Commissioner Udine, seconded by School Board Member Good. Anybody else want to be on the Executive Committee? More seats, you know, you're all welcome. All those in favor, signify by saying aye. All those opposed? Motion carries unanimously. Commissioner Williams, welcome.

COMMISSIONER WILLIAMS: Thank you.

CHAIR STERMER: Appreciate it. And thank you for volunteering.

VOTE PASSES UNANIMOUSLY.

PUBLIC HEARING

CHAIR STERMER: Madam Executive Director.

MS. BOY: I just have a summary. I just want to talk about the additional agenda material --

CHAIR STERMER: Yeah.

MS. BOY: -- which we didn't put a hard copy at your seats today, just due to the length of it. We sent out yesterday. One item was related to Item -- Public Hearing Item 4 in the City of Plantation. That's an updated declaration of restrictive covenants to update the timing of the payment towards an affordable housing fund. And that was based on a comment and conversation that you all had based on Commissioner Udine last month. And this is also in the City of Plantation and has the same commitment. So that's related to that. So any recommendation that you make on PH-4, I would say to take into consideration the updated draft declaration of restrictive covenants.

Item PH-5, we sent out correspondence yesterday. There was an email received from

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one interested party. And then we sent you out several documents from other interested parties regarding Item PH -- Public Hearing Item 5 in the City of Wilton Manors. As far as public speakers for Items PH-1 through PH-5, PH-1 through 4 have -- are only for questions, and then Item PH-5 in Wilton Manors, we have 12 public speakers signed in.

CHAIR STERMER: What's the pleasure of the Board?

MR. DIGIORGIO: Mr. --

CHAIR STERMER: Vice Chair DiGiorgio.

MR. DIGIORGIO: (Inaudible.)

CHAIR STERMER: Commissioner Blattner.

COMMISSIONER BLATTNER: **Move** to approve PH-1, 2, 3, and 4.

COMMISSIONER UDINE: Second.

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR STERMER: There's been motion by Commissioner Blattner, seconded by Commissioner Udine.

MS. GOOD: I have a comment on PH (inaudible) 2 and 3.

CHAIR STERMER: Would you amend your motion to only be Items 1 and 4, since School Board Member Good has comments with regard to 2 and 3?

COMMISSIONER BLATTNER: So moved.

COMMISSIONER UDINE: Second.

CHAIR STERMER: It's been -- PH-1 and PH-4 have been moved by Commissioner Blattner --

COMMISSIONER UDINE: Second.

CHAIR STERMER: -- seconded by Mayor Udine. Madam Clerk, please call the roll.

MR. BLACKWELDER: Is there discussion on the motion?

CHAIR STERMER: I'm sorry. I apologize.

MR. BLACKWELDER: I didn't -- I didn't catch your eye, so I didn't --

CHAIR STERMER: I apologize.

MR. BLACKWELDER: I did want to discuss Item 1.

CHAIR STERMER: Okay. Then we'll pull Item 1 as well.

UNIDENTIFIED SPEAKER: (Inaudible) we go through them all?

CHAIR STERMER: Let's go through them all, then. Let's start with PH --

COMMISSIONER CASTILLO: Well, I don't hear anything for PH-4, right?

CHAIR STERMER: Well, is there any -- anybody have any objection to moving PH-4?

UNIDENTIFIED SPEAKER: I'll **move** PH-4.

CHAIR STERMER: Mr. -- Mr. Grosso is raising his hand.

MR. GROSSO: I don't have a -- I have a question raised by that one that's not specific to that, but it's a more general --

MAYOR SEILER: Why don't we just do them --

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR STERMER: We've -- we've only had -- listen, if folks have questions, we go through it. That's fine. If there's no discussion to be had, we move them. If there's not -- please, part of the effort is to -- if nobody has anything to say, you move it. If not, if you have questions or comments, we'll pull it and go through it. That's fine.

AGENDA ITEM PH-1 - AMENDMENT PC 17-3

CHAIR STERMER: Madam Blake -- Madam Executive Director, Item PH-1.

MS. BOY: Good morning. All right. So do you want me to give an overview on each item, or --

CHAIR STERMER: Please.

MS. BOY: Okay. Just want to make sure before we get started.

CHAIR STERMER: Yeah.

MS. BOY: Okay. Item PH-1 is in the City of Pembroke Pines. The proposed amendment area is actually limited in acreage. Even though it's a 560 acre area,

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approximately, it's a dash-line area. And the purpose of this amendment, this is the second Public Hearing, is to amend the overall density in that dash-line area, and to change one piece of this property, 4.7 acres, from residential to commercial. The entire area has to be amended because dash-line areas are based on the total acreage within the dash-line times the residential density to get the number of units permitted there.

So, really, this -- excuse me, sorry -- this amendment does two things. It will add 125 new dwelling units to this dash-line area, and then it will also change 4.7 acres from residential to commercial. And those are depicted on Map 3 of your backup materials. You can actually -- here's where the proposed uses are. Everything else about that dash-line area remains the same.

So we sent out courtesy notices to a couple thousand people based on this. So at your first Public Hearing, the Planning Council staff had recommended denial based on the transportation analysis. The applicant at the time had committed to ensuring that they would provide additional information of that transportation analysis. So the Planning Council recommended approval as long as that policy was met by the second Public Hearing. The County Commission transmitted that item to the state review agencies with the same recommendation.

During that review period, the applicant submitted additional information that is included in your backup, Attachments 15 and 16, actually taking a look at the overall area and highlighting just those two changes for this area. That transportation analysis was accepted by the Broward County Engineering and Planning and Development Management Agency. So Planning Council staff was able to shift its recommendation from a denial to a recommendation of approval, recognizing this additional information. We continue to -- we -- we recommend approval, and, like I said, it's the second Public Hearing. The next step is the County Commission for consideration of adoption.

CHAIR STERMER: Thank you. Mr. Blackwelder.

MS. BOY: And we do have speakers.

CHAIR STERMER: I know Mr. Mele's sitting right there. Mr. Blackwelder.

MR. BLACKWELDER: I was interested in the 45 acres of wetlands and mixed forest and non-forested areas included in the Protected Natural Lands Inventory. And I know there's a reference to go look it up on the web as to the safeguards to those areas in the Inventory, whether they're dedicated to the natural resource use or whatever.

My question is is there any development on any of the -- you have Map 1 that shows the Pembroke Shores mitigation areas, and there's two different -- differently configured areas, one just due south of the USPS facility. And I'm not clear, because of the limited description of it, which -- which is -- I think are kind of a standard description of it as to what the -- what you could tell us about that, Mr. Mele.

MR. MELE: I can. Dennis Mele, 200 East Broward Boulevard, on behalf of the applicant. You see the map on your screen that shows the two wetland areas. Those are both covered by conservation easements, and we are not touching them. So they will remain --

MR. BLACKWELDER: So whether they're wetland or not, they're -- they're safeguarded through conservation easements.

MR. MELE: That's correct.

MR. BLACKWELDER: Okay.

MR. MELE: As part of the County's and the Water Management District's and the Army Corps of Engineers' water mitigation programs -- this property was developed many years ago. In order to get those three permits, they had to dedicate a conservation easement. So those conservation -- conservation easements will remain in effect.

I just want to point out one other thing as to the traffic. When this amendment first came up, the traffic information was submitted to the MPO. And for -- and you'll see on your page I-1, for some reason, there was a long delay in the MPO reporting the information to the staff. It was Christmastime, something must have happened to the model. I don't know.

So the reason that the staff gave us that leeway to get extra time to resolve the traffic information was because we didn't get the model results back until right before the first meeting. But as soon as we got it back, our traffic engineer, Joaquin Vargas, did the work he needed to do, met with all the people, the County staff, and they all agreed that he had resolved the problem. And, actually, by the time we went to the first Public Hearing at the County Commission, that resolution was already in place. So although it wasn't here, by the time we got to the County Commission, it was. So if you have any other questions, I'll be happy to answer them. And, by the way, you might notice that, at the first Public Hearing, it was a unanimous 17 to nothing vote at this board. Thank you.

CHAIR STERMER: Any further comments? Mayor Seiler.

MAYOR SEILER: I'll **move** it.

CHAIR STERMER: It's been moved by Mayor Seiler.

MR. DIGIORGIO: Second.

CHAIR STERMER: Seconded by Vice Chair DiGiorgio. Any further discussion? Madam Clerk, please call the roll.

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: Aye.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Commissioner Felicia Brunson.

COMMISSIONER BRUNSON: Yes.

THE REPORTER: Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Yes.

THE REPORTER: Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Yes.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Yes.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Yes.

THE REPORTER: David Rosenof.

MR. ROSENOF: Yes.

THE REPORTER: Richard Rosenzweig.

MR. ROSENZWEIG: Yes.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mayor Jack Seiler.

MAYOR SEILER: Yes.

THE REPORTER: Commissioner Michael Udine.

COMMISSIONER UDINE: Yes.

THE REPORTER: Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Yes.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Yes. The item passes unanimously. Thank you, everybody. Thank you, Mr. Mele.

VOTE PASSES UNANIMOUSLY.

COMMISSIONER UDINE: Mr. Chair?

CHAIR STERMER: Commissioner Udine.

COMMISSIONER UDINE: I'd like to make a **motion** that we move the item that has the public here (inaudible). If we're going to go through each one --

CHAIR STERMER: Sure.

COMMISSIONER UDINE: -- let's get the public out of here.

CHAIR STERMER: We can do that. Let's bring up PH-5.

AGENDA ITEM PH-5 - AMENDMENT PC 17-12

MS. BOY: PH-5. Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

UNIDENTIFIED SPEAKER: (Inaudible) County Commissioner.

COMMISSIONER UDINE: I think they'd like to all go back -- everyone wants to work (inaudible).

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. BOY: Ready? Item PH-5 is a Public Hearing for a proposed small scale Land Use Plan amendment in the City of Wilton Manors. It's a small scale because it's fewer than ten acres. It's actually about 4.9 acres. You can see the site location on the map that's on the screen. It's located on the south side of Northeast 26th Avenue -- 26th Street between 15th Avenue and 16th Avenue in the City of Wilton Manors. It's -- the site is right now commercial in the Broward County Land Use Plan. We have it cited as Commerce in the Land Use Plan amendment report, because this is the first Public Hearing where an amendment will -- Broward Next will be effective as we move through the amendment process. So that's why it's noted as -- as Commerce, in the plan.

The proposed amendment is to Irregular 18 Residential, which would permit 88 -- a maximum of 88 dwelling units. It's a reduction of 4.98 acres of commerce use. Planning Council staff analysis and review shows sufficient facilities and services to serve the proposed land use. Related to transportation impacts, because it is a land use change and we look at what would be permitted by the plan on a Commerce category, a commercial, kind of shopping center land use, it's a reduction of approximately 303 p.m. peak hour trips.

It is not subject to now Policy 1.07.07 related to affordable housing, because it's adding fewer than 100 new dwelling units. The new reference will be 2.16.2 for affordable housing. It's not -- it's not subject to either of those because the maximum number of units is 88. The one issue that did come up during the review, the environmental review of this, is that the County a couple years ago adopted a Priority Planning Area Map for anticipated sea level rise, two feet by the year 2060. And if an amendment falls within one of these areas -- and this is the amendment site here. You'll see the southern part of the site would be -- could be potentially impacted by two-foot level sea rise.

