

**CITY OF FORT LAUDERDALE, FLORIDA
 REGULAR MEETING OF THE PLANNING AND ZONING BOARD
 CITY COMMISSION CHAMBERS
 100 NORTH ANDREWS AVENUE**

**WEDNESDAY, SEPTEMBER 17, 2003
 6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	(P)	(A)
Barbara Curtis, Chair	P	16	0
Gerry Cooper	A	14	2
Carolina Wiebe	P	14	2
Kenneth Hawkins	A	13	3
Mary C. Fertig	P	16	0
Alan Gabriel	P	14	2
James McCulla	P	14	2
Ellen Bogdanoff	P	16	0
Charlotte Rodstrom	P	7	1

Planning Staff: Chris Barton, Liaison to the Board
 Don Morris, Planner III
 Lois Udvardy, Planner II
 Angela Csinsi, Planner II
 Kevin Erwin, Planner I

Legal Counsel: Sharon Miller, Assistant City Attorney

Court Reporting Service: Margaret D'Alessio

**NOTE: ALL INDIVIDUALS WHO PRESENT INFORMATION TO THE BOARD
 DURING THESE PROCEEDINGS AFFIRM TO SPEAK THE TRUTH**

Chair Barbara Curtis called the meeting to order at approximately 6:37 p.m. and asked everyone to stand and recite the Pledge of Allegiance led by Alan Gabriel.

Chair Barbara Curtis then proceeded to introduce the members of the Planning and Zoning Board, along with City staff who were present at tonight's meeting.

Chair Barbara Curtis announced that the Board had incorporated some of the policy changes that they had discussed at the last meeting on the front of the agenda, including time limits for speakers as discussed.

All individuals wishing to speak on matters listed on tonight's agenda were sworn in.

Approval of Minutes

Chair Barbara Curtis asked if anyone had any additions or corrections to the minutes of the August 20, 2003, 5:00 p.m. meeting. Motion made by Alan Gabriel and seconded by Carolina Wiebe to approve the minutes of the August 20, 2003, 5:00 p.m. meeting. Board unanimously approved.

Chair Barbara Curtis asked if anyone had any additions or corrections to the minutes of the August 20, 2003, 6:30 p.m. meeting. Motion made by Alan Gabriel and seconded by Carolina Wiebe to approve the minutes of the August 20, 2003, 6:30 p.m. meeting. Board unanimously approved.

Mary Fertig entered the meeting at approximately 6:40 p.m.

Chair Barbara Curtis asked if anyone had any additions or corrections to the minutes of the August 27, 2003 meeting. Motion made by Alan Gabriel and seconded by Carolina Wiebe to approve the minutes of the August 27, 2003 meeting. Board unanimously approved.

Chair Barbara Curtis stated that she wanted to recap the agenda for the public and the Board.

1. **Calvary Chapel** **11-Z-03**
Request: * ** Rezone Airport, Industrial Park (AIP)
To Community Facility (CF)
Harris Corporation, P.B. 100, P. 15
A portion of Tract A
Location: 2401 N.W. 62 Street (Cypress Creek Road)

2. **Calvary Chapel** **12-Z-03**
Request: * ** Rezone Airport, Industrial Park (AIP)
To Community Facility (CF)
Vantage Industrial Park, P.B. 89, P. 1
A portion of Parcel A
Location: 2401 N.W. 62 Street (Cypress Creek Road)

3. **Calvary Chapel** **15-Z-03**
Request: * ** Rezone Airport, Industrial Park (AIP)
To Community Facility (CF)
Harris Corporation, P.B. 100, P. 15
A portion of Tract A
Location: 2401 N.W. 62 Street (Cypress Creek Road)

Chair Barbara Curtis stated that the applicant for Items 1, 2, and 3 had requested a deferral in writing regarding those items.

Chris Barton, Planning and Zoning, stated that staff recommended that the deferral be for more than one month because additional time would be needed regarding the negotiations taking place for these matters.

Robert Lochrie, attorney, stated that they were requesting a deferral until the October meeting. He stated they believed they could resolve all issues by that time, and if things did not get resolved, then a deferral could be requested at that time.

Motion made by Carolina Wiebe and seconded by Alan Gabriel to defer Items 1, 2 and 3 until October 15, 2003, at 6:30 p.m. Board unanimously approved.

4. **City of Fort Lauderdale** **13-Z-03**
Request: * ** Rezone County B-3/C-1/M-3 to
Heavy Commercial/Light Industrial
(B-3) and to Industrial (I)
North and South side of State Road
84, West of SW 30 Avenue
Location: 2980, 2990, and 3000 State Road 84

Chair Barbara Curtis stated that this item had been withdrawn by staff.

8. **Drac Development** **29-P-02**
Request:** Plat Approval "Manors Plat"/RMM-25
Acreage in 35-49-42
Location: N.E. 17 Court & Dixie Highway

Chair Barbara Curtis stated that this item had been withdrawn by staff.

10. **Coastal Investment Properties** **62-R-03**
Request:** Site Plan Approval/Yard Modification/
Waterway Use/RMM-25
Coral Ridge, P.B. 21, P. 50
Block 10, Lots 4-6
Location: 2729-2735 N.E. 14 Street

Chair Barbara Curtis stated that this item had been listed on the original agenda. She announced that the applicant had requested a deferral which had been granted by staff.

Chair Barbara Curtis reported to the Board that in addition to changing the agenda sheet to reflect the policy decisions made at the last meeting, she had

requested that the Planners call all applicants to check if they would need more than 15 minutes to make their presentations. She had been informed that no additional time requests had been made.

5. **Boywic Farms, Ltd.** **37-R-03**
Request:** Site Plan Approval/Conditional Use/
AIP
Vantage Industrial Park, P.B. 100, P. 21
Section Two (2)
Location: 2880 & 2890 N.W. 62 Street

Chair Barbara Curtis announced that this item was quasi-judicial.

Sharon Miller, Assistant City Attorney, explained that certain matters on the agenda were considered quasi-judicial and were treated similar to a Court hearing, but with less formality. She stated that individuals speaking on such items would be sworn in, and could be cross-examined. She stated that the exhibits or facsimiles pertaining to the items must be left with the City, and Board Members were required to disclose any communications they might have had regarding the matter which occurred before the public hearing.

Chair Barbara Curtis added that she had been sent an e-mail from the public and wanted to make sure everyone was clear regarding quasi-judicial items. She further stated that when disclosures were made by the Board, it meant that individuals had contacted Board Members and those Members were required to disclose those communications to the public.

The Board Members proceeded to make their disclosures regarding this matter as follows:

Carolina Wiebe stated she had been to the site. Charlotte Rodstrom had been to the site. Barbara Curtis stated she had been to the site.

Janna Lhota, on behalf of the applicant, announced that George Weaver and Todd Weaver, principles of Boywic Farms were also in attendance at tonight's meeting, along with John Haley, engineer and Connie Bailus, representative of ATI, Vocational School.

Ms. Lhota stated that this application was a request for a conditional use approval, as well as for a site plan approval of the unified site, including the 2880 and 2890 properties. She further stated that this application was seeking approval to allow the re-institution of an existing use at the 2880 property, which was where ATI currently had its school into the larger site located at 2890 which was owned by Boywic Farms. She announced that the property had surplus parking for the 2880 property and the building would now house professional and administrative offices, and therefore, it had been determined that a site plan would be provided for the overall property allowing them to upgrade the vehicular use areas. Therefore, the site with both proposed uses would provide more than 20 additional parking spaces over the required amount.

Ms. Lhota explained that the landscaping had been modified to enhance the area along 62nd Street, as well as increasing the buffer areas to the east, west and south. She explained further the property was surrounded by AIP zoning, and they believed the proposed use would be consistent with the Comprehensive Plan as indicated in staff's report. She believed there would be no adverse impacts on any of the surrounding properties since the use was presently located at the 2880 building and was just being relocated to the 2890 property.

Ms. Lhota continued stating that ATI instruction involved uses which would be completely enclosed within the building.

Angela Csinsi, Planning and Zoning, stated that this application had to meet various requirements as stated in her report. Specifically, they had to meet all requirements for a Site Plan Level III approval as listed in Sec. 47-24.3, the conditional use requirements listed in Sec. 47-25.2, adequacy requirements listed in Sec. 47-25.3, and neighborhood compatibility listed in Sec. 47-25.3.

Ms. Csinsi explained that the applicant was relocating an existing vocational school from 2880 N.W. 62nd Street to the adjacent property located at 2890 N.W. 62nd Street. She stated that the change of use required a site plan and conditional use approvals as required by the AIP zoning district. She stated that the applicant stated they met the adequacy requirements and staff concurred with such assessment. The applicant also stated they met all neighborhood compatibility requirements. She continued stating that the Planning and Zoning Board would determine if the application met the standards, requirements, and criteria found in the ULDR.

Carolina Wiebe stated that after visiting the site, she was concerned about the landscaping between the two buildings, especially since the future plans proposed that parking would be shared. She felt there was not enough provision to encourage pedestrian movement from one parking lot to another as it existed today and even in the proposed site plan. She further stated that in the rear of the properties where parking was to be shared, she felt there should be some discussion regarding security since there was to be landscaping between the parking areas. She stated there was a lot of attendance at the educational facility and the parking behind was about full, but the parking behind the office building was fairly empty. She felt once the uses were reversed there would be more shared parking since one of the lots was smaller than the other, and she asked if there could be landscaping done to treat the area as one entire unit, rather than two separate properties.

