



## **MINUTES OF THE CITY OF MIRAMAR CITY COMMISSION WORKSHOP**

**APRIL 29, 2025**

**5:00 P.M.**

A workshop of the Miramar City Commission to the Comprehensive Plan was called to order by Mayor Messam at 5:00 p.m. on Wednesday, April 29, 2025, in the City Commission Chambers, Town Center, 2300 Civic Center Place, Miramar, Florida.

### **ROLL CALL/ANNOUNCEMENTS**

Upon call of the roll, the following members of the City Commission were present:

Mayor Wayne M. Messam  
Vice Mayor Yvette Colbourne  
Commissioner Avril Cherasard  
Commissioner Maxwell B. Chambers  
Commissioner Carson Edwards

Members of staff present on the dais:

City Manager Dr. Roy Virgin  
City Attorney Jordan Gary  
City Clerk Denise A. Gibbs

### **PRESENTATION**

#### **A. COMPREHENSIVE PLAN**

**CITY MANAGER VIRGIN:** Thank you, Mr. Mayor, Commissioner's. This workshop is to evaluate our Comprehensive Plan. At this moment, I'll ask our director for Building, Planning & Zoning, Mr. Nixon Lebrun to address the podium. Mr. Lebrun.

Building, Planning & Zoning Director Nixon Lebrun gave a PowerPoint presentation regarding the evaluation and appraisal of the City's Comprehensive Plan (Plan), along with proposed amendments, as detailed in the backup, highlighting the following:

- The City was incorporated in 1955; Miramar's current population was 139,500 residents, with a median family income of about \$92,000.00
- The goal of the subject evaluation and proposed amendments was to establish two planning horizons: one for ten years, and another for 20 years
- For the 20-year horizon, the City's population was expected to increase to 153,000
- The Plan was mandated by the State to provide a blueprint of principles and guidelines for the orderly balance, and physical growth of the City, as well as being a statement of values for the community that incorporates community input; it identified the infrastructure needed to support development
- The Plan was arranged into elements reflecting goals, objectives, and policies to provide meaningful guidelines, and predictable consistency for more detailed land development use regulations
- The City adopted its Plan in 1989, but it was not until 1997 that the City overhauled its zoning code to implement the 1989 Plan
- As of 2011, with the passage of the Community Planning Act, cities had more leeway regarding updating their Plan; State statute required at least every seven years cities should reexamine their Plan to determine how well it was being implemented, and determine whether or not sufficient changes had taken place in state laws, as well as in local conditions to determine if amendments to the Plan were needed; in 1985 this was a required process, but today it was at the discretion of each city
- The evaluation and appraisal notification letter for every Florida city was listed on the State's website's Department of Commerce; this included the deadline for a city to submit a letter to determine if amendments were needed, as noted above
- The City responded to the most recent notification from the State, indicating amendments to the City's Plan were needed to address changes in state law, etc.; the State responded, setting a deadline for May 9, 2025
- Along with satisfying State law requirements, the Broward County Charter stated the County had land use jurisdictions over all its municipalities; that is, they had to be consistent with the County's Land Use Plan (LUP); changes in the latter over the years necessitated amendments to the City's Plan to ensure consistency
- As the City reached buildout, city administration had to explore other means by which to accommodate the needs of the City's growing population at all levels
- Proposed Plan amendments sought to address issues such as: promote the production and preservation of affordable housing; redevelopment of opportunities along the City's transit oriented corridors (TOC), such as, 441 and University Drive; ways to climate proof the Miramar community; creating an autism-friendly city
- Community engagement in the Plan and its amendment process was prioritized; facilitating actions included: establishing a webpage to centralize information; created community participating flyer to encourage resident participation; hold neighborhood-level community meetings to facilitate community concerns and aspirations; these meetings were held in east, central, and west Miramar

- The proposed amendments did not apply to the ten elements that comprised the Plan
- The Future Land Use element: Changes pertained to transportation mobility, housing, and infrastructure; removal of antiquated content
- The Environmental Conservation element: Changes to allow the City to match those of the County's LUP; provide for smart city policies; and incorporate new, and inclusive development guidelines. Promoting a climate-safe future for Miramar residents, and city investments
- The Intergovernmental Coordination element: Policy changes that were not major
- The Capital Improvement element: update from the 1985 Plan to incorporate the myriad of changes that had taken place to date
- Reformatting to the Recreation and Open Space element, and the Public (**unintelligible 21:33**) Facility element
- The proposed amendments complied with State statutes governing local government comprehensive planning, and the data used for the projections were sourced from the Bureau of Economic and Business Research from the University of Florida; they would provide a strategic framework to guide future development, redevelopment, and public investment in the community.

MAYOR MESSAM: Thank you, Mr. Lebrun. All right, so I'll just go down the Commission for any comments, or questions, starting with Vice Mayor Colbourne.

VICE MAYOR COLBOURNE: Thank you, Mr. Lebrun, --

MR. LEBRUN: Thank you.

VICE MAYOR COLBOURNE: -- for a thorough presentation, and the background that you have provided. What happens after tonight?

MR. LEBRUN: After tonight, you know, we would have, you know, our -- what we call initial hearing to transmit those amendments to the State for review. Yes. So -- yes.

VICE MAYOR COLBOURNE: Where are the amendments that you're discussing?

MR. LEBRUN: I mean we didn't bring, you know, the -- the package, but, you know, that would be provided, you know, for the public hearing, so we're still finalizing them, so whatever input -- any input that we get tonight will also be incorporated into those amendments, and that will be presented to you before our meeting that is scheduled for May 7.

VICE MAYOR COLBOURNE: So on May 7 you'll have the whole package?

MR. LEBRUN: Yes, the whole package, yes.

VICE MAYOR COLBOURNE: But tonight you're not going over any of --

MR. LEBRUN: Yeah, just an overview of what we're doing, so we can gather some input, and then that we can incorporate into those amendments. That just provides just a general overview of the -- the process, and the amendments.

VICE MAYOR COLBOURNE: Can you provide some highlights of the amendments, or the changes, or the implication of the changes that you're making?

MR. LEBRUN: I mean the -- the final document -- because it's such a big document, but the final documents will ally those, but, you know, -- but we -- and also ensuring the presentation that we show some of those policies that have been stricken through, and then -- and then the new ones that are being proposed to replace those policies, as well as those ones that have become moot, because, you know, some say, you know, by 2012, the City was supposed to do this, this, and that, so we're removing those. And -- and then those are still valid, we will keep, and then, maybe, put a new date on them. But, yeah, we will show all those amendments. But it's going to be a big document with a lot of strike through, and then that will be presented to you. Yes.

VICE MAYOR COLBOURNE: You don't have any specific highlights that you can show us tonight?

MR. LEBRUN: I mean not -- not on the presentation.

VICE MAYOR COLBOURNE: So let me ask you -- let me ask you a question on transportation.

MR. LEBRUN: Yes, ma'am.

VICE MAYOR COLBOURNE: The changes in transportation, would it address other mobility type equipment's?

MR. LEBRUN: Yes. And then that's what, you know, we essentially rename that policy -- that element from transportation to mobility to kind of address, you know, different modes of transportation. It address, you know, --

VICE MAYOR COLBOURNE: But how does it --

MR. LEBRUN: Yes.

VICE MAYOR COLBOURNE: How does it address scooters, for instance?

MR. LEBRUN: I think -- did we have the scooters? It -- it's not really specific, or by promoting, you know, a complete streets policy, one of the goal of the complete streets policy is to provide, you know, a roadway network that accommodates all type of

transportation: biking, driving, walking, and scooters. But it didn't specifically say that we cannot add that to -- yeah.

VICE MAYOR COLBOURNE: So in that particular area, the basic change would be just to change the naming from transportation to mobility?

MR. LEBRUN: No, we changed the naming, but we -- in light of all those changes, we know with the Broward County, the Broward -- the MPO -- Broward MPO, we know there's -- that have been projects -- have been a plethora of policy, complete streets policy that have been developed. We have also incorporate some of those policies into this element now.

VICE MAYOR COLBOURNE: So on the environmental area, the environmental cons -- cons --

MR. LEBRUN: Yes.

VICE MAYOR COLBOURNE: -- and conservation, so you changed that from conservation to environmental?

MR. LEBRUN: Yeah, just -- yeah.

VICE MAYOR COLBOURNE: But are there any new regulations that are incorporated in there?

MR. LEBRUN: No, no, we not really touching that, you know. It's -- it's really -- we're not changing that. Yeah.

VICE MAYOR COLBOURNE: Okay.

MR. LEBRUN: It -- it just really doing the renaming to kind of match the Broward County Land Use Plan, you know, the way they name that element to -- yeah.

VICE MAYOR COLBOURNE: Okay. So any major changes at all?

MR. LEBRUN: I mean on that element, or overall?

VICE MAYOR COLBOURNE: On all -- overall.

MR. LEBRUN: I mean overall, as I highlighted, you know -- because we're trying to -- probably, we were one of the first cities in Broward County -- Jim, maybe you can attest to that -- to include, you know, new and inclusive, you know, guidelines for development. And then we also inclu -- incorporate, you know, -- I mean I cannot say that, you know, that's a novelty of our Comp Plan climate change policy that address -- policy that address climate change, because we know many community, like Broward County, and then even

other communities that have worked, we have a climate change element itself, not just policies, you know, throughout, and those various elements. We also addressing, you know, the need for redevelopment in our -- along our city targeted areas, such as the City major corridors. We trying to beef up our policy to kind of protect, you know, the integrity of single family neighborhoods abutting, you know, nonresidential uses. So we -- and -- and -- and then we also incorporated, you know, policy that address, you know, community health, and food access to avoid, you know -- to kind of help, you know, deal with all those food deserts that we have in the community. So to trying to create some incentives to kind of, you know, eliminate those food deserts in the City.

VICE MAYOR COLBOURNE: How is that addressed?

MR. LEBRUN: So we -- we -- we do have policy that specifically address that, because -- because, remember, the -- this comprehensive plan is a statement of policy -- goals, objectives, and policy. And, for example, I can -- if you allow me, I can go -- I have a copy, some of the policy we -- smart city initiatives, mixed use. I can read you one of the policies that we -- we use for that. Mobility. I'm sorry -- 11, sorry. Sorry. I'm sorry. I'm sorry -- sorry. I have to find it. Oh, yeah, it's address under one of the objective 1.4 healthy neighborhoods. One of the policies to encourage the location of grocery stores, farmers market, and community food gardens to support access to health food -- health food for all areas where people live, so we do have those policies. And then providing -- promote resources to encourage urban agriculture opportunities, but not limited to community, and home gardens, and including consideration of land use plan amendments, and permitted u -- and permitting conditional use regulations where appropriate. So, yeah. It also talk -- one policy deals with the accommodation of concentration of food service providers at strategic locations in relationship to the transportation network, and concentration of housing, and employment. So kind of, you know, to make sure that, you know, the approximate location of those grocery stores, you know, near employment centers, as well as, you know, residential development.

VICE MAYOR COLBOURNE: Got it. I appreciate that. Specifically in terms of flooding, how does it address that? What are some of the policy changes?

MR. LEBRUN: Yes. It's under Neighborhood Resilience, and then it talks about adoption of land development code amendments for increased building flood protection, meaning that increasing protection of residential areas in neighborhoods through the support of green design guidelines, and for new development. To encourage development, you know, new development in higher elevated, and less vulnerable to flooding; adopt, and regularly review our flood design criteria, which is -- we already, currently have in our Land Development Code that exceed, or are more stringent than the minimum requirement of the National Flood Insurance programs. And then those are some of the things that we're doing. And then we also deal with making our substantial improvement, you know, process, you know, more stringent. Because substantial improvement, meaning that, you know, if a property has been substantially improved during the five years, and the value of those improvements exceeds 50 percent of the appraised value

of the home, so then they have to meet current code. So those are some of the -- I mean this may be a controversial policy, but those are some of the codes that FEMA require for them to move to even increase our community rating system. And then we are currently working on those type of policies right now, and we don't even have to wait for this to be approved, because we also -- in parallel to this effort, we are also working on a code amendment to increase that, as a result of the flood map that was adopted last year.

VICE MAYOR COLBOURNE: Last question. The street out here within the Town Center, they're kind of tight, when you have the buses, and cars going through, and you have cars parked on the side. Is there anything within what you are -- anything within these amendments that improves that?

MR. LEBRUN: The honest answer to that question, no. This really goes back to the very purpose of creating this Town Center. Really, and truly it was to kind of, you know, eliminate the reliance on people use their private vehicles to drive there, so that's why those streets, you know, are kind of like more pedestrian oriented than they are car oriented. Yes, we do have a bus station there, because you want that transit hub there, so that's why you see the bus. But I don't think, you know, the goal -- I mean I wasn't here at that time, and, Mr. Mayor, you -- I think the goal was, really, to have more people walking through the street, and then having the bus than to having your car constantly driving up and down these streets. So that's why, you know, they were designed this way, so tight, because the focus was never on cars, but on pedestrians. And then because now they're already built, there's nothing -- we cannot expand them; there's nothing that can really be done right now, so maybe some policy, maybe how we can redirect traffic, you know, those are, maybe, some of the action that can be taken to address that. But, yeah, so that has been the issue, really.

VICE MAYOR COLBOURNE: I would like a follow-up meeting, a one-on-one to go over some of those points in a little bit more detail.

MR. LEBRUN: Yes, ma'am.

VICE MAYOR COLBOURNE: Thank you so much for your responses. Appreciate it.

MR. LEBRUN: Thank you.

MAYOR MESSAM: Commissioner Chambers. No questions or comments? All right, okay. Commissioner Cherasard.

COMMISSIONER CHERASARD: Thank you very much. Good evening, and thank you, Mr. Lebrun, for your thorough presentation, and like Vice Mayor said, the supporting information that we had to read. I want to reflect a little bit on the January meetings with Kip?

MR. LEBRUN: Keith.

COMMISSIONER CHERASARD: Keith. One, in terms of public participation. It is noted here that input from the community was important to you, and I'm one of the people who attended one of the meetings, and I think there were, maybe, ten or 15 people at that meeting.

MR. LEBRUN: Yes.

COMMISSIONER CHERASARD: From pictures I see that that probably transferred into the other locations, maybe a little bit more at Sunset Lakes. I want to know, one -- and I probably would like to be able to hear from Keith, about the analysis of the data that was received from community input, and if that's allowed here.

MAYOR MESSAM: Good evening.

MR. KAHN: Good evening, with Keith & Associates. You're right, there were -- weren't as many people as, maybe, we projected that would be at the meetings. We did our best to advertise it, put it in three different locations. However, all the input we did get back was also supplemented by the online website that collected information. And in looking at the various medias that we got, and also the public meetings, and the feedback they got from other places, the same common themes were there at every one; you know, the economy, affordable housing, safety, you know, the resiliency; the same themes came across, whether it was a -- the limited public meetings, or online, it was always the public had the same type of comments. Which gave us the idea of where to go, and looking at making sure we're beefing up things, but in addition to that, you know, we were following current standards, and new things are coming out in the plans, and we incorporated them as possible wherever we could, and we tried to bank all those improvements, and add new policies in there throughout the whole plan. So we did take into account as much as we could get.

COMMISSIONER CHERASARD: How -- and I don't know if this is a question you can answer on personal opinion. Do you feel as though, for the data you gathered, you had sufficient numbers of Miramar residents giving input? For something that led to the Comprehensive Plan suggestions for amendments, how do you feel about who showed up, and how many people showed up?

MR. KAHN: Well, yes, I do. I think we got -- we knew -- as planners, we've been in other communities, and we do this all the time, and we see the same five sub-comments -- whether we have a whole roomful of people or not, the same themes come through, to be honest with you. Wherever we go, we get the same -- everyone at the different communities, pretty much, wants to have improvements on, you know, the economy, affordable housing, resiliency; the same themes are prevalent everywhere. And they just manifested themselves, even though we had a -- didn't have thousands of people, when we do have big rooms full of people, we still get the same feedback. So, to answer your question, you know, we did the best we could with what we had, but we applied to what

our experiences are throughout the County when we do these charettes, or whatever it is we do with different communities is comparable.

COMMISSIONER CHERASARD: And one last question. With the data that you did get from those community members who showed up, how exact, in terms of responding to those issues, how exact is the response with these amendments to addressing all of those issues?

MR. KAHN: Well, we looked at those -- it's kind of hard to go through those 100 pages of documents, but if you sift through there, you'll find almost all those policies are relative to the comments we got. If we sat down, we could probably enumerate which policy kind of talks about resiliency, or the economy, they're all -- they weave throughout the whole plan. They're in there. I can't sit here, and just tell you on page 39 it's there, but we weave them through all those pages, the comments, they're in there. We heard what you said, and when we did the plan, they're incorporated in there. We work with the staff, and we made sure that they're addressed. Some of them, the comments had for more land development regulations, zoning, and not actually comp plan policies, so we put the policies in there. You can go back now, and do land development regulations to further tighten down some of those issues, because you have the basis for the policies to enact those things, and that's what the plan does; gives you the ability to go to the next step, which is changing the zoning code, and the land development regulations.

COMMISSIONER CHERASARD: Okay. Thank you very much. I know you were on the data collection, and analysis, so I guess my questions stemming from the land use development stuff go back to Nixon, but I thank you so much.

MR. KAHN: Thank you.

MAYOR MESSAM: Commissioner Edwards.

COMMISSIONER CHERASARD: Yeah, I was still asking.

MAYOR MESSAM: Oh, you're still --

COMMISSIONER CHERASARD: Please go back.

MAYOR MESSAM: I thought you were complete, okay. All right.

COMMISSIONER CHERASARD: I have a question for you, Mr. Nixon Lebrun, regarding our wait of amendments that are based on changes to state laws, while also considering local conditions. Meaning, specific to the City of Miramar, and our expected growth. A lot of state legislation, even right now as we speak, in Tallahassee is still being challenged, still being considered, some being repealed, edits being made. We're moving towards being in compliance with some new laws that still haven't settled very well, and we're making a move to make our city rules and regulations comply with laws that, by the

end of this session, to be completely different from what we're making decisions about. We're making these amendments simply to be in compliance. Are we removing layers of protection for our community that protect us from some of the changes that are coming, or may not be coming, but are needed? That extra layer, so when people come to us about zoning issues, and we say, "There's nothing we can do. It's coming from Tallahassee, and we have to do it." A lot of those regulations that come from Tallahassee still give some, even if it's a minute bit of control to the cities, and municipalities that govern them. If we completely move in a direction of compliance with Tallahassee, we have nothing here locally to help guide with the community in Miramar, locally, has asked. And I think, with regards to our Comprehensive Plan, and my questions about attendance at the meetings is because I think there's a little bit of education that may need to happen, so that our community understands that development, and what comes to our city stems from our Comprehensive Plan. And if our impression of what we want our city to look like has changed since the last amendment, the community's voice should be heard. Five years ago, we may have wanted the five-story buildings, and the ten-story buildings where there are houses, but communities' impressions may have changed, and I believe they have. And so I really wish there was an education session, or informational session, so people can understand the connection between this comprehensive plan, their input, and what they are seeing being built in their communities. Because if a meeting like this was held where the Huntington group were able to understand that policies coming out of this plan are the reason they might have some development they don't like, or if the people in central Miramar understood that the Comprehensive Plan dictates a lot of what goes on in the City, they would show up. That's where they would be. They wouldn't be at City Commission meeting voicing their concerns, they would be sharing their input at these meetings, so that it can be calculated in the data. We do a lot of advertising for so many city events, so many activities that we do, but advertising, and educating the community about what this plan means for the next five, ten, 15, 20 years in the City of Miramar, I'm not sure if enough has been done to get people to understand what this plan does, and how this plan is a living document, and can be changed. That was kind of just what I wanted to point out with regards to that. And, also, a lot in your conversation, you mentioned protecting single-family communities, and I'm so happy that I am here to be a voice for those in the City of Miramar who don't live in single-family communities, and to make it known that they also need comfortability, protection, and consideration when we're making changes in the City of Miramar. So if you need that comma condominiums, comma townhomes, that that's also considered, because they do want good quality of life as well. So if that's also something pending, or coming, so please make sure we consider our condo families as well.

MR. LEBRUN: Yes, ma'am.

COMMISSIONER CHERASARD: One other thing I had to ask about, the conversation on mobility, you mention that a lot of this stems into the County, with regards to collaborations, and our agreements with them. Does the City of Miramar have any capacity at all to introduce our own east/west shuttle system? A lot of what we're doing - and we talked about congestion in this area, and we want it to be walkable, but walkable

from where? Who lives in midtown Miramar to walk here? A lot of people don't want to go five stories into the parking garage. So if we're looking to have involvement from east/west, west/east, is there a way that we can actually have a Miramar shuttle that brings people -- they don't have to think too hard about parking in that garage, and they can come to our events here, because there's a shuttle from 6700, brings you straight to City Hall, City Hall takes you straight to Sunset Lakes, that's mobility that doesn't add to the incredible traffic situation at Town Center. Just wanted to see if that's a consideration, also. And that was -- that was it for my comments/questions.

MAYOR MESSAM: Mr. Edwards.

COMMISSIONER EDWARDS: Thank you. Thank you for the presentation. I have similar concerns as Commissioner Cherasard, especially the community engagement. I, too, actually went to all three of the neighborhood community meetings, and an understatement of poor -- saying it's poor attendance is an understatement, really. And so, you know, there was mention of additional means of collecting data. My question then is, could we say -- with all the various methods that were used, do we have a number of, say, how many residents participated?

MR. LEBRUN: We can provide you that information. I don't think we from the top of our head (**unintelligible 53:38**) --

COMMISSIONER EDWARDS: You don't?

MR. LEBRUN: Yeah, --

COMMISSIONER EDWARDS: Okay.

MR. LEBRUN: -- Commissioner.

COMMISSIONER EDWARDS: I'm curious to know how many residents participated, because what's driving my curiosity at this time is your statement that -- the statement at the top of the slide that says the City has made public participation a priority. How you did that, and the results from that, I'm not sure we were successful there, and I would love to see an improvement in that area. If we're talking about a comprehensive plan for the City, I think it is very, very important that the residents participate. It's their city, and I think they need to have some sense of what's happening, so I would love to see us improve on that. My other comment here or question is, I notice, pretty much, everything is very general in nature; it's a general presentation we're doing: upgrades to mobility, we're going to increase -- you know, all the statements are very general. At what stage, though, do we get to the implementation of some of these?

MR. LEBRUN: Commissioner, thank you for the comments, and I, too, lament the fact that there were not too many residents, and think, you know, it's on us to kind of, you know, have a campaign to -- I mean comprehensive planning, it's so convoluted, it's so

complex, it's not a sexy topic, and then -- that's why, you know, in many communities when you have those meetings, not too many attend it. But that's why, you know, the meeting in front of the Local Planning Agency, which our Planning & Zoning Board, this is also a public hearing, where residents can also come, and provide their input, comment, and ask questions. And then the first, initial meeting that we're going to have with this board, this body, residents can also attend that meeting, and provide comments, and then this would all be made part of the record, and then we will address those comments, you know, when this comes back from the State. So, really and truly -- and then now to answer your question now, section **16332 55:56** throughout the Florida Statute, it requires, upon -- within a year of any amendment, or new comprehensive plan, an amendment to a comprehensive plan being coming effective, the local governments in Florida, you have to update your land development code. Because remember, as you say, the comp plans provide, you know, the general guidelines that would lead into more detailed, predictable, and consistent, you know, land development regulations to implement the comprehensive plan. So within a year now of the Comprehensive Plan becoming effective, not just adopted, because it has to be found to be in compliance by the State, then we have to update our Land Development Code to kind of, you know, include detailed policy that really implement those new policy that have been added to the Comprehensive Plan as part of this update. So that's where we can say, as Jim was **(unintelligible 56:59)**, that's where we have to come to the nitty gritty, to the granular level, because those are policies, they're not regulations. Then the regulations would come on the second tier now to address, you know, those policy, and implement those into our design -- and development design guideline into the built environment itself.

COMMISSIONER EDWARDS: Thank you.

MR. LEBRUN: You're welcome.

MAYOR MESSAM: Commissioner Chambers. Thanks, Mr. Lebrun, for the presentation. And I think it was appropriate for the workshop to take place, and I have a couple of questions, as it relates to the proposed amendments, and how they reconcile against some of the State preemption laws that have been adopted. So, for example, you have Live Local, you have other preemption, development preemption in the state that, basically, provides an avenue for development to take place in communities outside of that local jurisdiction's land development code. So was there internal discussion on how we reconcile against that? Or I'm just curious how staff's thoughts in regards to those preemptions.

MR. LEBRUN: In short, the answer to your question is simple. The comprehensive planning is operated under Chapter 163, the Growth Management Act. The preemption that you mentioned, so that the Live Local, that's under Chapter 166, nothing to with each other. So the changes in state law that we're addressing are the ones related to Growth Management Act. Like, you know, 163.3177, that talks about, you know, the new ten-year sanitary sewer requirements; that affects the comp plan. Anything that deal with the capital improvement elements, the removal of the financial **(unintelligible 59:33)**, that's

under Chapter 163. So those state laws that are -- those controversial state laws that are now coming into our city, you know, really changing, you know, the makeup of our community really are not under the chapter -- under this track, because we are solely operating on that track, which is Chapter 163, which not fully chap -- part two of Chapter 163. So most of the regulations, the new state law that are coming into play now that creating havoc in our community are not under, really under Chapter 163, which is what our Comprehensive Plan is operating under, and then it has to be consistent with.

MAYOR MESSAM: So when these applications come to our city, those developers are still bound by our development code, which is developed based off the guidance of the Comprehensive Plan, because the City still has to give that review of the application.

MR. LEBRUN: And I'm glad you made that comment. One of the clause in the Live Local Act, it says that, you know, those qualified development are deemed to be consistent with your comprehensive plan.

MAYOR MESSAM: Yeah. So it's important for the community to know that although the City may be prohibited in -- from a zoning --

MR. LEBRUN: From a zoning, yeah.

MAYOR MESSAM: -- standpoint to stop Live Local, or developments that fall under preemptive law, that those developments still have to comply --

MR. LEBRUN: Yeah, they have to be consistent.

MAYOR MESSAM: -- with -- have to be consistent with our Land Development Code.

MR. LEBRUN: Our Comprehensive Plan.

MAYOR MESSAM: Yeah. So my understanding over the years of the Comprehensive Plan, and the statute is that, by nature, the State Legislature intended it to be, for lack of a better phrase, aspirational vision, guidelines, goals, because to pass a statute that would impact municipalities statewide, I think the Legislature understands that each city is unique, each city has different goals, each city has different desires for their respective community. So the Comprehensive Plan takes into account, well, here are some of the minimum aspects of your plan that the State requires that you incorporate, and then, as you mentioned earlier, which I think was an excellent question by Commissioner Edwards, regarding the specificity on like -- I know everything is general, and your response, I think, was a good response as it relates to it setting the vision, and then in our Land Development Code is where we can get more into the objectives, and the actual requirements, and specifics on how that vision is actually implemented. Does our Plan speak on regional issues?

MR. LEBRUN: Under the intergovernmental element, because that's the very purpose of that element, and then to coordinate with your regional partner to address, you know, those regional issues. Like, you know, the one that the City is fighting right now with Miami-Dade County, this is the element that provides, you know, the mechanism to address those issues.

MAYOR MESSAM: Okay. Where there other -- any anticipated regional issues that we may, perhaps, incorporate into our amendments?

MR. LEBRUN: None that I can think of, because we look at, you know, stuff like -- in terms of, you know, transportation, transit, which is a regional issue, affordable housing, climate change, you know, because given, you know, the kind of, you know, infrastructure that is required to address the impacts, you know, not just one. And then a local government doesn't wield that kind of power that the federal and the state governments can wield to raise funding to address those issues. So some of those things that we really address, you know, through that element, yeah.

MAYOR MESSAM: Okay. All right. Before I turn it back over to the City Manager, Commissioner Chambers you have a comment or question for staff?

COMMISSIONER CHAMBERS: Thank you. Thank you for the presentation, Mr. Nixon.

MR. LEBRUN: Yes, sir.

COMMISSIONER CHAMBERS: Just to dive a little bit into the Live Local Act, are you saying that throughout the State of Florida, we have different municipality, city, towns, county, and they, from time to time, may have different land use development, different code requirement. So how does the Live Local Act work with all the different towns, city, and county? How does that work?

MR. LEBRUN: The Live Local Act, really, is -- is really amended, and then we had a few municipality that tried to fight it. Like Doral, for example, they apply some moratorium, but then they realized, you know, this is a battle that they cannot win; they kind step back. And then we see in South Beach, you know, Miami Beach, what the name of that -- the Cleveland, for example, that hotel that has been a staple of that community, not -- it's going to be erased by a Live Local Act project. The City of Miami Beach, they tried to fight it, but I think the only thing they could get out of that, you know, was, you know, reduction of -- in heights. And they lost -- they only lost a few stories. So it's really amended that cities now -- you know, we are all scrambling to -- how do we fight that. I know, I think it was Sarasota County who threatening to sue, but so far there hasn't been no lawsuit that has been made any (**unintelligible 1:05:57**) a mandate for all municipalities, and county government, you know, towns across Florida that they have no choice but to implement.

COMMISSIONER CHAMBERS: So if it doesn't lines up with our community, our code, our --

MR. LEBRUN: It preempts everything we do, because it's basically preempts us from applying -- when it comes to density, height, and use, as long as the project is qualified -- qualified, meaning that it has at least 40 percent of affordable housing, and then you can go -- the only thing, maybe, on a city like ours, were we have, you know, less than 20 percent of land dedicated for nonresidential uses, the project has to be mixed use. What that mixed use is, nobody knows.

COMMISSIONER CHAMBERS: So, in terms of what we're trying to do here, and following the County land amendment guideline, what do we -- is this a moot point, or --

MR. LEBRUN: No, this is not a moot point. I think this is really important, because we still have other aspect that are not being preempted by the State in other area for nonqualified projects, if I can use that expression. So we still have to withstand **(unintelligible 1:07:22)** that vision, because, after all, this is our community.

COMMISSIONER CHAMBERS: But developers, it's going to be easy for them to use the Live Local Act if the City, and residents are not in agreeance with a specific development. They're going -- okay --

MR. LEBRUN: Bypass --

COMMISSIONER CHAMBERS: -- let me add some mixed use, and so and so forth. So regardless of where we are in the City that development present itself --

MR. LEBRUN: Yeah, as long as they provide that 40 percent in affordable housing, so it's really an issue. I mean it basically throw a monkey wrench, you know, into all our comprehensive planning trying to set our community, to protect, you know, and compatible uses. But now -- and then I think there's even one right now at the State that talks about, you know, for redevelopment and infill; that's another one that is coming. And then that would bypass, you know, city -- governing body approval. So they can just come, and get administrative approval to do those things.

COMMISSIONER CHAMBERS: So we are not going to be able to adequately represent our residents the way they might want things to be, and if they are not coming to these meetings, because we're not marketing the meetings to them, and we are here to represent them, we're not going to be able to -- at the level that they're expecting us to, because the preemption going to be the way to go. I mean I see the community here in the west, a project started before, and they backed off, and decide to wait for the Live Local Act, and pushing that through.

MR. LEBRUN: And then to appease the Commission, yes, this process, we have to do, it is required by State that we have to do this, but that doesn't preclude us from making any

other amendments in the future. Because, as Commissioner Cherasard mentioned, this is a living document; it's not a static document that we approve it, and then it just goes right there, and then this is our bible. We still can come back, and making changes, you know, and then this time we use a different process, in which we call, you know, as mentioned earlier, the expedited state review process, which is like a shorten, you know, review process, and then that -- we still can go back to our comp plan. And then as -- because, I mean our conditions are not going to remain stagnant; they're going to evolve over time, and then we don't have to wait seven years to address some of those issues. And then this Commission can see something, and say, "Okay, we need to amend the Comprehensive Plan to address this issue." So I don't want any members of this board to think that, you know, if we do this tonight, I mean if we do this, you know, now, that, you know, next year we cannot come back, and make amendments to this; no, this is a living -- changes can happen. We just would not have to use the current state-coordinated review process, as is required under State Statute, for updates every seven years. Whatever -- you can make as many changes as you want. And then there used to be a limitation on the number of amendments you can make on your comprehensive planning, but, you know, as the State try to give more local control, if I can say that, to cities when it comes to comprehensive planning, they have removed that limitation to allow cities to deal with issues, you know, that involve the local environment.

COMMISSIONER CHAMBERS: So as far as the Live Local Act, and the impact to the City, whether it's water, sewage, roads, congestion, schools, and etc., etc., any of those have any bearing on the Live Local Act, because if we don't have the infrastructure to carry the development, --

MR. LEBRUN: Yes.

COMMISSIONER CHAMBERS: How does that work? Does that development still go through?

MR. LEBRUN: Especially when it comes of those services, because we have to --

COMMISSIONER CHAMBERS: Police, fire?

MR. LEBRUN: Absolutely. We have to make sure that any development, that our public facility services, you know, available at the adopted level of services in our Comprehensive Plan. So -- because this project that we have right now, it's being reviewed by Utilities, and then there are some issues, and then they are making sure that those issues (**unintelligible 1:12:10**) before they can sign off on any of those plans, regardless of the preemptions from the State, regardless of the -- because what the State law preempts is the use, if it's commercial, industrial, or mixed use, you can have a qualified project there. It's the height, which is the maximum height, allowable height within one mile of the project, and the density, which is the highest density that is currently allowed in your Comprehensive Plan. Those are the three things, really, that the Live Local Act preempts local governments from applying to those qualified developments. So

when it comes to making sure that, you know, they meet our concurrency, so we have to make sure that they pay their proportional share of that to ensure that, you know, they pay their proportional share, you know, of the burden that they're bringing into our public services and facilities. But also I have to caution, you know, yes, traffic concurrency, you know, as -- from the 2011 Community Planning Act has also been really removed from State law, because now you cannot, basically, deny a project because it doesn't meet your traffic concurrency, so you have to make sure they pay their proportional share. And then, as well, if the road, I mean you know, was already, you know, performing at a level F or level D, you know, so you cannot come and say that, you know, this project is the one that cause the road to fail, because when the road was already failing. So when it comes to traffic concurrency, we just have to be careful, but, however, those other that, in terms of, you know, sanitary sewer, potable water, waste, and, you know, fire, police, they have to meet those concurrency; those have not been preempted by this law.

COMMISSIONER CHAMBERS: So who have to meet that? Is it the State would pay for that, or the developer?

MR. LEBRUN: The developer, they have to pay their fair share. That's why we have, you know, our impact fee system, concurrency management system, so that's what this process address.

COMMISSIONER CHAMBERS: And the impact fee would be consistent with public safety, --

MR. LEBRUN: Yeah.

COMMISSIONER CHAMBERS: -- the water, --

MR. LEBRUN: Yeah, exactly.

COMMISSIONER CHAMBERS: -- sewage?

MR. LEBRUN: So that's why we have those adopted fee schedules, you know; that kind of take into account, you know, those things. And I know there has been a new State law deal with impact fees, you know, and I think that's something we may have to discuss with the City Attorney, because I know Broward County has been making some changes, and I think we need to address that as well. For us to also update our impact fee to keep pace with the cost of additional development in our city.

COMMISSIONER CHAMBERS: So let me ask you. For, let's say Huntington, for namesake, those impact fee would be like a onetime fee, or it would be --

MR. LEBRUN: Impact fees is onetime fee.

COMMISSIONER CHAMBERS: But the services would be ongoing for 100 years to come.

MR. LEBRUN: The services recurring, yes, annually recurring.

COMMISSIONER CHAMBERS: So how do we pay for that moving forward? We just wouldn't get the money.

MR. LEBRUN: The impacts should address, you know, whatever cost, you know, that development, you know, would bring to the system for connection. That impact, that's what's going to impact, the fees of impacting that system. So that should be commensurate to the actual impact of those developments, so that's why it's important for us to look at our impact fee schedule, if really they are commensurate to cost of adding to the burden of a new development in the City.

COMMISSIONER CHAMBERS: So can we update the impact fee, and give a protection?

MR. LEBRUN: I mean you have to do that, and then you would require us -- we have to work with Public Works, you know, Utilities, and then, you know, there are some State laws that say we cannot increase by more than -- I mean those are -- but this is something that we can do. And then -- because the City has to do every so many years, you have to do a study to look at the feasibility of increasing, you know, impact fees to accommodate -- yeah.

COMMISSIONER CHAMBERS: So the question is for the Commission. How do we represent our community? How do we represent our residents the best way that we can, because most of the times they're not going to be here, and most of the times they're not going to show up for these meetings, and they're not going to get the full understanding of what's coming, and how much it's going to impact them, until it's at their doorstep. So it's incumbent upon us to look into what's coming, and how we can minimize the impact to our residents down the road, because that's when the reality kicks in. And even with our community, we've talked about biking, and so forth, and we have two major corridors that go through the City, which is Miramar Parkway, and Pembroke Road that shares with Pembroke Pines, as far as biking is concerned, that's impossible. People don't even bike anymore, or even ride motorbikes that much because of the traffic, and the threats from cars, and it's going to be a lot more cars on the road. And then our community is not -- like this city is different from other cities the way it's laid out, so it's impossible to go from one neighborhood to another riding a bicycle; it's just not conducive to this area, the way we're laid out, so I don't see where that's -- it's going to have to be contained in each community, as far as walking, and biking concerned. I'm concerned about that. And then, transit. The problem we are having here is that the west don't go to east, and the east don't go to west, and then we have the middle, midtown, so it's almost three different cities in one, but for right now I'll say it's two cities; we have the west city, and the east city. And they not in sync, because they don't see the City in the same eyes, you know, and especially on the east with new development, for folks that live there, right now there

is -- if you decide to buy something, some services and goods, it's a little less expensive, worst is the east, because you might be able to rent a storefront or something at a lower cost there than you would be able to rent it out here. And people out there, their income is a lower income level, so what's going to happen when certain development reach there, when the prices are totally changed, then people don't have no place to go, but to -- I don't know where they're going to move to, maybe somewhere in no man's land. You know, so how do we really get the word out as to what are we looking to do on the east side? What kind of development? What's the impact? What's going to change? Because with new development, prices are going to be higher, because the new cost now for construction, and what I see even now, even somebody who bought a house out there, and paid it off from 1955, to one that just built, the rent is the same. It's not like I'm saying, "I don't owe anything on this development. I have it from so long. Let me keep my rent low." And this guy next door he built -- just built at a different cost; the two rent is the same. So I'm just, right now, in -- I don't know what to say, but it's like no man's land right now. But I just want to say thank you for the presentation. It's incumbent on us here to do the best we can to represent our community, because they are depending on us to make the right decision. I appreciate you, Mr. Nixon, thank you.

MR. LEBRUN: Thank you, sir.

MAYOR MESSAM: Commissioner Cherasard.

COMMISSIONER CHERASARD: Thank you very much. I wanted to bring up a point with regards to the impact fees, and our city's incentivizing of developers who would like to build in the name of affordable housing. It seems as though with the preemptions, and with the Act the way it's written that allows for industrial and commercial properties to get carte blanche sometimes with -- they want to build in the City, then I think it's a bit of a double dip to also throw incentives. We're operating at a loss for them to come if we incentivize them, because they're coming anyway, because they have a right to come, because they have preemptions, and they have built-in savings already for a lot of what they're doing. Our city, with the resources we have should be used for the residents, and not to incentivize developers who already going to come, who already have a carpet laid out for them. And so we may have to revisit also if we're even advertising. We don't have the space. We have private owners who are going to redevelop, so it's going to be a conversation between the private owner and the developer to come into the City and build, but what needs to be off the table is: oh, and on top of you being able to build what you want to build, and giving us the minimum ten to 15 percent affordable units, you're also going to get all these savings, all these impact fee waivers, and all these reductions. Who benefits on the heavy side? Not the amount of affordable units we get, the developer's pocket, so we shouldn't be feeding a developer who's already going to be building, who's already going to be getting all the discounts, per Florida Statute, and losing money for City of Miramar coffers. So we may have to -- if that's needed as a part of what we change is make our incentives for the residents from that point on, and the developers do what they were going to do, because they already have it made from the state level.

MAYOR MESSAM: I just want a point of clarification. Regardless if a developer comes in through the normal site plan approval process that requires a zoning change, or through Live Local, they're still bound to pay our impact fees. They're still bound to pay our impact fees. Impact fees are not waived. The calculations are made; for example, there's utility impact fees, those are still paid, correct? Or if there's park and recs impact fees, depending on if those are needed, it's not -- there are impact fees that are paid.

MR. LEBRUN: Mr. Mayor, as a point of clarification. As part of the code amendment that was made to the City Land Development Code under the affordable housing, affordable housing -- impact fees for affordable housing in the City are waived.

MAYOR MESSAM: That's affordable housing.

MR. LEBRUN: For the affordable housing units, the portion -- but, however, if it's a mixed use community, the balance of the development would have to pay their fair share of impact fees. The units, the impact fees for the unit, the specific affordable housing unit would be waived.

MAYOR MESSAM: Yeah. So it's almost like a quagmire. There's no magic bullet to solve our development challenges, because we want a community that has a diversity of housing options, where the working class can afford, see (**unintelligible 1:25:00**) have options for their market rate desires, and with limited resources from the municipality, the City is not a position to build solely, alone, affordable housing units that would meet the demand that's in this community. So it's like the chicken or the egg, which comes first. Developers, just the economics of any development, I mean the bottom line is the bottom line. If a developer is going to come in, and pay market rate for a property, the economics would dictate that those units, or those homes that are built to meet the return the investors have made, more than likely it's going to drive a market rate product. Which, therefore, is going to produce unaffordable product for those who are, perhaps, working class that can't afford it. So for there to be affordability, either the acquisition has to be at a significant discount, the construction cost has to be at a discount, perhaps there's some reduction of fees somewhere in the pro forma of that development. So I just want us to leave this meeting at least with the through process is that we're not powerless; we're not powerless; we control our Land Development Code; we control our impact fees; we control a significant amount of regulations, and fee schedule that would dictate any development that comes to our city, whether it's through the normal process, or through the Live Local process. And I think with this challenge of these State mandates, and these preemptions, that we as a Commission work with our city staff to find ways to strike that balance, where we are getting what we should be getting to cover the costs, while not being so cost prohibitive that no developer comes here, that no developer wants to come. And that's a fine line, so we have to strike that right balance, where we can create an environment where development can take place with quality products, quality housing stock that have options for affordability, and market rate, because you need that balance for a well-balanced community. So as we all work together to address this challenge, that we operate from a spirit of striking that right balance, where developers are not going to

take advantage of us, while, on the same note, we aren't so prohibitive, and so restrictive, where it disincentivizes a developer to come because of the constraints, because of the cost. So I think we can reach that. I think we can reach that goal; our staff is very capable, very knowledgeable, as we can see, about the statutes, and what we can do, the consulting community that works with our staff. And I really think that we, in this environment of preemption, that we can come up with a solution, and be a leader in this to solve this problem for Miramar, which is -- which may be a unique solution to us. But I think that we can -- we really can do this, and I would like to continue to encourage our community to participate in these public meetings, and encourage the Commission to continue to bring up ideas, continue to raise the questions, so that we can come up with an ultimate decision that works best for the City of Miramar. Last comment, Commissioner Chambers, and we'll transition to adjournment. Commissioner Chambers.

COMMISSIONER CHAMBERS: Thank you. The other problem that I'm having, impact fees are onetime fees. If a developer pays a impact fee, and the construction is done, and they are renting at a certain price, and it turned out that they need to increase their rental unit from maybe, let's say \$2.00 to \$5.00 a unit, they have the ability to do that. After we collect that onetime impact fee, and police needs a raise, fire needs a raise, employees need a raise, we cannot go back to that developer and say, "Hey, we got to pay fire more; we got to pay police more, we got to pay the city employees more; we need some more money." We can't go back. So the impact fee is onetime, but the developer still have that ability to increase their cost per unit, okay. So that's the problem I'm having. And Miramar is not a city that hungry for development. We have gotten past that point where when we really need development, and it was moving. You know, you have cities, counties further north, especially where they're shipping the Dade County garbage to, where is that, Brevard County, whatever that is? They need development. There's cities that need development. We not there again; we have enough right now, and the people that we are trying to catch, we're not catching them. You have a lot of seniors here who some of them make \$900 a month, \$1,200.00, \$1,300.00, and they can't qualify for anything that get built, because if they're making \$1,200.00 a month, and they need to make two times, or three times that, how they're going to rent the unit that get built? They just can't. They have cities that have development that's specific to their community. Nobody from the outside can come in and rent there. You go to Hallandale, they have units that they're renting over there, it's specific to Hallandale residents. So in order for us to accommodate some of our residents, we would have to specifically build a development that's restricted for some of our seniors, or all of them, because when you build a place, 110 units, and only 11 out of the 110 can be rent at a five, \$600.00 rate, what happen to the other 100 people, or 50 more people? And these are the problems that I'm having with these units that get built. We're not really catching the people that need to be catched. And I must tell you, we miss a few opportunities, and there was one things that we got a stop on, and it's a blessing that we made a stop on that one, which is Horizon; a community that was already built, that came to us to partner to purchase, and to give up our tax base for like 50 years on a building that already built, fully rented, would have net zero benefit for the City, and which was touted in a campaign that we stopped affordable housing. But it's beyond me. That was a good stop, because this

place was built, and fully rented. It wouldn't help the City at all; it would not. Based on what I know now, how workforce housing is being used or rent, it's very, very few people gets in there. And then you get stop again from the people who are renting it, so I just don't know what to say. But it is what it is, and we got a tough road ahead of us, especially in this economy, where people would rather have a single-family home than renting, because renting doesn't do it. All over this country, I hear people complain, they want to get out of renting, and, someday, be able to own their home. Renting is a temporary situation. People would rather even take a townhome, or a condo that they purchase, which would make them feel a sense of ownership, that's what people want to feel. But not to take much more time, I think I'm going to allow the Mayor to wrap this up. Thank you, once again, Mr. Nixon, you and your team, thank you for your presentation.

MAYOR MESSAM: All right. Just a quick couple of comments on what was just stated. For all the nonqualified units, market rate units in a mixed development unit from a Live Local development, is subject property taxes, which could be hit with an ad valorem rate to help offset the costs of operations. So, yes, although impact fees are onetime costs, those properties are subject to property taxes, which, on an annual basis, based on the decision of this Commission to set the millage rate, would capture cost requirements to operate, and fund the City. Now the units that are affordable would not be subject to property taxes; and to Commissioner Cherasard's point, that's the discount that these developers would be getting, but these developments would -- but on the flip side though, these developments are providing affordable units. So that's the tradeoff in terms of these developments. Not to say to support Live Local, but it's kind of the trade off, so there is cost recovery, or property taxes that are generated from these developments. And to be discussed, and I just plant the seed right now, that I think it is appropriate for this new Commission, for us to have a visioning session, perhaps on Saturday morning, or the appropriate time to talk about the future of the City of Miramar. And, Mr. Manager, let's, perhaps, have a meeting to discuss on how we bring that forward. Because the fact of the matter is that when you think about east Miramar, Historic Miramar, and for the revitalization to take place, it's going to require development. To change what exists now is going to require development. The question is what does that look like, and what the cost, and those are all the things that we can talk about. But these are exciting things. I love talking about development, I love talking about the future, and just hearing some of the comments from the Commission, I gather that there's a lot of interest as to how we move forward. So let's work on that. I'd like to thank all the Commissioners for your valuable input on this workshop, and I encourage each Commissioner to please meet with staff between now and May 7<sup>th</sup> before this item comes forward. And, Mr. Manager, if you don't hear from the offices, if you could just reach out just to get on the calendar, so that additional questions can be met, so that we are as prepared as possible to bring forward the Comprehensive Plan. So thanks so much for staff. Are there any final comments from you, Mr. Manager?

CITY MANAGER VIRGIN: No, Mr. Mayor. But if were to comment, was that staff is available to meet with all the elected officials if they need additional information, so that when the item is brought forward, they would be fully apprised of what it is, or a little bit

more informed. We know it's a complicated document, it's a big issue, and we understand that it will take some going through more than once for all of us; I'm still learning, and I've gone over this a few times with Building, Planning and Zoning staff. So we recognize that -- and we want to be as clear and transparent, and so that the Commission can make the choice that -- make the decision when it's brought to them that is clear to them. So we will be available to meet with their office, and talk a little more about it. Thank you.

## **ADJOURNMENT**

MAYOR MESSAM: All right, thanks everyone. Workshop is adjourned

The meeting was adjourned at 6:40 p.m.

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Denise A. Gibbs, MMC  
City Clerk  
DG/cp