So what the policy in the plan says is that the -- the municipality or the -- the developer or agent is going to demonstrate how it would be able to potentially mitigate those impacts that could be caused by sea level rise. The information that is in your backup material under -- I think it's Attachment 7 -- sorry -- Attachment 7 is additional information that was submitted by the applicant outlining its review of the -- of the site and what it is willing to do, which is comply with the County policy and with the other newly adopted maps related to -- to the groundwater elevation maps that were adopted by the County Commission yesterday. The Environmental Protection and Climate Resilience Division provided comments that that would be deemed to meet the policy for that.

With that, Planning Council staff recommends approval of the amendment. We have 12

speakers signed in. I will take them in order. Do you want to use the clock or --

CHAIR STERMER: I want to let Mr. Mele, on behalf of the applicant, make a presentation, please.

MS. BOY: Perfect. All right. Here's the clicker.

MR. MELE: Thank you.

MS. BOY: You're welcome.

MR. MELE: Thank you. Dennis Mele, 200 East Broward Boulevard, on behalf of the applicant. We have a few slides to show you. So this property is located at the corner of Northeast 15th Avenue and 26th Street in the City of Wilton Manors. That is a traffic signalized intersection. I sometimes think that 26th Street is probably considered the major east/west street in the City of Wilton Manors, so it's a major corner. Zeroing in on the site that you see in the yellow outline is our 4.9-acre site. It's been a number of different churches in the past. The most recent church there closed down a number of years ago.

But, as Ms. Blake Boy mentioned, the property is land use Commercial in the City of Wilton Manors, and now Commerce in Broward County. It used to be Commercial until you did the Broward Next amendment. We're showing you in the red typeface just some of the developments around us. So we are requesting 18 units an acre. That's the 88 unit number.

Just for comparison, the Olivewood Condominium, which is immediately to our west, is 28 units an acre and change. The -- and the reason we mention these, when we were at -- going to the Wilton Manors City Commission, some members of the public suggested that we were the most dense development in Wilton Manors, and we are not. As -- as I said, Olivewood, just west of us, is 28 units an acre. The Metropolitan, which you see on the map as well, is 25.46 units an acre. Wilton Station is 25 units an acre.

There was also a suggestion made that these other -- many of these other developments had a lot of vacancies, so there was no need for more new housing. And, actually, there are very few vacancies in any of them. In Wilton Station, where there was a comment that there was a lot of vacancies, it's 260 units and there's nine two-bedroom units available as of the time that we checked. All the other units are occupied.

And I know I'm giving more information than you usually would have for a Land Use Plan amendment, but I think it's important that we show what we're doing. So now our map is turned sideways. So north is on the right and south is on the left. So 26th Street is on the right-hand side, and then 15th Avenue is kind of that diagonal road in the upper right. And the purple outlines are townhouse buildings that we're doing. So they're very low rise. And then the condo building is in that kind of diagonal shape

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behind it.

The reason we did that is because the lower density areas around us are to our east, and the higher density to the west, so we tried to put our lower buildings to the east to be consistent with what's next to us, and our higher building to the west where we have higher density next to us. The access points are shown here. I'll go over them in more detail.

The reason I mention this is we've already gone to Broward County, knowing that when they do the plat review, they're going to look at access. And all of these access points have been reviewed by Broward County and they are -- we are comfortable that when we plat, these are the exact access points we will have. And I'll show them in a little bit more detail in a minute.

So one of the things that we're doing here is this is going to be a certified building, whether it's LEED or the Florida Green Building Council, or whichever one of those programs we go with, and we're having -- and the top of the roof -- top -- all of the parking is enclosed in a garage. There is no surface parking, there is no parking exposed to the road. That was something that was very important to the city, that we do this this way.

So at the second level above the garage is a recreation deck. It will be a green roof. On the top of the -- of the condominium building itself, there will be another green roof. And so we're taking great pains to make sure that we're respecting the environment with this plan. You will also see that we have a number of public areas. So along the left-hand side, which is our southern boundary along 24th Street, there's a linear park. One of the things we heard from our neighbors is the lack of good places to walk a dog. And so we have a 40-foot wide linear park all along the southern portion of the property that will be open to the public. Along 26th Street, we have two public park slash plaza areas, one right at the corner of 15th and 26th, and one at the corner of 26th and 16th. 16th, by the way, is the -- is the bottom of the drawing that you're looking at now.

The sea level rise matter that Ms. Blake Boy mentioned. So you see the same map she showed a moment ago. I simply took the outline of the -- of the land use amendment, which is in blue -- I know it says that it's -- it's the one in green, but it's actually the one in blue -- and the sea level rise occupies about the southern 25 percent or 20 percent of the site, as Ms. Blake Boy mentioned. I happened to be here last month when Dr. Jurado made her presentation about this. I asked her to talk to me for a minute before she left, because I said, you know, we got a comment about sea level rise, tell me what we need to do. And she said you need to comply with the new ordinance. And I said, we can do that. And the new ordinance goes into effect July 1st. Obviously, it was adopted on Tuesday by the County Commission, so it's not a big thing to say we're going to comply with the new ordinance, because probably have to do that anyway. But keep in mind that we are not fighting it, we're not arguing about it, we're not saying we'll only do it on the southern portion of the site. We're doing it on the whole site. And so we will meet the requirements of the sea level rise ordinance that's been adopted by Broward

County. And you may recall that a policy concerning that was added to the Comprehensive Plan not too long ago. So it was something that we knew was coming. It'll be additional expense in developing the property, because we'll have to raise all of our elevations, but it's something that we're willing to do.

I normally don't talk about this level of detail. The reason I'm showing you the picture of the architect that was in the newspaper is even before we learned of the sea level rise issue, we had already retained to design our building Rene Gonzalez. Rene is very well known in Miami-Dade County, and particularly in Miami Beach, where he's already designing buildings designed to meet the sea level rise issue. And that's why we brought him in. And we brought him in before we even knew about this, because part of being an environmentally certified building is accounting for that issue. So it's something we were already working on even before the County staff raised it.

I just wanted to show you a couple of quick pictures of the building. We not only have landscaping extensively all around the ground levels, but we actually have gardens that hang out of the balconies as you go up the wall of the building. Again, the reason we do that is to make sure that when neighbors are looking at us, they're seeing something that looks green. This is just another view of the same thing. And this -- these gardens, this is just showing you when you're walking in the hallway going towards your unit, what you're seeing, and various different perspectives.

I want to point out, Ken Keechl will be speaking later, but when we were at the -- Ken and I are working together on this matter. His office is in Wilton Manors. He brought me in. He knows a lot more about Wilton Manors than I do. And when we were working on this matter and we were at the City Commission meeting, we had about 60 people wearing these stickers. I know we don't have as many today. That was a nighttime meeting. A number of our supporters are working and couldn't be here. But I know you did receive, as part of your additional agenda backup, a number of emails in support. On my copy, they were so small, the print was so small I couldn't read them that well. Hopefully, you got -- you got bigger ones, or you have better eyesight than I do, one or the other.

So traffic. Our -- our entrance comes in off of 16th, and it will be a gated entrance. We have exits onto 24th and 15th. And the reason there is no entrance on 24th is because the city asked us not to have an entrance there, because south of us is single family homes. And the reason there's no entrance on 15th is because County Traffic staff said it's pretty close to the corner or 26th, so it was good for an exit, but not good for an entrance. This is just showing you the entrances and exits are channelized. So when you come in on -- or leave on 16th, you have to go to and from 26th. You cannot go south into the neighborhood. So when you come in, you're making a right turn in. When you go out, you must make a left turn to go out. You can't go south down 16th and into the single-family neighborhood. And then you see the exit onto 24th only takes you westbound. So when I say a channelized driveway, I think we've all seen it. Instead of a straight line, it's a curve that causes you to only go in that direction. And then on the 15th Avenue exit, you can only make a right turn to go up to 26th. You cannot make a

left turn to go south.

Ms. Blake Boy already told you about the traffic reduction, some 313 unit reduction in the p.m. peak hour. We did prepare a site plan showing how you could build commercial here. It made a big impression with our neighbors, because it would have a lot more traffic. And there's a lot of commercial development now on 26th Street, a lot of which isn't doing very well. So it doesn't really make sense to add more. If you have any questions, I'll be happy to answer them. At the end of the public comment period, I'd like the opportunity respond as appropriate. Thank you.

CHAIR STERMER: Thank you, Mr. Mele. Ms. Blake Boy.

MS. BOY: The next public speaker is Colin -- I'm sorry -- Coleman Prewitt, followed by John Fiore, followed by Randy Comer.

MR. PREWITT: Good morning everyone. My name is Coleman Prewitt. My address is 411 North New River Drive here in Fort Lauderdale. I am a practicing attorney. My office is on 26th Street about probably a mile east of the -- west of the project. I've been to several public meetings, presentations by the developer, and, as Mr. Mele showed you in the photos, I think this is a beautiful project.

I grew up in south Florida, like many of you did, and I think that, you know, over the years we've seen development that we weren't crazy about. And thanks to bodies like this, that's improved a great deal. And I think this is -- this is an example of the type of development we should have. I think it's environmentally friendly. I think it's beautiful. I think it fits into the neighborhood, and I wanted to voice my support in favor of this beautiful project. Thank you.

CHAIR STERMER: Thank you, Mr. Prewitt. Appreciate it.

MS. BOY: John Fiore, followed by Randy Comer, followed by Karl Lentzer.

MR. FIORE: Good morning, Mayor, Commissioners. I'm John Fiore. I'm the Vice President of the Wilton Manors East Neighborhood Association. I also reside in Olivewood Condominium, which is directly to the west of the site. I've been an urban planner for 40 years. I worked for the Planning Council from 1977 to '82. We are not against the redevelopment of this property.

Our concerns are the density that's being proposed. The condo building is 60 feet, five stories high. It's across the street from single family homes, some worth over a million dollars. And this is just too great of a density in the neighborhood. You know, the developer has come in and shown that there's all these -- 96 signatures supporting the project. The vast majority don't live in the neighborhood, will not be affected by this. They've even included people that live in Fort Lauderdale.

Now, this is a local neighborhood concern. The people that live in this neighborhood,

that walk their dogs on the streets at night, and I'm one of them, have a concern with the possibility of having, you know, traffic of three, 400 cars a day. The concept of traffic leaving on 16th Avenue, right turn only, where there's -- you've got a right-turn lane, a center turn lane, and a left-turn lane, is going to be a disaster. The past development, which was -- had less density, that the same developer proposed, the County said no access onto that road. And, again, we are not opposed to the development. You know, we think they've hired a fine architect. You know, I think it's going to be an attractive, potentially, complex. But it's just too much.

At the meeting, when the -- when the City Council -- sorry. When I was Mayor, we used to call it City Council. Now it's City Commission. Jack's laughing. We served together. We -- the Commission said that they would approve the 88 units, but when you come back for the site plan, it's got to be scaled down, lower height, and has to be a -- a smaller development than the 88.

You know, this really should be a ten-unit -- a ten-unit per acre development. When you're transitioning from -- what I was taught in planning school, and it -- and it hasn't changed since then, you transition from your commercial to your single-family, you don't put in five-story, 60 -- you know, 60-foot high buildings. You'll put in townhouses and that kind of development, because you're going to have -- you're surrounded by single family on -- you know, on the south side and the east side, and partially even on the west side.

You know, it needs to be ten units an acre, at the worst, 16. Eighteen is just too high. And we hope that the Planning Council would consider that this is, you know, what affects the people who have invested in their homes, and there are some very expensive homes in these neighborhoods, that support it. And we thank you for the opportunity to speak. Thank you.

CHAIR STERMER: Thank you, Mr. Mayor. Appreciate it.

MS. BOY: Randy Comer, followed by Karl Lentzer, followed by Ken Keechl.