Ms. Lhota asked if a request was being made for less landscaping between the medians in the parking lot to the rear and possibly a connecting sidewalk be installed. Ms. Wiebe concurred and stated that there should be some connection so the pedestrians could reach the entries to the buildings. Ms. Lhota explained that the site plans did provide a pedestrian path from each individual parking lot to the respective buildings. She felt that it could be possible to incorporate a sidewalk midway through the larger part of the lots where they join in order to provide more pedestrian movement

between the parking lots. She explained there were two separate properties, and stated that the 2880 property would be encumbered with an easement agreement required by staff which would require a certain amount of parking spaces in accordance with the Code. She explained the parking of the overall site would meet Code, but since there were some excess parking spaces, it could be possible to modify the site plan slightly to allow the pedestrian cross movement as suggested.

Ms. Wiebe asked if there would be designated parking in the future at the 2880 site for students or would it be on a first-come/first serve basis. Ms. Lhota stated that she thought the intention was that the parking immediately after the 2890 site would be the first choice parking for the school, and the overflow would move to the 2880 site. Ms. Lhota explained they wanted to keep the integrity of the two sites separate, but at the same time it was being presented in this way due to the fact that the 2880 building would no longer be used as a vocational school, and therefore, they wanted to bring that parking area and landscaping up to Code.

Ms. Wiebe proceeded to ask if the school would also be used in the evenings. Ms. Lhota confirmed and stated it was her understanding that the student enrollment would not increase, but they needed additional room for their present needs. She added that there were shifts during the day for the school.

James McCulla asked how many spaces were in the smaller lot versus the larger lot. Ms. Lhota replied there were 171 spaces at the 2890 site, and 69 spaces at the 2880 site. After modifications were made, the 2890 site would have 161 spaces, and the 2880 site would have 66 spaces. Mr. McCulla questioned the figures given and asked if they should not be reversed for the sites. Ms. Lhota explained that the 2880 building had the excess parking spaces. She stated that the 2880 site had 171, including handicap spaces, and the property on the west had 66 spaces. He stated that they were basically going to be using two-thirds of the parking of the other building for the use at 2890. Ms. Lhota stated they were proposing to use 145 spaces for the 2890 property. She reiterated there would be surplus parking available.

Ms. Wiebe asked if the landscape architect's site plan reflected the correct number of parking spaces being proposed. Ms. Lhota confirmed. Ms. Wiebe further stated that her calculations showed there were 221 spaces according to the plan which were more than what was required which was 207. She asked if that number could be clarified later on. Ms. Lhota confirmed.

Ms. Wiebe reiterated her concern regarding security, especially since the facility was to be used in the evenings. She felt the visibility and access should be opened up further between the two properties. Ms. Lhota stated they would incorporate those suggestions into the final site plan. She stated that their photometric plan had met the City's lighting requirements.

Chair Barbara Curtis asked if the conditions agreed to by the applicant were conditions preferred by the City. Ms. Csinsi stated that the pedestrian movement suggestions were

acceptable, but she was not an expert regarding security issues. She also stated that the cross access agreement was required and would be added.

Chris Barton stated that the security issues would be a concern for the property owner. He did not feel they should make any impositions upon the applicant. He added there were no provisions included in the ULDR regarding safety issues, other than those regarding traffic safety, that he was aware of.

Mr. McCulla asked for some further clarification regarding the parking spaces because the buildings existed with parking inverse to their size. Ms. Lhota stated the buildings were not presently sharing parking. Mr. McCulla asked if the parking lots were ADA compliant. He was informed that they met all such requirements. Mr. McCulla asked if pedestrian connections could be reasonably accomplished between the buildings. Ms. Lhota explained there were currently pedestrian paths for handicapped parking which was located both in the front and at the rear.

John Haley, engineer, stated that the only path configuration was the handicap access aisles. Ms. Lhota further stated that there was an existing pedestrian path at the rear of the 2890 building which serviced the handicap parking spaces, and that pathway could be extended to the 2880 property creating a path from one side of the parking lot into the other. The area being discussed was shown on the map.

Mr. Barton stated there were 3 locations which were not presently at optimum locations and could be adjusted slightly to connect to existing walkways on either property. He explained that with a minor change made that could include a loss of one or two parking spaces good connections could be made. Ms. Lhota stated the applicant was willing to make such adjustments.

Ms. Wiebe stated she was concerned about Mr. Barton's response regarding whether safety conditions could be imposed by this Board. She stated she was under the impression that anything relating to Code was hinged on protecting the health, welfare, and safety of the individuals using the buildings. She asked if the condition relating to safety was reasonable.

Sharon Miller, Assistant City Attorney, explained that for site plan review it would fall under the criteria for that particular site plan as listed in the Code. She stated they could not draw in codes which had not been referred to in the ULDR as criteria for a particular development permit.

Mr. Barton asked Ms. Wiebe what she had in mind regarding safety issues. Ms. Wiebe replied that CPTED principles were applied in some areas, and she did not understand why those principles were not being applied for public facilities used in the evenings. She stated she did not understand why such a discussion would not be valid in this case. Mr. Barton stated that such principles could be introduced and such conditions could be imposed, but more specifics would be needed. He further stated the Board

could request that a CPTED review be proposed by the applicant and reviewed by staff as a condition for final approval.

Sharon Miller stated that in the adequacy requirements under Sec. 47-25.2.G that there was a requirement regarding police protection and states: "The development shall provide improvements which were consistent with CPTED to minimize the risk to public safety." She explained that under that provision such conditions could be imposed.

Mr. Barton pointed out that during the DRC review, the police representative did review it for such principles and made suggestions to the applicant, but in most cases they were just suggestions. He explained further there was little in the code other than specific CPTED that they could or would impose on them. He stated it was rare that such principles were imposed. Mr. Barton added that police representatives did visit the sites. Ms. Wiebe reiterated that she believed the area looked very unsafe.

Chair Barbara Curtis proceeded to open the public hearing.

Ms. Lhota pointed out that the Police Department did review the application and the only comment made at DRC review was that the rear lot met code standards.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Motion made by Ellyn Bogdanoff and seconded by Alan Gabriel to approve the application per staff's conditions, along with the applicant providing a cross access agreement, and that pedestrian movement access points be provided.

Ms. Wiebe asked if the maker of the motion would add that emphasis be placed on increasing visibility between the two parking lots. Ms. Bogdanoff stated that she felt saying to increase visibility was too vague and more specifics would be needed. She added the applicant had a liability exposure and it would behoove them to make sure the lots were safe. She remarked it was a large risk issue and preferred to leave the matter up to the applicant. Ms. Wiebe stated that she felt the discussion gave a proper message to the applicant and she felt the present landscaping was very tall. Mr. Barton stated that a condition could be imposed that the hedge between the properties be limited to a certain height. Ms. Bogdanoff asked if that was not already included in the Code. Mr. Barton reiterated that the height could be limited to a certain amount. Ms. Bogdanoff felt they should defer to the applicant in that regard.

Chair Barbara Curtis felt it would be problematic to enforce such a condition.

Roll call showed: YEAS: Mary Fertig, Alan Gabriel, Carolina Wiebe, James McCulla, Charlotte Rodstrom, Ellyn Bogdanoff, and Barbara Curtis. NAYS: None. Motion carried 7-0.

6. Dad and Lad Enterprises

4-P-03

Request:** Plat Approval "Edgewood Landings"
RML-25, F.A. Barrett's Subdivision, P.B. 1,
P. 46 (D) The W. 300' of Tract 36, less the
N. 25' for street right-of-way
Location: 1600 S.W. 32 Place

Chair Barbara Curtis stated that this item was quasi-judicial.

The Board made their disclosures as follows:

Mary Fertig had been to the site. Carolina Wiebe had been to the site. Barbara Curtis stated that she had been to the site, and had spoken with Commissioner Hutchinson and Mr. Telly.

Ms. Wiebe stated that she had a question regarding the signage because while at the site she had seen signage on the property to the west which was 1500 S.W. 32 Place.

Lois Udvardy, Planning and Zoning, stated they had affidavits of sign postings. She proceeded to show a map of the site showing sign locations.

John Sokel, consultant representing the owner, stated that they were seeking approval for a basic perimeter plat.

Lois Udvardy, Planning and Zoning, stated that this was a request to plat a 2.10 acre or 91,500 sq. ft. parcel of land for a townhouse development. She stated the plat was restricted for 30 townhouse units. She explained this parcel was shown on an old plat which had been recorded in Dade County in 1910, and therefore, replatting was required for the development. Pursuant to the adequacy requirements, a residential park impact fee in the amount of \$22,680 had to be paid prior to final DRC approval. She explained that the plat had been reviewed for conformance with the subdivision regulations at the June 10, 2003 Development Review Committee Meeting, and a site plan level II review would be required for the proposed development.

Ms. Udvardy stated that if this Board determined that this application met the intent of the subdivision regulations, it would forward its recommendation for approval to the City Commission. If the Board determined the application did not meet the subdivision regulations, such recommendation for denial would then be forwarded to the City Commission. She further stated that staff's determination was that the plat conformed to Sec. 47-24.5 subdivision regulations.

Chair Barbara Curtis stated that her questions dealt with the location of the site in regard to the Fort Lauderdale-Hollywood International Airport. She stated she had asked staff some questions prior to the meeting, and wanted to know if they had determined whether the parcel was within the noise contours of the Airport.

Ms. Udvardy proceeded to show the site on the contour map which had been provided. Chair Barbara Curtis proceeded to mention several surrounding properties which had problems with noise in the area. She stated she was concerned because the property to the east had been provided with sound attenuation to mitigate the noise inside the Church, and the properties to the south and west had been bought by the County for noise mitigation measures and the area was now a passive park due to the situation. She stated that she wanted to make sure that the applicant understood that this site was either in or very close to the 65 noise contour, and future buyers would be interested in that fact. She asked if staff had determined whether there was an aviation easement.

Mike Redington, owner, stated that he had spoken with Gary Spyek with the Broward County Aviation Department, along with Winston Kanikel. He stated that in 2000 there was a voluntary aviation easement program, but an easement had not been obtained for the subject property. He explained they planned on making full disclosures to the buyers of the properties. He further stated they planned on mitigating some of the issues through the use of CVS construction, impact resistant windows, a high level of insulation in the ceilings, and possibly concrete roofs. He stated they were also researching the Taylor Foam Company which pumped foam into the concrete cells which would give an R-14 insulation rating that would also help to mitigate the noise.

Chair Barbara Curtis asked if the Airport had any height restrictions. Mr. Redington stated they had already received a ruling from the FAA regarding height restrictions.

Ms. Udvardy stated she had a copy of the FAA document and read as follows:

“Determination of no hazard to air navigation. The Federal Aviation Administration had completed an aeronautical study under the provision of 49 USC Sec. 44718 and of Applicable Title 14 of the Code of Federal Regulations Part 77 concerning the building. This study revealed that the structure did not exceed obstruction standards and would not be a hazard to air navigation provided the following condition, if any, is met. Based on this evaluation marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular.”

Ms. Udvardy continued stating that she believed the height limitation was 35' in that zoning district. She stated this was just a plat and the applicant had a pre-application for the townhouses, but no written comments were done. She stated the applicant had been instructed to file the appropriate FAA forms.

Chair Barbara Curtis proceeded to open the public hearing. There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Alan Gabriel stated there were two dates on the plat. One on the dedication language, and the other on the Broward County Department Planning and Environmental which were listed as 2000, and asked them to modify those dates. Mr. Redington replied it would be done.

Motion made by Alan Gabriel and seconded by Charlotte Rodstrom to approve the application. Roll call showed: YEAS: Alan Gabriel, Carolina Wiebe, James McCulla, Charlotte Rodstrom, Ellyn Bogdanoff, Mary Fertig, and Barbara Curtis. Motion carried 7-0.

7. Sovereign Development VIII

14-Z-03

Request:* ** Rezone Residential Single Family & Duplex/Medium Density (RD-15) to Residential Single Family & Cluster/Medium Density (RC-15)
Clair Lake, P.B. 28, P. 26, Block A
Location: 2881 S.W. 18 Terrace

Chair Barbara Curtis stated that this item was quasi-judicial, and that this Board would also act as the Local Planning Agency.

Sharon Miller, Assistant City Attorney, explained that the Local Planning Agency was the agency responsible by State Statute to review changes in the Land Development Regulations to determine if they were consistent with the Comprehensive Plan.

Disclosures were made as follows by the Board regarding this matter:

Carolina Wiebe stated she had been to the site and had spoken with the attorney for the applicant. James McCulla stated he had spoken with the attorney for the applicant. Mary Fertig stated she had been to the site and had spoken with Mr. Hall. Ellyn Bogdanoff stated she had spoken with Mr. Hall. Barbara Curtis stated she had been to the site and had spoken with Commissioner Hutchinson.

Nectoria Chakas, representing the developer, stated that with her this evening was Don Hall, Mike Madfis (architect), and Veronica Guiterraz (architect). She stated that this was a request to rezone a property from the RD-15 designation to RC-15. She explained the property was currently vacant and totaled about 1 acre. She proceeded to show the subject site on the map. She explained the subject property was located south of SR 84 and east of I-95 in an area known as Edgewood Community. She explained there was a wide variety of housing in the area. She stated this rezoning request would result in a townhouse development if approved. She proceeded to show a diagram of the proposed development.

Ms. Chakas further stated that this would be a two-story townhouse development which would provide 32 parking spaces and consist of 14 units. She explained that Code required 28 spaces. She explained further that this project was still in the design phase.

Ms. Chakas stated that the current zoning RD-15 permitted single-family duplexes and coach homes. She stated the proposed zoning district RC-15 would permit all such uses, and also permit townhouses. She stated the only notable difference between the two zoning districts was the fact that one permitted townhouses and the other did not.

Ms. Chakas proceeded to explain that in evaluating requests for rezoning, the ULDR required that 3 criteria be evaluated. The first was whether the proposed rezoning was consistent with the Comprehensive Plan. The second criteria was if it changed the character of development in or near the area. The third criteria was that the character of the proposed area would be suitable for the uses permitted in the proposed zoning district and be compatible with the surrounding uses. She stated that staff believed they met the rezoning criteria.

Ms. Chakas stated that in order to evaluate whether the application met the rezoning criteria, the zoning request had to be looked at in the context of the neighborhood as a whole. She proceeded to show the location of the subject property on the map. She also showed photographs of the housing in the area.

She stated the rezoning would preserve and enhance the residential character of the neighborhood. She also stated that this development would upgrade a section of the area and have a positive impact on the community. She stated this project would also serve as a buffer for the neighborhood.

Don Morris, Planning and Zoning, stated that this was a request for approval of rezoning to RC-15 to allow the construction of townhouses. He explained that for a rezoning application, one had to consider Section 47-24.4.D of the ULDR and the following criteria applied:

1. The zoning district proposed is consistent with the City's Comprehensive Plan. He explained the future land use designation was medium residential, and the proposed RC-15 would be consistent with such designation.

The following Goals and Policies of the Housing Element of the City's Comprehensive Plan supports this application:

Goal 1: Preserve, enhance and revitalize the City's existing neighborhoods. He stated the proposed rezoning would facilitate the development of the subject property and would represent appropriate and positive reinvestment into this older neighborhood.

Policy 1.1.2: Continue to utilize intensity and density standards as provided in the Future Land Use Element to preserve existing single family uses. He stated the proposed rezoning would continue to maintain existing density thresholds in the area.

2. Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning. He explained there

had been no significant changes in the character of the development, and the proposed rezoning would not represent a substantial change to the character of the neighborhood, as densities would remain the same. Furthermore, the area was composed of a variety of housing types, and the proposal would allow another variation to this housing mix – townhouses and thus encourage reinvestment.

3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses. The proposed rezoning did not introduce a new use into the neighborhood, as the proposed district is a Low Medium density district. The purpose of rezoning was to allow for another housing type (townhouses).

Mr. Morris further stated that the Planning and Zoning Board had the following options:

1. If the Planning and Zoning Board determined that the application met the criteria for rezoning, the recommendation would be forwarded to the City Commission for consideration.
2. If the Planning and Zoning Board determined that the criteria for rezoning had not been met, the Board would deny the application and procedures for appeal to the City Commission as provided in Sec. L47-26.B, Appeals, would apply.

Mr. Morris continued stating that since the Board was acting as the Local Planning Agency, the motion should include a finding of compliance with the City's Comprehensive Plan and the criteria for rezoning.

Chair Barbara Curtis asked if any letters had been received in support or in opposition of the project. Mr. Morris replied they had sent out 84 letters, but none had been received in return.

Chair Barbara Curtis proceeded to open the public hearing.

Barry Woods stated he was in favor of good development for the community and owned the property directly across the street from the proposed project. He explained that the average size of a lot in the neighborhood was 110'. He stated his only concern was regarding the number of units and how traffic would be increased in the area.

William Gomez stated that he lived across the street from the proposed project and was concerned about the number of units because he felt there would be an increase in traffic in the area. He added there were a lot of children playing in the area and he was concerned. He also was concerned about trash for 14 units and the parking situation. He further stated that he would prefer if the project consisted of 10 units instead of 14.

Chair Barbara Curtis asked if staff could explain the rezoning in more detail. She asked if the zoning would be for the same number of units per acre as existed. Mr. Morris confirmed. He stated that in the current zoning classification 15 units per acre were permitted. He pointed out that the plan had not been reviewed and that was not the purpose of tonight's meeting, but were looking at rezoning to RC-15.

James McCulla clarified that the allowable density for this site was 15 units per acre, and the allowable density under the rezoning was 15 units per acre. He stated that Mr. Morris had mentioned that by allowing townhouses more units could be built, but that did not appear to be correct. Mr. Morris explained it would allow that in a more compact building form. He explained that the difference was depending on what forms of units would be constructed on the site, and the property would have to be replatted. He explained further the replatting process would limit the number of units since there were size requirements in the subdivision ordinance. He stated that RC-15 allowed the property to be developed in a different way and permitted townhouses in a more compact building form. He stated the density per acre would still be the same.

Carolina Wiebe stated that under RD-15, the only multi-dwelling permitted was cluster dwellings consisting of 4 units per building. Mr. Morris confirmed and stated it allowed a minimum of 3. Ms. Wiebe further stated that RC-15 included cluster dwellings, but townhouses would permit more units. Mr. Morris explained it depended on what the property could accommodate, and if right-of-ways were needed.

Mr. Barton explained the townhouse requirement was a minimum of 3 units with a maximum of 8 within a given building. By going to 2 sets of 4 cluster homes, they could achieve the same thing except they would have to have a 10' space between the buildings. More land was required to build cluster homes. He stated whether they could get 14 cluster homes on the proposed site would be a design question. It could probably be done, but the units would be smaller. Mr. Morris stated that would also be true for townhouses.

Chair Barbara Curtis asked if staff had any opinion regarding the use of 30th Street. Mr. Morris stated he did not have an opinion and would defer to the Engineering Department regarding that matter.

Tim Welch, engineering, stated that 30th Street appeared to be a two-way local street and would serve the development adequately. Chair Barbara Curtis asked if there was a way out to go north on 16th to SR 84 from the site. Mr. Welch replied that the plat provided did not give a scale by which he could make such a determination. He stated that in reviewing the vicinity map, the street should not be a problem for adequate service.

Mr. Woods showed the subject property on the map and proceeded to explain the path the traffic would take out of the development.

Ms. Chakas stated that many of the comments made this evening had been directed to the site plan, and that was not the purpose of tonight's meeting. She stated that the neighbor's comments would be addressed at the DRC level. She announced they were going to meet with the Edgewood Community Association in October, and reminded everyone that this project was still in the design phase.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Motion made by James McCulla and seconded by Alan Gabriel to approve the application with the specific language referred to by staff. Roll call showed: YEAS: Carolina Wiebe, James McCulla, Charlotte Rodstrom, Ellyn Bogdanoff, Mary Fertig, Alan Gabriel, and Barbara Curtis. NAYS: None. Motion carried 7-0.

9. 48 Hendricks LLC – Hendricks Isle Residences 33-R-03

Request:** Site Plan Approval/Waterway Use/RMM-25
Amended Plat of a Part of Unit A,
Lauderdale Isles, P.B. 16, P. 33
Block 4, Lots 5-9
Location: 40-48 Hendricks Isle

Chair Barbara Curtis announced that this matter was quasi-judicial.

Disclosures were made by the Board Members as follows:

Carolina Wiebe stated that she had been to the site. Charlotte Rodstrom stated she had been to the site. Barbara Curtis stated she had been to the site.

Jeffrey Grene, developer, stated that Oliver Danan, architect, was also present at tonight's meeting. He stated the purpose of tonight's hearing was to discuss site plan approval. He stated they were zoned RMM-25 and currently the site was entitled to have 17 units, but he was requesting approval for only 16 units. He stated that the current site was a non-conforming use and had 20 units on it, along with 6 live-aboards. He stated the current setback requirements for the site was 23.6' and he was going to do 25'. Currently, he was permitted to go 55' in height, but was only going up to 47'. He explained their buildings would consist of two small buildings 90' in length, and he would provide 1200' of landscaping. He announced there would be 34 parking spaces and currently the parking was back-out. He stated there would be no live-aboards and that would be a condition of their site plan approval. All parking would be underground and there would be no back-out parking.

Mr. Grene proceeded to show photographs of the area, and renderings of the proposed project. He explained they were not asking for any modifications regarding the pool. He believed the project would be compatible with the neighborhood.

Lois Udvardy, Planning and Zoning, stated that this was a request for waterway use approval. She stated that the applicant had to comply with adequacy requirements, neighborhood compatibility and waterway use. She further stated that staff believed the project would not detract from the scenic quality and tranquility of the waterway. A 20' landscape yard was required and 25' would be provided. She stated the pool met the required setback. She stated the width of the waterway between the two isles was 150' at this point and staff felt the criteria for the ULDR had been satisfied. If the Board approved the proposed development the following conditions were proposed:

1. No live-aboards would be permitted. The docks would be for the use of the upland owners only.
2. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
3. Final DRC approval.
4. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include, but not be limited to, the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.

Ms. Udvardy proceeded to show a map of similar developments occurring on the Isles, along with the proposed development. She stated that staff felt the waterway use requirements had been met.

Carolina Wiebe stated that the images shown by the applicant all had requested modifications which allowed them to add wings to the buildings which were lower in height that would permit a 5-story or 4-story building to transition into the neighborhood which was predominantly two stories in height. She stated this applicant was not requesting any modifications, but did not have the room to make the project economically feasible to add the elements making the buildings transition into the adjacent surroundings. She stated she was concerned that the building appeared to have been "plopped" on the property and there were no visible physical transitions. She felt the massing was not consistent with the surroundings and there was no decent transition from the area to the proposed building.

Ms. Udvardy stated that staff was pleased the project met the setbacks because lately this Board had been concerned about yard modifications.

Mr. Barton stated that if the building were to be expanded requests would have to be made for modifications to give the transition Ms. Wiebe was suggesting. He reiterated that all requirements were being met. He stated there would be greater space between the buildings.

Mr. Grene reiterated that they were lower in height than what was permitted by Code.

Ms. Wiebe asked if the applicant went higher would staff not be concerned to see a massing which tied in with the two-story character of the Isles. Mr. Barton explained that staff was more concerned with the fact that the project meet all setback requirements. He remarked further that the secondary concern was compatibility. Ms. Wiebe asked where was staff's perspective regarding neighborhood compatibility.

Ms. Udvardy stated that there would be two structures instead of one massive building. Mr. Barton stated that each of the two structures were smaller than some of the larger buildings recently approved for the Isles, and in that sense the project was quite compatible.

Charlotte Rodstrom stated the project did meet the criteria of the Code, but she felt the concern was that it resembled a "block." She felt that some of the projects that had requested modifications enabled the buildings to be more artistic. She felt if the buildings were slightly smaller they could add some decorative elements to make the buildings more attractive. She asked if all the sides of the building were the same. She remarked that the rear of the building was attractive. She further stated that in driving to the property from Las Olas the walls would be glass. Mr. Grene confirmed.

Ellyn Bogdanoff asked when the two-story buildings in the area had been built. Ms. Udvardy replied they had been built in the '40's or '50's. Ms. Bogdanoff asked if there were any new two-story structures in the surrounding area of the project. Ms. Udvardy stated there were no new two-story developments. Ms. Bogdanoff asked from a redevelopment standpoint would this be compatible with recent projects. Ms. Udvardy confirmed.

Chair Barbara Curtis proceeded to open the public hearing.

Mr. Grene stated that the Terraces of the Isles showed no transition into the area and did resemble a box. He further stated that the project across the street known as High Point also resembled a box and there was no step-down on the property. He added that The Landings was another 14-unit project consisting of one building and also did not have any transition into the neighborhood. Mr. Grene stated they had attempted to tone down the project by having two smaller buildings which were more attractive architecturally.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Alan Gabriel stated that the applicant had gone through great efforts to not request modifications and the buildings were attractive from the waterway. He stated the front of the buildings had nice landscaping and he felt the project should be approved.

Motion made by Alan Gabriel and seconded by Ellyn Bogdanoff to approve the project as submitted with staff's conditions.

Ms. Wiebe stated that she felt the building across the street had lower volume on both sides. She remarked that Terraces of the Isles had the base reinforced with different material which re-emphasized the volumes existing throughout the neighborhood. She stated that she was concerned about approving a building based on what was currently driving the market, and she felt they needed to be sensitive to what existed before. She stated the City was not a blank slate and they needed to create transitions and continuity from what had existed in the past and to look towards the future. She felt the buildings needed to reflect existing conditions so as to be able to register some sense of history in the City's architecture which was deeply lacking in a number of the new proposals being submitted. She advised that she was not in support of this project.

Charlotte Rodstrom stated that she appreciated the fact that the applicant was not asking for modifications and had stayed below the height. She felt they were "almost there" but she could not support this project because she wanted to see more neighborhood compatibility built into the project.

Roll call showed: YEAS: James McCulla, Ellyn Bogdanoff, Mary Fertig, Alan Gabriel, and Barbara Curtis. NAYS: Charlotte Rodstrom and Carolina Wiebe. Motion carried 5-2.

"For the Good of the City"

Chair Barbara Curtis stated that she wanted to further discuss the letter she had received because it had concerned her. She stated that the person writing the letter had been concerned that the applicants, their lawyers and lobbyists had more access to City Staff's plans and the Planning and Zoning Board members over the rest of the community. She felt it was important that the public know they could call any Board Member and phone numbers would be supplied by City staff. The public could also call City staff at any time and the numbers were published on the website. She stated calls could also be placed to the City Attorney's Office and the City Commissioners.

Chair Barbara Curtis stated that she had been requesting individuals to stay seated while people were speaking at the podium because the letter writer had been concerned that applicant's attorneys were hovering around the public speakers and intimidating them.

Mr. Barton commented that tape was placed on the front seats because complaints had been received from speakers that there was no clear passage to the podium, and that individuals were being heckled while speaking and were distracted while attempting to make their presentations. He asked people to honor those taped areas.

Chair Barbara Curtis agreed that was a good idea so there could be no perception of intimidation. She stated they wanted the public to understand that this was a fair process and there be no miscommunication or perceptions.

Mary Fertig thanked staff for the pictures as requested by staff regarding projects in relation to compatibility issues.

Alan Gabriel stated that sometimes the applicants were marking aerials showing the location of their project, but some were not indicating the sites. He felt they were hard to read at times and asked if staff could recommend that the maps be marked.

Mr. Barton stated the Board could request changes. The aerials requested for all submittals were so the properties could be located within the community. He stated they accepted the 300 scale ready maps because it was inexpensive for the applicants. Personally, staff felt the aerials should show a few blocks out such as the ones they got off GIS because they were of better quality.

Mr. Gabriel stated he felt it was a waste of time to attempt to figure out the location of the property on the aerial and he felt they should be readily identified.

Motion made by Ellyn Bogdanoff and seconded by James McCulla to adjourn the meeting. Motion carried unanimously.

There being no further business, the meeting was adjourned at approximately 8:32 p.m.

CHAIRMAN

Barbara Curtis

ATTEST:

Margaret A. D'Alessio
Recording Secretary

A mechanical recording is made of the foregoing proceedings, of which these minutes are part, and is on file in the Planning & Zoning Offices for a period of two (2) years.