

MINUTES

BROWARD COUNTY PLANNING COUNCIL

May 24, 2018

MEMBERS Mayor Daniel J. Stermer, Chair
PRESENT: Thomas H. DiGiorgio, Jr., Vice Chair
Brion Blackwelder
Commissioner Richard Blattner
Robert Breslau
Vice Mayor Angelo Castillo
Mayor Bill Ganz
Vice Mayor Michelle J. Gomez
Mary D. Graham
Richard Grosso
Commissioner Heather Moraitis
David Rosenof
Richard Rosenzweig
Vice Mayor Beverly Williams

MEMBERS Commissioner Felicia Brunson
ABSENT: School Board Member Patricia Good, Secretary
Commissioner Nan H. Rich
Mayor Michael J. Ryan

Also Present: Barbara Boy, Executive Director
Andy Maurodis, Legal Counsel
Bill Blass
Sara Forelle, BC PDMD
Freddie Dukes
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 24, 2018.

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

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

CHAIR STERMER: Good morning, everybody.

VICE MAYOR WILLIAMS: Good morning.

MR. DIGORGIO: Morning.

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CHAIR STERMER: Good morning, and I'd like to call to order the May 24th, 2018 meeting of the Broward County Planning Council.

PLEDGE OF ALLEGIANCE:

CHAIR STERMER: If we could all please stand for the pledge of allegiance to be led this morning by our Executive Director, Ms. Barbara Blake Boy.

(THE PLEDGE OF ALLEGIANCE WAS LED BY BARBARA BOY.)

CHAIR STERMER: Thank you. Please be seated.

ROLL CALL:

CHAIR STERMER: Ms. Cavender, good morning. If you could please call the roll.

THE REPORTER: Good morning, sir. Mr. Brion Blackwelder.

MR. BLACKWELDER: Present.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Here.

THE REPORTER: Mr. Robert Breslau.

MR. BRESLAU: Here.

THE REPORTER: Commissioner Felicia Brunson. Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Here.

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

MR. DIGIORGIO: Here.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Here.

THE REPORTER: Vice Mayor Michelle J. Gomez.

VICE MAYOR GOMEZ: Good morning.

THE REPORTER: School Board Member Patricia Good. Ms. Mary D. Graham.

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MS. GRAHAM: Here.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Here.

THE REPORTER: Commissioner Heather Moraitis.

COMMISSIONER MORAITIS: Here.

THE REPORTER: Commissioner Nan H. Rich. Mr. David Rosenof.

MR. ROSENOF: Here.

THE REPORTER: Mr. Richard Rosenzweig.

MR. ROSENZWEIG: Here.

THE REPORTER: Mayor Michael J. Ryan. Vice Mayor Beverly Williams.

VICE MAYOR WILLIAMS: Here.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Here. Good morning, and thank you, everybody, for being here this morning.

CONSENT AGENDA:

AGENDA ITEM C-1 - APPROVAL OF FINAL AGENDA FOR MAY 24, 2018

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

AGENDA ITEM C-3 - APPROVAL OF MINUTES APRIL 26, 2018

AGENDA ITEM C-4 - EXCUSED ABSENCE REQUESTS

CHAIR STERMER: We'll move to the Consent Agenda. Are there any items from the Consent Agenda that any member of the Council would like to pull? We have some additional requests for excused absences, as contained in the Executive Director's memo to us of Tuesday. Any additions since then, Madam Executive Director?

MS. BOY: No, but just -- just for the record, Commissioner Brunson, Commissioner Rich, School Board Member Patti Good, and Mayor Mike Ryan for the excused absence requests.

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

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MR. GROSSO: So **moved**.

CHAIR STERMER: Moved by --

MR. DIGIORGIO: Second.

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

VOTE PASSES UNANIMOUSLY.

REGULAR AGENDA:

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

CHAIR STERMER: We're now up to Item R-1, the performance review of Mr. Maurodis. Immediately preceding this meeting, we had a meeting of the Executive Committee -- a joint meeting of the Executive Committee and the Trafficways/Land Use Committee. In your backup as Item R-1 is Mr. Maurodis' annual performance review, which, as I said at our previous meeting, is difficult to write because after a while I run out of adjectives. Mr. Maurodis, I believe, has always been responsive to anything this board asks. I believe he provides us with his best guidance, understanding there are folks up there that may have intimate knowledge with certain issues, and he gives us the best advice. And then what we do with it is our business.

I will say every year when writing Mr. Maurodis' performance review, I call him about our arrangement with him, and every year, he graciously, without hesitation, says, I'm comfortable with what I'm doing. I'm comfortable with my compensation level. Whatever you were going to give to me, spread across the -- across the staff. I'm comfortable doing what I'm doing. I'm happy doing what I'm doing. I enjoy doing what I'm doing, and I enjoy doing it with the people that I do it with.

At the earlier meeting, which was the Executive Committee-Land Use/Trafficways, Mr. Maurodis' evaluation was reviewed, and we are unanimously requesting that it be approved by the full Council. Any discussion with regard to Item R-1? Is there a motion with regard to Item R-1?

MR. ROSENZWEIG: **Motion** to approve.

COMMISSIONER BLATTNER: So moved.

CHAIR STERMER: Moved by Mr. Rosenzweig, seconded by Commissioner Blattner. All those in favor, signify by saying aye. All those opposed? Motion carries unanimously.

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MR. MAURODIS: Thank you very much, Mr. Chair and Council members.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-2 - PERFORMANCE REVIEW: PLANNING COUNCIL EXECUTIVE DIRECTOR

CHAIR STERMER: Item R-2 is the performance review of our Executive Director. I wrote what I wrote. We all know our Executive Director. And as Mr. Grosso said at the previous meeting, we all sit on many different boards and work with many different professionals. But for those of you that have had the opportunity outside of a normal meeting to interact with our Executive Director, I think everybody knows she does it politely, responsively, quickly, and has answers. It's not like the, oh, you caught me off guard, I'll call you back. And she's willing to spend the time, regardless of what time of day, what day of the week it is, going over things.

And I think it's -- Barbara is just the tip of the spear when you look at her entire staff. And the entire group of Planning Council staff together are a great group of people to work with. I can tell you that I get to work with them an awful lot, and they are all dedicated, meaningful professionals and great people, and provide us with, I think, the best service we could ask for. They're in a delicate position as Planning Council staff, understanding the form of government we sit in, and I want to thank them for their independence and guidance on these issues. You know what? They understand the difference between what their job is in planning and our job is when it gets here. They make their best recommendations, like our staffs do to us on the city daises or on the County dais. And I think part of that tone is set by Ms. Blake Boy.

So are there any comments with regard to Item R-2? And this also was reviewed by the Executive Committee-Land Use/Trafficways Committee and recommended unanimously for approval.

COMMISSIONER CASTILLO: So **moved**.

CHAIR STERMER: Is there -- moved by Commissioner --

MAYOR GANZ: Second.

CHAIR STERMER: -- Castillo, seconded by Mayor Ganz. Any further discussion? All those in favor, signify by saying aye. All those opposed? The motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM R-3 - BROWARD COUNTY LAND USE PLAN AMENDMENTS SUBJECT TO POLICY 2.16.2 (f/k/a 1.07.07)

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CHAIR STERMER: Madam Executive Director, Item R-3.

MS. BOY: Thank you. Thank you to the board for your comments and, as Mayor Stermer said, Andy and I couldn't do what we do without our staff. So great appreciation to them, also.

Item R-3 was discussed at last month's meeting and requested to be on the agenda this month. And what you have before you are two summaries. The first piece is a summary of every Broward County Land Use Plan amendment that has been approved since the effective date of what is now Policy 2.16.2, formerly known as Policy 1.07.07 in the former plan. So that took effect in the year 2007.

So the summary that you have before you is of every amendment that had to meet the affordable housing policy and a brief description of how it was met. So you'll see a couple of different things in there. Yes, it -- there was information submitted by the municipality, and it was deemed to meet the policy. There was no information submitted by the municipality, and they made a contribution. And the second piece of the -- that's in the information is the history of the affordable housing policy and the adoption of that. And that's important because a couple of key timing and timeframes that come in are in 2014 when the Planning Council and the County adopted the dollar per square foot as a buy-out if the municipality was not submitting any information or the 15 percent set-aside, the formalization of that. So I thought that that was important information to go hand in hand with the table.

What you'll see from the table in the summary is the potential number of dwelling units that have been a set-aside for any level of affordability. That includes very low, low, or moderate affordable housing, and, in one of the cases, workforce, which is a higher level. But generally, it's very low, low, or moderate. And then the potential amount of money that has been or will be collected, depending on when building permits are pulled, that will go either directly to the municipality that the amendments were in, or they've chosen to give the money to the County. So those are the summaries that are included, and I hand it back over to the Chair.

CHAIR STERMER: Thank you, Madam Executive Director. Let's remember, things come before this board and we deal with land use issues. The question becomes, whatever may happen with the development? We can't control that. So there are things on here that some of them are years old, and you say, okay, where is it? We don't control that. We know there are larger conversations currently taking place, and that's part of the reason we're pushing some of this information out there. It's always been out there. We're just pushing it out there again.

As I mentioned at our last month's meeting, I had the opportunity to meet with the County Administrator and various professionals from the development community in an -- in an effort to say, we all want to figure out the issue of affordable housing. What is it? How do we deal with it? What's the solution, meaning how do we find a funding stream,

understanding the Legislature does us no favors and actually takes money away every year. They sweep away money that we end up being a donor county and we don't get back here. And the question becomes, how do we get to where we need to be?

And I, for one, regardless of which methodology you believe applies, regardless of the methodology, the number's big. So we can dicker over what the number is. It's big. And until we decide what we're going to do to start tackling it, in some respects, the number's irrelevant. 40,000, 50,000, 60,000 units. In none of our lifetimes are we going to get there. But we need to do something to start, and that's the current conversation that we've been participating in to sort of figure out where are we going.

I'll commend County Commissioner Rich for her efforts and continuing efforts. She's also a member of this board now. She has a conflict this morning with regard to the climate meeting that's taking place right now. But we know Senator Rich's efforts since she's joined the County Commission on the issue on affordable housing. And we're all just going to get to a place where we have the bigger conversation.

But part of what's going on now is we're gathering a lot of data, a lot of information, figuring out how to strategize to deal with the folks in Tallahassee, how to do things locally, how to create that local dedicated funding stream. But let's not forget, the only things we see here are Land Use Plan amendments that deal with a hundred units or more. That's what happens with our policy. Anything that's less than a hundred units, we don't see. So there's -- which is what a lot of them are, in actuality, in a lot of our cities.

I can tell you the conversation that I've been having with the Administrator and others includes every development, from one unit to whatever the number is. So we are looking at it in a holistic way. So just so everyone's aware of it. So thank you for the information. Commissioner Blattner.

COMMISSIONER BLATTNER: Thank you, Mr. Chair. I'm glad you opened that door. I was talking to Michael Udine Saturday night and expressing my disappointment that he is no longer on the board, but also complimenting him on recommending Commissioner Rich to take his place, because she is a very powerful and well-known advocate for the affordable housing issue. And I have -- and I -- I think everybody on this board understands that there's a serious problem here.

But when you look at Attachment 1 and you see what's there, what concerns me is that we -- there doesn't seem to be a lot of follow up on -- on if money was really spent or if a community's plan -- when they all say it meets the community's plan, what is the community's plan and how are they implementing it at a local level? I think those are discussions that we need to have, or at least be a part of a broader discussion involving County Commission or other organizations, because this problem is just too big. It's just too big. And I guess we'll talk about that a little later.

There's an item on the agenda that it shows how many units have been built and how

many units have been committed, how much money's been committed. But where is the money and what were the results? So this discussion --

CHAIR STERMER: That's -- that's this item. That's --

COMMISSIONER BLATTNER: That's this item.

CHAIR STERMER: -- that's this.

COMMISSIONER BLATTNER: Yes.

CHAIR STERMER: That's -- just so you know, this is that conversation.

COMMISSIONER BLATTNER: Yeah, I know.

CHAIR STERMER: No, no. I just -- so, you know, and here's -- there's, you know, there's 30 -- there's 32 local governments, and if commitments are made to a given local government, they've got programs or they're explaining how they're doing it, and we have -- there is the information out there about what they're doing with it locally. You know, it's -- this will come out wrong, but I think you get it. We're not going to call -- pick City A -- I won't name any city -- and say, hey, what did you do with those dollars? The presumption is that Commission and that staff knew when they got those pledged dollars how they were going to deal with it within the confines of their overall programming, because we know each city has variety of different things available or not.

So I don't think we've been -- we as a board, mind that store. That's up to the local government. And there are reports, and it is public information as to where it is, so it's not like it's just going into a black hole and nobody knows. So Commissioner Castillo.

COMMISSIONER CASTILLO: I'll leave it to the -- to the lawyers to define the means, but when we do land use, these approvals sort of exist on top of one another. In other words, it's a -- it's an amalgam of different approvals, the state approvals, the County approvals, the city approvals, the concessions made by developers, the concessions extracted by governments and so forth. And then when, finally, something is adopted at the city level, my understanding at my city has always been that -- that all of those things are enforceable, ultimately, locally.

Now, sort of like on a -- on a site plan, if the developer doesn't do what they're supposed to do on a site plan, that's a code enforcement issue. And then from there, it goes to a magistrate or, you know, to the courts or whatever. But it's not like -- it's not like these provisions aren't enforceable.

Now, who has standing to bring that and whatever, that's a different -- that's a different question. Or who would have the interest in bringing that is a different question. But it's not like this is a paperless tiger. People are making commitments on the record, and --

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and those are legal commitments that I think can be enforced. Now, if I'm -- if I'm mistaken, I would ask the lawyers to correct that misimpression. But it seems to me like those are commitments that are made. They're made publicly. They're made on the record, and that they're legally binding.

CHAIR STERMER: I mean, last I recall, sitting on our local daises, I last recall certain things get approved with lots of conditions to them.

COMMISSIONER CASTILLO: Yeah.

CHAIR STERMER: And that's up to the local board, Commission, Council, whatever your body is called, to condition the approvals on things. And I know we generally do. So, Mr. Maurodis, you want to --

MR. MAURODIS: I mean, very often, the easiest way to do it, or one of the best ways to do it is through a development agreement or development approval that indicates that permits will be withheld. So you don't have to deal with code enforcement or things of that sort. You go right to the heart of it and say, you're not developing any further unless you're up to speed on your -- whatever commitment you are required to make. That is one way it's done. I think it's a frequent way that we do it.

MS. BOY: Yes, just to follow up. Any commitments that are made as part of the Land Use Plan Amendment process at the County are subject to a legally enforceable and binding agreement that is recorded in the public record. And so at the time that building permits -- if it's going through a plat, you know, that shows up in our plat note amendment comments. If there is no plat, it shows up when they're pulling their building permits. So these are legally enforceable, and do run with the property.

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: And I would just put out there that -- that this is a countywide problem, and we should always be willing to change our processes, if the results aren't there. And if that means that the County needs to take more aggressive oversight of what's actually happening on the ground, then that has to be on the table, I think.

And also, I have to say I've thought this for a long time, you know, I look at these -- we have at least one on the agenda today -- I don't know that \$250 per unit to pay for affordable housing is just really in the realm of enough. I think it seems to me woefully inadequate to pay for affordable housing. And I think increasing that dollar figure needs to be on the table, if we're serious about this. That'd be my response.

So I put those two things out there for further consideration as we move forward.

CHAIR STERMER: Appreciate it. Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer. On the list here from 2015 is Fort

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Lauderdale's Downtown RAC. And there had been discussion last year about certain elected officials were on the record and quoted in the Sun Sentinel and also even in their afternoon conference meetings that they were going to approach Planning Council, I presume you, Barbara, and see if those units they agreed to do, the 15 percent, could be outside of the Downtown RAC. Was there ever any follow up --

MS. BOY: No --

MS. GRAHAM: -- since late last year on that?

MS. BOY: -- there was no follow up with me specifically on that, but today, as your additional agenda material, we did receive a report from the City of Fort Lauderdale regarding the Downtown Activity Center. So if there -- if there was -- if the city was going to approach the County, it would have to be in the form of a Land Use Plan amendment, because it's recorded as part of the text in the Land Use Plan. So it wouldn't just be a decision that was made. There would have to be an amendment to the text that would have to be approved by both the Planning Council -- or recommended for -- not recommended by approval, but reviewed by the Planning Council and then approved by the County Commission.

MS. GRAHAM: To the best of your knowledge, has that ever been agreed to, a change? Not while I've been up here, but --

MS. BOY: I mean, sure, it -- text amendments to the plan, you know, we had -- and it just depends on what the voluntary commitment that was made, but we've had some that have been recorded as part of text amendments for activity centers, and they've actually come in for a text amendment so that the proposal can be considered holistically. So I mean, it can -- it can happen.

MS. GRAHAM: Okay.

MS. BOY: They can make the application.

MS. GRAHAM: Because in this case --

CHAIR STERMER: Your question is, have they come in and asked for a change to the -
- no. The answer --

MS. GRAHAM: No. Right.

CHAIR STERMER: -- is no, they have not.

MS. GRAHAM: Okay. Because, again, it wasn't so much they wanted to make changes within the Downtown RAC. The comments that have been made were that they were going to actually take them out of the Downtown RAC.

CHAIR STERMER: There --

MS. GRAHAM: But I just wanted to ask and have it on the record. Thank you so much.

CHAIR STERMER: -- there's been lots of rumors, and those are just that, rumors. Nothing has come forward by way of an official request. Mr. Blackwelder.

MR. BLACKWELDER: And the question of who has standing to enforce this, it's in most major administrative procedure acts and environmental regulations that there is a standing provision included, sort of in the statute or legislation, that says persons with substantial interest, for instance, they shall have a right to enforce this. Then if you have a city or local government entity that's glossing over it and not enforcing, there is an avenue to do it.

Now, there may be an avenue in law already. Our attorney probably could check it out and see if we could make some of these agreements enforceable, because it may be years before it comes to be, and people forget. Where you look for -- to see these restrictive provisions is a mystery to the public, and -- and detective work for even an attorney to figure out.

So I would think that that would be a possibility, that we could evaluate who does have standing, and make sure that it is enforceable by the public where there is some kind of substantial interest.

CHAIR STERMER: (Inaudible) --

MR. BLACKWELDER: Or an association, such as a civil rights organization, could -- could be courted.

CHAIR STERMER: I'm not going to tell somebody how to go about figuring out what they might want to do and how to go about figuring that out. Everything that's done is a matter of public record.

COMMISSIONER MORAITIS: It's recorded in the public record.

CHAIR STERMER: It's recorded in the public record. It's in city documents. It's in our documents. It's all a matter of public record. Is there one clearinghouse? Well, we've got the Broward County Public Records Department where things are filed.

MR. BLACKWELDER: But you're -- but you're mistaking if the -- it may be in the public record, but who can enforce the -- the limitation --

CHAIR STERMER: Agreed.

MR. BLACKWELDER: -- that would be on it --

CHAIR STERMER: And that -- that's up to --

MR. BLACKWELDER: -- who would be (inaudible) --

CHAIR STERMER: -- and that's up to the lawyer to figure out who can and --

MR. BLACKWELDER: -- well, that's -- do we want to give that as a public right to the people that are expecting this and are building nearby, or do they lack a right to enforce that? And that seems to be ambiguous right now.

MR. MAURODIS: Generally -- generally, when we do them, we -- the way we generally -- if the County -- if there's a restrictive covenant given to the County in return for a County approval, Broward County has the authority. It's not generally given to the public at large.

MR. BLACKWELDER: Well, that, I think, should be changed. So I would like to suggest that that is the pathway to the future and when you have something that's an important covenant --

MR. MAURODIS: We'd have to take a look at -- that's something we'd want to take a look at. I wouldn't want to commit to it.

MR. BLACKWELDER: I'd -- I'd like that to be done. I don't know if I need to move for it or just you could report back. I don't know what the process is to have Mr. --

CHAIR STERMER: Mr. --

MR. BLACKWELDER: -- Maurodis --

CHAIR STERMER: -- Maurodis, if you could take a look and report back. Anybody else with regard to Item R-3?

AGENDA ITEM R-4 - COUNSEL'S REPORT

CHAIR STERMER: Item R-4, Counsel's Report. Mr. Maurodis.

MR. MAURODIS: No counsel report, Mr. Chair.

AGENDA ITEM R-5 - EXECUTIVE DIRECTOR'S REPORT

CHAIR STERMER: Item R-5, Madam Executive Director, Executive Director's Report.

MS. BOY: Hi, good morning again.

CHAIR STERMER: Good morning.

MS. BOY: Just a quick -- hang on, let me just -- I have a little list of notes. Here it is. First of all, the item that's in your agenda under my report is the proposed 2019 schedule, so I would ask for your approval so that we can post that to the website and start publishing that notification of those -- of that schedule.

CHAIR STERMER: Any objection to posting the proposed schedule? Yes, it's subject to change.

MS. BOY: Uh-huh.

CHAIR STERMER: It's subject to further cancellation or modification based upon holidays that may show up, conflicting meetings that the vast majority of us may be at. But we're putting this out there sufficiently in advance. Most others don't put theirs out as far in advance as we do. So please make sure these are on your calendar, to start with.

MS. BOY: Right. And we did, as we noted at the March meeting this year, we did note that the July meeting next year would be canceled unless there was a reason for you to have that. Thank you.

I want to introduce our new staff member. His name is Garrett McAllister. He's joining us from Oregon. He just started. This week was his first day. He's coming in as a planner. We're excited for him to be here. It's a little bit, I think, of a culture shock coming from small town Oregon to Broward County, but we're going to, you know, try to make him stay.

CHAIR STERMER: We're just a small town ourselves.

UNIDENTIFIED SPEAKER: Small town Broward County.

(Laughter.)

MS. BOY: The fees were the real shocker, I'll just tell you.

COMMISSIONER CASTILLO: We're catching up with vote by mail.

(Laughter.)

CHAIR STERMER: Congratulations and welcome.

MR. MCALLISTER: Thank you.

MS. BOY: A couple other notes -- oh, first, I do want to say also thanks for letting me lead the Pledge of Allegiance, because I've never done that before. So it's a first for me.

MR. MAURODIS: Well done.

