

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

**WEDNESDAY, NOVEMBER 19, 2003
6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	(P)	(A)
Barbara Curtis, Chair	P	18	0
Gerry Cooper	P	16	2
Carolina Wiebe	P	16	2
Kenneth Hawkins	A	14	4
Mary C. Fertig	P	18	0
Alan Gabriel	P	16	2
James McCulla	P	16	2
Charlotte Rodstrom	P	9	1
Judith Hunt	P	1	0

Planning Staff: Chris Barton, Liaison to the Board
Liz Holt, Planner III
Sheryl Stolzenberg, Planner III
Don Morris, Planner III
Angela Csinsi, Planner II
Kevin Erwin, Planner I

Legal Counsel: Robert Dunckel, 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 6:35 p.m. with Charlotte Rodstrom leading in the Pledge of Allegiance.

Chair Barbara Curtis welcomed Judith Hunt as a new member on the Board who was replacing Ellyn Bogdanoff. She advised that Ms. Hunt lived in the newly annexed Riverland area. She then proceeded to introduce the members of the Planning and Zoning Board, along with City staff who were present at tonight's meeting.

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

Approval of Minutes

Motion made by Alan Gabriel and seconded by Gerald Cooper to approve the minutes of the October 15, 2003 Meeting. Board unanimously approved.

Rescheduling of the January, 2004 Meeting

Chair Barbara Curtis stated that they were rescheduling the January, 2004 meeting due to the fact that the Martin Luther King holiday was earlier that week, and therefore, the City Commission meeting was going to be rescheduled, and therefore, the Planning and Zoning meeting would also be rescheduled. She stated that staff proposed Thursday, January 22, 2004 for the Planning and Zoning meeting.

Motion made by Mary Fertig and seconded by Alan Gabriel to reschedule the January Planning and Zoning Board meeting to January 22, 2004. Board unanimously approved.

Chair Barbara Curtis announced that requests had been made for additional time for Item Nos. 8 and 9. She also stated that the applicant for Item No. 12 had sent in a letter seeking a deferral for that item at the City's request.

Motion made by Alan Gabriel and seconded by Mary Fertig to defer Item No. 12 until December 17, 2003. Board unanimously approved.

Chair Barbara Curtis stated that Item Nos. 4, 5 and 6 were asking for a deferral.

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| 4. | <u>Calvary Chapel</u> | Kevin Erwin | <u>11-Z-03</u> |
| | 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) | |
| | | | |
| 5. | <u>Calvary Chapel</u> | Kevin Erwin | <u>12-Z-03</u> |
| | 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) | |
| | | | |
| 6. | <u>Calvary Chapel</u> | Kevin Erwin | <u>15-Z-03</u> |
| | 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) | |

Robert Lochrie, representing the applicant, stated that they agreed with staff's recommendation to defer the above-referenced items until the December meeting.

Motion made by Carolina Wiebe and seconded by Gerry Cooper to defer Item Nos. 4, 5, and 6 until December 17, 2003.

Mary Fertig asked how many times this Board had deferred these items.

Chris Barton, Planning and Zoning, stated that the City and applicant were in the process of negotiating an avigation easement that needed to be in place before they could proceed forward. He added that this was a complex situation. Board unanimously agreed.

- 12. Sunrise Middle River Hotel 33-R-02**
Request: ** Site Plan Approval/Waterway Use/
B-1
Acreage in 36-49-42
Location: 2025 NE 10 Street

Motion made by Alan Gabriel and seconded by Mary Fertig to defer this item until December 17, 2003. Board unanimously approved.

- 1. City of Fort Lauderdale 8-T-03**
Request:* Request to amend the text of the following portions of the Comprehensive Plan: Future Land Use Element; Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element; Capital Improvements Element and Parks and Recreation Element.

Chair Barbara Curtis announced that the Board was acting as the Local Planning Agency in this matter.

Robert Dunckel, Assistant City Attorney, explained that the Local Planning Agency had been created under the Growth Management Act. He explained their purpose was twofold. It made recommendations regarding amendments to the Future Land Use Element of the Comprehensive Plan, and reviewed proposed text amendments to the ULDR for the purpose of determining consistency with the Land Use Plan.

Sheryl Stolzenberg, Planning and Zoning, stated that this was a proposal by the City to amend portions of the text of the Comprehensive Plan. She stated that the sections to be amended were the Future Land Use Element; Sanitary Sewer, Solid Waste, Draingage, Potable Water and Natural Groundwater Aquifer Recharge Element; Capital Improvements Element; and Parks and Recreation Element. She stated the Board was to review this as the Local Planning Agency and then to make their recommendation to the City Commission as to consistency with the Comprehensive Plan and State Law.

Ms. Stolzenberg stated the Board had also been provided with a table (Exhibit 1) showing the proposed changes and why they were being proposed. She explained that the majority of the changes to the Future Land Use text was to bring that section into substantial conformity with the Broward County Land Use Plan. Under the County's Charter, they had the land use authority over cities and it was necessary for the cities to frequently make changes or to change antiquated language that was in the City's Plan. She stated that one of the examples of a change needed was the fact that the County had created a new Land Use specifically for electrical generating plants and wanted the cities to add that to the text of their land use element. She advised that some of the changes were being done because the Broward County Planning Council had directed them to be done in order to bring the material in the City's plan into compliance with the language in the County plan.

Ms. Stolzenberg stated that in regard to the sanitary sewer element, one of the changes being recommended was the name so it would be easier for everyone to work with the plan, and referred to this as the infrastructure element. She stated that in regard to that element, the land

use element, and the capital improvements element, one of the changes was to update the levels of service which were the requirements adopted under the Growth Management Act by local governments to use during development review which indicated how much or how little something was to be available in order for a development to proceed. She stated that normally it was done in connection with capacity per person, such as gallons per individual. She stated that these items had to be consistent with other agencies. She advised that since the Water Management District had changed their language, then the language for drainage and stormwater needed to be changed on the local government level.

Ms. Stolzenberg continued stating that a number of changes to the infrastructure element were proposed as a result of the City completing its water and wastewater update plan and the WaterWorks 2011 Plan.

Ms. Stolzenberg explained they were also proposing changes to the Capital Improvement element which involved various dates. She stated that the actual tables showing expenditures were not in the adopted part of the element, but were placed in the support documents, thereby giving the local governments the opportunity to make changes.

