



**Village of El Portal
Regular Council Meeting
Date: 12/10/24
Meeting Start: 7:01 PM
Meeting End: 9:32 PM
Meeting Length: 02:31:17**

developed if you lived in the area at the time.

Scott Kobrick: I did not.

Attorney Ben Fernandez: Everyone got notice around this project for this hearing and for the lower planning and zoning board hearing, and there's no one here to complain about the Kavista. I've only heard good things about it. What really fundamentally gets me about your comments, and with all due respect, is that I've never heard a neighbor come out and complain that they want more commercial development near their property. Typically, it's the opposite. Commercial development facing the water encounters all kinds of opposition from neighborhood residents given the propensity for additional noise, late-night activity, drinking. It's something that's viewed as being less compatible with an exclusively, especially low-density residential areas. That's what's surprising.

Then your comment about the project could be smaller and more beneficial to the community, perhaps for you as a nearby resident, that would be true. Clearly, the public benefit provided for a smaller project would be considerably less and less beneficial to the community as a whole. I think this is more about your concerns than the Village's concerns, because you're the only one here and no one else is here. The ability to seek additional floor area is not a variance.

Our variances have nothing to do with the scale of the building. It's an exception and a development agreement that grants us the additional height that we're requesting, and that, as Manager Alou correctly pointed out and has worked so hard with us on. That is what brings the public benefit to the village, is the ability to seek those two additional storeys. Which have been deemed to be compatible with the nearest residential area because you have a 250-foot distance requirement from the nearest residential. You wouldn't be able to do it in some other parts, for instance, of the Little Farm area that are within 250 feet of single family. In this case, that's just not the case. It doesn't apply.

Scott Kobrick: Okay. The first thing that I want to mention is that the idea that the Brownfields Redevelopment Act and the use of that, that's going to happen and should happen no matter what type of development goes in there, whether it's mixed-use, whether it's four storeys, or whether it's in this case eight. I very much see the value in that. I don't think that that necessarily means that it has to be this exact iteration of this development. Having said that also on the brownfields, with respect to what was asked earlier that I did not think that there was a response to directly. Was that there was a statement made previously that there was an extra floor allocated for the Brownfields Redevelopment Act, and that the public benefits was a separate thing, that there was a separate floor for.

As I guess, Arthur called out during when you were saying, saying that it's in the code, he

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was referring to the public benefits program code. That question was not directly, I don't think, responded as to whether or not that is true, that there was an extra floor given for the brownfields, and then an extra four for the public benefits, or if it was both for the public benefits and that was false information about the brownfields?

Attorney Ben Fernandez: The brownfields is the brownfields. The additional storeys were derived through the public benefit program-

Scott Kobrick: Correct.

Attorney Ben Fernandez: -in your form-based code.

Scott Kobrick: The comment that was made previously was false. There was no-

Attorney Ben Fernandez: I'm not saying it is false.

Scott Kobrick: -additional floor given for the brownfields.

Attorney Ben Fernandez: I think that there's obviously consideration given to the entire project. It's an exception.

Scott Kobrick: It was [unintelligible 01:40:31].

Attorney Ben Fernandez: For instance, all of your comments about trees and so forth. An exception is a conditional use permit. The code anticipates the fact that this use is permissible within this area and can be subject to conditions. To Councilman Urbom's point, we still need to go through a process to obtain all of our tree permits. That is a condition of the exception.

Scott Kobrick: This was directly responded to in reference to the question of the dollar amount of the contribution.

Attorney Ben Fernandez: What is your point about that?

Scott Kobrick: The point is, is that there was a statement made that the brownfields was the reason why they already had one level and that the second level was-- It was only one level that that \$700,000-plus was for. From what you're saying, is not correct.

Attorney Ben Fernandez: Maybe there should be.

Scott Kobrick: That therefore the council people were misled to make that decision. That they were misled that amount was only for one floor and that is not accurate. Anyway, moving on from that, I guess I would like to bring this back to just another point about the

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