MS. BOY: So thank you. In your correspondence that was distributed yesterday, we had a couple items pop up subsequent to the mail out. As I mentioned, there's correspondence from the City of Fort Lauderdale regarding their activity center and the units in downtown Fort Lauderdale. And then, in addition to that, correspondence from me to the MPO. And that was just a follow up to a conversation I had had with the MPO about the roadway capacity, levels of service, and the volume tables, that they had been, I thought, and we thought, as staff, outdated. And they just provided an update this month, so that was great news. And we've asked them to continue to update that next time they update the long-range transportation plan, because it's very important data for that.

There are, for the public speakers today, there's one speaker for Item PH-1, but it's for questions only. It's the agent for the amendment. And then Item PH-2, there are 16 speakers signed in. And for Item PH-3, there are no speakers, but that item was considered by the combined Executive and Land Use/Trafficways Committee, at their earlier meeting, and they recommended approval of the deletion of the trafficways mentioned in the report.

PUBLIC HEARING:

AGENDA ITEM PH-1 - AMENDMENT PC 18-4

AGENDA ITEM PH-3 - AMENDMENT TO THE BROWARD COUNTY TRAFFICWAYS PLAN - NORTHWEST 14 STREET AND NORTHWEST 27 AVENUE - PCTW 18-1

CHAIR STERMER: Is there a motion with regard to PH-1 and PH-3?

MR. DIGIORGIO: So **moved**.

CHAIR STERMER: Moved by --

VICE MAYOR GOMEZ: Second.

CHAIR STERMER: -- Mr. DiGiorgio, seconded by Commissioner Gomez. Any discussion with regard to PH-1 or PH-3? All those in favor, signify by saying aye. All those opposed? The motion carries unanimously.

VOTE PASSES UNANIMOUSLY.

AGENDA ITEM PH-2 - AMENDMENT PC 18-8

CHAIR STERMER: We are now up to PH-2. Madam Executive Director.

MS. BOY: PH-2, okay, I actually just put the pile of comment -- of speakers in here. Oh, here they are. How could I lose 16 speaker things (inaudible).

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CHAIR STERMER: Uh-huh.

MS. BOY: Sorry. So first, I'll give a quick overview of the item. And then one of the questions I have when we call the public speakers is the order for the applicant or the agent representing, what the board's preference is for that.

CHAIR STERMER: After you, the applicant.

MS. BOY: Okay. Thank you. So Item PH-2 is PC 18-8. It's located in the City of Deerfield Beach, approximately 8.4 acres. Here's the aerial photo on the screen right now. It's from a combination of Low-Medium ten Commerce and Low five Residential to a proposed Irregular 39 Residential. It's currently operating primarily as a marina closest to the water.

You'll note on the aerial that there are -- there's a row of six single-family homes just to the north edge of the property, and then the properties directly across the street to the west are kind of a more sporadic development. The addition of 250 dwelling units, which are 77 currently permitted by the Land Use Plan for a total of 327 dwelling units, as we were just talking about the affordable housing policy, it is subject to Policy 2.16.2.

The City of Deerfield Beach has an affordable housing analysis that was submitted previously for a previous amendment and is still standing today. So they meet that policy for compliance. There are sufficient facilities and services to serve the proposed amendment site. As I previously mentioned, there's an adjacent six single-family homes that border to the north.

Planning Council staff, you know, looked at compatibility. It's designed Low five on the County Land Use Plan. And while there's no inherent incompatibility, we did raise that as an issue and asked for additional information regarding -- regarding the city's code, because while neither height nor bulk are regulated by the County Land Use Plan, that is regulated by the city plan. So that additional information is in your backup material also.

Planning Council staff recommends approval of the proposed amendment. And with that, I would -- since you want to hear from the applicant next, I would ask Dennis Mele to come forward.

MR. MELE: Good morning.

CHAIR STERMER: And after Mr. Mele, if there's somebody here from city staff that would like to make any presentation, follow Mr. Mele.

MR. MELE: Good morning. Dennis Mele, 200 East Broward Boulevard, Fort Lauderdale, on behalf of the applicant. I have a few slides to show when I'm -- when I finish, and, after the public comment, I'd like the opportunity to respond as appropriate.

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So -- thank you.

MS. BOY: (Inaudible.)

MR. MELE: Which one?

MS. BOY: The green button.

MR. MELE: Green button. So this is just another map of the property. An aerial photo. So you notice that this is a -- basically, a dry storage boat area. There are some slips on the water, but you see how few they are. So there's large racks with -- with boats in them. And when you come here, if you want to, they'll put your boat in the water for you, and you go out and you bring it back, and they put it back. The only comment that we received from County staff expressing a concern is there's a policy regarding waterfront uses and encouraging the boating industry.

So my client is actually, in addition to purchasing this property, is purchasing the Freedom Marine property which is just around the bend on the river. I'll show it to you in a minute. And we're going to consolidate all of the boat activities at Freedom Marine. So there will be no loss of capacity for boating. It'll just be consolidated on one site instead of spread out over two. And, actually, the Freedom Marine site that we just purchased, had a number of code violations with the city that we're now cleaning up. So we -- we see that as a -- as a positive step in two regards. And there's the Freedom Marine site that I mentioned, just around the bend.

Now, I know we call it the Hillsboro Canal, but in this area, it's actually the -- I would call it more appropriately the Hillsboro River. I don't know what happened to the --

MS. BOY: I don't know, either. It'll come back.

MR. MELE: Okay, good. In this area of the Hillsboro, it actually is a curvy river that comes off the -- the ocean, the Intercoastal, et cetera, and then into this area. Then as you see as you get further north, then it's a straight-line canal. So those are the -- I just wanted to address that comment from the Parks Department.

Now, these are the current land use designations on the property. And you'll notice that Deerfield Beach actually has two commercial categories. The map went off again, but hopefully it'll come back. And the commercial -- you see Commercial then Commercial2. So Commercial2 is the -- is the heavy or heavier intensity commercial district in the City of Deerfield Beach.

Of course, you've recently consolidated some of your districts. You only had one Commercial one, you had an Office one. You put that together in Commerce. But until cities change their plans to match Broward Next, we still have the various categories, and this great map thing that keeps going on. And I'm not -- (Laughter.)

MR. MELE: -- I haven't even touched the button here. So these are the portions of the property. The portion that's R5, you see is pretty small. The R10 a little bigger, and then the two Commercial parts, adding up to the 8.4 acres. This is a conceptual site plan for the property, what we're proposing to do. So in this drawing now, east is towards the bottom and west is towards the top. So the -- obviously, the river is -- is towards the bottom, and then the neighborhood would be towards the top. And what we're doing is -- I know this drawing is not easy to read, but it's basically a parking garage towards the west end that we're going to heavily landscape, and all four sides of the building will be architecturally pleasing. There will be no back side, so to speak. And then the residential building is what you see in that, I guess it's kind of like an M. And so all of the residential units are looking towards the water. I want to go -- if I press the red button, I go backwards?

MS. BOY: Yes.

MR. MELE: Okay, let's hope it works. So one thing I'd ask you to notice is when you're on this site and you're looking across the river, on the other side, right where it says -- you can see the words, Palm Beach County that is a preserve area that is very beautiful. And so the idea with this building is to have the views to the water and to that preserve area across the river.

What you see in kind of the lower right-hand portion is the Dixie Highway flyover. I don't know if you've been on it, but when -- the first time I ever heard the term, shovel-ready, I remember that the project in Broward County that was shovel ready was that bridge. It was very expensive, but it -- it took a road that had little curves in it that was kind of hard to traverse, and now you can go from Deerfield into Boca or vice versa on that bridge. So the bridge is very high, and it goes across the river at that location.

We were at the City Commission meeting not too long ago, and there were some concerns expressed from the neighborhood. The Mayor told us that night, make sure that you meet with the neighborhood, which we've been doing. We've had two meetings now. I have not done those meetings personally. My associate, Alicia Lewis, who's here with me today, has.

We know there are still neighborhood issues that we have to resolve. We know that the neighbors are concerned about building height and about the number of units. We think that, as we work through this process that we're -- we hope that we will be able to meet with the neighborhood's concerns and resolve them. I'm sure you'll hear some of those this morning. If you have any questions, I'll be happy to answer them, and after the public comment, would like the opportunity to respond. Thank you very much.

CHAIR STERMER: Thank you, Mr. Mele.

MS. BOY: The next speaker, if you want to hear from the city -- I'm not sure if they have questions only or are here for questions only -- is Mr. Steve Graham.

CHAIR STERMER: Okay. Is that for questions only, sir?

MR. GRAHAM: Yes.

CHAIR STERMER: Okay.

MS. BOY: The next speaker -- I'll call three at a time so they can be prepared -- Al Nero, followed by Otto Fowler, followed by Emma Sampson. Mr. Nero? Al Nero?

UNIDENTIFIED SPEAKER: (Inaudible.)

MS. BOY: Oh, okay. Okay.

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: And, folks, do us a favor. When you please come forward, even though the Executive Director reads your name, when you come forward and start your testimony, please give us your name and your City of residence, please.

MR. NERO: Good morning.

UNIDENTIFIED SPEAKER: Good morning.

CHAIR STERMER: Good morning.

UNIDENTIFIED SPEAKER: Morning.

MR. NERO: We know we can't stop progress, but we don't want the height that the building is being built at. We would like no more than three to four story buildings in our area, because it's going to snuff us out, and we can't breathe as it is now too much. So what we're asking now in behalf of the people in that area is we only want to cut down the height of the buildings, at this time.

CHAIR STERMER: We appreciate that, Mr. Nero.

MR. NERO: Pardon?

CHAIR STERMER: We appreciate your concern. We deal with the land use issue of the changing of what they are currently, with like if you look at this map of all the different designations, to one designation. The final decision with regard to that ends up back with the Mayor and City Commission. We don't deal with that as long as it fits the land use category. That comes back to you and your community and the Mayor and the five members of the Deerfield Beach City Commission to decide what this final project will look like.

MR. NERO: Well, I'm trying to make him aware. That's why I'm here --

CHAIR STERMER: Oh, he --

MR. NERO: -- this morning.

CHAIR STERMER: -- he hears you loud and clear.

MR. NERO: Okay. Thank you.

CHAIR STERMER: Thank you, sir. Appreciate it.

MS. BOY: Mr. Otto Fowler, followed by Emma Sampson, followed by Jamie Nero.

(Timer rings.)

COMMISSIONER CASTILLO: Somebody's at the door.

(Laughter.)

UNIDENTIFIED SPEAKERS: (Inaudible.)

MS. BOY: Otto Fowler? Is he here?

MR. FOWLER: I'll waive. I'll waive.

MS. BOY: Oh, you're waiving. Okay.

CHAIR STERMER: Okay.

MS. BOY: Mr. Fowler is waiving. Sorry.

Emma Sampson, followed by Jamie Nero, followed by Felicia Portier.

MS. SAMPSON: Good morning --

CHAIR STERMER: Good morning.

MS. SAMPSON: -- Mr. Mayor and Council. My name is Emma Sampson, and I live at 495 North Deerfield Avenue, Deerfield Beach. Zip Code 33441.

CHAIR STERMER: Good morning.

MS. SAMPSON: I'm requesting that you deny this -- this project as presented. We are aware that the owners of the property can have their times to present their projects, but with what is already on the books as allowed is being tripled. My concern in my area is something that you have no -- it's not in your purview, but I want to state it anyway. It's

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with traffic congestion and density.