Ms. Stolzenberg further stated that changes were being made to the Parks and Recreation element in order to put the City in a better position regarding applications for Federal and State grants, and to better work with the County Greenways Plan.

Chair Barbara Curtis asked if further detail could be given regarding the changes to the Parks and Recreation element of the plan.

Kathy Connor, Parks and Recreation, stated that there were some changes under goals and objectives. She explained that they wanted to address geographic equity in the park system and were establishing park planning districts. She stated that another change was in regard to service radius changes in the Florida Standards for Parks, such as the nomenclature for mini-parks to urban open space which fit more in with what the City was presently doing. She stated there would be no designations made regarding size which was good. She also stated that they had established ground work so changes could be made regarding the impact fee ordinances. She advised that they had also made changes in regard to the Florida Communities Trust Grant establishing specific language for acquisition and management of natural parks and lands.

Motion made by Gerry Cooper and seconded by Carolina Wiebe that the proposed amendments were consistent with the City of Fort Lauderdale's Comprehensive Plan. Roll call showed: YEAS: Judith Hunt, Mary Fertig, Alan Gabriel, Gerry Cooper, Carolina Wiebe, James McCulla, Charlotte Rodstrom, and Barbara Curtis. NAYS: None. Motion carried 8-0.

2. City of Fort Lauderdale

2-T-03

Request:* Amend ULDR Section 47-2 *Measurements* and Section 47-35.1 *Definitions* to revise the definition of front, side, and rear yards, and add a definition for corner yard and Section 47-19 *Accessory Uses – Buildings and Structures* to make accessory structures provisions consistent with the definition.

Chair Barbara Curtis announced that this Board was the Local Planning Agency in this matter.

Kevin Erwin, Construction Services, stated that this item had been on the Board's May agenda and a presentation had been given by staff. He stated further that the Board had requested that staff bring back draft ordinance language. He continued stating that in summary the proposed

ordinance amendments would amend the definitions of front yard, side yard and rear yard in order to clarify the City's intent and purpose for requiring yards in general, and provide a new definition for corner yard, along with amending accessory uses – buildings and structure section to make it consistent with the new yard definitions.

Carolina Wiebe proceeded to read Section 47-19.1.f and stated that in other sections where height limitations had been given, it had been clarified where the measurement had been taken from, and asked if that clarification should be included in Section 47-19.1.f. Mr. Erwin agreed to make the clarification.

Ms. Wiebe also stated that under Section 47-19.1.k reference was made to the 18' setback for a garage constructed on a corner lot, but if one read Section 47-19.2.k garages and carports were referenced with 20' from the front property line. She asked for further clarification regarding the two sections. Mr. Erwin stated that item k on page 4 was strictly regarding the front yard setback that gave them a break so the structure could be closer to the property line. He stated that on page 3 it dealt with the corner yard setback where they could be within 15', but they were taking into consideration that people parked their cars in front of carports and garages and the City wanted a minimum of 18'. Ms. Wiebe asked why 20' was listed under one clause, and 18' acceptable in another area. He stated that typically the corner yard setback was not as great as the front yard setback and most accessory structures could be placed within 15' of the side street line.

Ms. Wiebe further stated that also under Section 47-19.1.k, it suggested that the 18' be off both sides of the property line so regardless of where the cars were parked. Mr. Erwin stated that they were looking for an 18' setback from the side street property line, and they were not specifying a distance from the corner. He believed that engineering standards dealt with that issue. He added that they were not concerned with alleys because they typically had less traffic than a regular thoroughfare.

Judith Hunt stated that she was still not clear why they wanted to increase from 15' to 18'. Mr. Erwin proceeded to explain that typically they found that individuals had garages but parked their cars in front or behind it, and with 15' if there was a sidewalk or swale the car would go into that area obstructing passage. Ms. Hunt stated that she recalled the County had a requirement of 15' and she had not noticed cars overhanging into the streets or sidewalks. Mr. Erwin stated that when projects went through DRC, they were requiring sidewalks for multi-family developments, and if there was not enough room in the right-of-way, then they had to do it on their own property. Ms. Hunt asked if they were stating that it had nothing to do with the location of the sidewalk, but the location of the street. Mr. Erwin reiterated it dealt with the location of the sidewalk, and explained it was against the law to block the sidewalk with a vehicle, and if the extra 3' was not given there was the potential for the cars to overhang into the area. Ms. Hunt stated she preferred to stay with the 15'.

Charlotte Rodstrom asked if there was a particular reason why they were not being consistent and making it 18' for both. Mr. Erwin stated that in front the City preferred a larger setback.

Motion made by Gerry Cooper and seconded by Charlotte Rodstrom to approve the application per staff recommendations. Roll call showed: YEAS: Mary Fertig, Alan Gabriel, Gerry Cooper, Carolina Wiebe, James McCulla, Charlotte Rodstrom, and Barbara Curtis. NAYS: Judith Hunt.

Mr. Erwin stated he wanted to clarify that the Board was acting as the Local Planning Agency in this matter.

3. City of Fort Lauderdale

5-T-03

Request:* Amend the following ULDR Sections: 47-35.1 *Definitions*, to revise the definition of a Sight Triangle and place the definition in the appropriate ULDR section; 47-2.2 *Measurements*, to place the method of measuring sight triangles into the appropriate ULDR section; 47-19.5 *Fences, walls and hedges*, 47-20.5 *General design of parking facilities Site circulation*, 47-21.8 *Landscape and tree preservation maintenance*, and Section 47-22.3 *Sign requirements general regulations* to delete obsolete references and move sight triangle definitions and requirements to the appropriate sections, and to provide technical clarification for the regulation relating to fences, walls and hedges; 47-19.1 *Accessory uses, buildings and structures general requirements*, 47-20.22, *Temporary parking lot standards*, and 47-22.3 *Sign requirements general regulations* to delete references to a particular type of Sight triangle or references to sight triangles in a particular section; and 47-23, *Specific Location Requirements* to consolidate sight triangle regulations as they apply to buildings in all zoning districts, and such other sections required to make the ULDR consistent.

Chair Barbara Curtis stated that the Board was also acting as the Local Planning Agency in this matter.

Liz Holt, Planning and Zoning, stated that this case was similar to the previous one in that it was also a text amendment requiring the recommendation of this Board as the LPA. It was also presented to this Board on May 28, 2003, and approved conceptually. The Board had asked for a draft ordinance to be brought back which is provided in the Board's package. All the changes that this ordinance would enact are also summarized in the memo, which was basically taking all regulations dealing with site triangles which were scattered throughout the ULDR, and combining them into the appropriate sections.

James McCulla stated that in Exhibit 1, page 2, it appeared to be a "catch-all." He asked what additional site visibility requirements it would be subject to. Ms. Holt replied that it was whichever agency had the jurisdiction over that street, and this was basically putting people on notice of some other regulation they may have to comply with, depending on the street the project was located on. Mr. McCulla stated that they intended to say that they would be subject to additional requirements by the agencies or jurisdictions for the roads they were located on. Ms. Holt confirmed. Mr. McCulla asked if staff could further clarify that item and suggested they use the words "site visibility requirements of those jurisdictions."

Carolina Wiebe stated that under Section 47-35.1, they should clarify that there might be definitions for other jurisdictions. Ms. Holt explained that they did not typically include other agencies' definitions because they were already defined in their documents, and it would just be a duplication.

Motion made by Alan Gabriel and seconded by Gerry Cooper to approve the amendments proposed by staff, including the delineation what other authorities' definitions encompassed. Roll call showed: YEAS: Alan Gabriel, Gerry Cooper, Carolina Wiebe, James McCulla, Charlotte Rodstrom, Judith Hunt, Mary Fertig, and Barbara Curtis. NAYS: None.

7. Boywic Farms, Ltd.

4-ZR-03

Request: * ** Rezone Residential Single Family/Low Medium
Density (RS-8) to Exclusive Use Parking Lot (X-P)
Picket Lane, P.B. 22, P. 22, Lots 4-6
Lu-Del Addition, P.B. 74, P. 18
A portion of Tract "A"
Location: 1441 S.W. 33 Place

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

All individuals wishing to speak on this item were sworn in.

Robert Dunckel, Assistant City Attorney, explained that quasi-judicial was taken from a Latin term "quasi" meaning like, but not exactly like, a judicial proceeding. He stated there was less formality and the strict rules of evidence did not apply, and witnesses were sworn in and subject to cross examination. He explained further that the role of the Board was to weigh the facts placed in evidence against the criteria which had been legislatively written into the Code. He stated that a finding of fact could not be predicated exclusively on hearsay evidence, and strict opinion without underlying fact was not to be relied upon by the Board. In reviewing the Board's decision, the Courts would look to see whether procedural due process had been observed in the proceedings, if there had been a departure from the essential requirement of the law, and if the decision had been supported by substantial competent evidence.

The Board made the following disclosures regarding this matter: Carolina Wiebe stated that she had been to the site and had spoken with Mr. Carter who lived at Lot #7. Judith Hunt stated that she had been to the site and she had spoken with Ronald K. Wright and Commissioner Hutchinson. Mary Fertig stated she had been to the site and had also spoken with Commissioner Hutchinson. Barbara Curtis stated that she had been to the site and had reviewed all letters, along with a petition sent to the Board and a letter from the President of the Edgewood Civic Association. She added that she had also spoken with Commissioner Hutchinson.

Janna Lhota, attorney, stated that she was representing the applicant and they were seeking a rezoning of 3 vacant lots from residential single-family low/medium density to exclusive use for parking. She stated the parking was necessary to serve the adjacent commercial use owned by Boywic Farms. She stated that the subject property was also designated as low/medium residential, and therefore, this application also was seeking an allocation of commercial flex acreage pursuant to the City's Comprehensive Plan and ULDR. She advised that the property was located in the flexibility zone 56, and as of the date of filing this application, there had been about 38 acres of commercial flex remaining. She stated the proposed application sought to utilize approximately 18,750 sq. ft. of the commercial flex acreage. She proceeded to show an aerial map of the site.

Ms. Lhota stated that the subject property was located just north of I-595 off S.W. 33rd Place, and the commercial property the parking lot was to serve was located at the end of S.W. 33rd Place where the road dead-ended to S.W. 15th Avenue. She stated that the vacant lots were located immediately to the north and east of the property. She further stated that the property was surrounded by industrial and commercial uses to the east, to the northeast was Edgewood Elementary, a linear park was to the west, and I-595 and the International Airport to the South with residential to the north.

Ms. Lhota further stated that after the property had been vacant for quite some time, and the existing property had only 14 parking spaces. In order to attract a more attractive tenant with less intense use, it was necessary that additional parking be provided. She stated that their application sought to rezone the vacant property to the north for use as a commercial parking lot. She proceeded to show the site plan for the property. She further explained that access to the lot would be via an internal drive along the northwest corner of the property. In July, the Board of Adjustment had approved two variances calling for a reduction of the landscape buffer and setbacks along the northwest corridor to allow a two-way drive. She explained that those variances also allowed them to maintain the existing parking spaces along the north perimeter along the commercial site. She further explained that the buffers provided for in the neighborhood compatibility requirements along the perimeter of the property and adjacent to the residential development were to be maintained. She stated the property would be buffered along the north, west, and east with a decorative concrete wall and enhanced landscaping. All access to the site would be through S.W. 33rd Place. She stated there would be no access from the site into the residential area to the north.

Ms. Lhota continued stating that the commercial uses to the south were buffered by an existing shadowbox wood fence. As indicated in the application, they believed the proposed rezoning complied with the criteria for rezoning and were consistent with the City's Comprehensive Plan. She added they believed the use for the site was the least intense use that could be placed on the site. She stated they had been in touch with the Edgewood Civic Association throughout the process, and a letter had been provided by them in support of this project. Last month during the Board meeting, they had been made aware that some residents had voiced concerns regarding flooding. She explained that the residents had been contacted and a copy of the site plan and rendering of the project had been provided to them addressing their issues of concern. She added that Mr. Hanks was present to speak further tonight on that issue. She stated that the application met all the requirements of the ULDR, specifically in respect to drainage, and it was her understanding that all drainage would be maintained on site with a system of French drains that would be constructed. Currently, any runoff that had occurred from the site would be maintained.

Gerald Cooper asked if all the experts that were to testify were registered lobbyists with the City. Ms. Lhota confirmed that she and Glen Hanks were both registered lobbyists.