MR. COMER: Good morning. Randy Comer, 2318 Northeast 15th Terrace. I'm just here to say that I am against this project, only because of the intrusiveness of this building, the amount of units they want to put in here. It's -- the building's so big, if you see their picture, they have it at an angle, and they have townhouses on the side that are just to squeeze every little bit that they can in there. When I walk out my door, I'm going to be looking at a 60-foot tall building. That's, if you're familiar with the area, Wilton Station. Just walk out of the Publix and it -- you know, at Five Points, and look at the Station over there, Wilton Station. You can see how tall it is. And I'm literally directly across the street from it.

CHAIR STERMER: Thank you, Mr. Comer.

MR. COMER: Thank you.

MS. BOY: Karl Lentzer -- Karl Lentzer, followed by Ken Keechl, followed by Paul Alpert.

MR. LENTZER: I'm Karl Lentzer -- excuse me -- 1465 Northeast 24th Court. And I'm also a member of the East Neighborhood Association. We call it ENA, E-N-A. And I've been a member for the past nine years, and I'm in fully -- full support of this project. My house is very close to the site, and I can see the property. I purposely purchased my house because it's in -- my house is in the mixed use residential/commercial area, and I knew that there would be development in the future. ENA was one of the first organizations or associations that I joined when I moved to Wilton Manors ten years ago. I learned, or quickly learned, that the small group agenda regarding this site was not favorable, and have been very vocal. And this has gone back ten years, before this developer came on board. There are many members of the ENA who are also fully supportive of this project. They just haven't been as loud.

Some of the residents won't even become ENA members because of this controversy. ENA home -- home values, including my own, will not decrease, not in Wilton Manors. My house, which is in what is now called the transit orient corridor, meaning the Bright Line rail system, is very close to the site as well. I've also been the president of the Wilton Manors Business Association for the past two years, and business-wise, the individuals that purchase these residents will provide a new source of business and revenue, local shops, restaurants, services, in addition to the tax dollars that are going to come in to Wilton -- City of Wilton Manors. Business association, the sustainability of Wilton Manors as a local, regional, international destination is an ongoing goal of the City Commission -- of the Wilton Manors City Commission. This design and functionality of this building supports that vision. Again, I am a member of ENA and I fully support this project. Thank you very much for your time.

CHAIR STERMER: Thank you, Mr. Lentzer. Appreciate it.

MS. BOY: Ken Keechl, followed by Paul Alpert, followed by Russ Cubbin.

MR. KEECHL: Thank you, everyone. I think I know most of you through my prior service as a County Commissioner, and Wilton Manors was one of my cities. I know Wilton Manors very, very well, because I've lived there, along with Fort Lauderdale Mayor Jack Seiler and City Commissioner Scott Newton. We've all lived by this project. By the way, Scott Newton, Commissioner Newton, voted for this. I go by this project every day. I've gone by this place for years. And something has to happen.

UNIDENTIFIED SPEAKER: Thank you.

MR. KEECHL: So I put my name with this developer, the only time I've done this in seven years since being on the County Commission. I practice law. I own a building on 26th Street. And I spend literally more time in Wilton Manors than I do in Fort Lauderdale, where I live with my spouse. I think Dennis made it pretty clear, but I just want those of you who don't come into Wilton Manors to understand that -- that this is

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26th Street and 15th Avenue. These are two major areas. It's not as if UDC is -- is trying to put this into a residential neighborhood per se.

Right now, if you go by this property -- for the last year, if you've gone by this property when it was owned by the previous owner, it was a church, a church that was being rundown. It had some nice trees on it, but, basically, it has been and still is an asphalt parking lot. This is the best use for this property. As Mr. Mele said, it could be used for commercial. And as we've said to the few people who object, you know, something's going to happen here one day, and, as one of the Commissioners said at one of the hearings, you know, you could put a methadone clinic there, you could put a -- a retail site there, but this is the best use. And the reason why this body should understand that, although there are some sincere, although few, objections, that this is the right thing, the Wilton Manors Planning and Zoning Commission unanimously voted for this. As you all know as elected officials and working with elected officials, unanimous is -- is rare. They unanimously voted for this, and they said, to a person, since we've been sitting here and seeing various development proposals, higher density, a hotel, and other things, this is the best project we've seen yet.

And then we got a super majority on the Wilton Manors City Commission, as well, because the Wilton Manors City Commissioners understand that this needs to be done. I want to briefly talk to you about the community outreach that has occurred. In my four years as an elected official and my 30 years as -- as a lawyer, I've never seen any developer do so much community outreach, expensive community outreach. It started with a series of nine, maybe ten meetings at my law firm, where -- where, at great expense, UDC decided to have the world famous developer come up from Miami, meet with -- bring the project manager, Mr. Mele, the entire team to meet with eight or ten community leaders or residents.

We did this over a ten-week period. Then we followed up with similar meetings with every conceivable group we could find, to share with them the vision of UDC. But we didn't stop there. We actually had a meet and greet at the project, with everyone on the -- on the team there. Ambit mailed invitations to every home in east Wilton Manors. Thousands of invitations, inviting homeowners to come. And we had a great turnout. You know, my understanding is that I've seen almost a hundred letters, and I got a few more today, from -- from people who are supporting this project. Make no mistake, these are people who have an interest in the project. Most of them are residents.

These letters came about because there was great community outreach, and these people, after seeing the vision, decided they supported it. Some of them, like myself, are business leaders who understand this project and how important it is. We left no stone unturned, as I close this. We even went to the adjoining land owners and met with them. We asked the Commissioners who do you think we need to see, and we went to those people. Again, and in closing, I want to say that it's very difficult, as you all know, to get people to come to a meeting on a Thursday at 11:00. We had at least 15 to 20 speakers at Planning and Zoning and at the City Commission. We had -- we passed out 60 or 70 of these stickers that were worn. And, instead of having everybody come

up here, I just want to say, if you support this project, would you stand up real quickly so this -- this council can see you?

Lastly, because there are lots of conflicts at 11:00 o'clock, a perfect example is Commissioner Dean Trantalis of Fort Lauderdale. Like me, he spends most of his life in Wilton Manors. He has a -- he has a practice there. And he couldn't make it. And so he asked me to -- to tell this group and to relay his total and unconditional support for this project. Thank you for your service, and thank you for your time.

CHAIR STERMER: Thank you, Commissioner. Appreciate it.

MS. BOY: Just before we continue with the -- with the public speakers, Dr. Jennifer Jurado is here to answer any questions if there's anything specific related to the Priority Planning Area, but she has to leave for a meeting that started at 11:00, so --

CHAIR STERMER: Dr. Jurado, come on down.

MS. BOY: -- I just wanted to --

CHAIR STERMER: Thank you.

MS. BOY: -- I don't -- sorry.

CHAIR STERMER: Oh, it's fine. Understanding this is going to be the first application under the new Broward Next piece, feel free to create a record.

DR. JURADO: Yeah, certainly. It is my pleasure. I do want to acknowledge that in receiving the application, we did immediately recognize that a portion of the site did fall within the Priority Planning Area, and we acknowledge that there are adjacent properties that are also within Priority Planning Areas.

And so, you know, clearly, hydrologically, this is an area that will be influenced by sea level rise. And, you know, one of our concerns is that a lot of the implications that we're aware of won't be necessarily on the surface, but subsurface. And so we have been working for several years to develop planning tools that can support our development process to ensure that as we do move forward with investments that we're adequately taking into account the changes in hydrology that we know to be taking place.

The action on Tuesday by -- Tuesday by the Board of County Commissioners with the establishment of the Future Conditions Map Series and the first map in that series, the Future Condition Average Wet Season Groundwater Table Map, was a very significant step forward. And in speaking with Mr. Mele during this process about this forthcoming map and the implications, and we did receive the strong assurances, and we have it in writing, even before that map had been finalized, about the intent to honor and comply with the requirements of this new map. So we are fully satisfied that the response that has been provided does adequately address the changes in hydrology that will

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incorporated in the design process.

CHAIR STERMER: Thank you, Dr. Jurado.

DR. JURADO: Thank you.

CHAIR STERMER: Do any members of the Council have any specific questions for Dr. Jurado? We're going to save it for the rest of it until everyone's done, but I know she's got to go. So does anybody have any questions for Dr. Jurado?

UNIDENTIFIED SPEAKER: I'll ask --

MR. GROSSO: Quick comment. I just wanted to thank you for the work in getting this ordinance into place.

DR. JURADO: Thank you.

MR. GROSSO: I think -- I'm really proud of the work that you and your staff do here in Broward County. If every County was doing the tangible, smart engineering and other things to respond to sea level rise throughout Florida, we'd be in much better shape as a state overall. So thank you for your excellent, consistently excellent, work.

CHAIR STERMER: Thank you, Mr. Grosso. Mr. Blackwelder.

MR. BLACKWELDER: Quick question. What does a development like this do specifically? Do they put a lot of fill dirt in and build over on that, or what -- how do they comply?

DR. JURADO: That -- yeah, that's not -- so this is often a question. The -- as it relates to the groundwater elevations, our staff did go through an evaluation of representative sites, and we could look at projects that have been developed in areas that would be affected by these maps, and look at the water management infrastructure, that's basically what it is, the water management infrastructure and the drainage infrastructure on the site, how would you design that differently in order to comply with the regulations of the County with this map being applied.

So, generally, what it will require are things like more extensive French drains, perhaps more drainage wells, perhaps pumps on drainage wells. It could also be modification of wet and dry retention storage areas. But we did look at sites that did fall within the most severely impacted areas, and found that those types of improvements could achieve those -- those changes.

But where you do have -- you may have areas where you are putting in, you know, some additional fill in order to level out a property to address pieces that are falling within lower lying Priority Planning Areas, but this map really specifically addresses the issues of drainage and water management infrastructure. A lot of that could be

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subsurface.

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: Question, the -- there could be an issue if people are just filling their area and raising it, that the result could be that you're going to increase flooding on neighbors' properties. Could you explain how our ordinance addresses that?

DR. JURADO: So this particular map amendment does not address that issue, but our ordinances all together do not support simply filling in and pushing water off onto other requirements. We have pre- and post-storm water management requirements that necessitate that the storm water is managed on the site.

So if an individual did fill a site, they'd still have to manage all that storm water on their site, and they've have to be able to demonstrate that they could do that. That is not the same approach required by all communities, where other communities, their design solution may be to fill in. That's really not the way that projects are approached in Broward County, where we're -- where we require on-site water management.

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

CHAIR STERMER: Mr. Rosenzweig.

MR. ROSENZWEIG: Yeah, I just have a question. I happened to notice in the paper a project that's coming out of Oakland Park, a drainage project, I believe, with a 80, \$85,000,000 project, and drain down into the Wilton Manors area. And this is something that's probably been looked at in your project, and -- and drainage and the -- and the storm water rise. Now, I'm just curious if that's taken into account as anything but more flooding from that area coming down, that area's going to be anything more hazardous than what's already coming naturally.

DR. JURADO: Yeah, I -- I'm sorry, I'm not familiar with the issue. I can't respond adequately.

MR. ROSENZWEIG: Yeah, I'm just curious. It's a huge project coming with a lot of flood water from that area, if you're familiar with Oakland Park, and that -- that area floods consistently --

DR. JURADO: Uh-huh.

MR. ROSENZWEIG: -- and people complain about high water now, normal rainwater, like I'm sure the -- the rain last night had a flooding in that area. So they've got a huge pumping area that's going to come down to Wilton Manors. And if that -- and if rise at the same time, how's that going to impact that area? That's my main concern.

