

(Staff Contact: Nguyen Tran)

Nguyen Tran, CRA Director, presented the item and stated that this is the second reading to the lease agreement and there has not been any changes since first reading.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be ADOPTED. The motion carried by the following vote:

Yes: Eaton
McGee
McMahon
Moss
Hardin

No: Perkins

Enactment No: ORD. No. 2019-88

26. [19-620](#) **P.H. 2019-119: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE ELEMENT TEXT TO PROVIDE DEVELOPMENT RIGHTS WITHIN THE DESIGNATION OF THE LIVE! RESORTS POMPANO REGIONAL ACTIVITY CENTER (RAC); PROVIDING FOR A DETERMINATION THAT A LOCAL PLANNING AGENCY HEARING WAS HELD ON JULY 24, 2019; PROVIDING THAT A TRANSMITTAL HEARING AND AN ADOPTION PUBLIC HEARING WILL BE HELD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: David Recor/Jean Dolan)

Jean Dolan, Development Services Department, presented the item and stated that this is an exciting project and the next two items are both for the LIVE! Resorts Pompano project. The first one is the Land Use Plan Amendment (LUPA) and the one immediately following is for the zoning. They will go quickly through the Land Use Plan, and the applicant is available for any questions. Next, they will go right into the zoning where oftentimes most of the questions relate to the zoning. So, if there are questions that come up during this phase that is more appropriate for the next item, she respectfully asked to wait until the next item comes up for discussion.

Continuing, Ms. Dolan introduced the team that has been working very hard on this project moving it forward. She has been in charge of the LUPA process, Max Wemyss, City staff has been taking the lead on the Planned Development (PD) zoning, James Hickey, Calvin Girodano and Associates (CGA) consultant on the PD zoning

and Gavin Jones, traffic consultant for the PD zoning traffic. In addition, the applicant is present, Abraham Rosenthal from the Cordish companies, Debbie Orshefsky, Esq, the lead attorney, Mike Vonder Meulen, Keith and Associates, and John McWilliams from Kimley Horn as their traffic consultant.

Ms. Dolan explained that the loop is a long process. The first thing that happens is the City's Plan Amendment process, which has started. After first reading, the City transmits to the County and request that they amend their plan to match the City's. All entitlements are borne in the County's plan and that plan has to be amended prior to the final second reading of the City's plan. Second reading of the Amendment is expected in Spring of 2020. The subject property is located on Powerline Road between the railroad track and Powerline Road south of the Racetrack Road. Palm Aire is on the west and Cypress Bend on the south. Palm Aire and Cypress Bend are residential communities on the west/south, the industrial area to the east and there is an industrial park in the Walmart Shopping Center to the north.

Further, the property received its original entitlements in 2010, so at that time it had more commercial recreation square footage than they are currently proposing. This plan amendment will reduce the commercial recreation component by almost 1,822,000 square feet and on the other hand, they will increase the office by the similar amount. They are adding another 2,800 residential units. They will be changing the character by adding more units that are residential and swapping the commercial recreation for office. An impact analysis is done whenever there is a LUPA to ensure there are public facilities to serve the project. Finally, the recommendation is for the Commission to approve the LUPA. The Planning and Zoning Board unanimously recommend approval of the amendment.

Debbie Orshefsky, Esq., the Attorney representing the applicant, Abraham (Abe) Rosenthal, Senior Development Director for the Cordish Companies, Dodie Keith and Mike Vonder Meulen, Keith and Associates, John McWilliams, Omar Kanaan, Kimley-Horn and Associates, and Andy Dolcart, Economist.

Ms. Orshefsky indicated the presentation is lengthy and it goes to the Planned Commercial rezoning but if staff wants to proceed then they can combine their presentation. She added that as a land use planning matter, the development program that is proposed in the Regional Activity Center (RAC) represents a reduction of 3,000 trips of what could be generated today based on the current approved land use plan. Furthermore, in the rezoning as provided in the backup, they did a very extensive traffic analysis related to the rezoning, and even with that reduction in units, there are some proposed improvements in connection with it, which will be discussed with the Commission later.

Finally, Ms. Orshefsky stated that unless the Commission have questions on the land use they would prefer to defer to staff to proceed to the next item.