Charlotte Rodstrom asked if the landscaping and trees were to be inside the parking area and were the residents to only see a concrete wall. Ms. Lhota stated that they were going to discuss relocating the wall closer to the building which was going to be done, and therefore, with the existing landscape plan there would be trees located on the outside perimeter of the wall. She also stated that the large specimen trees on the site would be maintained and preserved. Ms. Rodstrom asked if a condition could be placed on approval that landscaping be placed on the outside of the wall.

Carolina Wiebe stated that on sheet C-2 from the engineers, there was an exfiltration trench running through the center of the parking lot. She continued stating that she had spoken with an adjacent property owner at Lot No. 7 who was very concerned about the water that was guided to a dry retention area, and the problem of existing flooding in the area. She asked if the dry retention area could be relocated so as not to place any burden on any of the adjacent neighbors.

Glen Hanks, Consultant, stated that in order to address the stormwater compliance measures, they had received a license from Broward County Department of Natural Resource Protection.

He added that he had spoken with Tim Welch as well, and had confirmed that the design would meet all of the City's requirements regarding drainage. As far as relocating the swale in order to avoid discharge onto the neighbor's property, they had in place a concrete masonry wall separating the property from that of the owner at Lot No. 7, and had also graded the side down in order to provide a little swale along that owner's property line to help direct drainage to the public right-of-way and the eventual stormwater management system. He further stated that their site was designed to contain its own stormwater on site, and explained they were treating over 2" of rainfall on the site in the exfiltration trenches, and the requirement was for 1". He further added that the entire southwest section of the City had an overall drainage problem, and no improvement they did could resolve that problem.

Carolina Wiebe asked if it would be possible to relocate the dry retention area to another location. Mr. Hanks replied it could not be relocated. Ms. Wiebe asked if it could be relocated to the adjacent commercial building. Mr. Hanks stated there was an existing septic tank and drain field at that location, and since the City had not extended sanitary sewers to the area, they had to maintain the function of the septic tank. Ms. Wiebe asked if there was sufficient room to relocate it along S.W. 33rd Court. Mr. Hanks stated they were providing a small swale on the north side, and also were providing a road side swale at the request of the City, along with a 5' concrete sidewalk which would help to address some flooding problems. Mr. Hanks stated they had also taken into consideration not only where it was located, but where they could also maximize the amount of swale area, and they were limited with the tree protection efforts that were being undertaken.

Don Morris, Planning and Zoning, stated that this item had been deferred from the October 15, 2003 Planning and Zoning Board meeting at the applicant's request. He further stated that the applicant was requesting to rezone from RS-8 to Exclusive Use in order to install a new parking lot. He stated that he wanted to make one correction in the memo. He continued stating that the approval from the Board of Adjustment required only screening on the north and west sides of the building, and the south and east sides were permitted to be unscreened in regard to the satellite dish. He further stated that the applicant was complying with providing buffers, and in regard to Comprehensive Plan Consistency, staff felt it was consistent with the following policies of the Comprehensive Plan which were 15.1, 19.5, and 20.6. He stated if the Planning and Zoning Board approved this application, the project would be referred to the City Commission, but if they decided the criteria had not been met, the Board would then deny the application and procedures for Appeal to the City Commission would be provided in accordance with Section 47-26.B. He reminded the Board they were also acting as the Local Planning Agency in this matter, and the motion should include compliance with the City's Comprehensive Plan, along with the criteria for rezoning.

Mr. Morris stated that he could not answer the questions regarding engineering, and Mr. Welch was not present this evening.

Mr. Barton stated that before the plans came before this Board, they were signed off by several members of the DRC Committee. He added the plan had been reviewed by Mr. Welch which indicated that he believed they had met the Code. He stated that as to whether things could have been done better, he did not know if that had been explored.

Ms. Wiebe stated the issue of neighborhood compatibility was still unresolved at this point. Mr. Morris stated the issue was resolved and the Engineering Department had stated that this project met the requirements of the ULDR, and they were providing for drainage on site. He

added that the other improvements also would enhance the site, and they believed the project was compatible.

Chair Barbara Curtis asked if the letter from the County had been placed in evidence. Mr. Morris replied that he was not sure and would have to check on that.

Chair Barbara Curtis proceeded to open the public hearing.

Ms. Lhota clarified that the satellite dish approved by the Board of Adjustment had been abandoned and would no longer be installed at the site.

Dave Wright stated that numerous individuals had raised some concerns about this project. He added that this street had been neglected by the City and the neighborhood, and commercial property owners had turned a portion of the area into a parking lot and had built a 5' to 7' cement wall which now had graffiti on it. He remarked the landscape was gone and not maintained and had been placed at the end of the street. He felt the thinking at that time had been that people did not notice it at the end of the street. He stated that this lot was on the south side and closer to the beginning of the street. He reiterated that they were attempting to revitalize the area, and he felt this project would make the street more industrial. He stated that a passive park was built and they were also building 25 townhouses next to it. He added they had also redone 4th Avenue. He stated if the runway was built would the buffer permit the noise to come through from the airport.

Mr. Wright further stated that the City was requesting a sidewalk, but it would not connect to anything, and possibly they could connect to the new sidewalks on 15th Avenue. He also asked what was the purpose of the parking lot.

Gerry Cooper asked if a commercial parking lot would be an intrusion into their neighborhood. Mr. Wright confirmed.

Charlotte Rodstrom asked if there were sidewalks in his area and along S.W. 33rd Court. Mr. Wright stated there were no sidewalks, but 15th Avenue had them.

Ms. Lhota stated that she had photographs of the vacant parcel discussed by Mr. Wright. She stated the vehicles on the lot were not the applicant's and signs had been placed on the property stating "No Trespassing." She stated that only clients and employees of their tenant would be parking at the lot, and no commercial vehicles would be allowed to park there. She proceeded to show a photograph of the wall and what was being proposed in regard to the landscaping which would enhance the area. She also proceeded to show a cross-section rendering they had prepared which showed the street, swale, and the proposed sidewalk, as well as the landscape buffer in front of the wall.

Chair Barbara Curtis stated when they had previously discussed moving the wall south, she asked how far back could the wall be moved so more landscaping could be on the outside. Ms. Lhota stated it was her understanding for them to be able to maintain the drainage on site, it could be moved back an additional 2'. Chair Barbara Curtis asked how much would that give for landscaping. Mr. Hanks explained that the setback of the wall as it was presently being presented was at 4', but they could consider an additional 2' setback, thereby leaving 6' for landscaping. He stated that within that landscape strip, they proposed to install a number of firebushes, native plants, and Live Oaks all of which were drought tolerant. Chair Barbara

Curtis asked if there would be irrigation on the outside of the wall. Mr. Hanks replied there would be on the north side.

Ms. Lhota also pointed out that in addition, the sidewalk and swale would be within the right-of-way which was in addition to the 6'. Mr. Hanks stated they would agree to move the wall the additional 2'.

Ms. Wiebe asked for further clarification regarding the renderings shown. Ms. Lhota replied that the rendering shown in respect to the cross section was recently prepared after they had become aware of the Board's concerns. She explained that it did show the 6' from the property line. She stated the plans before the Board would be revised and would show any conditions that might be imposed by this Board before going for final DRC approval.

Charlotte Rodstrom asked if the landscaping described was to be on the outside of the wall facing the residential area. Mr. Hanks stated that the firebushes and some of the Oaks would be on the outside, and some Oaks were to be located on the interior of the property. He added that the owner of the property had the responsibility to maintain the landscaping.

Chair Barbara Curtis stated that if the Board desired for the wall to be moved the additional 2', it could be made a condition for this project since it had not been included in staff's report.

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

Motion made by Judith Hunt and seconded by James McCulla to approve the application with the condition that the northern wall was to be moved 2' from the south, and the described firebushes and Live Oaks would be provided between the sidewalk and the wall, and that the application was consistent with the City's Comprehensive Plan.

Gerry Cooper stated that he felt it was wrong to put a parking lot in the middle of an RS-8 neighborhood, and therefore was not in support of this project.

Ms. Wiebe stated she was still concerned about the location of the dry retention area. Ms. Rodstrom stated that she also did not feel that a parking lot should be located in this neighborhood, and was not in support of the project.

Mr. Dunckel stated that the motion made did not embrace the condition of restricting the use of the parking lot to employees and clients and prohibiting it for the use of commercial vehicles.

Chair Barbara Curtis stated that condition had not been included and had not been addressed by staff's report. She stated that condition could be added.

Mr. McCulla stated that he would add the condition mentioned by Mr. Dunckel as an amendment to the original motion.

Ms. Hunt stated that she had a problem with the addition of the amendment, and asked what was the definition of a commercial vehicle. Mr. Dunckel stated that the Board was adding the condition, and therefore, could set the parameters. Ms. Hunt asked what was the City's definition regarding commercial vehicles in regard to zoning and the parking of commercial vehicles. Mr. Dunckel stated the City had a definition of commercial vehicles, and stated it was

his recollection that a commercial vehicle was one with 6 or more wheels, but other elements were included.

Chris Barton proceeded to read the definition from the Code as follows:

“A commercial vehicle which is a vehicle self-propelled by a motor having more than 4 tires, and which bears any sign or marking which advertises or identifies any business or commercial venture or which is used or designed for a business or commercial purpose.”

Mr. Dunckel stated that a pick-up truck with signage would constitute a commercial vehicle.

Ms. Hunt stated she had a problem with the amendment suggested. Mr. McCulla withdrew the amendment, and stated it would be difficult to enforce.

The motion was restated as follows:

Motion made by Judith Hunt and seconded by James McCulla to approve the application with the condition that the northern wall was to be 6' from the property line, and the described landscaping would be on the north side of the wall, and that the Board recognized that the application was consistent with the City's Comprehensive Plan.

Roll call showed: YEAS: James McCulla, Judith Hunt, Mary Fertig, Alan Gabriel and Barbara Curtis. NAYS: Gerry Cooper, Carolina Wiebe, and Charlotte Rodstrom. Motion carried 5-3.

MEETING RECESSED AT 7:55 P.M.

MEETING RECONVENED AT 8:05 P.M.

8. **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 announced that this item was quasi-judicial.

The following disclosures were made by the Board as follows: Alan Gabriel stated he had been to the site and had spoken with Robert Lochrie, the developer, and Commissioner Teel. Mary Fertig stated she had been to the site. Judith Hunt had been to the site. Charlotte Rodstrom had been to the site. Carolina Wiebe stated she had been to the site and had spoken with Robert Lochrie and Terry Philpot. Barbara Curtis stated she had been to the site and had spoken with Robert Lochrie, Mr. Sanders, and Commissioner Teel.

All individuals wishing to speak on the item were sworn in.

Robert Lochrie, attorney, stated that they were here to review a site plan for a 19-unit residential condominium located off of 14th Street, east of Bayview Drive and west of the Intracoastal. He proceeded to show a graphic of the RMM-25 zoning district, along with the site in question. He stated that one of the things important about the graphic was the project's location within the RMM-25 district. He stated there was RMM-25 completely surrounding the project, and the

closes single-family residential was located across Bayview to the west. He pointed out that there were about 45-50 different zoning classifications, and each one had very specific criteria and was designed so that buildings placed in those districts met the criteria. He explained that when the zoning districts were chosen, the City Commission, the Planning and Zoning Board, and the LPA reviewed where the zoning was and whether the types of buildings associated with the zoning were appropriate in the location. As an umbrella over the zoning categories was the City's Land Use category, along with the County's Land Use category, all of which designated what types of projects and density should be located on a particular site. He proceeded to review some of the zoning categories.

Mr. Lochrie continued stating that there were essentially 3 medium categories which were the low rise with buildings at about 35', the mid-rise with buildings at 55', and the high-rise with buildings at about 100'. He stated they were within the center of the 55' height zoning category.

Mr. Lochrie further stated that generally in the district side yards were to be 10, front yards at 25', and the rear yards at 20'. He stated they were requesting that a pool be built in the rear yard. He stated that the criteria for yard modifications required that they show compatibility with adjoining properties in the area, addition of a pedestrian amenity, and several other factors. He added that the criteria for the pool were being met. He stated that the building was the most significant issue and met all the yard criteria. He stated they were not asking for yard modifications based on the building itself. He proceeded to show a diagram of the proposed building.

Mr. Lochrie continued stating that they were going to construct two buildings instead of one. At all points on the building, he stated they had exceeded the minimum requirements. He added that the building length was 200', but instead of one building they were going to have 2 buildings each 112'. He stated they believed the space between the buildings would decrease the overall mass of the project. He stated that when there was a separation between buildings, the Code required a specific separation which was a specific percentage of the building height or 10' whichever was greater. He stated they were required by Code to provide a 10' separation, but they were actually going to provide a 23' separation.

Mr. Lochrie further stated that there was a concern about height, and therefore, they reduced their building from 55' to 52', and by placing the garage under ground they were reducing the entire building by 5'. As a result the height was reduced to 47', the setbacks were increased, and most importantly put the parking underground. The final result was that by lowering the height, the second floor began at 3' 6" above grade and what was once a 5-story building, now appeared to be a 4-story building. He compared this project to the Bellagio project.

Mr. Lochrie advised that the architectural design of the building was a Mediterranean style. He proceeded to show pictures of the proposed building. He stated one of the things this Board was considering was the rear view of the project. He stated they had cut out the corners of the building so that from the street level there would be a softening. On the water side, he stated they had cut a section out giving a more softened approach. He proceeded to show a rendering showing those areas of the building.

Mr. Lochrie stated that currently in the plans there was a trellis structure that was to be eliminated so the balcony would be the top portion of the structure. He also stated that they had also increased the landscaping which would provide for 12 new Alexander Palms at the height of 18' to 20'. He proceeded to show the landscape plan to the Board. He added at the rear of the property palms had been added.

Mr. Lochrie stated that Marvin Sanders would address the Board regarding some specifics of neighborhood compatibility issues.

Marvin Sanders stated that he had a land planning firm for 22 years in the City, and had been practicing for over 30 years, and also had served on the Planning and Zoning Board for 11 years. He added that he also was a registered lobbyist with the City.

Mr. Sanders continued stating that he wanted to go briefly through Section 47-25.3 regarding neighborhood compatibility. He stated this project was smaller than previously approved projects for the area that had been deemed compatible. He stated there would be no back-out parking, and they were going to provide a landscape strip along the street of 263' from the entrance and exit drives. He also stated that they were going to relocate the powerlines under ground.

Mr. Sanders explained that they were proposing 2 buildings, and one building would house 10 units and the other would have 8 units. He stated they were going from rentals to property ownership which would provide a tax base for the City. He stated they were going to provide 86 trees and palms on the site, along with 1633 ground cover and shrub plants. He added that currently the site had 37.4% open area. He felt they would be enhancing the neighborhood substantially, and all setbacks were met regarding the buildings. He explained the building height was at 85% of what was required by Code, and the density was 90%.

Mr. Sanders stated the elevation of these buildings were 73% the size of the buildings that had been approved in the area which were considered compatible. He added that they were providing more space between the buildings, and were adding 2 ½' to the outside in order to be more friendly towards the neighborhood. He stated they were asking to make the 23' 9" waterway yard which Code required 20' to allow a pool and pool deck in order to make the outdoor space functional. He added that the pool deck was only 27% of the lot width.

Mr. Sanders stated the other issue in connection with setback modifications dealt with shadows, and the only shadows at this site might be a 2' to 3' shadow on the Jacuzzi. He stated that it was intended that these areas be functional.

Mr. Sanders proceeded to show a drawing of the project site, along with adjacent buildings which were 3 stories or higher.

Mary Fertig asked where had the sign been placed on the waterway. Mr. Lochrie replied that there were 3 signs on the 3 lots in the back and an affidavit had been provided to the City. Ms. Fertig stated that she thought she had seen addresses on the westernmost building last month of 2729 and she thought there had been another stating 2727, but today she had noticed a sign stating 2729. Mr. Lochrie explained there were presently 3 existing buildings, and one of the buildings had two addresses. She stated that the notice had listed the addresses of 2729 to 2735, and asked if it was the applicant's intent that 2727 was part of the project. Mr. Lochrie replied it was, and further stated that according to the Code that type of notice was not fatal. He reiterated that they were not cutting the building in half.

Ms. Fertig asked how many boats were they planning to dock. Mr. Lochrie explained that they were not asking for any dock waivers or modifications to the required length of the docks. He added that they would be occupied only by residents of the condominium, and there would be no live-a-boards. He stated there would be 16 docks.

Ms. Fertig asked if they were suggesting that height was the sole test for compatibility. Mr. Lochrie stated he did not mean to suggest that, but what was important was height, setbacks, building length, and building separation. He stated that the appearance of the building from the street related to its mass. He reiterated that by having 2 buildings that added to the neighborhood compatibility factor, along with having exceeded the setbacks around the building. He further stated that the height and mass from the waterway was also an important aspect.

Gerry Cooper disclosed that he had spoken to Robert Lochrie regarding this matter. Chair Barbara Curtis announced that she had read the Bellagio sales brochure.

Carolina Wiebe asked if they had a front elevation of the structure across the street that was mentioned as a 3-story building. She stated she was under the impression that building was comprised of 2 stories. Mr. Lochrie proceeded to show the aerial view of the site.

Alan Gabriel asked if the garage was opened from one building to the other. Mr. Lochrie confirmed and stated there was a driveway. Mr. Gabriel stated that in reviewing the north elevation, there appeared to be a wall and a dock, and asked if the wall was permitted in the landscape area.

Rick Rodriguez, Rodriguez Design Group, explained that the wall was at the edge of the parking level where it went down 5', and they were required to have a safety wall at that point.

Mr. Lochrie advised that the pool was at grade between the two buildings. He further stated that walls and fences were permitted in the yards.

Chris Barton stated that there was no wall in the plan view, but there was a short end wall at the end of each driveway which was a safety feature to keep people from falling into the lower drive areas.

Chair Barbara Curtis stated the dock language was not included as a staff condition, and asked if that language could be provided if desired by the Board.

Mr. Barton stated that often it was made a condition, but when written on the plans and the plans approved, then it was part of the approval. He stated it could be worded as a condition if the Board desired. The language would be as follows: "That the docks would not allow live-a-boards at the site and was only for the use of the Upland residents."

Kevin Erwin, Construction Services, stated that this was a request for a Site Plan Level III approval which included a waterway use approval, and a modification of required yards. He advised that neighborhood compatibility was also to be considered regarding this application.

Mr. Erwin stated that this was a 19-unit high-rise, multi-family structure which would generate 66.22 new trips per day in the area. He stated that the reasons this application was before this Board was due to the waterway use, the modification of the yards for the pool and spa, and the pool deck area adjacent to the waterway. He advised that staff felt this project met the requirements for yard modification and waterway use.

Mr. Erwin further stated that the Board was also to consider neighborhood compatibility, and staff directed the Board to consider architectural features, height, mass, scale, site arrangement, and overall character of the surrounding neighborhoods. He stated that staff had

determined that the height of the proposed structure exceeded that of many structures currently existing in the neighborhood, but there was an overall mass similar to other structures in the neighborhood. He stated that the applicant was adding a lot of landscaping which could be considered a mitigating factor.

Chair Barbara Curtis asked what percent of the yard on the waterway would be taken up by the pool. Mr. Erwin replied that the requirement was for a 20' landscaped yard adjacent to the waterway, and the property was 320' wide at that point and were required to have 6,000 sq. ft. of landscape area if there were no encroachments. He further stated that the pool, spa and deck were approximately 1600 sq. ft. which left 4400 sq. ft. of actual landscaping. He stated that the request equaled 26.7% of the landscaped yard. He added that if one took the extra 3' 9" for the 300', the total would be 7125 sq. ft. and they were using 1900 sq. ft. of that amount which left 5225 sq. ft. which was 775 sq. ft. less the 6,000 sq. ft.

Gerry Cooper stated that staff's report had stated: "While the architectural appearance is attractive it is in a style that is not now well represented within the neighborhood." Mr. Erwin reiterated that statement meant there were not a lot of buildings in the area that look like that style. Mr. Cooper stated it appeared that there was no pleasing staff. He stated he did not know what a developer could do to make the City happy at this point.

Chris Barton stated that staff's report did not state that they did not like the style, but that the style was not commonly found in the neighborhood. He stated that they were not "beating up" on the project at all.

Mr. Cooper stated another comment made by staff was as follows: "The proposed space between the two buildings, while it meets the required minimum and is similar to the spaces now existing within the neighborhood could be increased at the expense of the side yard setbacks on the east and west side of the property." He stated this gave him the feeling that staff could not be pleased.

Mr. Erwin stated that in this case staff was giving a suggestion for the Board to evaluate for their consideration regarding neighborhood compatibility. He stated when such memos were written, there was the flavoring of staff's opinion. He reiterated that they were not saying they did not like the building or that it was a bad project, but were pointing out things for the Board's consideration, and then it was up to the Board to decide if it was a good building and project and if it met all the requirements.

Charlotte Rodstrom stated the building did not meet the Code, otherwise they would not be here this evening. She reiterated they were asking for a yard modification for the pool. She asked if the pool was moved 15' to 20' so they would not have to request the yard modification, what would that do to the building itself. Mr. Erwin replied that it would eliminate 23' of the building.

James McCulla asked if the pool could be located between the buildings. Mr. Erwin stated that would be a question for the applicant, and that it probably would fit. He stated that he believed there was parking in that area.

Carolina Wiebe stated that the one item where the building did not meet the Code was regarding neighborhood compatibility and it stated: "The development will be compatible with and preserve the character and integrity of the adjacent neighborhood." She stated that in staff's backup it stated: "This design emphasizes the mass and scale of the buildings. The strong vertical elements of the stair and elevator towers also emphasize the height of the structures,

and the proposed design essentially has features that contribute to its apparent height.” She stated that she saw predominantly horizontally oriented buildings in the area, along with a proposed building which emphasized the vertical style, and she felt staff should state that all criteria were met except for neighborhood compatibility.

Mr. Barton explained that was not for staff to decide, but for this Board to decide. He stated staff merely pointed out the facts of this particular design and how it related to the character, images, mass, scale and architectural styles which presently existed in the neighborhood.

Chair Barbara Curtis asked that it was her understanding that the Bellagio had received approval from the City Commission, and even though it was not yet built, should they consider it as part of the neighborhood?

Mr. Dunckel confirmed and stated that the Commission had to pass judgment on neighborhood compatibility. He asked Barbara Curtis to place the Bellagio brochure into evidence for this case.

Mary Fertig stated that she had photographs of adjacent buildings in the area and was submitting them as evidence. She added that she also had some photographs of the site taken from the waterway. Chair Barbara Curtis asked if there was any way they could show the adjacent buildings on the zoning map. Mr. Erwin proceeded to explain the sites in the area.

Mr. Erwin proceeded to read staff’s conditions for this project, if approved by the Board, as follows:

1. The proposed development is in an area that has a potential to generate impacts from construction debris due to high winds. They recommended that they meet the Construction Debris Mitigation Plan.
2. All construction would require approval from all pertinent environmental review agencies.
3. Site Plan approval shall be valid as provided in ULDR Section 47-24.1.M.
4. The boat slips would be only for the Upland residents, and no live-a-boards would be permitted.
5. Final DRC approval.

Mr. McCulla stated that neighborhood compatibility was a somewhat frustrating topic because it consumed an enormous amount of this Board’s time, and he felt it was a “slippery slope” because the standards by which they judged it were not well established, and it tended to be a “catch-all.” He further stated that he was concerned with the wording stating that they were to preserve the character of an existing neighborhood. He asked how could one responsibly redevelop areas of the City that were existing, but aging in character and quality of construction. He asked what would determine compatibility in such an area. He asked if it would be the aging surrounding structures in a neighborhood, or was it the City’s zoning and development ordinances. He stated that the proposed development appeared to comply with Code with the exception of the pool and the setback. He further stated if the Code and ordinances were the guiding principles, then by definition it would be compatible with what the neighborhood was or what the City stated it wanted in that neighborhood. Logically, by meeting all the requirements, it was compatible by definition.

Chair Barbara Curtis proceeded to open the public hearing.

Brian Leary stated that he was the new President of the Coral Ridge Association, and further stated that he wanted to speak about the issue of compatibility. He stated they were in the process of undertaking a study regarding neighborhood compatibility going back to the times the properties were platted in 1954 through the present date in order to determine what the intent was of the original developer. He stated that in regard to this project, they were concerned about the height and mass. He added that the parking exceeding the requirements. He also stated that they were concerned that the Code parking was not adequate for today's lifestyle because they did not always provide for parking for the personnel who serviced the residents of the condominiums. He felt the project appeared to be massive, and the extra sideyard setbacks should go towards increasing the separation between the two buildings.

