



Minutes Excerpt

CITY OF POMPANO BEACH
FLORIDA

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PLANNING AND ZONING BOARD/LOCAL
PLANNING AGENCY

September 28th, 2016
Wednesday

City Commission Chambers

6:00 P.M.

MINUTES

A. Call to order by the Chairman of the Board, Mr. Fred Stacer at 6:06P.M.

B. **ROLL CALL:**

Tobi Aycock
Joan Kovac
Dwight Evans *tardy*
Fred Stacer
Jerry Mills *tardy*
Richard Klosiewicz
Jeff Torrey

C. **MOMENT OF SILENCE**

D. **APPROVAL OF THE MINUTES:**

Approval of the minutes of the meeting on August 24th, 2016.

MOTION was made by Joan Kovac and seconded by Richard Klosiewicz to approve the meeting minutes of August 24th, 2016. All voted in favor of the motion; therefore, the motion passed.

stated that the projects will be related to public safety improvements such as pedestrian, bicycle, roadways, intersections and safe route to school. She continued to say that the great thing about these program improvements is that they all come from adopted Broward County MPO plans. If the surtax goes into place, the County will have sufficient funds to operate maintenance for many transit improvements.

Ms. Suzette Sibble, City of Pompano Beach Finance Director, gave an overview of the two ballot questions voters will have to consider in November 8, 2016. The first ballot question relates to the County's half penny, transportation surtax. The second ballot question relates to the City's infrastructure surtax. Both questions are very similar in terms of format, but the only difference is in terms of the authorized uses for the surtax funds. She advised that approximately 1/3 of sales tax collected in Broward County is derived from tourists. It is estimated that in 2015, 15.4 million tourists visited Broward County. The surtax mechanism will allow tourists to contribute to the upkeep of infrastructure assets.

Mr. Brian Donovan spoke about the economic impact to the City of Pompano Beach. There are over 30 cities in Broward County. If the Penny Sales Tax passes half of them would bond immediately, causing an economic impact infusion into the local economy. Therefore, over 53,000 jobs are expected to be created.

Mr. Tom DiGiorgio, Chair of the Economic Development Council, introduced himself to the Board and stated that he is advocating for the Penny Sales Tax. The Economic Development looked at this program back in July and approved it unanimously. Mr. DiGiorgio spoke about the existing approved infrastructure projects in need of funding, and restated that by implementing the Penny Sales Tax 1/3 of the funding will come from tourists. He encouraged the Board and the audience to be advocates for the Penny Sales Tax, and to visit the advocacy website www.movebrowardforward.com.

G. PUBLIC HEARINGS

1. **GC HILLSBORO SHORES LLC / HILLSBORO SHORES- LAND USE PLAN AMENDMENT**
Planning and Zoning #15-92000004

Consideration of the proposed LAND USE PLAN AMENDMENT request by **BONNIE MISKEL** on behalf of **GC HILLSBORO SHORES LLC** for a change in the future land use designation of a 4.2079 gross-acre property. Currently the property has a Commercial (C) Future Land Use designation. The Applicant is requesting a change in land use to High Residential (H) - Irregular 29. The subject property is located at 2507 N. Ocean Blvd and 2629 N. Riverside Drive, more specifically described as follows:

LOTS 14 AND 15, BLOCK 19, OF "HILLSBORO SHORES SECTION "B",
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK

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22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM THE WEST 60 FEET OF SAID LOT 14. TOGETHER WITH:

LOTS 19, 20, 21, 22 AND 23, BLOCK 20, OF "HILLSBORO SHORES SECTION "B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. TOGETHER WITH:

THAT PORTION OF NORTH RIVERSIDE DRIVE RIGHT-OF-WAY BEING LOCATED WITHIN "HILLSBORO SHORES SECTION "B", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN THE APPLICATION ON FILE AT THE DEVELOPMENT SERVICES DEPARTMENT.