Ms. Dolan suggested that the Commission could go ahead and close out public hearing on the land use and vote on it and then hear the zoning after would be the preference at this time.

Carol Eisman, 4020 West Palm Aire Drive, #311, Pompano Beach, FL, requested clarification regarding the proposed residential units being increased to 4,100, which she did not hear in the presentation.

Ms. Dolan responded that the total is 4,100, currently, they have 1,300 in their entitlements and they have

requested an additional 2,800.

Ms. Eisman indicated that she is in favor and supportive of the project. However, she does have a number of concerns. First, will these units be residential units, rentals or owner, and what size will they be? Second, she attended a meeting in April where the Cordish Group made their presentation and she liked it. They mentioned that they would have meetings with the community but they have not honored that and it is very important to get the community and inform them of the proposed plans. Lastly, she requested they get the Tri-Rail stop in as quickly as possible.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, reiterated his complaint earlier about overcrowding and overdevelopment. In this case, they are increasing from 1,300 to 4,100.

Ms. Orshefsky responded to Ms. Eisman's comments and questions. First, they do not define rentals versus ownership; this is a zoning matter and will be driven by the market. They suspect that the first residential developments that come in and given the market reaction so far are going to be rentals. In terms of affordability, in connection with the LUPA process, they are required to advise the County and the City that 15% of the residential units will be workforce housing, which is affordability level that goes from 80% to 120% of area median income. Currently, the area median income for Broward County is \$68,000.

Continuing, Ms. Orshefsky stated that in terms of community meetings they have very large neighbors as it relates to the number of residential units around them. Consequently, they worked with the leadership within each of the Cypress Bend communities, as well as within Palm Aire. On August 21, 2019, they held a meeting with ninety representatives from the leadership groups from each of the associations. There were eight in Cypress Bend, and on August 27, 2019, they had a meeting with the leadership group from the twenty-two associations within Palm Aire. She mentioned that they have thousands of neighbors so their opportunity would be to come to the Commission Chamber. The leadership was able to get the word out to their associations, buildings and communities and they knew who to contact with any questions. She added that Vice Mayor Moss has been very helpful in working with them to identify the leadership groups so they could have these meetings.

Mayor Hardin asked if they plan to have additional meetings as they move forward.

Ms. Orshefsky responded yes and mentioned that they had spoken with the groups about that. Once they get through these initial steps of the zoning and the land use replaced, then the machine that is the Cordish Companies' and their community outreach public relations can start to set up a regular dialogue.

Abraham Rosenthal, Cordish Companies, reiterated that they are excited about the project and they have had great reception from all the Commissioners that they have met with on more than one occasion individually. They have had input, concerns, and the needs expressed which they try to accommodate all those in their plans for Planning & Zoning. Currently, it is a code they are developing and requesting the Commission's approval, it is not a master plan, which will follow once they have a Planning & Zoning code in place.

Comr. Perkins expressed a desire to see them meet with the Esquire Lake Community and the Collier City Committee.

Vice Mayor Moss reported that the Collier City meeting is in the works.

Vice Mayor Moss provided an update on the meetings scheduled and the attendance, which initially it was chaotic, because so many people attended that no reasonable dialogue could be had with everyone there. Therefore, they decided to invite all the members of the Boards of Directors of the twenty-two different associations to the meeting as referenced by Ms. Orshefsky. At the initial meeting, some people were looking for intimate details, which could not be provided. However, as they moved forward and these details evolve that will be the best time to include the larger community.

Comr. McMahon asked has there been studies done in reference to police and fire and how this will affect them in the future.

Ms. Dolan responded that the police and fire aspects have been addressed through zoning, which is a concurrency issue. This is not addressed at the Comp Plan level; nevertheless, it is being addressed.

A motion was made by Vice Mayor Moss, seconded by Commissioner Perkins, that the Regular Agenda/ Ordinance be APPROVED FIRST READING.. The motion carried by the following roll call vote:

Yes: Eaton
McGee
McMahon
Perkins
Moss
Hardin

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that items 27-32 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Asceleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.

27. [19-683](#) **P.H. 2019-123: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO