



Meeting Minutes City Commission

Tuesday, June 6, 2023

7:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:00 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

Present:

Commissioner Todd Drosky
Commissioner Michael Hudak
Commissioner Ben Preston
Vice Mayor Bernie Parness
Mayor Bill Ganz

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Heather Montemayor

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Ganz asked that everyone keep Amie Kay Tanner, who passed away on May 31st, in their thoughts and prayers; thereafter, there was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - May 2, 2023

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve the meeting minutes as submitted. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Education Advisory Board Meeting Minutes - February 1 & March 1, 2023
Non-Uniformed Employees' Pension Fund Meeting Minutes - February 13 & March 17, 2023
Community Appearance Board Meeting Minutes - April 26 & May 10, 2023
Hillsboro Inlet District Meeting Minutes - April 17, 2023
Code Compliance Meeting Minutes - April 11, 2023
Cultural Committee Meeting Minutes - March 20, 2023
Marine Advisory Board Meeting Minutes - January 19, 2023

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to acknowledge the board minutes. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

June 6, 2023

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve the agenda as submitted. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

AWARDS & RECOGNITION**1. Certificate of Recognition presented to the Red Cross.**

Mayor Ganz presented a certificate of recognition to Paula Prendergast, Executive Director, for assisting the community in times of need.

Ms. Prendergast thanked the Commission for the acknowledgement.

QUASI-JUDICIAL PUBLIC HEARINGS**2. P.H. 2023-075: APPLICATION 19-PDD-01 Rev. 1**

Applicant: DEERFIELD DEVELOPMENT RESOURCES, LLC, REPRESENTED BY MORGAN PRL DEVELOPMENT, LLC

Proposal: Revision to a major site plan application seeking approval for a reduction of multi-family dwelling units (apartments) from 326 to 320 and to reduce the overall width of the attached parking garage and associated site improvements.

Location: The property is generally described as several parcels of land in SECTION 31, TOWNSHIP 47 SOUTH, RANGE 43 EAST, BROWARD COUNTY, and located at 414, 430, 454 & 480 N.E. 1st Avenue, 240 N.E. 5th Street, 412, 424, 430, 446, 450 & 458 N. River Drive, and 409 N. River Avenue.

The Resolution was read by title only.

Heather Montemayor, City Clerk, advised that pursuant to Ordinance 2009/006, City of Deerfield Beach Code of Ethics, the applicant's representative, Dennis Mele, made the following campaign contributions: Commissioner Michael Hudak - \$500 on February 5, 2019; Vice Mayor Bernie Parness - \$500 on January 19, 2021; and Commissioner Todd Drosky - \$500 on December 23, 2020.

Heather Montemayor, City Clerk, advised that pursuant to Ordinance 2009/006, City of Deerfield Beach Code of Ethics, the applicant's representative's firm, Greenspoon Marder, made the following campaign contributions: Commissioner Michael Hudak - \$500 on February 5, 2019 & \$500 on November 21, 2022; Vice Mayor Bernie Parness - \$500 on January 19, 2021; and Commissioner Todd Drosky - \$500 on December 23, 2020.

Dennis Mele, 200 E. Broward Blvd., Fort Lauderdale, representing the applicant, waived the quasi-judicial proceedings. Thereafter, a brief PowerPoint presentation was displayed. Mr. Mele stated that the applicant is requesting to reduce the number of units by 6 to make the lobby area taller, and combined the two parking garages into one, which allowed more green area along 1st Avenue. Thereafter, the amended site plan was displayed. He explained that the access on 1st Avenue is limited to emergency and services vehicles,

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

whereby, resident the entrance/exit is on River Avenue. Lastly, Mr. Mele said the applicant will continue to comply with the development agreement.

Mayor Ganz opened the public hearing.

Marty Madura, 459 NE 1st Avenue, Deerfield Beach, asked for clarification on the gate entrance. Further, he asked what steps are in place to change the development agreement.

Joe Ziegler, 502 NE 2nd Terrace, Deerfield Beach, asked for clarification on the gate entrance, i.e. how does it open/close, what time does it open/close, etc. Further, he expressed concerns with residents of the proposed community using their neighborhood as access points. Lastly, he has no issues with the number of units being reduced.

Wilson Moorer, 331 NW 2nd Terrace, Deerfield Beach, asked the location of the parking garage.

Mayor Ganz closed the public hearing.

Mr. Mele questions posed of the public. He stated that the boardwalk will be accessible to the public and controlled by city staff; nevertheless, it will be closed at dusk or earlier. Further, he said residents will enter the property off River Avenue, and the entrance off 1st Avenue will be for emergency and service vehicles only, whereas, residents' key fob will not be accessible off 1st Avenue, which is outlined in the development agreement. Thereafter, a depiction of the garage was displayed, outlining the location. Lastly, Mr. Mele said changes to the development agreement must be approved by the Commission.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 2, adopted Resolution 2023/093. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

PUBLIC HEARINGS - FIRST READING

- 3. P.H. 2023-076: ORDINANCE 2023/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, REZONING APPROXIMATELY 4.28 GROSS ACRES LOCATED AT 201, 221, 231 & 299 FEDERAL HIGHWAY, AND 226-228 NE 9TH AVENUE FROM HIGHWAY BUSINESS DISTRICT (B-2) AND RM-10 RESIDENCE, MULTIFAMILY TO PLANNED DEVELOPMENT DISTRICT (PDD) (APPLICATION 21-R-195); PROVIDING FOR A MAXIMUM OF 277 DWELLING UNITS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (Tabled from October 3, 2022)**

The Ordinance was read by title only.

Heather Montemayor, City Clerk, advised that pursuant to Ordinance 2009/006, City of Deerfield Beach Code of Ethics, the applicant's representative, Dennis Mele, made the following campaign contributions: Commissioner Michael Hudak - \$500 on February 5, 2019; Vice Mayor Bernie Parness - \$500 on January 19, 2021; and Commissioner Todd Drosky - \$500 on December 23, 2020.

Heather Montemayor, City Clerk, advised that pursuant to Ordinance 2009/006, City of Deerfield Beach Code of Ethics, the applicant's representative's firm, Greenspoon Marder, made the following campaign contributions: Commissioner Michael Hudak - \$500 on February 5, 2019 & \$500 on November 21, 2022; Vice Mayor Bernie Parness - \$500 on January 19, 2021; and Commissioner Todd Drosky - \$500 on December 23, 2020.

PUBLIC HEARINGS - FIRST READING - CONTINUED

Dennis Mele, 200 E. Broward Blvd., Fort Lauderdale, representing the applicant, advised that he wishes to waive the quasi-judicial proceedings; however, if opposing counsel wishes to have one, then he wishes to not waive the quasi-judicial proceeding.

Ralf Brooks provided a brief overview of his background and credentials. Thereafter, he advised that he is representing Ric Jorge, who resides at 203 NE 8th Terrace and advised that he does not waive the quasi-judicial proceeding.

Anthony Soroka, City Attorney, read a statement regarding the full evidentiary hearing, as well as the City's quasi-judicial proceedings. Thereafter, he asked that each commissioner disclose any ex-parte communication.

Mayor Ganz stated that he attended one of the public meetings, as well as had a conversation with Mr. Mele following the public meeting; Commissioner Hudak stated the he also attended a public meeting and spoke to Mr. Mele thereafter; Vice Mayor Parness stated that he had a phone conversation with Mr. Mele; Commissioner Drosky stated that he had conversations with Mr. Mele via telephone; and Commissioner Preston stated that he had phone conversations with Mr. Mele.

Mr. Soroka performed the oath for all wishing to speak on Item 3.

Eric Power, Director of Planning & Development Services, read the staff report into the record, which is attached.

Mr. Mele provided a brief overview of his background and credentials. Thereafter, a PowerPoint presentation was displayed, outlining aerial photographs of the property, as well as the site plan, which includes the new northbound turn lane on Federal Highway, the extension of the existing southbound left turn lane on Federal Highway, and the northbound left turn arrow on Federal. He explained that the entrance to the garage is now on the northern end, not southern. Thereafter, the public benefits, as well as their costs were displayed, which equates to \$1.6 million. Mr. Mele stated that the three public art plazas will be located at the corner of Federal and Eller, corner Federal and 4th, and corner of Eller and 9th, and all utility lines along the westside of the property and Federal Highway will be undergrounded. Further, streetscape improvements will be made to Eller Street, to include wider sidewalks, parallel parking, landscaping, etc. Thereafter, photographs of the streetscape improvements were displayed. Mr. Mele stated that should right-of-way be available, the sidewalks west of 9th Avenue will be wider and if traffic calming is requested by residents on NE 8th Avenue, NE 8th Terrace, and NE 9th Avenue, and meets the City's requirements, the applicant would pay for them.

Continuing, Mr. Mele outlined the current and proposed revenues; whereby, the current total annual revenue collected by the City is \$67,404 and proposed, \$749,271. The one-time development related revenue, which includes impact fees, connection fees, building permit fees, etc. will be \$2.3 million. Thereafter, he displayed the B-2 zoning uses, as well as the dates of the public hearings and community meetings. Mr. Mele displayed the FDOT letter, approving the northbound left turn lane into the property, which allows improvements to be made along Federal Highway. Further, he stated that the applicant's traffic engineer projected more traffic than any other study, which was approved by the City. Mr. Mele explained that the previous traffic counts were done in February and March of 2020; however, they were redone in October 2022 because of COVID, which showed a decrease in traffic. The only increase was on Eller and Federal Highway in the afternoon hours, which went from 3,304 to 3,306. Thereafter, Mr. Mele outlined the trip generations for multi-family housing, shopping center, medical/dental office building, and hotel, which exhibited multi-family housing having the least number of daily trips.

Lastly, Mr. Mele said they received the report from the Broward County School Board, which was displayed, showing that Deerfield Beach elementary, middle and high schools are significantly under capacity; therefore, this proposed development will not negatively impact the schools. Thereafter, the student pathway on Eller Street for Deerfield Beach elementary was displayed, as well as various photographs of the proposed project were displayed.

Mr. Brooks advised that he does not wish to cross-examine at this time. Thereafter, he provided the legal

PUBLIC HEARINGS - FIRST READING - CONTINUED

standard for rezoning and stated that this project could be more compatible for the area, i.e. breaking the proposed building up into smaller buildings. Thereafter, he provided a brief explanation of competent substantial evidence. He stated that the applicant is entitled to some reasonable economic use of the property, whereas, the comprehensive plan establishes a long-term maximum; nevertheless, the applicant is not entitled to everything outlined within the plan. Mr. Brooks stated that per the City's Land Development Code, plan developments must be compatible with surrounding, existing development, which this project does not. Thereafter, he continued citing sections in the City's Code that provide good reasoning to deny this project. Lastly, he said the proposed developer's agreement does not comply with F.S. 163.3227 because it does not have a duration, does not list other permits required, and does not have a statement that the failure to comply with any provision does not excuse them for complying with other provisions.

Commissioner Hudak temporarily left the meeting at 8:18 p.m. and returned at 8:20 p.m.

Mr. Mele advised that he does not wish to cross-examine Mr. Brooks.

Mayor Ganz opened the public hearing.

Mr. Mele and Mr. Brooks did not cross-examine any of the below individuals. Thereafter, the following individuals spoke in opposition to the rezoning application:

Ric Jorge, 203 NE 8th Terrace, Deerfield Beach, was sworn in.
Robert DiChristopher, 517 NE 6th Avenue, Deerfield Beach, was sworn in.
Dan Herz, 330 SE 19th Avenue, Deerfield Beach, was sworn in.
April Lewis-Bolowich, 899 NE 4th Street, Deerfield Beach, was sworn in.
Stefan Bolowich, 899 NE 4th Street, Deerfield Beach, was sworn in.
Katy Freitag, 418 SE 2nd Street, Deerfield Beach, was sworn in.
Lynn Kough, 220 NE 8th Terrace, Deerfield Beach, was sworn in.
Ed Tobia, 1590 SE 8th Street, Deerfield Beach, was sworn in.
Joseph Ziegler, 502 NE 2nd Terrace, Deerfield Beach, wished to not be sworn in.
Leann Kenney, 532 NE 8th Avenue, Deerfield Beach, was sworn in.
Christina DiChristopher, 517 NE 6th Avenue, Deerfield Beach, was sworn in.
Marcia Sasso, 517 NE 6th Avenue, Deerfield Beach, was sworn in.
Marcia Avant, 825 NE 4th Court, Deerfield Beach, was sworn in.
Lettie Cronin, 869 NE 4th Street, Deerfield Beach, was sworn in.

David Santucci, City Manager, temporarily left the meeting at 8:42 p.m. and returned at 8:52 p.m.

Mayor Ganz closed the public hearing. Thereafter, he stated that he's heard for years that Deerfield Beach is underdeveloped and more development and revenue is needed. Further, he said this project will be a quality project once completed and agreed that it will be a transformative project for the City; however, not all transformations are in the best interest of the City. Mayor Ganz stated that he is not opposed to residential along the corridor but disagreed with large residential developments, as the parcels are too narrow.

Mr. Brooks did not provide a rebuttal as he left the meeting permanently.

Mr. Mele addressed comments/question/concerns from the individuals who spoke. He stated that non-expert testimony on traffic is not competent substantial evidence this evening because the individuals who spoke about it are not experts; nevertheless, a traffic report was submitted by the applicants traffic engineer and approved by city staff, which was included in the documents submitted to the City. Thereafter, he provided a brief overview of the process for creating and submitting a traffic report to the City. Further, Mr. Mele said during the land use plan amendment (LUPA), the applicant had to follow Broward County's Comprehensive Plan policy, which included the completion of a report on the supply and demand for affordable housing within the City. The County advised that Deerfield Beach had enough affordable housing; nonetheless, the applicant offered \$138,000. Mr. Mele stated that not all development agreements have to follow Chapter 163, and the LUPA was advertised as required by the City's and County's Code.

Commissioner Hudak temporarily left the meeting at 9:09 p.m. and returned at 9:11 p.m.

PUBLIC HEARINGS - FIRST READING - CONTINUED

Continuing, Mr. Mele said there is no evidence that this project will lower property values, whereas, it will increase them. The proposed development will be accessible by the Fire Department, as they signed off on the site plan. Further, the City and County Comprehensive Plans state that gross acreage must be used to compute residential density. Mr. Mele said no variances are being requested for this project. He stated that residents expressed concerns about cut through traffic on 8th Avenue, 8th Terrace, and 9th Avenue, so a left turn inbound lane was added; however, now residents are expressing concerns with cut through traffic on Eller Street. Thereafter, Mr. Mele provided a brief background of other projects completed by the developer and stated that commercial development did not fit this corridor. Mr. Mele said throughout this process, the applicant ensured that residents' issues/concerns were heard and addressed; however, once remediated, new issues were brought forward, which was difficult to deal with.

Moreover, Mr. Mele said many are under the impression that everyone leaves at the exact same time, which is not the case, that is why peak traffic is spread over an hour. Further, he said the gates are recessed into the garage, so it's 220 feet from the edge of the right-of-way to the gate; therefore, traffic will not stack up onto Federal Highway. Mr. Mele stated that he is unaware of the post office preparing for this development, as no one has talked to them. The parking spaces in the garage are 9 ft. by 18 ft. and the garage does have openings but there is a wall that will contain everything i.e. noise, fumes, etc. inside. Although, owners care more than renters, the people maintaining the building care and will ensure things are being properly done. Lastly, he commented on the proposed Chick-Fil-A and stated that fast food restaurants produce more traffic.

In response to Mayor Ganz's question, Mr. Mele replied that the additional property was purchased for a dog park due to the neighboring residents' concerns and under the development agreement it cannot be changed unless approved by the Commission. Further, he stated that if the site plan is ever modified, it would need Commission approval.

In response to Vice Mayor Parness' question, Mr. Mele replied that currently the property produces \$67,404 in city revenue and the proposed property will produce \$749,271. Further, he said the traffic study can be provided, regardless of the copyright language.

Commissioner Preston said the real struggle is change, whereby, Deerfield is perceived as small town. Thereafter, he commented on the changes throughout the years. Further, he said the Commission does not have the authority to not allow development to occur, unless a moratorium is put into place. Commissioner Preston said the Fire Department would never sign off on developments that do not meet code. He stated that his issue is not with the size of the building but location; nevertheless, he believes a compromise can be made.

Commissioner Hudak said numerous meetings have been held and many of the questions asked by residents have been addressed and/or remediated by the applicant. He stated that he is struggling with the view of this development and whether it will enhance the neighborhood or detract from it; nevertheless, he believes in responsible development. Further, when residents asked if the development could be reduced, the applicant said no; when asked if a Plan B was established, i.e. businesses, the answer was no, which is challenging for him. Thereafter, he reiterated that his biggest struggle is whether the proposed property will enhance the neighborhood or detract from it.

Commissioner Drosky said he is very empathetic and sympathetic with the residents but will be voting in support of the rezoning. Although, he wants the small town feel as well, the State Legislature has taken that away from all of us through Senate Bill 102, which is the Live Local Act. Thereafter, he provided a brief overview of the Live Local Act. Further, the current zoning allows the developer to build 75 feet high, whereby, the proposed project is 50 feet, six inches. Commissioner Drosky stated that there is a strip mall located in his district that abuts residential and he receives weekly calls regarding the noise, drunkenness, deliveries, etc. Thereafter, he outlined other uses under B-2, i.e. treatment facilities. He stated that if the project is denied, all the extras go away, i.e. undergrounding, roadway improvements, etc. Commissioner Drosky said the property is going to be developed and in his opinion this project is the best option for the area, as well as the City.

Vice Mayor Parness provided a brief overview of his time in the City. Thereafter, he spoke in support of the

PUBLIC HEARINGS - FIRST READING - CONTINUED

project as it will bring more revenue to the City and enhance the community.

Mayor Ganz said there will be some type of impact because you are going from nothing to something, regardless of the size. He stated that taxes have increased because property values have increased, and this commission has reduced the mileage rate. Further, he agreed that revenue and housing is needed, but this type development does not belong on Federal Highway. Thereafter, Mayor Ganz spoke in opposition to the proposed project.

Mr. Soroka reminded the Commission that their decision should be based on the testimony and evidence presented at the quasi-judicial public hearing, as well as backup materials, prepared evidence, consistency with the Comprehensive Plan, land use element, and City Code Sections 98-68 and 98-68(g).

Mr. Mele stated that the applicant is willing to reduce the density from 277 to 237, which will be outlined on the site plan upon approval.

Commissioner Preston stated that the City's most valuable asset is its residents; nevertheless, change is going to occur, and where that change is occurring is his struggle, i.e. location of this property.

Mr. Soroka stated that Mr. Mele's comment was made after the quasi-judicial public hearing; therefore, it should not be considered at this time.

MOTION was made by Commissioner Drosky, seconded by Vice Mayor Parness, to approve Item 3 on first reading Roll Call:

Yeas: 2 - Commissioner Drosky & Vice Mayor Parness

Nays: 3 - Commissioner Hudak, Commissioner Preston and Mayor Ganz

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to deny Item 3 on first reading based on the fact that it is not an enhancement to the community. Roll Call:

Yeas: 3 - Commissioner Hudak, Commissioner Preston and Mayor Ganz

Nays: 2 - Commissioner Drosky & Vice Mayor Parness

There was a brief recess at 9:57 p.m. and the meeting reconvened at 10:01 p.m.

PUBLIC COMMENT

Robert DiChristopher, 517 NE 6th Avenue, Deerfield Beach, asked if questions can be submitted to the City Clerk and provided to the City Attorney.

Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, expressed concerns with the fence not being replaced at Johnnie McKeithen park. She commented on the speed bump being installed right in front of her house, which will cause water to encroach her property when it floods. Ms. Graham-Bracy also commented on the presence of coyotes in her neighborhood. Thereafter, she continued to express her frustration with the fence being removed at the park.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, commented on the cove brewery parking spaces, being called a liar and a home being built without permits. Thereafter, she said the taxes have not been increased but city fees have, i.e. fire assessment, stormwater, etc. Ms. Freitag said change is inevitable and things do need to occur within the City, i.e. being able to find better revenue, but housing is available.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, spoke in support of the City establishing a Dune Master Plan. Thereafter, he outlined the benefits of the dune system.

PUBLIC COMMENT - CONTINUED

Robert Pollino, 816 SE 16th Street, Deerfield Beach, commented on the amount of money the City is spending on the lifeguard towers, frog (s/b turtle) lights, and beach trash cans. Further, he asked for clarification on the third-party vendor, Post & Beam, being used for the construction of the lifeguard towers.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commented on the recently approved beach garbage cans. Thereafter, he commented on the misappropriation of funds by previous staff. Lastly, he said the revised city manager evaluation contains subjective categories and suggested including objective criteria, etc.

Emma Sampson, 495 N. Deerfield Avenue, Deerfield Beach, said there are areas around her neighborhood that were leveled, but have become low lying.

Joan Lagasi, 1617 SE 5th Street, Deerfield Beach, asked how many bids were received for the lifeguard stations, what is the composition of the lifeguard stations, and who is responsible for the contract. Further, she said parking use to be free at the beach from 6:00 p.m. to 7:00 p.m. and requested that it be an option again.

Mayor Ganz answered questions/concerns/comments posed by the public. Thereafter, he provided a breakdown and overview of the costs associated with the construction of the lifeguard stations. Further, he commented on complaints he's received regarding the beach garbage cans, i.e. rusted, falling apart, missing logos, etc.; whereby, the prices are unsettling but unfortunately costs have increased. Thereafter, he commented on a situation regarding the previous city manager, which resulted in his resignation, as well as previous elected officials who were removed and/or investigated. Lastly, once received he will provide the answers to Ms. Lagasi regarding the materials being used on the lifeguard stations, as well as the utilization of sub-contractors.

David Santucci, City Manager, said he is unsure of the sub-contractors, but they are common in the bidding process. Further, the materials will be provided once available; nevertheless, all materials had to be weather resistant and hurricane rated, to include doors and windows.

CONSENT - BOARD APPOINTMENT

- 4. Resolution 2023/094 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Ernest "Sandy" Coyman to the Historic Preservation Board; and providing for an effective date.**

There was no discussion amongst the Commission.

Mayor Ganz opened the public hearing; however, there was none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 4, adopted Resolution 2023/094. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

- 5. Resolution 2023/095 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, certifying that the housing constructed by Habitat for Humanity of Broward is consistent with local plans and regulations; and providing for an effective date.**

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

6. **Resolution 2023/096 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Douglas R. Gonzales, Esquire, as Code Enforcement Special Magistrate and Zoning Appeals Special Master in accordance with the provisions of the City of Deerfield Beach Code of Ordinances and Land Development Code; and providing for an effective date. (Funds from Account #001-3009-524-30-26 - Code Compliance/Code Enforcement/Special Magistrate & Account #001-1100-515-32-99 - Other Contractual Services)**
7. **Resolution 2023/097 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Thomas J. Ansbrosio, Esquire, as Code Enforcement Special Magistrate and Zoning Appeals Special Master in accordance with the provisions of the City of Deerfield Beach Code of Ordinances and Land Development Code; and providing for an effective date.**
8. **Resolution 2023/098 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the submission of the Clean Water State Revolving Fund Program Loan Application; approving and authorizing execution of the Loan Agreement; establishing revenues pledged for the repayment of the loan; providing for implementation, conflicts, severability, and an effective date.**
9. **Resolution 2023/099 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with Rummel, Klepper & Kahl, LLP, to provide professional engineering services related to the Floridan Aquifer Well Rehabilitation Project at the West Water Treatment Plant in an amount not to exceed \$65,890.00; providing for execution and an effective date. (Funds from Account #413-5020-533-60-31 - Improvements Other Than Building)**
10. **Resolution 2023/100 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with Kimley-Horn and Associates, Inc. to provide professional engineering services related to the Pioneer Grove Water Main Replacement Project in an amount not to exceed \$48,830.00; providing for execution and an effective date. (Fund from Account #413-5030-536-60-31 - Improvements Other than Buildings)**
11. **Resolution 2023/101 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with WGI, Inc. to provide professional engineering services related to the Pioneer Park Pier & Fishing Dock Replacement Project in an amount not to exceed \$84,690.00; providing for execution and an effective date. (Funds from Account #399-5060-519-65-30 - Cap Proj-Construction & Facilities-CIP-Infrastructure)**
12. **Resolution 2023/102 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a fourth work authorization with Coastal Protection Engineering, LLC and the Town of Hillsboro Beach for post construction biological monitoring services in an amount not to exceed \$39,427.20 for the City's 50% share of the cost; providing for execution and an effective date. (Funds from Account #001-4553-539-32-99 - Other Contractual Services)**

There was no discussion amongst the Commission.

Mayor Ganz opened the public hearing for Items 5 - 12; however, there were none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Items 5 - 12 in concert. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

DEPARTMENTAL BUSINESS

- 13. Resolution 2023/103 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the issuance of a purchase order with New Way Trucks for the purchase of a front end loader truck in an amount not to exceed \$250,000.00 pursuant to City Code Section 38-116(3)(E); providing for execution and an effective date. (Funds from Account #452-4551-534-60-41 - Solid Waste Capital Fund/Automotive Equipment)**

There was no discussion amongst the Commission.

Mayor Ganz opened the public hearing; however, there was none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 13, adopted Resolution 2023/103. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz

Nays: 0

- 14. Resolution 2023/104 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Revised Interlocal Agreement among the City, Broward County and Broward Municipalities for the establishment of the Solid Waste Disposal and Recyclable Materials Processing Authority of Broward County; providing for execution, conflicts, and an effective date. (Funds from Account #450-4551-534-32-99 - Other Contractual Services)**

Anthony Soroka, City Attorney, explained that this is the Revised Interlocal Agreement that was approved by the County Commission, which includes revisions to how legal counsel would be selected, as well as how to deal with interpretation issues.

Vice Mayor Parness spoke in support of the agreement, as a solution must be found.

Mayor Ganz opened the public hearing.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, spoke in support of the agreement, as it is a great first step to solving the garbage issues.

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve Item 14, adopted Resolution 2023/104. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness, and Mayor Ganz

Nays: 0

- 15. ORDINANCE 2023/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 54 "PENSIONS AND RETIREMENT", ARTICLE V "MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND", SECTION 54-257 "CONDITIONS OF DISABILITY", SECTION 54-271 "MEMBERS; TERMS OF OFFICE; ELECTION OF CHAIRMAN AND SECRETARY", AND SECTION 54-309 "BENEFITS OTHER THAN ON RETIREMENT" OF THE CITY CODE OF ORDINANCES TO ADDRESS RECENT CHANGES IN STATE LAW, COMPLIANCE WITH THE SECURE ACT AND THE BOARD TRUSTEE QUALIFICATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

DEPARTMENTAL BUSINESS - CONTINUED

Anthony Soroka, City Attorney, stated that there are three primary changes. In 2019, changes were made to disability benefits and presumptions related to whether certain heart and lung diseases and cancer diseases occurred during the scope of employment for firefighters. Further, the other change is from the Secure Act, which amended the definition required beginning date under the Internal Revenue Code. Lastly, due to the decrease in active firefighters as they retire, a provision has been added stating, if there is less than 10 active firefighters, then retired firefighters can serve on the Board of Trustees.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, asked if the Commission has oversight on the pension boards. Thereafter, he commented on pension minutes that outlined various management fees, advisory fees, etc. and asked if the Commission has authority over these type fees.

Mayor Ganz closed the public hearing.

Mr. Soroka stated that the Commission cannot dictate which fees and/or services are paid, as they are dictated by the trustees of the fund(s) in compliance with internal revenue provisions.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 15 on first reading. Roll Call:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - None.

CITY MANAGER

Seaweed - David Santucci, City Manager, advised that public information is forthcoming regarding the seaweed potentially reaching the City's shores.

Budget Workshops - Mr. Santucci reminded the Commission that the workshops will take place at 6:00 p.m. on Tuesday, June 13th and Wednesday, June 14th.

COMMENTS BY MAYOR & CITY COMMISSION**COMMISSIONER HUDAK****DISTRICT 1**

Aquatics Center - Commissioner Hudak said he is in constant communication with the City Manager regarding the operational status of the pool, which is currently in the beginning stages of the appeal process.

Budget Workshops - Commissioner Hudak stated that he will be attending via Zoom on Tuesday, June 13th.

COMMISSIONER PRESTON**DISTRICT 2**

Juneteenth - Commissioner Preston said festivities will occur on Saturday, June 15th and he urged all to attend.

Johnie McKeithen Park - Commissioner Preston said he has received calls from individuals who live on 1st Terrace and asked that the fence be reinstalled. Thereafter, he commented on the new aesthesis, as it will be an enhancement to the park, and reiterated his request for the fence to be reinstalled.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

Accolades - Commissioner Preston commended Horace McHugh, Deputy City Manager, and Rodney Brimlow, Director of Public Safety, for a job well done. Thereafter, he commented on the need of an AED machine at the Kirk Cottrell Pavilion.

VICE MAYOR PARNESS**DISTRICT 3**

Registering to Vote - Vice Mayor Parness said a non-partisan table will be set up in the lobby at City Hall every Friday from 9 a.m. to noon to assist people with registering to vote.

COMMISSIONER DROSKY**DISTRICT 4**

Florida League of Cities - Commissioner Drosky stated that the conference will take place on August 10th - August 12th, whereby, Cooper City Mayor Greg Ross will be installed as president on the 12th.

Accolades - Commissioner Drosky thanked Captain Hofstein and BSO staff for their assistance with a traffic violation that occurred in the Riverglen community.

MAYOR GANZ

Amie Kay Tanner - Mayor Ganz said the passing of Ms. Tanner is a tremendous loss to the City, as she was a pioneer and will be greatly missed.

Misinformation - Mayor Ganz urged the public to not believe everything they see on the internet and to call or email him if they want/need information.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to adjourn the meeting at 11:03 p.m. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Hudak, Commissioner Preston, Vice Mayor Parness and Mayor Ganz

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk



Development Review Committee Summary Report Development Plan Application Review

General Information

Application No.	21-R-195
Project Name:	Centrum Deerfield aka Axis Deerfield Rezoning
Applicant:	CRD Federal, LLC
Agent:	Greenspoon Marder
Requested Action/Description:	Rezoning application seeking approval to rezone the subject parcels from B-2 (Highway Business) and RM-10 (Residence Multi-Family) property to PDD (Planned Development District).
Location:	201-299 N Federal Highway and 226-228 NE 9 th Avenue.
Legal Description:	The properties are generally described as portions of Lots 4, 8 and 9, block 3 of "DEERFIELD BEACH ESTATES SECTION A" to the plat thereof, as recorded in plat book 39, page 14, of the public records of Broward County, Florida and portion of the southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of section 31, township 47 south, range 43 east, Broward County, Florida,
Size:	4.2 net acres (185,657 square feet)
Existing Zoning:	B-2 (Highway Business, RM-10 Residence Multi Family)
Existing Land Use:	Vacant
Future Land Use Plan Designation:	Residential Medium

Surrounding Land Use and Zoning:

	<u>Existing Land Use</u>
North:	Commercial
East:	Multi-Family Residential
South:	Commercial
West:	Multi-Family Residential

<u>Zoning</u>
B-2 (Highway Business)
RM-25 (Residence, Multi-Family)
B-2 (Highway Business)
RM-10 (Residence, Multi-Family)

Applicable Regulations:

City of Deerfield Beach Land Development Code

Plat Restrictions:

Proposed Plat is "restricted to 277 mid-rise units".

Department Comments & Requirements

REQUEST:

The Applicant is requesting approval to rezone the subject parcels from B-2 (Highway Business) and RM-10 (Residence Multi-Family) property to PDD (Planned Development District) under the Deerfield Beach Land Development Code. Pursuant to *Section 98-68.-PDD, planned development district* of the Land Development Code, the rezoning request includes a statement of need, conceptual master plan, as well as proposed property development requirements for which the site development plan shall be in compliance.

BACKGROUND:

On April 6, 2021, the City Commission approved the 2nd reading of Land Use Plan Amendment Application No. #64A approving the change in land use on the subject parcels from Commercial to Residential Irregular – 48.1

The Applicant has also submitted a Plat Application No. 20-P-229 and a Site Plan Application No. 21-PDD-02, seeking approval for the proposed development of the subject properties and is pending separate review and approval. The Applicant intends to develop the subject properties to 277 multi-family dwelling units with an attached parking garage and associated on and off-site improvements.

Applicants for rezoning to PDD district must demonstrate, through a statement of need, that there are unique property characteristics that impede the development of the properties under strict application of the Code, development is apparent and will enhance economic development strategies of the City.

The Applicant is required by Code to enter in to a Development Agreement with the City, which must be approved by City Commission as part of the rezoning. Although the Development Agreement is not within the purview of Planning and Zoning Board, the following information from the agreement is related to the approval of the rezoning application:

Applicant agrees to the following:

- Open space improvements – development of 3 public nodes and artwork
- Improvements to Eller Drive and NE 4th Street
- Survey and Engineered Plans for Eller Drive for future City improvements
- Sidewalk construction

- Undergrounding of power lines (East and West) of property
- Pet waste stations
- Traffic calming
- Voluntary contribution to the Fire Impact Fee Fund
- Dedication of Right-of-Way on NE 9th Avenue
- New northbound turn lane on Federal Highway
- Extension of existing southbound left turn lane

A traffic impact analysis was submitted for the proposed development and all findings were approved by the City's traffic consultant.

The applicant has made requests to deviate from the Land Development Code through the PDD zoning, which is permitted with the approval of the rezoning application. Changes to this are:

- Increase density to 48.6 units per acre
- Decrease front setback (East) to 10 feet
- Decrease rear setback (West) to 13 feet
- Increase maximum lot coverage to 55%
- Decrease minimum landscape area to 26%
- Reduce required parking spaces to 9 x 18
- Increase in the number of allowable building signs and monument signs

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the sites.

UPDATE:

This item was tabled at the October 3, 2022 City Commission Meeting. The applicant has since completed a new traffic study and has received approval from FDOT to install a new northbound turn lane on Federal Highway and an extension to the existing southbound left turn lane. To accommodate these improvements, the applicant was required to resubmit the site plan application to City staff to review a realignment of the Federal Highway entrance of the building. Pending the approval of the first reading of the rezoning application, these improvements and changes to the site plan will be heard separately as part of the site plan approval for application No. 21-PDD-02.

PLANNING CONSIDERATIONS:

1. Compliance with the Comprehensive Plan.

The proposed Future Land Use (FLU) Map designation identifies the site as Residential Irregular (48.1du / ac). The rezoning to PDD (Planned Development District) will facilitate residential uses in compliance with the proposed Deerfield Beach Comprehensive Plan FLU designation. The request provides for additional housing opportunities within the City, consistent with the GOPs of the Deerfield Beach Comprehensive Plan.

2. Finding of compatibility of a proposed development with adjacent and neighboring (500 feet) uses and zoning.

The property is proposed to be rezoned to PDD (Planned Development District) and development thereon will be subject to the development requirements proposed within the rezoning report and development agreement which will accompany the

rezoning. The site plan application must comply with the requirements as set forth in the development requirements in the rezoning report.

The predominant land use of the surrounding area, specifically within 500 feet of this property, is single family residential to the west, multi-family to the east, commercial to the south, and north. The proposed PDD zoning is compatible with the adjacent and neighboring uses and zoning.

3. Compliance with Land Development Code Section 98-68. – PDD, planned development district.

(1) The development and redevelopment of properties is apparent;

The applicant is proposing to redevelop the subject parcels into a 277 multi-family residential neighborhood with a parking garage and residential amenities. The applicant has submitted additional applications to accommodate the proposed rezoning, including a site plan demonstrating improvements to Eller Drive and NE 4th Street, undergrounding of powerlines and public space. The master conceptual plan is included within the PDD report.

(2) The development and redevelopment of properties shall enhance the economic development strategies of the City of Deerfield Beach; and

The existing use is vacant land. The redevelopment of the parcels into multi-family will create additional housing options for existing residents. The mix of units and the proximity of the subject site to Pioneer Grove expands opportunities for a greater range of housing and neighborhood choices to attract new residents. The proposed undergrounding improvements benefit adjacent property owners. Improvements to Eller Drive benefit the surrounding community and Deerfield Beach Elementary.

(3) The development of properties with unique property characteristics, natural or man-made, that impede the development of these properties under the strict application of the regulations of the Land Development Code.

The existing zoning designations for the parcels are RM-10, and B-2. Rezoning the properties to PDD will unify the zoning district and permit a density consistent with the Irregular (48.1) Residential land use designation. The PDD proposes alternatives to the standard development regulations of the existing zoning designations, such as maximum height and setbacks, to enable the development of 277 residential units.

SUMMARY & REQUIREMENTS

The purpose of the PDD district is to enable quality development for properties that due to size or characteristics of the property, other implements of zoning regulation provided in the Code would result in under-utilized or undeveloped property. Staff's review of application 21-R-195 has determined that the rezoning of the subject properties to PDD (Planned Development District) will further the goal of the City to unify the zoning of all parcels and make the zoning on the property compatible with the land use designation. Additionally, the proposed rezoning complies with the rezoning qualifications as set forth in *Section 98-68.-PDD, planned development district* of the Code.

Should the City Commission decide to approve the rezoning application, Staff recommends the following Conditions of Approval:

1. Owner / applicant shall enter into a Development Agreement, approved by the City Commission for the following:
 - Open space improvements – development of 3 public nodes and artwork
 - Improvements to Eller Drive and NE 4th Street
 - Survey and Engineered Plans for Eller Drive for future City improvements
 - Sidewalk construction
 - Undergrounding of power lines (East and West) of property
 - Pet waste stations
 - Traffic calming
 - Voluntary contribution to the Fire Impact Fee Fund
 - Dedication of Right-of-Way on NE 9th Avenue
 - New northbound turn lane on Federal Highway
 - Extension of existing southbound left turn lane
2. The Owner / Applicant shall submit evidence the Broward County Planning Council has recertified the City's Land Use Plan as consistent with Broward County's Land Use Plan due to the City's adoption of Future Land Use Plan Amendment Application #64A (Ordinance 2021/004) and complete the conditions of approval as stated in the Ordinance which are as follows:
 1. Prior to issuance of the first residential building permit, the applicant shall pay the City five hundred dollars (\$500) per dwelling unit for the maximum allowable 277 dwelling units on the property per the Residential Irregular (48.6) land use designation in the total amount of \$138,500.00 to be used by the City towards the City's affordable housing program.
 2. Prior to or along with the initial submittal of the Development Agreement as required under Section 98-68. PDD, planned development district of the Land Development Code, the applicant will fully detail the improvements along NE 2nd Street (NE Eller Street), between Federal Highway and NE 6th Avenue. Public benefits are required to be demonstrated as part of the rezoning application.
 3. Prior to or along with the initial submittal of the rezoning and site plan applications, the City must receive documentation from Florida Power & Light (FP&L) that acknowledges the applicant's request to underground powerlines along western property line. If the applicant is unable to reach an agreement with FP&L, the applicant recognizes that they must maintain a sufficient landscape buffer and building setback along the western property line that does not impact the above ground utilities.
 4. Prior to the issuance of the first residential building permit for the project, Applicant shall record a restrictive covenant in the public records of Broward County, in a form approved by the City Attorney, prohibiting the use of the property as a residential treatment center and such recorded covenant shall be submitted to the city.