AKA: 2507 N Ocean Blvd and 2629 N Riverside Drive
FROM: C (Commercial)
TO: High Residential (H) - Irregular 29
STAFF CONTACT: Maggie Barszewski, AICP (954) 786-7921

Note: This item was tabled per the applicant's request at the July 27th, 2016 and the August 24th, 2016 Planning and Zoning Board hearings.

MOTION made by Richard Klosiewicz and seconded by Joan Kovac to remove the item from the table. All voted in favor of the above motion; therefore, the motion passed.

Mr. Fred Stacer stated that he had a telephone conversation with Ms. Bonnie Miskel prior to the July 27, 2016 hearing, and the conversation was strictly about tabling the item. On August 4, 2016 Mr. Stacer attended an informational meeting to get the background information for the project at the Hillsboro Light Towers. The meeting was composed of numerous people including the owner Ari Pearl, the architect Jenny Maccany, and the Planner Tara Patton.

On August 24, 2016 Mr. Stacer had another conversation with Ms. Miskel to table the item a second time. On August 25, 2016 Mr. Stacer had a conversation with Ms. Miskel about a corridor study, which may be indirectly associated with the project. On September 14, 2016 Mr. Stacer and Ms. Miskel spoke in reference to updating the status of the issues between the owner of the project and Home Owner Improvement Association, and how these issues were being worked out.

Jerry Mills arrived at the meeting at 6:38 P.M.

Ms. Karen Friedman introduced herself to the Board and stated that the Applicant is proposing a change in the future land use designation of a 4.2079 gross-acre parcel. This subject property is located at 2507 N. Ocean Blvd and 2629 N. Riverside Drive. The parcel is vacant except for an existing commercial marina and has a Commercial (C) Future Land Use designation. The Applicant is requesting a change in land use to High Residential (H) – Irregular 29. The “Irregular 29” refers to the fact that the applicant is

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not asking for the maximum dwelling units per acre that the 'High' land use designation would permit (the range of density for 'High' is 25 to 46 units per acre). Ms. Friedman mentioned that if the amendment is passed the property will be entitled to a maximum of 122 dwelling units.

Ms. Friedman stated that the staff completed an impact analysis as part of the review. The findings showed that proposed intensity of the amendment is a net decrease over what is currently allowed under the city's adopted plan. The Applicant is concurrently requesting to convert the commercial marina to a residential marina (i.e. boat slips available to residents of the property only). She explained that there are several impacts that should be addressed with an increase of population at the location of the property. Staff determined that the applicant did not address natural or historic resources and did not provide clarification regarding how affordable housing will be addressed. In addition, staff agreed that the amendment is compatible even though it is not consistent with the land use designation to the east or the south. Ms. Friedman confirmed that the subject area is within a hurricane evacuation area, and the applicant provided a hurricane analysis.

Ms. Friedman indicated that the proposed amendment reduces the ability to provide the maximum economic wellbeing for the City and its residents. According to City records, the subject matter has been a long standing location of viable commercial uses and many commercial boats operates from the marinas found in the proposed location. She read the following goals and objectives from the City's Comprehensive Plan that were inconsistent with the proposed project.

Future Land Use Element

Goal 01.00.00: The attainment of a living environment which provides the maximum physical, economic and social well-being for the City and its residents through the thoughtful and planned use and control of the natural and man-made environments that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Policy 01.03.10: Support and promote hotels, motels and other tourist accommodations in designated residential, commercial and commercial recreation land use designations. Ms. Friedman stated that prior approvals were granted based on the exertions that the site would be developed into a hotel.

Policy 01.16.01 The City shall emphasize redevelopment and infill, which concentrates the growth and intensifies the land uses consistent with the availability of existing urban services and infrastructure in order to conserve natural and man-made resources. Ms. Friedman quoted the Land Use Plan stating that infrastructure is defined to include man-made structures including marinas. The commercial marinas are an important component of the City's recreational infrastructure.