With that many units going in, and our area is the only area that I know of in Deerfield that has as much vacant property that can build, we also may have additional density that's added to what's already there. And as presented, I'm asking you if you would deny this project as it is presented with the additional units.

I thank you for listening, and I hope you consider my request. Think about it. If you go home tonight and find out that someone is building 39 additional units in your neighborhood, how would you feel? And that's our concern. Thank you.

CHAIR STERMER: Thank you, ma'am.

MR. GROSSO: If I may, I have a question.

CHAIR STERMER: Sure.

MR. GROSSO: Ma'am? Hi. Can you describe for me the neighborhood that surrounds this property? How tall are the buildings? How dense is it? What's the neighborhood look like now?

MS. SAMPSON: The neighborhood now is residential. There's -- there's a few two story -- two or three, two story maybe houses in that area. I consider us a boxed in neighborhood. The only exit street that gets you to Hillsboro directly is Deerfield Avenue, which is my street. All the other streets filter into Hillsboro.

We have a manufacturer's building on the end of Hillsboro -- on the end of Deerfield Avenue. We have the train track. We have City Hall. Then across from City Hall is the park. And I love my neighborhood. Don't get me wrong. In addition, just down the street from there is a church with a daycare. And then there's an elementary school.

Second Avenue is -- would be the alternate street that, if something happened on Hillsboro with the traffic coming from Boca over to Hillsboro to make their entrance to I-95, Florida Turnpike, and Sawgrass, all of that traffic would be diverted into my neighborhood on Second Street. And that is a potential -- potential disaster, in my book.

MR. GROSSO: Thank you.

MS. SAMPSON: Thank you. Any other questions?

CHAIR STERMER: Thank you ma'am.

MS. SAMPSON: Okay.

CHAIR STERMER: Appreciate it.

MS. BOY: Sorry. Jamie Nero, followed by Felicia Portier, followed by Kirstie Daise.

MS. NERO: Good morning.

CHAIR STERMER: Good morning, Ms. Nero.

UNIDENTIFIED SPEAKER: Good morning.

MS. NERO: My name is Jamie Nero, and I'm at 608 Northeast 2nd Avenue, Deerfield Beach, Florida, 33441. Wonderful, love my city, love my neighborhood. I've been there over 46 years. And I am here to help you understand how we feel about our neighborhood. The 39 units or the 326 units with eight stories? Please, I'm begging, deny. The density is too much. We will not be able to handle all of that in our small neighborhood that is such a community within itself. We expect if someone's going to purchase or did purchase to come up with things that is applicable for our neighborhood. So just like the previous speaker, I'm asking you if you go home tonight and think about it, and just deny what's on the table at this time.

CHAIR STERMER: Thank you, Ms. Nero.

MS. NERO: Any questions? Thank you.

CHAIR STERMER: Ms. Graham.

MS. GRAHAM: Thank you. Just a couple questions. The eight stories, is that the tallest that was presented to you when you had your meetings?

MS. NERO: Yes.

MS. GRAHAM: Was it a model, a constructed model? Or was it renderings? How did -
- how did they convey to you --

MS. NERO: There -- there was a model picture that they showed us, and it was like a big M, big --

MS. GRAHAM: Like we saw --

MS. NERO: -- Michigan --

MS. GRAHAM: -- on the plan?

MS. NERO: -- yeah, like a Michigan --

MS. GRAHAM: Uh-huh.

MS. NERO: -- logo.

MS. GRAHAM: Uh-huh.

MS. NERO: And it was atrocious. But, yes, that's how it was done.

MS. GRAHAM: Okay. Thank you.

MS. NERO: Thank you.

CHAIR STERMER: Thank you, Ms. Nero.

MS. BOY: Felicia Portier, followed by Kirstie Daise or Daise, followed by Sylvia Portier.

MS. F. PORTIER: Good morning.

UNIDENTIFIED SPEAKER: Good morning.

MS. F. PORTIER: Felicia Portier, 140 Northeast 5th Street, Deerfield Beach, Florida 33441. In the same vein as the other residents, just to give you an idea, somebody asked what the neighborhood was like. This is a small enclave in Deerfield where many of the residents are the original homeowners, many of who have been there 50 to 60 years. You have young families that are moving in, and you also have descendants living in older housing of people who have been in that neighborhood since 1920. That's how long that neighborhood has been there.

People -- we have been in that -- well, we -- our families, ancestors have been in that neighborhood since before Deerfield was incorporated as a city. So what I'm asking today is please consider not increasing the density to 39 units per acre from ten. You have single-family homes. You have a couple of apartment complexes. They're all one story. Two roads in and out.

So what I'm asking today is would you please refer this project to the South Florida Regional Planning Council so that they can assess the compatibility of this kind of project on that neighborhood, because we understand that change is coming, but we'd like it to be the right kind of change. We understand that the developer needs to protect their bottom line, but we still need it to be in the right way. Thank you.

CHAIR STERMER: Thank you, Ms. Portier.

MS. F. PORTIER: Questions?

CHAIR STERMER: Appreciate it.

MS. BOY: Kirstie Daise or Daise or Daise, followed by Sylvia Portier, followed by Terry Scott.

MS. DAISE: Hello. Good morning.

UNIDENTIFIED SPEAKER: Good morning.

MS. DAISE: Good morning. I am Kirstie Daise, resident of Deerfield Beach, Florida. I am here today to ask you to oppose the proposed density change for this area for the land usage from the current value of ten units per acre to 39. That would nearly quadruple the current -- the current density of that area. Allowing a structure of that size would basically suffocate us in our own neighborhood. That would cut off our air supply. We can't allow that.

As they told you previously, we have single-family homes that are one story, at the most. But the proposed building of eight stories would totally suffocate us in our own neighborhoods. So I'm asking you to please consider that as you rule on this proposed land change. Okay.

CHAIR STERMER: Thank you, Ms. Daise.

MS. DAISE: Any questions?

CHAIR STERMER: Appreciate it.

MS. DAISE: Thank you.

MS. BOY: Sylvia Portier, followed --

CHAIR STERMER: (Inaudible.)

MS. BOY: -- by Terry Scott, followed by Latavian Laster.

CHAIR STERMER: Good morning, Commissioner. How are you?

MS. S. PORTIER: Good morning.

CHAIR STERMER: Good morning, Commissioner.

UNIDENTIFIED SPEAKERS: Good morning.

CHAIR STERMER: Welcome.

MS. S. PORTIER: Thank you. I came late hoping I would be the last speaker, but there's someone other than me. The right question was asked, what kind of neighborhood it's -- this project is near. Mrs. Nero told you she's been there over 40 years. And I'm 82. I've been there 82 years. Soon will be 83. Now why I came, that's my daughter, prior to me, that spoke. I did not attend any of the community meetings, because of my illness.

I must respect Mr. Mele, because I've known him for over 25 years. (Inaudible) helping me. But what I wanted to hear and what I wanted to see, and it was also explained, that you don't handle the city matters. But thank God we got a mayor aboard this Commission. Mayor Ganz is our Mayor, and he's on this board. And the last time I was here with somebody, there was another Deerfield Commissioner on the planning board. He's not here anymore?

CHAIR STERMER: No.

MS. S. PORTIER: Oh, okay. You were a former Commissioner; right?

MR. ROSENZWEIG: Uh-huh. Correct. Yes.

MS. S. PORTIER: Okay, good. They -- they -- I told my daughter, as she met with the community, that you don't have to worry, because we've got the Mayor on the Planning Council. But she asked if you would take time to refer this to the South Regional Planning Council so it won't -- nobody would blame you for your decisions, and to help in a poor neighborhood.

All over the County, we've been talking sustainable housing. There's no way you could put over four stories in there. In fact, it really should not be housing on the Hillsboro Canal. Somebody called it a river. I remember when it was very silted, and we could not get South Florida Water Management District to remove the silt, because the Corps of Engineers would not let them. That's a precious little piece of land in Deerfield, and I think the South Florida Regional Planning Council will be able to go back in history and tell you and everybody else about that Hillsboro Canal.

If you go there now, it's high. There's no way the developer will be able to contain nothing in there, because there's no in and out. Would you believe there's only two roads? And they will never be able to bring, according to MPO standard, they will never be able to increase the road. You need to know what the Mayor knows, but I think they just want to hear what the neighborhood is saying. Well, the neighborhood don't really know what to say, because they are not into development. They don't understand, like, the South Florida Regional Planning Council. My daughter understands it because she hear me talking. So, you know, I have to explain to her when I talk.

MPO will never allow it, because the overpass from Boca Raton to Deerfield is right at that spot. Now, some years ago I asked them to make it a storage facility for working people. That never happened. Now we're going to put apartments in there. And to put eight stories in there with 39 additional units, you know what size rooms they're going to be. And nobody's going to want to live there for the cost of them. And eventually we're going to be locked out of our own neighborhood, the last little piece of land we have.

Sixty years ago, I used to tell people God was in that water. That was the only place all the churches in Deerfield baptized their Christians in. Everything we ever had, until

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Larry Deetjen came to town, we had it on Little Hillsboro Canal. Many people sustained their lives. The little water is so dingy and dirty, I would go by, and I'd say, I know you're not going to eat the fish out of this. And before you know it, they frying fish on the river. Because that was all we had. So the historical value to these people who live there, including my daughter now is going to be living at one-something, I don't even know her address, but it's -- please refer it to somebody other than Broward County, and let them help look at it.

I haven't had time to get in touch with nobody, because I understand the -- the governor suspended the Department of Community Affairs. I didn't know that until yesterday. So I -- I'm not prepared to talk on it. But you take time out and help us to help ourselves.

CHAIR STERMER: Thank you, Commissioner. Appreciate it. Best of health. Thank you for coming this morning.

MS. S. PORTIER: Yes. Thank you.

MS. BOY: Terry Scott, followed by Latavian Laster, followed by Eddie Dickens.

CHAIR STERMER: Good morning, Mr. Scott.

MR. SCOTT: Good morning. Terry Scott, Deerfield Beach. Of course, you have heard great concerns from this community concerning the density that is being looked at. It is something, as Commissioner Portier just said to you all, it's a precious jewel in a small neighborhood of Deerfield Beach that has been (inaudible) in the black community for a very, very long time.

As you heard, Mrs. Nero said 47 years she's been there. Others have been there quite longer. As Commissioner Portier said, 80-some years folks have been living right there on that waterfront. Many of our seniors are now much older, can't even come to this meeting, but want to preserve their land. Don't want to be smothered by heights that would take away the oxygen. And I know you all understand that. And if you look around Deerfield Beach, you don't have an eight-story apartment building nowhere in the city. Because why? We want to preserve the oxygen level. We want to preserve life.

So these folks are only asking you to help them. Asking you all to tell Mr. Mele to tell his client not so tall. Not saying don't build. Not so tall. The density. Right now, it only belongs ten units per. That would give them the rights of 72 units with 8.8 acres of land they can have the rights to. Now they're saying, give us four times, and we can put in 327 units. It wouldn't be fair to that community. It would not be fair.