DR. JURADO: Yeah, there -- there are different analysis that will be forthcoming that

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relate to rainfall events coupled with the rising seas.

MR. ROSENZWEIG: Right.

DR. JURADO: What this is really focused on is -- is being able to -- the -- the ability to design drainage and flood management infrastructure for the site today, and ensure that it will function over the coming decades as the hydrologic condition changes. So, so long as the infrastructure in the region --

MR. ROSENZWEIG: Yeah.

DR. JURADO: -- is addressing what you know to be the influences today, the intent is develop a drainage infrastructure that will address that need --

MR. ROSENZWEIG: Yeah.

DR. JURADO: -- for the duration. But I -- I just -- I can't speak to the details of the -- the -- the project that you're --

MR. ROSENZWEIG: Yeah, I just hope as that project comes forward that you'll look at that to make sure that that doesn't have a major impact in that same area.

DR. JURADO: Okay.

MR. ROSENZWEIG: Thank you.

CHAIR STERMER: Anything else for Dr. Jurado? Dr. Jurado, thank you. Apologize for being --

DR. JURADO: Thank you.

CHAIR STERMER: -- late for your meeting.

DR. JURADO: No, it was my pleasure.

CHAIR STERMER: Thank you.

DR. JURADO: Thank you.

CHAIR STERMER: Mr. Alpert, followed by Mr. Cubbin.

MR. ALPERT: Thank you for hearing me. I'm Paul Alpert. I live at 1708 Northeast 24th Street in Wilton Manors. I've lived there for 15 years. I'm very concerned about the traffic that's going to be generated on Northeast 24th Street. Right now, there's a traffic signal at 15th and 26th, and people are using 24th Street to avoid that traffic signal. They come through 24th Street and then they go out to 26th Street, and they do the

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opposite coming the other way from 26th Street.

And I would like the Commission to seriously consider the effect that this project will have on 24th Street, which is a residential street, where people walk their dogs, and it's -- it just should not be a street where traffic is going through all the time. I think one proposal might be to close off 24th Street at 15th Avenue so that people could not make that turn through there. But however it's done, I -- I would urge you to consider the generation of traffic on 24th Street by the project. Thank you.

CHAIR STERMER: Thank you, sir.

MS. BOY: Russ Cubbin, followed by Mary Lou Bowman, followed by Howard Taule.

MR. CUBBIN: Good morning. My name is Russ Cubbin, and my wife and I live approximately a hundred feet from the subject property, right about in the middle of that picture on the water. And our objection is not to the project, but the scale of the project. We think 18 units per acre is excessive. Ten units I think would be great. The south property line is entirely one-story residential, and the east side is also one-story residential.

On the east road, which is 16th Avenue, they propose 30-foot townhouses on pilings, and across the street, the mean height is ten feet. I think that's excessive. The architecture looks great. It's just too big for this project. And behind the townhouses is a 60-foot condo, which abuts townhouses on this side and then larger buildings up along 16th Avenue.

And one issue I really have is that the proposed dog park on the south side of the project, there's a wastewater line that runs directly under 24th Street and dumps into that little finger canal, which is about 50 feet from our property line. And full of dog feces dumping right into Belview (phonetic) Canal right there? I think that's a real issue. That's it. Thank you.

CHAIR STERMER: Thank you, sir.

MS. BOY: Mary Lou -- Mary Lou Bowman, followed by Howard Taule, followed by Joe Pallant.

MS. BOWMAN: Good morning. My name is Mary Lou Bowman. I live at 2313 Northeast 16th Avenue. I have met with the architect, and I think it is absolutely a beautiful building, but it is too dense. I am opposed to the rezoning, and I have a number of letters. I don't know who they go to. Seven letters, all against.

I understand a traffic study was done, and if you all look at Map 3, the reality of the situation is -- I understand traffic studies. It all says it will all be good. But already, when we are driving out of our neighborhood on 24th Street onto 15th Avenue, a prior project has already been built, it's already been there. It's called the Metropolitan. Right

now, it is nearly impossible to drive out of our neighborhood. So there's a real traffic issue in that area. I walk in the morning to the 7-Eleven to get a newspaper often. It's very dangerous. I cannot cross at the crosswalk that has been provided because I think I'm going to die. That is how much traffic is already in that area.

So I have two major concerns. One is the traffic of this project, and the second is the density of the project, which would increase the traffic. Again, I've got to say this building is stunning. It's beautiful. It's gorgeous.

MR. ROSENOF: Do you know anything about architecture?

MS. BOWMAN: I'm an architect.

MR. ROSENOF: I'm joking.

MS. BOWMAN: It really is. I love the building. It is just too dense for the neighborhood. And, again, it's because we've lived through the construction of the Metropolitan. We try to exit our neighborhood, and you cannot. I mean, there are times we have to leave and go out an alternate route, because you cannot leave your house in our neighborhood.

And Map 3 clearly shows all the -- this is all single-family residential, all the light gray. So I would just like you to consider the people that live in the neighborhood and that, again, we are not anti-development. We would love to have something developed there. We would love this project to be developed there. We would just like it to be to a smaller density.

CHAIR STERMER: Thank you, Ms. Bowman.

MS. BOWMAN: Low to medium zoning would be fantastic. Thank you very much.

CHAIR STERMER: Thank you, Ms. Bowman.

MS. BOY: Howard Taule, followed by Joe Pallant, followed Wanda Irwin.

UNIDENTIFIED SPEAKER: Howard Taule's in favor of the project. He had to leave.

CHAIR STERMER: Thank you, sir.

MS. BOY: Joe Pallant, followed by Wanda Irwin.

MR. PALLANT: Good morning, everyone. My name is Joe Pallant. I live in a house at 2765 Northeast 35th Street, and I own an office building right down the street at 1800 Northeast 26th Street. I went to the University of Miami, undergraduate. I went to the University of Miami with an MBA. I'm a property and casualty agent. I'm also a licensed real estate broker.

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I am probably -- probably, the oldest person living in -- here that was born in Florida of all of you. I grew up on Miami Beach. I moved to Coconut Grove. I moved back to Miami Beach. And now I live in beautiful Wilton Manors. Like I said, I own four commercial buildings surrounding this property. This is an abandoned kind of property. The property is ripe for development. It should be approved for development. The zoning has been approved for development. The developer is experienced in the development. The proposed site has been amended to conform to the use. They talk about other developments near there, meaning the Metropolitan and the Wilton Station. These are all five-story. They conform. They're beautiful.

People didn't like it before it went in. They all love it now. It adds to the location and it adds to the property values and for quality of life. These are wonderful developments that really don't add a lot of traffic. We are on 26th Street. It is a four-lane highway. And I invite anybody to -- to go on 26th Street, and there really is little traffic. And the Metropolitan backs up almost to Dixie Highway, which is a main thoroughfare, and not 24th Street. As Coleman Prewitt said, this is a beautiful structure.

There is sufficient traffic patterns there. The surrounding area has adequate infrastructure. There is not going to be a lot of noise. It has impact windows. And they downsized it to only 88. I recommend that you approve this development. It will be an asset to Wilton Manors and to the residents of Wilton Manors. It's a great asset, and I think it's the best use for this property. Thank you very much.

CHAIR STERMER: Thank you, Mr. Pallant.

MS. BOY: The final speaker, Wanda Irwin.

MS. IRWIN: Good morning.

CHAIR STERMER: Good morning.

MS. IRWIN: My name is Wanda Irwin. I went to Wilton Manors Elementary School, so do the math.

(Laughter.)

MS. GOOD: Way to go, Wilton Manors.

MS. IRWIN: I -- pardon?

MS. GOOD: Way to go, Wilton Manors.

MS. IRWIN: Yes, and I and my two business partners, were high school friends of mine, we own the building with our husbands. We all went to Lauderdale High School, all six of us. We own the retail building, if you look at Map 1, we are the retail building directly

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east of the site on 26th Street. It says retail. I think the project looks good. I'm concerned about the density. The density, because of the traffic.

And if you're going to have everybody exit on 16th Avenue, which I know that very well, because my property sits right on that street; it's at 26th Street and 16th Avenue, it's going to be a lot of traffic coming out to that one stop light. And I think that's going to be really hard, because we've got 88 units times two parking spots, but the -- but the -- the development itself only calls for a little over two parking spots per unit. And I don't know about you, but if you have a party, you have more than two parking spots being used. And I would like to know how many parking spots are going to be in this development, where the overflow is going to go when there -- when somebody, anybody has a party. Somebody has a party on the 4th of July, on Super Bowl Sunday, where are those parking spots going to be? Are they going to be in the neighborhood? Are they going to be on the street line? Where are they going to be? This is something that needs to be answered. So I'm concerned with traffic and parking.

I'm also concerned with the fact that I own this building next door. We have four units there. Two are offices, and two are retail spaces. I own the gift store, and my one business partner owns the needlework store. We have little kids in strollers, we have older people who are still doing needlepoint, but I'm concerned with people who are going to be waiting at that stop sign -- because there's going to be a lot of people at the same time -- waiting at that stop sign and not being able to turn at 26th Street because of the traffic.

I don't want anybody going through my parking lot when I have older people and younger people getting out of cars, because if you've ever tried to sneak through, and I don't know that any one of you would have done this, if you've ever tried to sneak through a parking lot, like at Target when you're trying to avoid the light at Oakland and Federal, people don't sneak through parking lots slowly. They sneak through parking lots because they're trying to get somewhere quickly. So I am concerned, and I feel like I need to speak through -- for the tenants in my building, and I'm one of them. I need to speak for the parking spaces and the traffic that might be going through there.

And I would like the developer (inaudible) actually right now who can address, is there going to be some kind of barricade on the east side of my property to keep anybody from ever parking in my parking lot at night? Is there going to be some kind of enforcement there to make sure that no one ever tries to drive through my parking lot by trying to avoid the stop sign on 26th Street? I mean, I think these are very legitimate concerns for me as a -- as a building owner. And I built my building in Wilton Manors in 1989, and it's a lovely building. We have a dozen original pine trees, and we planted additional oak trees. We are a beautiful site in the city. But I think this is a -- a concern, traffic and parking, so I just wanted you to think about that. Thank you so much.

CHAIR STERMER: Thank you, Ms. Irwin. We appreciate it. Mr. Mele.

UNIDENTIFIED SPEAKER: Yeah.

MR. MELE: Thank you. Again, Dennis Mele, 200 East Broward Boulevard, on behalf of the applicant.

First of all, I guess I'll just start with the latest comments and work my way back. The parking requirement in the City of Wilton Manors for a project of this size is 2.7 spaces per unit, not two, 2.7, plus for any three-bedroom units, there's one additional space. So I think if you think about -- those of you who are in different cities, if you think about your multifamily parking ratios, I think they're much lower. 2.7 is the highest I've seen of all of the cities that I practice in in Broward County.

There's not one exit, there's three. There's an exit on 15th, on 24th, and on 16th. I did not show all the slides that we had at the city, because I know this is a land use amendment, and I don't want to start showing site plan items, but, in addition, when we were at Wilton Manors, we indicated that we would construct traffic calming on 24th and on 16th if the city engineer determined that it would be necessary. And we committed to do that as part of our site plan.

We don't want people cutting through, either. The reason we channelized our driveways was to direct our traffic back to the main roads and make sure that it didn't go into the community. But we are also willing to add traffic calming on those streets if that would help, in the city engineer's opinion.

The linear park on the southern portion of the property, although it will be open to the public, will be maintained by our condominium association. So if there's deposits from dogs, our folks will be picking them up. We're not going to let them go into a canal.

Traffic. We know that, generally, when members of the public come out to speak, they want to compare what is currently going on on the property with what we're proposing to do. So currently, it's a closed church. But we know that when we're doing land use amendments, what we have to compare is what are we allowed to do today versus what are we proposing to do. What we are allowed to do today is commercial. The County's standard for commercial properties is 10,000 square feet of building per gross acre. So that would allow a 49,000 square foot shopping center. We site planned a 49,000 square foot shopping center, and it fits, with all the required parking. The traffic from that is way higher than what we're proposing. I think it was 313 trips higher in the p.m. peak hour. It's also higher in the a.m. peak hour, and it's also higher on the average daily basis. So I understand the concerns about traffic, but if traffic is the concern, then a vote for the amendment is what makes the most sense, because leaving it commercial will result in a lot more traffic.

I was interested to hear Dr. Jurado's comments. Every time I look at one of these seminar brochures, she's speaking somewhere around the country. So she's obviously a nationally recognized expert in her field. And I think she said something that is very important. And this rule is -- is not in the new ordinance; it's been in the ordinance all along. When you're doing a drainage permit for your property, you must contain all of

your water on site. You heard her talk about a pre- and post-development analysis. So you have to look at the -- what you retain now, and when you're done with your development, you have to do the same job. You cannot put your water on someone else's property. That's been in the Broward County Code for years. That's not new. So whether we have to add fill or whether we have to add more exfiltration trench, we'll do whatever it takes to get the permit. If we don't get the permit, we don't build the building. And that's -- that's not a new rule.

You had -- I know that you had a number of letters in the additional agenda backup. The very first one you had for PH-5 was another gentleman who said he lives in the ENA neighborhood, he lives a block away from us, and he is in support. Unfortunately, couldn't be here today. The one thing that I don't usually do is mention anyone's name who spoke during the public comment, but John Fiore and I've known each other for 30 years, so I asked him if it was okay if I mentioned his name. And, like John, I -- I'm a planner. I'm a member of the American Institute of Certified Planners. I have been since 1981. Before I started practicing law, I was a city manager and I was a city planner. And John is absolutely right. You transition land uses. That's what we're doing. West of us, the building that John lives in, that's on your map, the big white roof just to our west, is the Olivewood Condominium. It's 28 units an acre. Also west of us is commercial property.

Now, our project is 18 units an acre, but our big building, our condo building, is on the western portion of the site, adjacent to the 30 unit per acre area. Our town homes, which do come in about ten units an acre when you segregate that portion of the property, are next to the single family and the other retail that's east of us. So we are respecting that transitioning principle. We're actually accomplishing it on our site.

At the City Commission meeting, it was a 4/1 vote in favor of the amendment. There was discussions by some of the members about the height of the building. One of the Commissioners -- and I would not normally talk about this, but John mentioned it and made it sound like everybody wanted us to make it smaller, which is not the case. One of the Commissioners talked about perhaps having the southern portion of the building a little shorter and the northern portion a little taller. Well, that's a site planning issue. That's a design issue. We'll certainly work on those things. But it wasn't a suggestion that it be fewer units.

And that's what we're here talking about today, the Land Use Plan map amendment process is how many units. This is solely a residential project. The only issue is how many units. Not the height or the width or the setbacks. It's just how many units. And that was not a discussion. There was a vote for 88 units specifically. We originally came in with a proposal for 100. We lowered it to 90. And at the meeting, there was a motion made to make it 88, and that's how we came up with the 18, because 18 -- 4.9 acres times 18 equals 88. So that's what we're asking for. If you have any questions, I'll be happy to answer them. Thank you very much.

CHAIR STERMER: Thank you, Mr. Mele. School Board Member Good, followed by

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Mary Graham.

MS. GOOD: Yes, thank you, Mr. Chair. Ms. Blake Boy, so the -- the area to the -- the west of the land use is Low/Medium?

MS. BOY: Yes. So -- sorry -- there's -- there's Commerce to the -- to the west part, and then there's Low/Medium 10 to the south of that and to the west of the property. And that's the portion that Mr. Mele stated was developed at 28 units per acre.

MS. GOOD: Right.

MS. BOY: Okay.

MS. GOOD: And so with regard to the report that's attached --

MS. BOY: Uh-huh.

MS. GOOD: -- dealing with, you know, review of public services --

MS. BOY: Uh-huh.

MS. GOOD: -- and transportation --

MS. BOY: Uh-huh.

MS. GOOD: -- there's reference to the fact that the proposed land use category change will be a decrease of peak hours, but it doesn't get into specifics as far as levels of service of surrounding road right of ways. If you could -- is there a reason for that? And if you could share any information.

MS. BOY: Sure. Generally, when there's a decrease for the proposed -- for the proposed amendment area, we don't generally include that information in the -- in the report, as it's the -- as the impact is proposed to take -- is reduce the number of trips. I don't have the capacity tables here with me --

MS. GOOD: Okay.

MS. BOY: -- but we can certainly include that in the update for second Public Hearing, because, as this is a small scale, it comes back to you the following month, in June. So we can certainly update and include that information.

MS. GOOD: And, again, I mean, I understand we're talking about land use now and the fact that there's -- as far as land use categories are concerned, there's a potential decrease. But for those that live in the area, I can understand coming -- you know, moving forward once it's developed, they feel there would be an impact of traffic. And although the land use changes may be a decrease, I think it's helpful to understand

levels of service, especially if it's a level of service of C, D, or F. I mean, it gives us a -- just a better idea as to the impacts in the neighborhood.

MS. BOY: Absolutely. And I can tell you, I know 26th Street and 15th Avenue will both be included in the regional transportation network, so we'll put that information on, and we can take it to Federal Highway and then also to Dixie Highway.

MS. GOOD: And, again, speaking -- because this is, again, land use, moving forward, if the community and the surrounding communities feel that, regardless of whether, you know, the land use categories are less of an impact as far as traffic generation is concerned, they do have an opportunity to voice their concerns at the City of Wilton Manors, correct?

MS. BOY: Correct.

MS. GOOD: And --

CHAIR STERMER: It goes back to Wilton Manors in August, I believe, correct?

MS. BOY: Right. It would go back to the City of Wilton Manors for adoption, for their -- for their local version of the amendment.

MS. GOOD: So they have that opportunity once again to go and voice those concerns to their local officials, because, I mean, we understand that certain criteria's met, and sometimes developers, especially someone such as Mr. Mele, goes above and beyond sometimes to address concerns of communities. Whether or not, you know, it meets certain criteria, they -- they -- they meet with the community and try to address the concerns. So that's something that's always available to -- to the residents surrounding, and the -- and the -- not just the residents, but those that own --

UNIDENTIFIED SPEAKER: Interest.

MS. GOOD: -- interest in property adjacent.

MR. MELE: Mr. Chair, I just wanted to point out that the residents will have multiple opportunities, because not only will we have the Land Use Plan amendment adoption hearing at City Commission, but we will also be rezoning the property, because it's got a commercial zoning district now, and we'll also be site planning, which will also go to the City Commission in this case, because it's a PUD.

MS. GOOD: And since --

MR. MELE: So they'll have multiple opportunities.

MS. GOOD: -- Mr. Mele, just -- I may have missed it, and I'm trying to understand. I know the property to the west was Low/Medium 10, but you mentioned it was developed

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to 28 units, so I was trying to understand how that -- how -- how that happened.

MR. MELE: Well, if you see the building -- the map that's on your screen right now, to the kind of center left of the yellow area is a building that has a large white roof, and printed over the top it says multifamily residential. That's --

MS. GOOD: Is that written on the top of the roof of the building like that?

MR. MELE: No.

(Laughter.)

MR. MELE: But that's -- that's the Olivewood Condominium building, and --

MS. GOOD: It's a joke. Okay.

MR. MELE: -- and all we did was something simple. We pulled the folio number for the property and we counted the number of units, and -- and we computed the gross acreage, because, normally, on the Property Appraiser's website you'd have net acreage. The net was 30, the gross is 28. So I don't know how it happened. You know, there are places in Broward County where buildings were built before there was a land use map. Maybe that was it. I really don't know how it happened, but I just know that's what it is. It's 28 units an acre.

MS. GOOD: And -- so getting back to Ms. Blake Boy, I guess, you know, we're taking into consideration the surrounding uses and the transition, as Mr. -- as was indicated, but the -- the way the land use map reflects what should be developed there, it's beyond that that's allowed.

MS. BOY: It's -- it's developed as higher --

MS. GOOD: Higher.

MS. BOY: -- than that. Yes. And, as Mr. Mele said, it could have been in place prior to the adoption of any Land Use Plan, because the first Land Use Plan was adopted in 1977.

CHAIR STERMER: Mayor Fiore is shaking his head up and down yes.

MS. BOY: Yes.

UNIDENTIFIED SPEAKER: I can answer that, if you'd like.

CHAIR STERMER: We will, sir. Thank you.

MS. GOOD: I just -- I was just trying to understand -

MS. BOY: Uh-huh.

MS. GOOD: -- the -- the process of how that happened --

MS. BOY: Uh-huh.

MS. GOOD: -- because one thing was the way the maps are -- are indicating the land use requirements, and yet there was comments made publicly that it was higher density than what -- what's allowed. So I would just hope that -- you know, I totally understand the community's, I guess, frustration, so to speak, to those that have indicated there is a concern of traffic, indicating that property is -- right now is -- is vacant -- it's not vacant, but it's designed as a church type of facility?

MS. BOY: It was previously utilized as a church, but the church has moved out of the building --

MS. GOOD: Correct.

MS. BOY: -- so it's a -- it's vacant.

MS. GOOD: So -- so I can understand the -- their frustrations. So hopefully this will be an opportunity for them to also voice concerns at the local level when it comes before the City of Wilton Manors and moving forward. And I hope that those issues that they're expressing can be addressed. Thank you.

CHAIR STERMER: Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. GRAHAM: Thank you, Chair Stermer. Just a couple questions. By my asking them, at least they're in the minutes. And thank you, Ms. Good, for the questions about the capacity of the roads, because when I go through there, you don't get through that light real quick at -- at 26th and 16th when you're going south. And had we not had a peek at the site plan that you had presented, Mr. Mele, which we normally don't get to see, right away I saw the trash pickup that looks like it's going to happen on the west side of the property where the exit road is, there was a label on it, loading zone or something like that. So maybe that's where the trash is going to be and -- but I have to ignore all of that, because that's not something we have to consider right now. But I do have a question about the commercial that was -- that's currently allowed. If the commercial development occurred, it would be one story, would it not?

MR. MELE: Not necessarily.

MS. GRAHAM: Okay.

MR. MELE: The --

MS. GRAHAM: But I want your answers on the record.

MR. MELE: Right. Sure. The commercial land use category in the City of Wilton Manors, as in most places, will allow retail and will allow offices, and it will allow entertainment uses. So it could be one story, or it could be taller. The --

MS. GRAHAM: Okay.

MR. MELE: -- 49,000 square foot that we laid out was one story, but Ms. Blake Boy will tell you, even though that's the assumption that the County makes, the County does not, through the Land Use Plan, regulate the number of square feet you can actually build. So if you did an office building with garage parking, it would be taller. If you did all retail, it would probably be one story. But these days, one-story building -- one-story retail buildings with decorative elements are, you know, 45 feet high. Not maybe in the whole building, but in portions.

MS. GRAHAM: Okay. Also the -- the comments about the height of the building. It appears that the architect is intending to increase the floor-to-floor height. They must want a certain look inside those apartments. Because if it's five stories, you said, 60 feet were the two numbers that were mentioned, five stories and 60 feet --

MR. MELE: Uh-huh.