Policy 01.03.12: The following criteria may be used in evaluating rezoning requests:

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1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Policy 01.07.16: Through ongoing update to the land development regulations provide criteria, performance standards regulating hotel intensity and incentives for hotel development. Ms. Friedman claimed that the proposed amendment is for residential development and therefore is not consistent with City's ongoing desires to promote hotels.

Open Space Element

Goal 11.00.00: Provide safe well-maintained and adequate open space and recreational facilities for all Pompano Beach residents and visitors.

Policy 11.05.02: To recognize the contribution that private recreational facilities provide in meeting the needs of seasonal residents and tourists and cooperate with them.

Policy 11.05.03: To promote Pompano Beach as a year-round tourist destination (formerly 11.05.04).

Coastal Zone Management Element

Goal 10.00.00: Manage development efforts in the City of Pompano Beach Coastal Zone to maximize aesthetic, environmental, recreational and economical resources.

Objective Support and Protect Water Dependent Uses

Policy 10.03.00 Water dependent and water related uses will be protected and encouraged within the coastal area; this shall include retaining commercial zoning so that private residential redevelopment does not displace such uses.

Policy 10.03.01 Shoreline uses shall be designed in a manner compatible with the environment and be compatible with existing surrounding land uses and are prioritized according to the following criteria:

1. Water dependent commercial and municipal uses.
2. Water related uses in conjunction with water dependent uses.
3. Public accessibility
4. Non-water related uses.

Policy 10.03.02 Other than in areas designated with residential land use categories, intrusions of land uses unrelated to marine activities or not having coastal dependency shall be discouraged from locating in areas on the coast or adjacent to navigable waterways.

Policy 10.03.03 Land zoned for marine and water dependent commercial activities shall be preserved.

Ms. Friedman stated that based on the above-stated inconsistencies the recommendation is of denial of the Land Use Plan Map Amendment from the current Commercial Future Land Use designation to High Residential – irregular 29. The alternative motions are as follows:

- 1) Motion to recommend denial of the Land Use Plan Map Amendment from the from the current Commercial Future Land Use designation to High Residential – irregular 29.

The denial is based upon the finding that the amendment is incompatible with the goals, objectives and policies in the Comprehensive Plan that were just read into the record.

- 2) Motion to table the requested Comprehensive Plan amendment to provide time for any issues raised by the Board, Staff, Applicant or the general public.
- 3) Motion to recommend approval as the Board finds the proposed land use change compatible with the goals, objectives and policies in the Comprehensive Plan. Conditions of Implementation will have to be considered regarding meeting the Broward County Affordable Housing requirements.

Ms. Friedman stated that the proposed amendment would negatively impact the readiness for redevelopment of surrounding uses. It is the City's intent to strengthen the commercial corridor that already exists in the subject area.

Ms. Bonnie Miskel (14 SW 4 ST, Boca Raton, FL 33486) introduced herself to the Board as the applicant's representative, and presented a PowerPoint to the Board.

Ms. Miskel displayed the existing land uses of surrounding properties, and stated that the City's reference to hotels for a comprehensive plan amendment is wrong and irrelevant. Ms. Miskel added that they are asking to go from commercial designation to irregular 29.

Ms. Miskel presented the following goals and policies that are consistent with the proposed land use amendment:

Policy 01.01.05: Review proposals for new development to identify the cumulative impact of the proposed development on public services and facilities.

Policy 01.03.05: A land use plan amendment and rezoning shall provide for an orderly transition of variant land uses and designation.

Policy 01.03.06: Consider density intensity revision with an emphasis on minimal negative impact to existing residential areas.

Policy 01.03.11: Consider the compatibility of adjacent land uses in all Land Use Plan amendments.

Policy 01.03.12: The following criteria may be used in evaluating rezoning requests:

1. Density;
2. Design;
3. Distance to similar development;
4. Existing adjoining uses;
5. Proposed adjoining uses;
6. Readiness for redevelopment of surrounding uses; and.
7. Proximity to mass transit.