Think about your homes, your areas where you live and you represent. Would you want it to be over you? Think about them. They don't want that. And they're not saying don't build. They're saying not so high. Don't take away God's precious air. Don't do it to us. Please hear their cry. Hear their plea. Please hear them when they ask you don't allow them to take away their life supply. Don't do it to them. Thank you all --

CHAIR STERMER: Thank you, Mr. Scott.

MR. SCOTT: -- so much.

MS. BOY: Latavian Laster, followed by Eddie Dickens, followed by Chris Heggen.

UNIDENTIFIED SPEAKER: Questions only.

MS. BOY: Okay. Thanks.

MR. LASTER: Good morning, everybody.

CHAIR STERMER: Good morning.

UNIDENTIFIED SPEAKERS: Good morning.

MR. LASTER: My name Latavian Laster. I live at 120 Northeast 5th Street. My residence is located directly behind the project that's about to come. The major concern with me and the project is pretty much I've been at the house for ever since I was born, and I can remember growing up, we played a lot. We did a lot in the backyard, pretty much as any childhood history. We enjoyed it.

Now, from this project that's being presented and coming up, that's getting stripped away from my children, all the other children in the neighborhood. And pretty much it's like there won't be no more privacy. If they go eight stories tall, our privacy is getting stripped away from us. It's two -- it's a one-lane street, one going south, one going north. I feel that the amount of traffic that's definitely going to come through there pretty much our streets won't be the same. As one -- as one person stated, the traffic that's coming in, if something were to happen on any one of those major highways, we're going to be cluttered, the street's going to be cluttered, and it's going to be hard getting to and from home.

That's all I have to say for right now. I hope you guys consider what I just said and find it in your heart to consider the fact we -- we just don't want it too high. And three to four stories probably be a good thing. That's all I have to say.

CHAIR STERMER: Thank you, Mr. Laster. We appreciate it.

MR. LASTER: Thank you all.

CHAIR STERMER: Thank you, sir.

MS. BOY: I have four final speakers from the public, and then I have a couple of people just for questions only, you know, transportation and on behalf of the applicant. Eddie Dickens, followed by Val Lewis, followed by Ephraim Morrer.

MR. DICKENS: Hello, everybody.

CHAIR STERMER: Good morning, Mr. Dickens.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. DICKENS: I grew up in Deerfield, lived in Deerfield for 50 years. You asked a question about the area. Well, the area's a cozy little spot -- I call it a pearl -- that I think a lot of people want to take over. We understand that people want to build and do different things, and things are changing.

When that road was put in, there was no consideration of the flyover for the people that lived in the community to get on to access and get out. So we are pretty much boxed in. And being boxed in, when the emergency vehicles come, sometimes they have a hard time getting to us. And that's a problem.

They're just building a big storage building on Hillsboro right across from the Post Office, which is a huge, massive monstrosity. On the other side of (inaudible) home, down Hillsboro, used to be a golf course. They turned that into a commercial complex over there.

So to draw you the picture, we had some commercial stuff, and we didn't have a problem with it, because we understand that people -- we grew up there, working people, working class people. We didn't have a problem with the boats and stuff. We adapted to that. We grew up going and being able to get in the water, swimming in the water and certain things like that.

And also with the flyover, when they built that flyover, there was a lot of homes that were damaged that the people never did get no response or no help to correct the problems with the homes over there. Also, building that building that tall is going to affect the skyline. When we wake up in the morning, we want to see the sky, just like everybody else want to see the sky. The view will be blocked.

The mangroves over there on the other side, that's -- like they say, that's a natural preserve. We love that, too, you know, just like everybody else love it. We like the water just like everybody else like the water. We're no different. We eat meat just like everybody else. We drink milk just like everybody else. You know, so we understand that they want to do this, but we need to address some issues, and I think it's going to be very hard to address an issue with a two-lane road. It's just something like you can't get milk out of a -- you can't get blood out of a turnip. And it's very difficult to try to come up with something that you already boxed in.

The police department is right up the street. When they come, they got -- there's a railroad track here, and you got two street -- two exit streets. You have two churches. There are only three homes that are over there that are two-story in the area. Only

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three homes in that area that are two -- two-story. Everything else is single story. And there are two churches in the area over there.

So we just asking, you know, for the -- for you all to consider the people that live in the area, that grew up in the area, just consider everybody back there, because we want to be heard. And we're not trying to block nobody, but, you know, we also want to be recognized and be considered in the process, because I know it was -- you know, the way that it was done it's like we didn't know nothing until like the last minute, because there was a lot of stuff going on. And for whatever reasons, you know, that's behind us now, but we're just trying to go move forward and to come together as one. Okay?

CHAIR STERMER: Thank you, Mr. Dickens.

MS. GRAHAM: I have a question.

CHAIR STERMER: Ms. Graham.

Mr. Dickens, one second, sir, please. Ms. Graham has a question.

MS. GRAHAM: Sir, since you live in the neighborhood and you know it so well, are there any multi-family properties mixed in with the single-family homes now?

MR. DICKENS: There is one apartment complex right across from where they're trying to build. And on the very back of the neighborhood along the water, there are a couple back there that have been there for years, and they're all single story.

MS. GRAHAM: That would be on 7th Court?

MR. DICKENS: Yes.

MS. GRAHAM: The little four-plexes?

MR. DICKENS: Yes. They --

MS. GRAHAM: Okay. Thank you.

MR. DICKENS: -- and -- and also, I forgot. I want to add to we don't know the procedure for the pilings that are going to be driven down into the ground for, as you know, that's a wetland over there. We -- and you know Florida has sinkholes. We have a concern about a lot of different things that have not been addressed or checked out. And the process about also how the pilings are going to be drilled into the ground. Is it going to be hammered, or is it going to be drilled. You know, so we have a lot of concerns also.

MS. GRAHAM: Thank you.

MR. DICKENS: Okay?

MS. GRAHAM: Thank you.

CHAIR STERMER: Thank you --

MR. DICKENS: All right.

CHAIR STERMER: -- Mr. Dickens.

MS. BOY: Ms. Lewis, followed by Mr. Morrer, followed by Farris Browne.

CHAIR STERMER: Ms. Lewis, good morning.

MS. LEWIS: Good morning, everyone. My name is Val Lewis. I live also in the area in Deerfield Beach. I come today to ask you to also deny the project. You've heard everybody else, so I won't go into details, but I am, too, concerned about just overpopulating an area. And I really feel like even with what you're seeing today, even here in downtown Fort Lauderdale, too much building is just really not good for any community. And that area within itself is very, very small. And I also believe that some of these density ranges really need to be reevaluated for the future use of areas when they're trying to build. So, I mean, that's all I have to say, but I do ask that you do deny this project today.

CHAIR STERMER: Thank you, Ms. Lewis.

MS. LEWIS: Thank you.

MS. BOY: Ephraim Morrer, followed by the final public speaker, Farris Browne.

CHAIR STERMER: Good morning, sir.

MR. MORRER: Good morning. My name is Ephraim Morrer. I've been in -- we've been living in that neighborhood for -- I've been staying there around about 56 years, myself. And my complaints -- not really complaints -- is the -- the overall units of buildings that's going to be in that area concerns the whole neighborhood. We also, me and my mother, we want to tell you -- ask you to deny the -- the planning and the building that's going on -- trying to go on in that neighborhood. Excuse me. The building that's going to try to go up is right in front of our apartments, and it's going to be eight stories, and I already got complaints, two of my units saying that they feel uncomfortable with such a building in that area. So I pray to God that you guys look over us, look over our property, and make the right decision. God bless.

CHAIR STERMER: Thank you, Mr. Morrer.

MS. BOY: Farris Browne is the final public speaker.

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THE COURT: Ms. Browne, good morning.

MS. BROWNE: Hi. My name is --

CHAIR STERMER: You can pull that microphone down.

MS. BROWNE: Okay.

CHAIR STERMER: You can pull it down. Perfect.

MS. BROWNE: Hi. Good morning.

UNIDENTIFIED SPEAKER: Good morning.

MS. BROWNE: My name is Farris Browne. I reside in that area. My family also have interests in that area. We enjoy that community. It's a really natural preservative area. There's manatees in that area. My objection is to the density and that the transparency really was going to be happening.

I attended several of the meetings, and there's been mixed conflict about what the prospective project is going to be. So -- but I agree with everything that everyone has spoken about previously. And my concern is because I live in that area, I do enjoy the beautiful natural preservative that's there, the animals that's there, and I do not want that to be impeached by a project of such mass density. Okay?

So I hope you guys consider everything that's been said here, and also look upon yourselves, where you guys live. If you live in an area where it's residential and children and you have natural preservatives, animals, birds that comes from -- that come from north to come down here in the summertime, and you consider the manatees, please look into your hearts and please look at this as if it was your community, and please consider everything that's been spoken here today. Okay? Take care, guys. Thank you very much.

CHAIR STERMER: Thank you, Ms. Browne. Appreciate it.

MS. BOY: That concludes the public speakers. Any remaining speakers are on behalf of the agent and for questions only.

CHAIR STERMER: Mr. Mele.

MR. MELE: Thank you.

MS. BOY: There you go.

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

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the applicant. A few comments.

First, as to access. So you see on the drawing here where to the right-hand -- or left-hand side -- I'm sorry -- of the area that's cross-hatched in, that's 1st Avenue. And then you go further, a block further west, that's Deerfield Avenue. I know a number of the residents were talking about Deerfield Avenue. Actually, there's a road that comes off of Hillsboro Boulevard. I know this drawing doesn't go far enough to show you Hillsboro Boulevard, but it's called River Drive. And it parallels and then goes underneath the Dixie Highway Bridge.

UNIDENTIFIED SPEAKERS: (Inaudible.)

MR. MELE: That --

CHAIR STERMER: Folks, please.

MR. MELE: -- that's --

CHAIR STERMER: Thank you.

MR. MELE: -- that's the access that we're proposing to use. So we're not proposing any driveway on 1st Avenue or Deerfield Avenue. Our driveway would be on River Drive, so we would come in in that direction. Also, I'm not suggesting that Deerfield Avenue isn't an important street. It very much is so. But keep in mind that this is an area of grid streets. So all of these -- not all of them -- most of these north/south streets that you see on this map do go to Hillsboro Boulevard. Now, when you're going east and west, the ways that you can get beyond Dixie Highway are either Hillsboro Boulevard or what's called Eller Street, also known as 2nd Street. So the other streets when you get further north do not go east to Dixie Highway because of the waterway. You can see on this drawing where you see River Drive, if you look in the lower right-hand portion, and then you see it kind of comes right in to the center of the site. Our western boundary is 1st Avenue. We will not have any access points on 1st Avenue, and we're willing to commit to that as part of this land use amendment, even though I know that's normally a site plan issue.

The other thing that we're doing, there are several city parks in the area. So just east of the bridge, there's a city park. You can kind of see the fringes on it in the lower right-hand corner of the drawing. And then as you go north of the subject property, you see another city park right at the bend at the river. And then, where you see Freedom Marine, there's a city park there that goes east of Freedom Marine and south of it. So we are working on a boardwalk system that would connect all these properties, the three parks, our property, and up to Freedom Marine. Now, I know that doesn't provide the same view of the river that you have now, but the idea was to keep that area for public use, even in front of our property and in front of the other properties so people can traverse along the river.

This is a -- this is a picture of the Deerfield Beach land use map. So you'll notice it's a little different than yours. It's got a larger amount of commercial property and a smaller amount of residential property.