MS. GRAHAM: -- and chances are the building could even be taller.

MR. MELE: The -- the maximum allowed in the City of Wilton Manors is 60 feet. It cannot --

MS. GRAHAM: Sixty feet.

MR. MELE: -- it cannot go --

MS. GRAHAM: Okay.

MR. MELE: -- taller than 60 feet.

MS. GRAHAM: Sixty feet to the roof deck, or 60 feet to the highest element on the roof?

MR. MELE: It's to -- it excludes the --

MS. GRAHAM: Mechanical?

MR. MELE: -- stair towers and elevator towers and that sort of thing.

MS. GRAHAM: Okay.

MR. MELE: But, other than that, generally, 60 feet --

MS. GRAHAM: Right.

MR. MELE: -- maximum.

MS. GRAHAM: Right.

MR. MELE: We have two levels of parking, and then the residential above.

MS. GRAHAM: Okay.

MR. MELE: So I'm not sure if the -- you know, how those numbers add up, but that's what we have.

MS. GRAHAM: Okay. Okay. And, again, we have to only vote on the density of the units. And I realize that you did reduce them. But, again, hopefully the other issues will be taken up with site planning at the -- at the City of Wilton Manors level. I mean, very knowledgeable people spoke, planners and architects and what have you. So, you know, again, if I have to vote just on your unit reduction, I can -- I can approve it, because that's all I'm supposed to look at right now.

MR. MELE: Well, I will tell you when we were at City Commission, they weren't the only planners and architects there. There were more. Some of them liked it, some of them didn't.

MS. GRAHAM: Thank you.

CHAIR STERMER: Mayor Seiler.

MAYOR SEILER: A couple -- just a couple quick questions. This went to Planning and Zoning, I believe, before the City Commission; is that correct?

MR. MELE: Yes.

MAYOR SEILER: Can you -- I was trying to find in the backup what -- what was the outcome of that?

MR. MELE: The Planning and Zoning Board in Wilton Manors approved it on a seven to zero vote.

MAYOR SEILER: With any conditions?

MR. MELE: No.

MAYOR SEILER: Okay. And then you said the City --

MR. MELE: Oh, I'm sorry. There was one condition. I apologize. At the time we were at Planning and Zoning Board, Wilton Manors does not have an irregular land use category. So at Wilton Manors, you actually have to apply for 25, but then you do a restrictive covenant to get it down to the actual number. So there was a condition that we record a restrictive covenant with the city prior to the adoption of the land use amendment so that it would only be the 88 units we're specifying.

MAYOR SEILER: Okay. So they did put a condition of 88 total units.

MR. MELE: Eighty-eight -- I think we were at -- when we were at Planning and Zoning Board, it was actually a hundred units, and they voted seven to nothing in favor. It was reduced to 88 when we went to City Commission.

MAYOR SEILER: Okay. And then at the City Commission, I understand the vote was four to one --

MR. MELE: Yes.

MAYOR SEILER: -- but Mr. Fiore brought up a reference to the density. Was there any position taken by the City on density?

MR. MELE: No. There was a discussion about -- as I mentioned, one Commissioner said maybe you could make the building a little shorter on the south end and a little taller on the north end. The problem with that, of course, is it would require a height variance to go above 60 feet on the north end. One of the Commissioners suggested that perhaps the building was a little bit too long. But the vote for 88 units was a specific vote, and it passed four to one.

MAYOR SEILER: Okay. And then did the East Neighborhood Association take a formal vote?

MR. MELE: I don't know. I'm guessing they probably did, because their president was there, in addition to Mr. Fiore, their vice president, and they both spoke against the project, although there were members of the East Neighborhood Association who spoke for the project, as well.

MAYOR SEILER: That's why I'm curious, because I -- I -- obviously --

MR. MELE: Did they vote, John?

MAYOR SEILER: -- know -- was there --

MR. MELE: John -- John said they voted.

MAYOR SEILER: They did vote?

MR. MELE: Yes.

MAYOR SEILER: Okay. And then my last question, I'm not sure that you guys answered Patty's question on this ten units per acre, and I think John was going to address it, but the question on the property next to it, one is, what's the height of that Olivewood? And, two, if that's zoned ten units per acre, as indicated on Map 2 here, and on Map 3, I'm not sure how it -- how did it get to 28? Is there a better explanation?

MS. BOY: It -- it pre-dated the 1977, the adoption of the County plans and the city -- and the municipal plans. So it was in existence before any Land Use Plan was ever in place.

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: So what land use says is that's the future use of the property in the long range as opposed to what was constructed there. I mean, we find this all over the County, especially in the beach area, of these -- of what the maximum land use is as, you know, compared to what's built there. We find it --

MAYOR SEILER: Well, I understand, but usually after the fact, if something's already completed there --

MS. BOY: Right.

MAYOR SEILER: -- and it's -- I mean --

MS. BOY: Right.

MAYOR SEILER: -- it doesn't make any sense to change it when a building -- I mean, you've got a 28-units per acre there, and then it's not like it's connected to another parcel that is --

MS. BOY: I don't know --

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: -- if there was more property -- right. I don't know if there was more property at the time that it was developed.

UNIDENTIFIED SPEAKERS: (Inaudible.)

CHAIR STERMER: Mayor Fiore, come to the microphone.

MAYOR SEILER: Yeah, can we get some clarification?

MR. FIORE: Thank you. That property, Olivewood, was developed along with the commercial property and the church, all at the same time with the same developer. So I don't know if they had used -- moved densities around at that point, but it was -- it was built in '77, so I'm assuming -- or I think they started construction in '77 and ended in '78. But it was probably permitted before the Land Use Plan was -- was approved in '77.

MAYOR SEILER: That's all I have. Thanks.

CHAIR STERMER: Commissioner Castillo, followed by Mr. Grosso. Then maybe we can bring this in for a landing.

COMMISSIONER CASTILLO: The -- Wilton -- Wilton Manors is a -- is a -- is a community -- is a vibrant community in transition, and it has been for quite some time. The residents of Wilton Manors have elected officials, for as long as I've known the community, that have consistently moved the community in a much more aggressive urban direction. That's what Wilton Manors is about.

My own community, which is further away, Pembroke Pines, when I moved there in '96, the population was about a hundred thousand or so, and now it's about 170,000. And we have residents who -- who -- complain occasionally about traffic in my city. And what we explain to them is, look, we -- we can do things to affect traffic, but, at the end of the day, a City of a hundred thousand people can't function the same way as a City of 170,000 people. And so people have to make adjustments, given the realities of where the larger community is.

And there has to be a balance between respecting the particular property owners and their rights in their particular community and the property owners respecting the direction that their city is going in -- in -- you know, in terms -- in terms of where it's going. The community is transitioning in the direction of what this project is doing. The single-family homes there may soon be bought out. And that's not the end of the world. People sell their properties all the time, and they get redeveloped. That's the nature of America.

This is a -- this is a community that's in transition. It's moving in different directions. In terms of what we're here to sit in judgment of -- and I -- I think that we would serve the public -- I just -- this is just a suggestion, we would serve the public better if we explained to them, because it's easily -- it's easy to misunderstand what our role is. Our role is not to duplicate or substitute the role of cities. That's not what we do here. We sit in judgment of the Broward County Comprehensive Plan, which is a consolidation of each city's Comprehensive Plan.

And we sit in judgment as to whether or not a particular project meets those standards. The issues inside those standards, or what goes into those city standards, or what accommodations a city should provide residents, that's not really our role. And if we play our role, we sort of cheat the role of the cities. Our job isn't to duplicate, but rather to complement and provide an additional layer of assurance that has helped Broward to be one of the most admired communities in America. That's our role. Our role is to complement, not substitute.

What's before me right -- and -- and that's not to take away from any particular comment that's been made today. But I have to -- and I have to say this with respect and lament, there's not a heck of a lot that I heard today that has anything to do with what the Broward County Planning Council is, as a franchise, here to achieve. Our job is to look at this application in light of the Broward County planning -- the Comprehensive Plan. And when I look at this project in comparison with the plan, I see compliance at -- at every level.

Now, this might offend some folks, but, especially with traffic, if this was a commercial property, you would absolutely have more traffic at that location than you would with a commercial property. So this is -- this is -- this is a shift based on -- based on what we're looking at. So I don't see a basis to not -- not -- not approve the project. In fact, I think the project will help the community move in the direction that the people there have stated with their votes, which is they want a vibrant, forward-looking community that is in transition toward being more urban. So I see this as consistent with that.

CHAIR STERMER: And, lastly, Mr. Grosso.

MR. GROSSO: I think the considerations I'd throw out for people to think about is one of the policies we have in our plan is that neighborhood compatibility is a primary consideration in land use amendments, and that's what's before us here today. And I think we have to give that life, and I think we have to respect that. And I think that if I lived in a single-family house, I wouldn't want this right across the street from me.

You know, we adopted Broward Next, and the basic component and theme of that is that we are going to intensify the major urban centers around transit. We're going to put the new population density there. If we're also going to increase density everywhere else where people ask for it, I don't know that that's really a plan. And I think that you've got to -- to me, it's kind of a little bit false to compare something to what's on the map and say, well, we can do commercial. If it's -- if commercial's a problem with compatibility and traffic, then change it.

I am constantly troubled by the fact that we treat a land use designation, contrary to the law, as some sort of entitlement or property right that we have to take as a given. If we conclude it -- it'd be a bad idea, we're not allowed to change it and down plan it. That's not accurate. So if commercial's a problem there for the neighborhood, then it ought to be changed. And I don't know that granting a gratuitous land use amendment for the

density that the land owner desires, to make it sort of an all or nothing thing, is the right approach. I think those are the considerations that I would want everyone to think about before casting their vote.

I'm not particularly -- you know, we talk about folks being able to voice their concerns. Well, we're one of those stops for people to voice their concerns. And -- and I'm going to listen to the neighbors on this one.

CHAIR STERMER: Thank you, Mr. Grosso. Is there a motion with regard to Item PH --

MR. DE JESUS: So **moved**.

CHAIR STERMER: -- 5?

MR. DIGIORGIO: Second.

CHAIR STERMER: Moved by Mr. de Jesus, seconded by Vice Chair DiGiorgio. Madam Clerk, please call the roll.

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: No.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Commissioner Felicia Brunson.

Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus.

MR. DE JESUS: Yes.

THE REPORTER: Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Yes.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Yes.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: No.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: No.

THE REPORTER: David Rosenof.

MR. ROSENOF: Yes.

THE REPORTER: Richard Rosenzweig.

MR. ROSENZWEIG: Yes.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mayor Jack Seiler.

MAYOR SEILER: No.

THE REPORTER: Commissioner Michael Udine.

COMMISSIONER UDINE: Yes.

THE REPORTER: Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Yes.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Yes.

The item passes 13 to 4.

VOTE PASSES 13 TO 4 WITH MR. BRION BLACKWELDER, SCHOOL BOARD

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**MEMBER PATRICIA GOOD, MR. RICHARD GROSSO, AND MAYOR JACK SEILER
VOTING NO.**

AGENDA ITEM PH-2

A. AMENDMENT PC 17-4

B. AMENDMENT PC 17-2

CHAIR STERMER: Let's pick up PH-2, please. Ms. Good, you had questions with regard to PH --

MS. GOOD: Comments.

CHAIR STERMER: -- comments? If we can move to the comments.

MS. GOOD: Just very quick, please.

CHAIR STERMER: Yeah.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: Make your comments now, only because what I don't want to do is lose a quorum --

MS. BOY: Right.

CHAIR STERMER: -- and then we're going to be stuck with --

MS. GOOD: I'll be quick. I'll be quick.

CHAIR STERMER: -- with a bunch of items that don't get moved.

MS. GOOD: So on PH-2, is that the one we're on right now?

MS. BOY: Yes.

CHAIR STERMER: Yeah, PH-2.

MS. GOOD: Okay. So this particular -- I'm sorry, let me just make sure I'm on the right one. Okay. So on PH-2, again, I understand this is the land use level. And, in particular, I was looking at the report with regard to traffic. The report indicates transportation and mobility, the -- I guess currently the proposed amendment is from Local Activity Center and Employment Center to a Regional Activity Center, and it's noting that it's a decrease.

MS. BOY: Uh-huh.

MS. GOOD: However, even though it's a decrease, it's still noting that three of the right of way -- right of way segments on Pines is operating at a level of service of F. So how does that play with the land use that's before us? And I understand that if you look at it in its -- I mean, currently, that's the location of the City of Pembroke Pines City Hall. For the record, I do live in the community, directly east of there. I've brought up this issue before. I get that this is land use, and the issue of traffic is similar to what was referenced earlier. But I -- even though it's a decrease, you still have a level of service of F. So whether it's -- you know, how -- how is the developer dealing with this issue?

MS. BOY: Well, first I'll just talk about land use for one second, and how the -- the transportation analysis is handled at the -- at the County --

MS. GOOD: And I appreciate that.

MS. BOY: -- at the County level. So related to the countywide Land Use Plan, the -- any significant impact would be considered to be three percent or greater of the capacity of the adjacent roadways that are impacted by this. So when there is not that impact, then we don't do a model run and we don't do that. We consider that it meets the policy of the countywide Land Use Plan. The next parts of these reviews come at the city level when they're doing the re-zoning and the --

MS. GOOD: Uh-huh.

MS. BOY: -- site plan, because that's really the -- the shorter range, instant impacts that you're feeling as opposed to the long range, 25, 30 years, impacts that we're looking at on the transportation network. So I'll invite Mr. Mele back up for continuation.

MR. MELE: Dennis Mele, 200 East Broward Boulevard, on behalf of the applicant. This property is owned by the City of Pembroke Pines. My client has a contract to purchase. Now, most of the property is already developed. Really what we're talking about today is the northeast portion right at the corner of Pines Boulevard and Palm Avenue. So you see -- yes, you see the little triangle there. That's the area we're changing. The City Hall is on a portion of that property today, the old City Hall. The new City Hall -
-

MS. GOOD: Uh-huh.

MR. MELE: -- just opened last month, and it's beautiful.

MS. GOOD: Uh-huh.

MR. MELE: In fact, Mayor Ryan, I saw your city manager and your two assistant city managers touring that day to get some ideas for your new City Hall. So the -- the -- that's what they told me they were doing.

UNIDENTIFIED SPEAKER: There's a lot of that going around.

MR. MELE: So --

MAYOR RYAN: They weren't interviewing, were they?

MR. MELE: No, no.

(Laughter.)

MAYOR RYAN: Thank you, Mr. Mele, for exposing that.

CHAIR STERMER: Like I said, you've got to keep good staff.

MR. MELE: No, they -- they were -- they had a specific invitation, they told me. At any rate, maybe I shouldn't have brought that up.

(Laughter.)

MR. MELE: So this property is at the corner of Pines Boulevard and Palm Avenue. I mean, two major roads. It's clearly -- clearly going to be developed. And if you've been to the Pembroke Pines City Center, it is coming along beautifully. So I know that the question is about traffic. And I've been coming to this board since 1982, so I'm going to say again something I've probably said 500 times before. When we're doing a Land Use Plan amendment, we have to compare what are you allowed to do today --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MELE: -- versus what are you proposing to do. Because if you don't change it, it'll stay the way it is. And under the current designation, you can build buildings with more traffic. I will respectfully disagree with what Mr. Grosso said a few minutes ago. You do not have the option of lowering someone's land use without getting a Bert Harris claim. You just read in the paper earlier this week that the City of Sea Ranch Lakes had settled a very long lawsuit where they're now allowing people to build 15-story building --

MAYOR SEILER: That's Lauderdale by the Sea.

MS. GOOD: Again, I'm only talking --

MR. MELE: -- Lauderdale by the Sea. Sorry.

MAYOR SEILER: Lauderdale by the Sea.

MR. MELE: Lauderdale by the Sea. I apologize.

MS. GOOD: -- I'm -- again, I'm only speaking about the -- the -- and I get the traffic.

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MR. MELE: So --

MS. GOOD: If you could just address --

MR. MELE: -- so let --

MS. GOOD: -- the traffic concern.

MR. MELE: -- let me say this, then, be -- to be specific. What we're doing on each of these sites, incorporating turn lanes and other improvements, it's all part of the platting -

-

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MELE: -- process.

MS. GOOD: Okay.

MR. MELE: So maybe I should have stuck to that point.

MS. GOOD: That's all right.

MR. MELE: And sorry I mentioned the wrong -- the wrong municipal name.

CHAIR STERMER: Any other comments with regard to PH-2?

MS. GOOD: Yes, I'm not done.

CHAIR STERMER: Oh, I'm sorry. I thought you were done.

MS. GOOD: No.

CHAIR STERMER: Keep going.

MS. GOOD: I appreciate Mr. Mele saying that. And -- and, certainly, I understand land use changes and I understand our role as a Planning Council and the parameters that we have to consider all these applications that come before us. I just -- you know, understanding that there's still -- you know, regardless of what we're allowed to take into consideration, there's still an impact to the surrounding communities.

And so I would hope that Mr. Mele continues to work with -- with those residents and with the City of Pembroke Pines to ensure that whatever, you know, levels of service need to be addressed will continue to be addressed at the appropriate time when -- when this comes through -- once again, through Planning and Zoning.

Because what's happening, what's part -- not part of the application is the surrounding uses. You have a charter school directly across the street from the City Center that, at times, closes Pines Boulevard to allow traffic in and out of the school. You have the development within City Center that's progressing. We have multifamily development and you have other development that's occurring there that's exiting onto Palm Avenue that residents are being adversely impacted.

So I -- I get what's -- you know, what our parameters are. I just needed to note it for the record that I would hope that we continue to try to address those issues at the appropriate time when it -- when the development comes through.

MR. MELE: We will do so. In addition to the land use amendment, we're also going to be doing a rezoning. We'll be amending the plat note. And we'll also be doing site planning. So we will address those as we go through the process. Thank you.

MS. GOOD: Thank you.

CHAIR STERMER: There's been a motion by Mayor Seiler, and there's a second by Mr. DiGiorgio. Any further discussion? Madam Clerk, please call the roll.

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: Yes.

THE REPORTER: Commissioner Richard Blattner. Commissioner Felicia Brunson. Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus. Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Yes.

MAYOR GANZ: Yes.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Yes.

THE REPORTER: David Rosenof.

MR. ROSENOF: Yes.

THE REPORTER: Richard -- I'm sorry -- Richard Rosenzweig.

MR. ROSENZWEIG: Yes.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mayor Jack Seiler.

MAYOR SEILER: Yes.

THE REPORTER: Commissioner Michael Udine. Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Yes.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Yes. The item passes 14 to zero.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-3 - AMENDMENT PC 17-6

CHAIR STERMER: PH-3. Ms. Good, you had some comments?

MS. GOOD: Yes.

CHAIR STERMER: Thank you, Mr. Mele.

MS. GOOD: Just this --

COMMISSIONER CASTILLO: Point of Order, Mr. Chair. Is --is there any objection to joining PH-3 and 4?

CHAIR STERMER: PH-4 is Plantation.

COMMISSIONER CASTILLO: Oh, I'm sorry.

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CHAIR STERMER: You wanted to do 2 and 3.

COMMISSIONER CASTILLO: Yes. Well, I mean, is -- is there testimony on Plantation?

MS. BOY: There's no one signed in to speak on any of the remaining items.

CHAIR STERMER: Well, Mr. Blackwelder asked that PH-4 be pulled because he had a comment.

COMMISSIONER CASTILLO: Oh, I beg your pardon.

CHAIR STERMER: Mr. Blackwelder asked that PH-4 be pulled because he had a comment.

MS. GOOD: So on PH-3, I just wanted to, again -- let me pull the page for transportation. So, again, this is a -- another one with regard to transportation. The proposed project is -- is projected to decrease. I would ask that, moving forward, that even though it's a decrease, that we be provided information as to the trafficway levels of service. And I wondered if the applicant knows or could provide on the record the levels of service for the area that's fronting, I guess, Pines Boulevard.

CHAIR STERMER: Mr. Mele.

MR. MELE: I don't know. As --

MS. GOOD: Really?

MR. MELE: -- Ms. Blake Boy said, when it's a reduction, they don't report it --

MS. GOOD: Okay.

MR. MELE: -- so we don't look at it. But I think she mentioned that the --

MS. GOOD: Okay.

MR. MELE: -- next time it comes back, you'll see it again.

MS. GOOD: Again, this is one that --

UNIDENTIFIED SPEAKER: This isn't coming back. This is second time.

MS. GOOD: -- this --

MAYOR SEILER: Ms. Good --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR SEILER: -- I think you meant Pine Island Road, not Pines Boulevard.

UNIDENTIFIED SPEAKER: No, this --

MS. GOOD: No, this --

UNIDENTIFIED SPEAKER: No --

MS. GOOD: -- is on Pines.

UNIDENTIFIED SPEAKER: -- this is Pines.

UNIDENTIFIED SPEAKER: This is three.

MS. GOOD: It's Pines --

UNIDENTIFIED SPEAKER: It's Pines Boulevard (inaudible) --

MS. GOOD: -- out west near -- this property --

UNIDENTIFIED SPEAKER: We're still on PH-3.

UNIDENTIFIED SPEAKER: Right.

MS. GOOD: -- this property is adjacent to West Broward High School. It's an area that has experienced great growth. It's a -- it's in the vicinity of a great deal of traffic. There's -- there's private schools, there's charter schools, there's a high school. There's Chapel Trail -- Chapel Trail --

UNIDENTIFIED SPEAKER: Yeah.

MS. GOOD: -- Community. Mr. Castillo, Commissioner Castillo knows it very well. We have considerable traffic issues in this area. The school is constantly being advised about the impacts on the surrounding areas and those that live within the community. So the property currently is vacant, although it has a land use designation that, I guess, trips are assigned to that typical land use designation.

But I would hope -- again, this is another one of those that there is no doubt there's going to be adverse impacts to the surrounding residents, and it -- it will create a situation for the adjacent school, especially dealing with transportation, buses, parents, and so forth. And so -- and it puts the -- you know, the school in a situation where they're somewhat limited on how they can address traffic flow in and out of that school facility. So I would hope that this is another one where the developer, as he moves forward, continues to deal with that reality of once the property is developed, there's a

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postal building, I think, directly across from the -- the property, but Pines Boulevard in this area is quite congested. And I just was wanting to understand, although this is land use, how the developer envisions egress and egress out -- ingress and egress out of this property.

MR. MELE: That, I know. So just a little bit of background. You see a very large map on your screen because this is the Chapel Trail DRI, and it's what's called a dash-line development. But the only thing we're changing is in the lower left-hand corner, that little area surrounded by the black line, the square.

And so that property is bounded on the south by Pines Boulevard, on the east by 209th Avenue, on the north by 2nd Street, and on the west by 210th Avenue. There are two schools north of the site, the West Broward High School and also the Somerset Academy Charter School. Both of those schools access the property through 209th Avenue. And in the mornings, 209th Avenue gets very busy. It's gotten worse this year -
-

MS. GOOD: That's an understatement.