Policy 01.16.01: City shall emphasized redevelopment and infill. Ms. Miskell stated that the proposed parcel is an infill.

Ms. Miskel stated that she will provide the Board with a testimony that will prove that a residential change will be beneficial as far as public services and facilities. She asked the board to consider the impact on single family homes that are being served by A1A, which is a two way traffic street. Residents are burdened by the bridge that creates traffic when open. She claims that the current use in the property is an ongoing burden to the neighborhood.

Ms. Miskel stated that the City staff did not provide a map to show what currently exists in the property. The property has compatible adjacent residential land uses. She indicated that Hillsboro Light Towers land use designation is commercial, but it is developed residential. The only area that is zoned commercial is a strip center on the east side of A1A. She claimed that staff ignored existing adjoining uses. Applicant has met with the Homeowners Improvement Association, and they will testify about their approval for the Proposed Land Use Plan Amendment.

Ms. Miskel stated that the proposed request does not eliminate the docks. They intend to include a marina component to the plan and lease the docks to residents in the City of Pompano Beach to maintain their boats. She mentioned that a residential development is required to pay park impact fees, but commercial does not. They will have to pay park and recreation fees in addition to opening up the waterfront to everyone who lives there. Ms. Miskel compared two adjacent residential developments that have commercial land use. According to her, the proposed plan is compatible with these developments because they are proposing to change from commercial to Irregular 29.

Mr. Carl Peterson with KBP Consulting (8400 N University Drive, Tamarac, FL 33321) introduced himself to the Board as a Traffic Engineer. Mr. Peterson explained that trip generation is measured on a weekday am and pm peak hours. Allowing commercial intensity at Hillsboro Shores will generate approximately 32,000 daily trips.

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Mr. Peterson illustrated a draft version of SR A1A Corridor Study that was prepared by Renaissance Planning on behalf of the City. Mr. Peterson presented a trip generation analysis based on the draft version and compared it to the trip generated by the applicant's proposed amendment plan. Residential land use would be far less impactful on the site than commercial land use.

Mr. Peter Gallo (1475 NW 126 Drive Coral Springs, FL) introduced himself to the Board as a Professional Engineer. He stated that the applicant is requesting the land use change because they feel that the area will not support the commercial use that presently exists there. He claims that there are two main issues that support the land use change to residential. The bridge opens during the course of the day, and traffic backs up past the site. This issue prohibits traffic from entering and leaving the property, which causes additional traffic problems for nearby residents. Based on the commercial use, the traffic volume will be doubled from 9,900 to approximately 18,000 daily trips.

Dwight Evans arrived at 7:08 P.M.

Mr. Gallo exhibited an image of the existing commercial land uses in the City of Pompano Beach. He focused on the commercial area at the intersections of A1A and Atlantic Boulevard to show that it is supported by a five lane roadway section. This scenario is more typical for a commercial area, and one that was planned for that particular place. On the contrary, A1A reduces down to a two lane roadway, which is meant to support Single Family and other residential uses further down to Barrier Island.

Mr. Gallo concluded by stating that the proposed change to residential use will be a great improvement to the roadway infrastructure, and will benefit the City of Pompano Beach.

Ms. Miskel spoke about the current demand versus proposed demand in level of service. The proposed land use amendment reduces sanitary sewer, portable water and solid waste.

Ms. Miskel presented a summary of the reasons why she believes the City's position is "illogical". She stated that proposal is consistent and compatible with the City's Comprehensive Plan and it has less of an impact on the community. Changing the land use from commercial to irregular 29 does not prohibit or preclude from developing a hotel on the site.

Mr. Richard Klosiewicz asked the traffic engineer to clarify the statement regarding the roadway volume doubling to 18,000 trips per day. Ms. Miskel replied on behalf of the civil engineer, who referred to the capacity within the road that is outside the site. The existing volume will be doubled if the site traffic is added to the existing capacity.

Mr. Klosiewicz asked Mr. Peterson to confirm that existing use would exceed the maximum traffic capacity, whereas the proposed residential use will keep the capacity under the maximum. Mr. Peterson answered that the statement was correct.

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Dr. Jerry Mills asked about the current demand as it does not exist at the site. Ms. Miskel explained that they had to compare the maximum demand under commercial to the maximum demand under the proposed request.

Ms. Joan Kovac asked Ms. Miskel to explain how the marina will be open to residents of Pompano Beach. Ms. Miskel stated that the marina will be privately owned and leased just like any other marina, and there will be boat slips available to the public on a first come, first serve basis.

Ms. Aycock stated that the Board's backup states that the boat slips are open to the residents of the development but "possibly" two will be available to the public. Ms. Miskel confirmed that the statement was a mistake and the slips will be available to anyone that is interested in leasing them. However, it will not be available for a fishing charter use.

Mr. Fred Stacer opened the discussion to the public. He welcomed anyone who wanted to speak regarding the proposed project.

Mr. Matt Harren (2600 N Riverside Dr. Pompano Beach, FL 33062) stated that he is the president of the HSIA board. Currently, HSIA is composed of 300 volunteers. Mr. Harren stated that they entered into an agreement with Water Way Development LLC that provided for the development and construction of a mixed-use development consisting of a hotel, associated amenities and retail spaces. The agreement was recorded with the City on December 14, 2007, but the Community was removed from the discussion about the development. The Community was not involved at the time that this took place until the last minute.

Mr. Harren indicated that the current developer has done a great job at reaching out to the community since day one. The HSIA board has been working on amending the agreement from 2007, which runs with the property. HSIA entered into an amended agreement with CG Hillsboro Shores LLC to approve the change in zoning classification from B-3 to PD-I, and to amend the land use classification from Commercial to Irregular-29.

Ms. Carol Osno (2611 N Riverside Dr. Apt. 207, Pompano Beach, FL 33062) stated that she is highly affected by this project. She believes that they need more residential space because the City of Pompano Beach already has enough hotels. She expressed concern about the increase in cars on the road resulting from a commercial property. Ms. Osno mentioned that she lives next door to the property and does not want to live next to a hotel. She votes in favor of "rezoning" to residential.

Mr. Jeff Boyd (2508 Bay Dr., Pompano Beach, FL 33062) spoke to the board and stated that he is the president of the Hillsboro Shores Executive Club. Mr. Boyd is upset that his property was rezoned 18 years ago. He stated that the City took units away from Hillsboro Shores Executive Club. Mr. Fred Stacer mentioned that he doesn't understand how this property is connected to the proposed project.

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Karen Friedman stated that this application is a land use plan amendment application. The applicant will be entitled to more units, but the units will not be coming out of the City's flex pool. Mr. Boyd was concerned with the units that were taken away from Hillsboro Shores Executive Club. He objected to residential units being granted before his zoning is re-established.

Mr. Alex Matheson (2639 N Riverside Dr. Apt 1002, Pompano Beach, FL 33062) stated that he resides at a property adjacent to property in question. Mr. Matheson believes that the community will benefit from the proposed project, and a commercial development does not seem appropriate for the area.

Mr. Michael Albertine (2639 N Riverside Dr. Apt 1504) stated that he is concerned about the proposed project due to the impact it will have on traffic. During season, traffic backs up 200 yards due to the bridge. If 122 units are added, the traffic will be worsened, and it will become harder for EMS personnel to pass through during emergency situations.