The breakdown for yours is shown on the second page of the backup. The breakdown for the Deerfield map is that the R5 is three-tenths of an acre, the R10 is 4.1 acres, and then the two commercials, the Commercial and the Commercial2, total four acres. So there's more commercial on the map in Deerfield than there is in the County map. I believe this boatyard, which is an active boatyard, was there even before any land use maps were drawn. It's been there for a very long time.

So the actual change from what's there now to what we're proposing is a little different than what you would look at when you just look at a land use map, because it's an active boatyard there today, and it occupies all of the property you see except for the little piece that says R5. The boatyard is not in that area, but it is in the other portions of the property.

If you look at the traffic, the way it's computed on the County map, where there's less commercial and more residential currently, it's an increase of 26 p.m. peak hour trips. And the report shows you that that number is insignificant. If you look at the County -- or the city map, rather, it's actually a reduction in 75 trips, again, because there's more commercial on the city map.

So I definitely heard the concerns of the residents. I -- we got the point that eight stories is too big. Also, even the drawing that I showed you, the western portion of the property closest to the neighborhood was the parking garage. It's a two-level parking garage, so -- with a little parapet wall on the top, so it's very low. Then, of course, the residential building is up against the water.

The concerns about privacy, all of the units are facing the river, not facing the neighborhood. So in terms of a concern that someone might look out the window and be able to look into someone's yard, that's not the way this is designed. Now, again, I know we're talking about a lot of site plan stuff, but as we were getting ready for this meeting, we were looking back at similar situations in the past where there were single-family neighborhoods or lower density neighborhoods, someone coming with multi-family, and we did, as Ms. Blake Boy was talking about earlier, restrictive covenants recorded in the public record dealing with these design issues, transitioning height from lower to higher, putting in buffers, berms, whatever the case may be.

We've had very detailed restrictive covenants in some cases to make sure that the representations we're making today will be binding not only on us, but any future owners of the property. The other thing is when we reach out to neighbors, the easiest way is when there's an incorporated homeowners' association, because you can look it up, you can find out who's the property manager and who's the president of the association, and you can call. In this case, there's a very good neighborhood here, a very active neighborhood, but there's not an incorporated homeowners' association. So

it wasn't until people came to some of the meetings that we realized who we should be talking to. And then since then, we've had a couple of community meetings. I believe we notified people within a thousand feet of the site. I think the city's normal notice distance is maybe 400 or 450. The County's is --

MS. BOY: Three hundred.

MR. MELE: -- 300. So we did try to reach out as far as we could. We are committed, as we go through the rest of this process, to continue to work with our neighbors. I think we heard some very valid concerns this morning, and we want to have an opportunity to address them. Keep in mind that this is a small scale amendment, so this is your first time looking at it. You'll look at it one more time before it goes to the County Commission and then before it goes back to the City Commission. So we know we have work to do, but I don't want to stop here. I don't know that anybody wants us to stop here. They want us to make changes, and we're willing to do so. If you have any questions, I'll be happy to answer them. Thank you very much.

CHAIR STERMER: Thank you, Mr. Mele.

MAYOR GANZ: May I?

CHAIR STERMER: Mayor Ganz.

MAYOR GANZ: Mr. Mele, you're talking about River Drive. River Drive intersects, though, into Northeast 1st Avenue as you go further south; correct?

MR. MELE: That's correct.

MAYOR GANZ: So how are we looking -- if that is your one main thoroughfare there and you're going to connect -- you're going to feed New River Drive into Northeast 1st Avenue, that kind of makes a weird turn as you get further south.

MR. MELE: Right.

MAYOR GANZ: How are we looking to -- to adjust for that --

MR. MELE: Well --

MAYOR GANZ: -- and accommodate the traffic that would come through there?

MR. MELE: -- so what we attempted to do here was to pull our traffic away from the neighborhood as quick as we could. I wish River Drive went all the way down to Hillsboro. It doesn't. So if there's an intersection improvement or other improvement that's needed at River Drive and 1st Avenue, we're more than willing to make it.

MAYOR GANZ: Thank you.

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CHAIR STERMER: That's it?

MAYOR GANZ: Yes.

CHAIR STERMER: Ms. Graham.

MS. GRAHAM: Thank you, Chair Stermer. Mr. Mele, at the beginning of your presentation, and correct me if I misunderstood, you had mentioned that there really aren't defined, I guess, zoning code or land use codes for City of Deerfield Beach specifically addressing compatibility -- neighborhood compatibility, height, and density. Did I misunderstand you?

MR. MELE: No, I didn't say that. Deerfield Beach does have a compatibility provision in their code.

MS. GRAHAM: Oh, okay. And then the height that's in this area, not talking about the density per acre, but the height, is there a height restriction right now? I'm not familiar with their zoning at all up there.

MR. MELE: Sure, there's -- there's height restrictions in all these various zoning districts, and you see we have -- well, actually, what I'm showing now is land use categories, but there are zoning districts that correspond to them, and there's a height limitation in each one of them.

MS. GRAHAM: Okay.

MR. MELE: Some of them are higher than others, some of them are lower.

MS. GRAHAM: Okay. So what would be the highest one out of the five or six that are there?

MR. MELE: I think it's 75 feet.

MS. GRAHAM: Okay. Because -- and, again, 75 feet was always the cutoff for what was considered a high rise with the new code. The other -- old South Florida Building Code, it was 50 feet. And it was very different from Dade's, but 50 feet, a lot of other life safety issues were -- had to be incorporated above 50 feet. Thank you.

CHAIR STERMER: Anybody else? Mr. Rosenof.

MR. ROSENOF: Yeah, a question for -- for staff, and I guess maybe this is just a math lesson, but on page 32, public schools, how did we end up with seven less students generated with 250 additional units?

MS. BOY: Sure. It's based on the student generation rates, and Low-Medium 10 is a

different type of category than Irregular 39. So Irregular 39 is more of a mid-rise or high-rise category. So when you're looking at such a development as townhouse, Low-Medium 10's really like a townhouse development. More students are generated, projected to be generated by that than mid-rise or high-rise uses. So that's why it shows a reduction of units. You'll -- you'll see that across the analyses that are done for Land Use Plan amendments.

MR. ROSENOF: It defies common sense, though. That wasn't a personal attack.

MR. MELE: Mr. Chair, could I add something?

CHAIR STERMER: Please.

MR. MELE: I hear what you're saying. We often hear comments about the School Board's student generation rates. But keep in mind that when you look at the full report, all three of the schools in the area have capacity, whether it's this number or a higher number.

MR. ROSENOF: It was more a math question than it was anything else.

MR. MELE: Understood.

CHAIR STERMER: We're going through the math calculation now over at the oversight board dealing with the current proposed student generation rate, which will make its way to the nine people that sit here on Tuesdays. So there are lots --

MR. ROSENOF: As an engineer, math is important to me.

CHAIR STERMER: Yeah, I know. Mr. DiGiorgio, then Mr. Grosso.

MR. DIGIORGIO: Mr. Mele, you brought up an interesting point. Again, we're not looking into necessarily building heights here, but we're trying to understand the flow and the sight lines and the visibility. So, if you could, just elaborate a little bit. Your setback distance from the buildings to the street to across the street, what are we actually talking about from the eight stories that you're proposing to actually where the homes are across the street?

MR. MELE: Jean Francois? This gentleman's not signed up. I'll ask him to sign up afterwards. He's our architect.

CHAIR STERMER: Okay.

MR. DIGIORGIO: Great.

CHAIR STERMER: Just give us your name, please.

MR. GERVAIS: Yeah, Jean Francois Gervais. I'm -- I'm the architect of the project. If you look at -- at the site plan, you'll notice where there's the -- the water retention basin to the -- to the top right. So this is actually adjacent to some single residential building. And the distance between the two buildings in this proposed plan is about 120 feet.

MR. DIGIORGIO: The distance -- and what I'm asking specifically is the eight-story towers that you have there in the -- in the shape that are facing the water, the distance from the back of that tower to the residents across the street that were concerned about the one direction, and then to the residents to the north. It's important with sight lines, because people are very concerned about that. We heard a lot about the air and how they're going to be constrained in there. So it's important that they understand those wall sections and the distances.

MR. MELE: So the -- to the north --

MR. GERVAIS: This is 120 feet.

MR. MELE: Okay. To the north, the distance between -- so if you look at kind of where those little red rectangles are, right, and then going to the north, the separation there between that building and the closest home is 135 feet and change. And then on the west, you notice the parking garage is the lower thing in the back when you get to that kind of M-shaped thing --

MR. DIGIORGIO: That's the two-story you talked about.

MR. MELE: Yeah. That's about -- what did you tell me, Jean Francois? 140?

MR. GERVAIS: 120.

MR. MELE: 120.

MR. DIGIORGIO: Okay.

MR. MELE: So 135 to the north, 120 to the west.

MR. DIGIORGIO: Thank you.

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: Are we on for board discussion yet or --

CHAIR STERMER: Not yet. Questions.

MR. GROSSO: No, I have no questions.

CHAIR STERMER: Okay. Any more questions? Mr. Grosso.

MR. GROSSO: All right. For discussion?

CHAIR STERMER: Yes.

MR. GROSSO: I don't see how we possibly support this. Compatibility is a primary consideration in the Land Use Plan that we are to enforce. I am not willing to approve this, put the residents behind the eight ball, let them hope for the best, that site planning will make this thing that's grossly incompatible with their neighborhood somehow less so later. This is not even in the same scale, arguably, compatible with this neighborhood.

And we talk about the future, and we plan for the future and changes, but then sometimes we forget about the existing people who've made a community and what this will do to their lives. And -- and, to me, this is an easy no. And -- and I -- I worry that too frequently we say, we'll deal with compatibility later. We'll give you a few hedges. We'll -- we'll lop a couple of stories off the building and you'll be happy with that. Compatibility is something we are supposed to consider now when we say categorically yes or no it's compatible.

Categorically, this is grossly incompatible, I think, with this neighborhood. And we gloss that over. It's in the plan. I intend to enforce it on this and other things, even as we transition to what we're doing as a County. But this is not, you know, a transit, multimodal area in-fill development that we're going to up -- you know, upgrade to bring in mass transit. This is, I think, a gratuitous change that would ruin the stability of an existing neighborhood.

I have been strongly motivated by the show of support of people who have come to protect their neighborhood. I take that responsibility very seriously as a member of this planning board. And I -- I can't, in good conscience, vote -- good conscience, vote to approve this. And I hope that the rest of my members will join me with that.

CHAIR STERMER: Thank you, sir. Anybody else for discussion? Ms. Graham.

MS. GRAHAM: Mr. Mele, I believe, or someone maybe had brought up the fact that the golf course just west of -- just east of I-95 and north of Hillsboro had been changed to industrial use. And I was the lone no vote on that a few years ago, because I didn't understand why they didn't put residential on that golf course, because that is sort of the west end of the neighborhood where your development is proposed at the east end on the water.

And I have to say I agree with Mr. Grosso. I just -- someone referred to this as a -- a pearl or a gem of a neighborhood. I've been back there. I've had to inspect some buildings a few years ago back in there just for loans. And, I mean, I had never been back there. I was really surprised. It -- it's sort of a secret place. I mean, it was hard to find. There was only one-way in. And, luckily, there was the water, so I couldn't get lost, I was stopped. But I just have to agree with Mr. Grosso. I can't support it the way it is

now and increase the density. Thank you.

CHAIR STERMER: Anybody else? Commissioner Blattner.

COMMISSIONER BLATTNER: Just a question. Has -- has this appeared before Deerfield Beach's Planning and Zoning Board or any agency of that nature in the city?

MR. MELE: Mr. Chair?

CHAIR STERMER: Mr. Mele.

MR. MELE: Prior to coming here, we were at the Planning and Zoning Board. A unanimous recommendation of approval. With the City Commission, a 4 to 1 vote for approval.

COMMISSIONER BLATTNER: I'm sorry, I didn't hear the last part.

MR. MELE: City Commission, 4 to 1 vote for approval.

COMMISSIONER BLATTNER: Interesting.

CHAIR STERMER: Anybody else?

COMMISSIONER CASTILLO: Yeah.

CHAIR STERMER: Commissioner Castillo.

COMMISSIONER CASTILLO: This is a question for staff, maybe Andy or Barbara, you can answer. So if the density of this project had been lower, if it had come in at a lower density, would it still be before this Council?

MS. BOY: Yes. Any amendment --

COMMISSIONER CASTILLO: So -- so --

MS. BOY: -- if the --

COMMISSIONER CASTILLO: -- in other words, they're -- they're proposing an eight-story project; right?

MS. BOY: Well, so we don't -- our plan doesn't regulate the height, so I don't --

COMMISSIONER CASTILLO: Right.

MS. BOY: -- I can't define how many stories --

COMMISSIONER CASTILLO: So if --

MS. BOY: -- it is.

COMMISSIONER CASTILLO: -- they had come in with a seven-story project, it would still be in front of us. If they'd come in with a six-story --

MS. BOY: Any -- if they were doing anything above the ten units per acre --

COMMISSIONER CASTILLO: Right.

MS. BOY: -- unless they allocated flex at the local level, which they have a tool to be able to accomplish that at the local level, so that would --

COMMISSIONER CASTILLO: So -- so I just want to be clear so that I can -- I can vote in accordance to what our purpose is. So the height -- the height of this, however important, and it is important, is not before this board?

MR. MAURODIS: The height is not. Now, you can make determinations as -- by looking at the amount of density versus the aerial to kind of make -- you -- certainly you can make reasonable interpretations as what it would take to get that many units on the parcel of property. But you are not voting on height, you're voting on density.

COMMISSIONER CASTILLO: Okay. Thanks.

CHAIR STERMER: Anybody else? Mayor Ganz -- Mr. Rosenzweig. No, Mayor Ganz is going to be last. Mr. Rosenzweig.

MR. ROSENZWEIG: Being a resident of Deerfield, and having been a Commissioner there, I never was in this area. And hearing what I'm hearing, to me, this seems to bring back pictures in my mind of Catfish Row. And -- and the -- the area that's there and the residents that are there in that area is like a throwback in history. And I think something needs to be done there. There's no question that -- that help is needed to make that area more compatible and more livable. But I don't think this is the project, in my mind, for that area in compatibility, and density, and traffic.

The roadways in that area are very narrow. They're one lane each way, small. And I don't see how you can make traffic flow through there easier. And emergency vehicles getting in there and out, there's a problem now. And so I have difficulty with this project and the way it's coming forward at this time. As I say, I think something needs to be done there to help make that area, you know, more -- more livable, but I don't think this is the project for that area, in my mind. Thank you.

CHAIR STERMER: Commissioner Williams.

VICE MAYOR WILLIAMS: Yes, thank you. This project, I see it as a -- something that

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would be good, but I'm having some concerns with the density. I've never been to that neighborhood before, but I'm going to make sure I go visit. And I think seeing is believing. But my problem would be with the height of the buildings. And I know we're not voting on that for that.

CHAIR STERMER: That's not --

VICE MAYOR WILLIAMS: Thank you.

CHAIR STERMER: -- part of what our considerations are.

VICE MAYOR WILLIAMS: Right.

CHAIR STERMER: Mayor Ganz.

MAYOR GANZ: Thank you. Actually, could I bring Mr. Mele up to ask him a question, if that's all right?

CHAIR STERMER: Yeah.

MR. MELE: Yes, sir.

MAYOR GANZ: Mr. Mele, obviously, you've heard concerns at both the meetings you've had with the public, the meetings you've had with the City Commission, and everyone's statements here today. And the height is an issue, obviously. If the density is granted to you, what will be your solution in order to lower the height of the project and still -- why do you need this much density if you know that lowering the height of this project is needed?

MR. MELE: We're going to put up a picture so I can explain the answer.

MS. BOY: Which one?

MR. MELE: This site plan. Great. Thank you. So you see that the tall portion is that kind of M shape. And you see there's a lot of open space facing the river. If we had to make it taller, we'll spread out a little bit into that open space area towards the river. We'll still --

MAYOR GANZ: Not taller. Lower.

UNIDENTIFIED SPEAKERS: (Inaudible.)

(Laughter.)

MR. MELE: That's what I meant. If we have to make it smaller --

CHAIR STERMER: Mr. Grosso nearly fell out of his chair.

(Laughter.)

MR. MELE: If we have to make it smaller, shorter, that's what we would do. Just move it a little bit closer in that those two areas between the M's towards the river.

MAYOR GANZ: Okay. You purchased the lot that was to the north of the -- next to the vacant lot to the north of this property. What is your intended use for that?

MR. MELE: You see that, if you look at the right-hand, the lower right-hand corner there, you see we have a tennis court and a little recreation area there.

MAYOR GANZ: Okay. Thank you. Thank you. First, I want to thank the public for coming out. Not only to this meeting, for the other meetings that we've had. One of the problems that we have a little bit with notification, and I know every city has it a little bit different, and, obviously, with this board we have it different. One of the things that we should probably consider, and this is something the City of Deerfield Beach is considering, if we're looking at 300-foot boundaries, most of the -- the people that would be contacted by this are the birds and the wildlife that would probably be notified to the east of it. So someone said we if could shift that a little further. So if there is no one really to reach, that we kind of not put the project right at the center of that radius and we kind of slide it over. Is that what we do? Because -- because --

MS. BOY: Sure. It's --

MAYOR GANZ: -- my understanding is not -- that's not the feedback I've been getting.

MS. BOY: -- it's from the -- it's from the -- from the boundaries. It's 300 feet from the -- from the boundaries, not from the center of the project.

MAYOR GANZ: Okay.

MS. BOY: So it would be from the edges. It includes, obviously, the property owners within the amendment area, and then 300 feet from the -- from the edges.

MAYOR GANZ: Because that's been one of the biggest complaints we've had is notification on -- on this project. Not just from the -- from you, from this board here, but also from the city level. So that might be something as far as extending those out. In particular, I do want to credit the -- Mr. Mele's group for trying to do the neighborhood outreach and extending the notifications as far as they can on this.

The Commission did approve this 4 to 1. And we don't look at this as grossly incompatible with the area. We see this very differently than what Mr. Grosso and others might look at this. But we do have concerns with the height. The height is a problem. And as far as the in and out on this, that is something that the City of Deerfield Beach is

going to have to deal with themselves.

And we don't take it lightly. We do appreciate the feedback that we've gotten from the residents. And it's hard to look at a project like this, certainly in this neighborhood, when you do see, after all these years this -- this neighborhood has been there, you still have vacant lots. That's unusual.

The City of Deerfield Beach, 20 percent of the privately owned vacant properties in Broward County are in Deerfield Beach. So you'll see this. So any change over there is going to be drastic to them. And currently what's allowed and what is there are very different. So if what is allowed were built up to its maximum, it would have a very different feel over in that neighborhood. So no matter what we build will certainly have an impact. And I'm very aware of that and sensitive to it.

I am curious to see, knowing that the height of this project is going to have to be reduced in order to get approval on the city level, certainly from me, and I believe that was pretty clear the first time this went through the city -- the City Commission. And that seems to be the biggest neighborhood concerns is the height.

I think there -- I support this project moving forward at this level with what we're doing here and what we're tasked to do. I don't see it as grossly incompatible. I see it as something that will help revitalize that area that has been struggling in many different ways. And while I think that the neighborhood concerns certainly need to come into play, not only from this board, but it will come into play when it comes to the City of Deerfield Beach. I can promise you that.

CHAIR STERMER: Thank you, Mayor. Ms. Graham.

MS. GRAHAM: Just a question for the Mayor, please, Mayor Ganz.

MAYOR GANZ: Yes.

MS. GRAHAM: The one no vote, was that the district Commissioner for this --

MAYOR GANZ: I believe that is correct.

MS. GRAHAM: Thank you.

MAYOR GANZ: Mr. Mele, can you clarify? Memory doesn't serve me.

MR. MELE: The district Commissioner is Gloria Battle. That evening, she asked us to defer it to meet with the neighbors. The meeting went forward, and she voted no.

CHAIR STERMER: Anything further?

MAYOR GANZ: I'm sorry. Just to address that a little bit further. My recollection of that

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is her biggest concern is she felt there wasn't enough public notification given to get feedback. She wasn't necessarily against the project. She was concerned about the public being notified.

MS. GRAHAM: Thank you.

CHAIR STERMER: Let me try to gather us back together to remember what our purpose is. But let me try to get Mr. Maurodis and Ms. Blake Boy to answer a question that was asked of us that we have to answer. There have been requests for this to go the South Florida Regional Planning Council. Let's answer the question as to yes or no. So let's get an answer.

MS. BOY: This is a small-scale amendment going through the County process, so that means it's under ten acres, less than ten acres. So Chapter 163 of the Florida Statute does not require transmittal to state review agencies for small scale amendments. The process here at the County, via the Charter, is two Public Hearings before the Planning Council and then on to the County Commission for consideration of adoption. So you will see this again at another Public Hearing, an additional Public Hearing.

If it is adopted by the County Commission, because you're the recommending agency to the County Commission, if the County Commission recommends approval or approves the project, it will -- a courtesy copy will be sent to the State Department of Economic Opportunity, as well as the South Florida Regional Planning Council, but there is no comment period through Chapter 163.

MR. MAURODIS: Yeah, and remember, this is one of those where you have -- you hold two hearings --

CHAIR STERMER: Uh-huh.

MR. MAURODIS: -- before it even gets to the County Commission. Your recommendation is generally made -- it's made at the second one, at the second of the two Public Hearings. It's in the Charter. It's a kind of a --

CHAIR STERMER: I just wanted to answer that question, because there were requests made, and I don't want to not answer it so people say, why did they avoid answering that question.

MR. MAURODIS: You cannot delegate your authority.

CHAIR STERMER: I just wanted you to give us that answer so it's out there. We appreciate the request. I would answer it by also saying the following. We're big boys and girls and we understand our responsibilities. Some people like what we do, some people don't. But that's part of the reason we sit here. And today it's Deerfield Beach. Tomorrow it's Pompano Beach. Next week it's Hollywood, and it's -- we deal with different communities at all times.

So I think we have -- we're at a place where we've been in the past, meaning a proposal with regard to land use, which is what we focus on, is before us, having been approved unanimously by a local Planning and Zoning Board, and having been approved 4 to 1 at a City Commission. I don't dispute that every member of the public who spoke today is opposed to this project. I think the Mayor who's sitting here heard them loud and clear. But it still, once we finish today, should it pass, it will come back to us again for a second. And we just make -- we're just passing it --

MR. MAURODIS: You're not even passing it on.

CHAIR STERMER: Correct. No, but I'm saying it has to come back to us for a second hearing. So we're not done with this. Plus the thing goes back to the city, then it goes to the County. All's we're doing is changing a designation to create, subject to our final hearing -- we're not gaveling this today for a final decision. Passing it today allows it to continue through the process and come back to us. And just because we pass it today doesn't mean it needs to pass when it comes back to us on second reading. We can, at that time, should we so decide, based upon whatever competent evidence we want to contemplate, change our votes. That's part of the public process.

If we stop it today -- I don't think any member of the public said, stop the project. I think every member of the public said, we don't like it as currently drafted. I believe the Mayor heard that loud and clear. I believe Mr. Mele, on behalf of the developer, heard that loud and clear. If we say no today, then everything's back to square one and they have to start the process all over again.

So the question becomes, do we allow the process to continue, allow a number of other publicly noticed meetings that exist by process, different than every other meeting Mr. Mele, as a developer, may set up independent of the process, to continue. There are a variety of checks and balances that will continue to exist in the process. Today is not our final vote. Mr. Maurodis.

MR. MAURODIS: Yeah, and irrespective -- irrespective of the vote today, again, this is one of those little niche items that you have two -- basically two hearings in a row before it even gets to the Broward County Commission. So whatever you do today, you don't even have to make a -- a vote, because you're going to get -- have a second hearing. It's a provision in the Charter that we live with on this particular item. And then, at that meeting, you will make your recommendation. Now, if you choose to make a tentative recommendation --

CHAIR STERMER: We can conceivably do nothing today.

MR. MAURODIS: Or you can --

CHAIR STERMER: We can say thank you and see you whenever.

MR. MAURODIS: -- or you can say a tentative recommendation if you choose to, you know, go on record, if that's what you wanted to do, but you're going to get it again. The next body to get this in the County level is you again. Then it goes to the Commission with your recommendation. It's just you're required to hold two Public Hearings under the Charter.

CHAIR STERMER: Mr. Grosso.

MR. GROSSO: I think we have to assume -- I know we have to assume, when you approve a land use amendment, you have to assume the maximum impacts that it would allow. And so, as much as I hesitate to disagree with my two mayors, for whom I have deep respect, I think height, compatibility, potential density is absolutely one of the things we have to consider. And I also have, perhaps, a different view of the role of this Planning Council. Everything that comes to us came to us because a majority of a City Council voted to get it here.

CHAIR STERMER: Uh-huh.

MR. GROSSO: So if that's the standard, then we just say yes to everything. And I don't think that's the reason we exist. I think a no today that puts the residents on equal footing, the applicant has to start back with them and put together something that really works for them, too, I think that's the right result here today. For that reason, I'm going to **move** to deny the application.

CHAIR STERMER: Is there a --

MR. BLACKWELDER: Second.

CHAIR STERMER: There is a motion to deny by Mr. Grosso, a second by Mr. Blackwelder.

COMMISSIONER CASTILLO: That's a substitute motion?

CHAIR STERMER: There's -- there wasn't a motion on the floor yet. That's the --

COMMISSIONER CASTILLO: I thought the -- I thought the original motion --

CHAIR STERMER: There's a --

COMMISSIONER CASTILLO: -- was to approve.

CHAIR STERMER: No, there was no motion yet. There's been a motion to deny, and a second on the motion to deny. A yes vote is to deny. A no vote is to --

UNIDENTIFIED SPEAKER: Not deny.

CHAIR STERMER: -- wait for a second motion to be made, if one's made. Ms. Portier, Commissioner, no. That's not -- we're done with the public at the moment. There's been a motion to deny. Ms. Cavender, please call the roll.

VICE MAYOR WILLIAMS: Could you --

CHAIR STERMER: The -- the --

VICE MAYOR WILLIAMS: Can you say that again?

CHAIR STERMER: Sure. The motion is to deny. So if you vote yes, you're voting to deny the application. If you vote no, you're allowing another -- you're allowing the conversation to continue subject to another motion or us saying we're not taking a position and waiting for the second hearing. Let's -- let's remember, as Mr. Maurodis said, because of what this is, whatever -- we're not making a decision today. Mr. Grosso is trying -- I understand what Mr. Grosso's doing, and I'm trying to give him the leeway to do that. We don't have to do this. A member's asked for it. We're going to do it. At the end of the process, we'll see where we end up. But Mr. Grosso has made a motion. We respect his motion. It's been seconded by Mr. Blackwelder. I'm not going to rule it out of order. Ms. Cavender, please call the roll on the motion to deny.

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: Yes.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: No.

THE REPORTER: Mr. Robert Breslau.

MR. BRESLAU: No.

THE REPORTER: Commissioner Felicia Brunson. Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: No.

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

MR. DIGIORGIO: No.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: No.

THE REPORTER: Vice Mayor Michelle J. Gomez. School Board Member Patricia

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Good. Ms. Mary D. Graham.

MS. GRAHAM: Yes.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: Yes.

THE REPORTER: Commissioner Heather Moraitis.

COMMISSIONER MORAITIS: No.

THE REPORTER: Commissioner Nan H. Rich. Mr. David Rosenof.

MR. ROSENOF: No.

THE REPORTER: Mr. Richard Rosenzweig.

MR. ROSENZWEIG: No.

THE REPORTER: Mayor Michael J. Ryan. Vice Mayor Beverly Williams.

VICE MAYOR WILLIAMS: No.

THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: No. The motion fails 10 to 3.

VOTE DOES NOT PASS.

MAYOR GANZ: I would like to make a **motion** and to move this forward, or at least -- and I'll -- I'll even accommodate Mr. Grosso's considerations. Do we want to do a tentative recommendation from this board to move this forward? Mr. Maurodis, is that what you suggested?

MR. MAURODIS: No. My -- well, my feeling is, because of the odd nature -- and I'm not doing a good job of explaining this. Under the Charter, you get this twice in a row. Whoever thought of that idea, we don't know. It certainly would be ripe for an amendment to the Charter. You just get it twice in a row, so --

CHAIR STERMER: Sorry, we just missed that opportunity.

(Laughter.)

MR. MAURODIS: The recommendation you get is the recommendation you're making to yourself, in essence. You see what I'm saying? That's why I was going to call it --

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you don't have to take any further action. It's going to be before you again. If you would like to make a -- I would refer to it as a tentative recommendation, but you understand that the next body at this level to hear this is you. So maybe -- and I think -- so you can make it as a tentative recommendation. You're going to get it again with your own recommendation in front of you.

CHAIR STERMER: And I'll state the same thing I said when Mr. Grosso made the motion. If a member would like to try to take the pulse of where we're sitting today, I'm not --

UNIDENTIFIED SPEAKER: (Inaudible.)

CHAIR STERMER: -- going to rule that out of order. So there's been a motion to give a tentative recommendation --

MR. DIGIORGIO: Second.

CHAIR STERMER: -- of approval by Mayor Ganz, seconded by Mr. DiGiorgio. Madam Clerk, please call the roll.

COMMISSIONER BLATTNER: Point of clarification, Mayor, before we take the vote?

CHAIR STERMER: Mr. Blattner.

COMMISSIONER BLATTNER: Does tentative mean it comes back to us twice or once?

CHAIR STERMER: It's going to come back to us again. This is our first time. It's going to come back to us a second time.

COMMISSIONER BLATTNER: Okay.

CHAIR STERMER: One more time. Whatever we do today, we're talking to ourselves -

COMMISSIONER BLATTNER: I got it.

CHAIR STERMER: -- because the next body to hear it is us. So all's we're doing is --

COMMISSIONER BLATTNER: Second question is --

CHAIR STERMER: -- talking to ourselves.

COMMISSIONER BLATTNER: -- per Mr. Maurodis, it has to come back at the next meeting.

CHAIR STERMER: No.

MAYOR GANZ: Regardless of what we do --

CHAIR STERMER: It does not have to come back at our next meeting, to the best of my --

COMMISSIONER BLATTNER: Thank you.

CHAIR STERMER: -- understanding.

MR. MAURODIS: Not the next meeting.

CHAIR STERMER: Correct. Correct, Ms. Blake Boy? It doesn't have to be the next meeting?

MS. BOY: It does not have to be the next --

CHAIR STERMER: Correct.

MS. BOY: -- meeting. It -- there's no meeting in July, though, just so --

CHAIR STERMER: Uh-huh.

MS. BOY: -- you heard that.

CHAIR STERMER: Understood.

MS. BOY: It can come back in August.

CHAIR STERMER: Understood. Or at some future date.

MS. BOY: Some -- yes, some future date.

COMMISSIONER BLATTNER: Thank you for clarifying.

CHAIR STERMER: We are not on a calendar.

COMMISSIONER BLATTNER: Got it.

CHAIR STERMER: There's been a tentative -- there's been a motion to tentatively recommend. If you vote yes, your recommendation is to tentatively approve it to yourself for whenever it comes back. If your vote is no, you're voting to tentatively deny the recommendation for whenever it comes back to us. Ms. Cavender, please call the roll.

THE REPORTER: Mr. Brion Blackwelder.

MR. BLACKWELDER: No.

THE REPORTER: Commissioner Richard Blattner.

COMMISSIONER BLATTNER: Yes.

THE REPORTER: Mr. Robert Breslau.

MR. BRESLAU: Yes.

THE REPORTER: Commissioner Felicia Brunson. Commissioner Angelo Castillo.

COMMISSIONER CASTILLO: Yes.

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

MR. DIGIORGIO: Yes.

THE REPORTER: Mayor Bill Ganz.

MAYOR GANZ: Yes.

THE REPORTER: Vice Mayor Michelle J. Gomez. School Board Member Patricia Good. Ms. Mary D. Graham.

MS. GRAHAM: No.

THE REPORTER: Mr. Richard Grosso.

MR. GROSSO: No.

THE REPORTER: Commissioner Heather Moraitis.

COMMISSIONER MORAITIS: Yes.

THE REPORTER: Commissioner Nan H. Rich. Mr. David Rosenof.

MR. ROSENOF: Yes.

THE REPORTER: Mr. Richard Rosenzweig.

MR. ROSENZWEIG: Yes.

THE REPORTER: Mayor Michael J. Ryan. Vice Mayor Beverly Williams.

VICE MAYOR WILLIAMS: Yes.

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THE REPORTER: Mayor Daniel J. Stermer, Chair.

CHAIR STERMER: Yes. That motion -- that recommendation, tentative recommendation, passes 10-3.

VOTE PASSES 10 TO 3 WITH BRION BLACKWELDER, MARY GRAHAM, AND RICHARD GROSSO VOTING NO.

OTHER BUSINESS:

CHAIR STERMER: Anything further before the Planning Council this morning. Thank you everybody. See you next month. Thank you to the public for showing up this morning. We appreciate it. We'll see you at our next -- whenever this comes back.

MS. PORTIER: When is your next meeting?

CHAIR STERMER: We don't know when this will come back. The Mayor will communicate with you the next time this comes back.

(The meeting concluded at 11:48 a.m.)