MR. MELE: -- because both schools are -- both schools start at the same time. I know the city's working with the schools to try to see if they can get one of them to change their starting time, because in previous years, when they didn't both start at the same time, it worked a lot better.

So when we came in with the plan, the staff immediately said to us -- normally, we would have wanted to put our main entrance on 209th. The staff said we want you to put it on 210th, and we agreed to do that. That way, our people are coming and going on a different street than the street that's accessing the schools. Secondly, Chapel Trail Master Association covers everything you see on that map. And then immediately east of us is the --

COMMISSIONER CASTILLO: Malibu Bay.

MR. MELE: -- Malibu Bay. The name escaped me for a minute. So we met with both the Chapel Trail Master Association and the Malibu Bay Association, and both of them issued letters of support for the project, which they presented in person and in writing at the City Commission meeting. They took into account the changes that we had made to the access.

One of the things that the residents asked us -- normally, as you know here, p.m. peak hour traffic is what is reported. And we reported a.m. peak and also average daily. And they said, well, we wonder if shopping centers, because this is commercial, would really have a lot of traffic in the morning. So what we did is we actually studied and counted the traffic at three shopping centers in Pembroke Pines, right in this area, and counted the morning traffic. And when we presented that to them, we had video tapes and, you know, the rubber hose on the road, the whole thing, they came back and they said,

you're right. The commercial would be worse. You've moved your entrance to 209th -- I mean 210th, I'm sorry. If it was commercial, the access would certainly be on 209th, because that's where the median opening is. 210th does not have one.

And when you're doing a land use amendment, obviously you have to agree to make changes that you might not have to agree to if you were just doing a site plan under a property that, in this case, is already land use zoned and platted. In fact, I think it's platted for 110,000 square feet of commercial. So that's how we handled the traffic. We specifically modified the entrances, talked to the neighbors, got their input, and made those changes.

MS. GOOD: Thank -- thank you for your comments. And I'll just say it's -- the only two schools in the area are not just the two you referenced, but there's also a charter school and there's private schools down Pines Boulevard that create additional traffic. So I just wanted, on the record, to indicate that I would hope that, moving forward, we continue to -- for the developer to continue to attempt to address the issue. I think there's going to be an adverse impact no matter what happens, but certainly this developer has a right to utilize his property. But it is definitely going to generate additional traffic to an already congested area. So, thank you, Mr. Chair.

MR. MELE: We -- we will do so.

CHAIR STERMER: Thank you --

MR. MELE: Thank you.

CHAIR STERMER: -- Mr. Mele. There's been a motion by Mayor Seiler and a second by Mr. DiGiorgio. Madam Clerk, please call the roll.

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: Yes.

THE REPORTER: Commissioner Richard Blattner. Commissioner Felicia Brunson. Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus.

Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Yes.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Yes.

THE REPORTER: Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes.

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Yes.

THE REPORTER: David Rosenof.

MR. ROSENOF: Yes.

THE REPORTER: Richard Rosenzweig.

MR. ROSENZWEIG: Yes.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Yes.

THE REPORTER: Mayor Jack Seiler.

MAYOR SEILER: Yes.

THE REPORTER: Commissioner Michael Udine. Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Yes.

THE REPORTER: Mayor Daniel J. Stermer.

CHAIR STERMER: Yes. The item passes 14 to zero.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-4 - AMENDMENT PC 17-7

CHAIR STERMER: PH-4. Mr. Blackwelder, you had a comment with regard to PH-4.

MR. BLACKWELDER: I've done a little more reading, and I'm satisfied. And we've been through a lot today, so --

MAYOR SEILER: I'll **move** it.

CHAIR STERMER: There's been a motion by Mayor Seiler --

MR. BLACKWELDER: Second.

CHAIR STERMER: -- and a second by Mr. Blackwelder. Any further discussion with regard to PH-4? Madam Clerk, please call the roll. Sorry about that, Nancy. Mr. Brion Blackwelder.

MR. BLACKWELDER: Yes.

THE REPORTER: Commissioner Richard Blattner. Commissioner Felicia Brunson. Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

THE REPORTER: Mr. Neal de Jesus. Mr. Thomas H. DiGiorgio, Jr.

MR. DIGIORGIO: Yes.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Yes.

THE REPORTER: Commissioner Michael -- Commissioner Michelle J. Gomez.

COMMISSIONER GOMEZ: Yes either way.

(Laughter.)

THE REPORTER: School Board Member Patricia Good.

MS. GOOD: Yes.

THE REPORTER: Ms. Mary D. Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Yeah.

THE REPORTER: David Rosenof.

MR. ROSENOF: Yes.

THE REPORTER: Richard Rosenzweig.

MR. ROSENZWEIG: Yes.

THE REPORTER: Mayor Michael J. Ryan.

MAYOR RYAN: Yes, and I'll respond to Michelle, as well.

(Laughter.)

THE REPORTER: Mayor Jack Seiler.

MAYOR SEILER: Yes.

THE REPORTER: Commissioner Michael Udine. Commissioner Beverly Williams.

COMMISSIONER WILLIAMS: Yes.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Yes. The item passes 14 to nothing.

VOTE PASSES UNANIMOUSLY.

OTHER BUSINESS

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: Before I make a motion to adjourn, I would like this Board to perhaps seek a legal opinion on this Harris Act property rights thing. I strongly and respectfully disagree with Mr. Mele on what the law is on that, the idea that you cannot change anybody's planning or zoning without it violating the Harris Act. I strongly disagree. I want to make sure this Board is moving forward with the correct understanding of the law. So perhaps I'll make a **motion** at our next meeting that we might ask our counsel to give us a legal opinion on that.

MAYOR RYAN: I'll second.

MR. MAURODIS: I -- I can give you clarification of --

CHAIR STERMER: Please.

MR. MAURODIS: -- what is the (inaudible) question (inaudible).

MR. GROSSO: The question is does a down planning that reduces the density, intensity, or allowable uses, is that a violation of the Harris Act, which -- which prohibits inordinate burdens on landowners?

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. GROSSO: You know, I think there's a presumption that it does, and I think that's a wrong presumption. And I'd like us to know what the law is on that.

MR. MAURODIS: The -- the down zoning of land which reduces --

MR. GROSSO: Uses, densities, is that a violation of the Harris Act. I think the answer is it might be under some set of circumstances if all the facts show that's an inordinate burden.

MR. MAURODIS: (Inaudible) it would be fact based, yes.

CHAIR STERMER: Mr. -- Mr. Grosso, my -- my only -- my question to you is --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: -- is that actually properly a question before this board or before the local board where that land use actually -- I'm just asking you the question, is that a question that we need the answer to as compared to a conversation so we understand it --

MAYOR RYAN: I would make a friendly amendment --

CHAIR STERMER: -- I just --

MAYOR RYAN: -- to add to answer that question as well.

CHAIR STERMER: Okay.

MAYOR SEILER: Why don't we -- can I --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR SEILER: -- make an amendment to Mr. Ryan's -- here's what I would suggest.

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR SEILER: Why don't we just simply find out whether or not the Bert J. Harris would apply to us as a governing body, get that initial threshold question answered, and then, if it doesn't, let's not spend a lot of time on this.

CHAIR STERMER: That -- that's --

MAYOR SEILER: I've litigated Bert J. Harris cases back before I became an elected official --

CHAIR STERMER: -- that's why I asked the question I did.

MAYOR SEILER: -- I will tell you, it's a complex area of the law. I've tried cases in that arena. So I would just ask that threshold question.

MAYOR RYAN: Let me just say to my colleague Mayor Seiler, my second to the motion wasn't because I share Mr. Grosso's -- Grosso's view that it actually does apply in all circumstances to this board. I just think it's an answer that keeps coming up -- I mean a question that keeps coming up over and over, and --

UNIDENTIFIED SPEAKER: (Inaudible.)

MAYOR RYAN: -- some guidance (inaudible). But I'm -- I'm okay with that first step, but I think the secondary to that is still going to be --

CHAIR STERMER: I'll come back to you.

MAYOR RYAN: -- you know, does it even apply if the objective (phonetic) of this board was to say, rather than 13 to 4 -- in one direction with 13 to 4 say no, you need to go back and reduce the density, whether that would have any implication to (inaudible).

MR. GROSSO: I --

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: -- I think it's clear it doesn't -- it isn't -- it doesn't apply. It isn't triggered when this board, that only makes recommendations, makes decisions. I don't think --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. GROSSO: -- that's even a question. To me, it's a when there is a final decision by a city or by the County to down plan, clearly the Harris Act applies to that. The question is the substance of the Harris Act violated if you down plan somebody, reducing by some measure their density, their intensity, or their uses.

I think the answer is automatically, no. Under some set of circumstances, if the reduction is so drastic that it constitutes an inordinate burden, then it could be. I think

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that's the law. It's an ambiguous legal standard, but we should know what the parameters of that are, as opposed to assuming that any change that reduces the uses or value of a landowner is an automatic Harris Act violation, because I think that's clearly --

MR. MAURODIS: I can --

MR. GROSSO: -- inaccurate.

MR. MAURODIS: -- I can tell you now it's not automatic. I could also tell you that -- and I will give you the best guidance I can, that at the end of my guidance, my best guidance, you're still not going to know everything. There's still going to be a lot left up for a court decision. It goes through appraisals, it gets through a whole -- it's -- it's a complex act. There's not a lot of detailed decisions --

UNIDENTIFIED SPEAKER: (Inaudible.)

MR. MAURODIS: -- because everyone settles it rather than litigate it, because it's so poorly drafted.

MAYOR RYAN: I -- I withdraw my second.

CHAIR STERMER: Mayor Ganz.

MAYOR GANZ: I -- I would -- the Bert Harris Act does not -- any downgrade is not guaranteed that you're in violation of the Bert Harris Act. It's on a case-by-case basis, and it's going to be determined in the court of law. It most likely will lead to a lawsuit regarding Bert Harris, but that's even still no guarantee.

So I -- I don't know -- I appreciate what you're trying to do, but I'm not quite sure that that -- I think it's pretty clear, I would hope, that any downgrade does not automatically guarantee a violation of the Bert Harris Act. It's a case-by-case basis.

MR. MAURODIS: Yeah. I mean, I would -- I would -- I would give you that guidance right now, it's not automatic.

MR. GROSSO: And I agree with that --

CHAIR STERMER: So --

MR. GROSSO: -- guidance.

CHAIR STERMER: -- so --

MR. GROSSO: I don't want us to be assuming the opposite of that.

CHAIR STERMER: -- so -- so let me make the following suggestion. Why don't we, as an informational item on our next agenda, provide us, Mr. Maurodis, with an overview of Bert Harris and what role, in your opinion, we have as relates to the issue, separate and apart from city daises who gavel in that change. I think --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: -- as a first step. And if we want, based on that conversation, further conversation -- I'd like to do this before we get something in writing that may bind a whole lot of other agencies when we may not be the one that should be doing that. I just want to tread cautiously on that.

MAYOR SEILER: Since you made that motion, or made the suggestion, if you don't want to make the motion, I'll make the **motion** on that, since it was withdrawn on the other.

CHAIR STERMER: Okay.

MAYOR SEILER: If someone will second that.

CHAIR STERMER: Bring it back as a discussion item.

MAYOR SEILER: Yes.

MS. GOOD: Second.

CHAIR STERMER: Okay. All those in favor, signify by saying aye. All those opposed? The motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

CHAIR STERMER: With that, we stand adjourned. Thank you, everybody, and thank you for your patience and time this morning. Thank you.

(The meeting concluded at 12:22 p.m.)