Mr. Tom DiGiorgio (24 NE 24 Avenue) stated he is the Chairman of the Economic Development Council (EDC). Mr. DiGiorgio mentioned that the land use plan amendment was heard by the EDC, which believes that there is a need for hotels. He stated that the marine environment is disappearing rapidly in Broward County. Only 10 locations are left in the City that may be able to be used for a marine use with a mix use hotel property. After reviewing the project, the EDC concluded that the land use change from commercial to residential is not appropriate. Therefore, the EDC recommends to the Planning and Zoning Board to deny the land use request.

Mr. Michael Fleming (2611 N Riverside Dr., Pompano Beach, FL 33062) invited all the Board members to go look at the property in question. He affirms that the whole area is residential, and believes that the vacant parcel needs to be developed. However, it should not be developed into a hotel because there is no beach nearby.

Ms. Eileen Michelson (800 SE 3rd Ave., Fort Lauderdale, FL 33316) introduced herself to the Board as the attorney for the Hillsboro Improvement Association. Ms. Michelson asked the Board to consider what is best for the Hillsboro Shores community. The association supports the land use plan amendment. She continued to speak about the location not being feasible to develop a hotel. Based on her professional experience, she believes that if the location is viable for a hotel development, it would have been developed into one 12 years ago. Hotels create a high volume of traffic because they host events. The location does not have adequate stacking capacity to sustain such use. A condominium creates 10 percent of the trips created by a hotel. Ms. Michelson asks the Board to support the community and approve the land use plan amendment.

Mr. John Tight (2656 NE 24 Street, Lighthouse Point, FL 33064) commented that he lives directly across from the property, and agrees that the property needs a very low density use. Mr. Tight claims that changing from low density commercial to high density residential is huge mistake. The property is extremely unique because it is right next to the inlet. The only reason this property exists there is to provide access to the ocean.

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Mr. Bob McSweeney (2632 NE 24 Street, Lighthouse Point, FL 33064) stated that he is a single-family homeowner and does not support the change to high density residential. Mr. McSweeney knows the property very well since he lives within 500 feet from it. Mr. McSweeney encouraged the Board to follow staff's recommendations, as he does not support the proposed land use change.

Ms. Bonnie Miskel stated the staff does not say the proposal is inconsistent with the comprehensive plan in page eight of the staff report. The only way single family homeowners can get to and from their homes is by changing the land use. Existing residents will drown in traffic if the land use remains commercial. A two-lane road will be over capacity if a commercial use (ex. Hotel) is built. A hotel use creates three times the traffic.

Mr. Fred Stacer asked a question regarding the affordable housing conditions in the staff report. Ms. Miskel read alternative motion number 3, and affirmed that it was the only condition.

Ms. Joan Kovac stated that she is disappointed a hotel was never developed because it would have been a great addition to the City of Pompano Beach. Ms. Kovac mentioned that she has no trouble navigating the two lane roadway.

Ms. Tobi Aycock stated that she thinks that the recreational infrastructure is crucial to the City since there aren't many water front marine properties left in the City of Pompano Beach. Ms. Aycock agreed that changing the land use does not support the comprehensive plan, and several things that were presented did not correlate with the material given to them.

Mr. Fred Stacer asked Ms. Bonnie Miskel to explain the docks. Ms. Miskel reaffirmed that the docks will be available for the public and not limited to two slips. There is a boardwalk in the design that will be open to the public.

MOTION was made by Richard Klosiewicz to approve the proposed land use plan amendment. Motion does not pass due to a lack of second.

MOTION was made by Jerry Mills to table the item. Motion does not pass due to lack of second.

MOTION by Tobi Aycock and seconded by Joan Kovac to deny the proposed land use plan amendment. Motion does not pass due to four NAY votes.

MOTION by Jerry Mills to table the item does not pass due to a lack of second.

MOTION was made by Richard Klosiewicz and seconded by Jeff Torrey to recommend approval of the land use plan amendment subject to the condition proposed by staff to meet the Broward County Affordable Housing requirements. All voted in favor of the above motion with the exception of Tobi Aycock and Joan Kovac; therefore, the motion passed.