Mr. Leary continued stating that they were concerned about the monolithic character of the water side of the building, as opposed to the street side where the architect had done a great job breaking up the façade. He stated their Association was generally against projects where the developer aggregated a large number of lots and built a massive project. He stated they felt that detracted from the character of the neighborhood. He reiterated that they did not think this project was compatible with their future vision of the area.

Eric Berzok stated that he was against the Bellagio project, and 30-40 residents had spoken against it and raised their concerns. He stated they had not been contacted by this developer and reiterated that no one in the area wanted a 5-story building.

Linda LaPerna stated that the block needed a face lift, and stated there was only one other 4-story building in the area at the end of 14th Street. She stated that she was neither for nor against this project, but felt something should be built that was not so massive and be more compatibility with the entire neighborhood. She felt they all needed to work together to reach a happy medium.

Maurie Manel Belle stated that they now had a President to represent their Association and desires. She stated the word "aggregate" was the big issue and was changing the neighborhood. She reiterated that the area needed to be improved, but not with large massive buildings.

Terry Philpot stated that he represented the 12 individuals who were sandwiched between the two monoliths, and proceeded to show pictures of the area and the cumulative impact of the projects. He stated that staff helped him scale his rendering to represent a more realistic view. He added that a considerable amount of redevelopment had already occurred in the neighborhood, but was in a different format than the Bellagio and the proposed project. He stated that what frightened him the most was the potential of what would happen across the canal when an aging building needed rehabilitated. He asked where would the canyon affect stop. He stated their Board spent a substantial amount of money for reroofing, repainting, redecking, and redoing the canal and dock area to bring as contemporary a look as they could to an old building. He stated it scare him to have the prospect of the building being dwarfed by the potential monoliths. He added that the tenure of the neighborhood was changing, and it had to change, but he was a proponent for development that would be more compatible with the neighborhood.

Mary Fertig asked how many boats were docked behind Bayview Landings. Mr. Philpot replied there were 12 slips, and the proposed slips would not be a contention.

James McCulla stated that when the building in the area started, the residents had a chance to voice their concerns to their elected officials. Mr. Philpot confirmed, but stated that the implications of the zoning change had only become apparent during this past year because the economics of development were moving the developers into a consistent townhome lower profile building. With the cost of the property increasing, the developers were forced to build higher buildings and more massive ones to make them economically feasible. He added that his property values had doubled with the construction, but the appraisers agreed that during the short term the property would be increased in value, especially when older properties were being removed. He further stated that in the long haul having the building dwarfed would have a negative impact on its value.

Mr. McCulla asked for further definition of the word "dwarfed." Mr. Philpot stated that the project would tower over 20' above their roof line. He added that his major concern was the potential for such continued development of the monolithic buildings and the cumulative impact on the neighborhood. Mr. McCulla asked if Mr. Philpot's Association had attempted to have the zoning codes revised for their area. Mr. Philpot replied they had meetings with Commissioner Teel and were going to start a planned review process to study potential zoning changes.

Chris Barton explained that the RMM-25 zone had not changed in many years, and the size of the buildings permitted in that area had been the same for about 30 years.

Mr. Dunckel stated that the change in 1997 had been more of a text change, than a substantive one.

Mr. McCulla stated that this portion of the neighborhood had been designed to accommodate 4-story buildings. Mr. Barton stated that the graphic used by the applicant showed the existing 3 and 4 story buildings in the area had been there since the 1960's. Mr. McCulla reiterated that the zoning in the area had been designed to encourage multi-family housing. Mr. Barton replied that the zoning allowed such type of housing for that area.

Ms. Fertig asked Mr. Philpot if he had checked with his realtor when he bought 15 years ago as to what the worse case scenario could be for the area. Mr. Philpot stated they had such conversations, but unfortunately he had received an inaccurate answer. He remarked that he had made judgments as to what was existing around the building.

Charlotte Rodstrom stated she did not think it was the intent for Coral Ridge to have large developments. Mr. Leary stated that the zoning did permit certain size of buildings to be constructed but only on platted lots, but by putting 3 lots together there would be a result that had not been either intended or envisioned.

Mr. McCulla asked why it would permit a 200' building in length. Mr. Leary stated there might be other areas in the City with similar zoning where possibly the lots were platted larger. Mr. McCulla further stated that the area was zoned to permit such a building. Mr. Leary reiterated that the developer did not originally intend that, nor did the original purchasers. He added that he also disagreed about neighborhood compatibility. He reiterated that just because measurements were met did not mean they were compatible with the neighborhood.

Mr. Philpot stated that staff had pointed out on a number of occasions that the Code was a maximum and "up to" and did not mean that was what was appropriate for that particular combination of lots. Mr. McCulla reiterated that it was a guideline as to what was allowed.

Chair Barbara Curtis asked how long was Mr. Philpot's condominium. Mr. Philpot replied that the property was the same length as the property for the Bellagio which was about 200'. He added that their building was over 170'. Mr. Erwin stated that the Bellagio was 153' wide, and the parcel was 200' wide.

Joe Servo stated that he did not understand what was going on. He stated this project was within the character of the neighborhood, and he wished all neighborhoods were limited to 5 or 6 stories. He stated the proposed building was beautiful and would enhance the aging neighborhood. He recommended that the Board approve this project.

Ms. Rodstrom stated it was her understanding that zoning was one part of the Code, and neighborhood compatibility was another part. She stated obviously the smaller buildings were constructed due to neighborhood compatibility even though zoning permitted taller ones.

Mr. Erwin stated that he wanted to clarify that Mr. Philpot had stated that he had given him the scale to use on his models, but explained that he had met with him and stated that his scale appeared larger than what the actual building would be. He stated that no specific scale had been given to him, and therefore, he could not vouch for the new models shown.

Mr. Lochrie stated that staff had referred to this project as a high-rise, but under the City's requirements this project was clearly a mid-rise building. He added that the townhouse project across the street had also aggregated many lots, and they had back-out parking onto the street without landscaping and useable sidewalks. He stated the height at 47' was below Code. He added they had not heard any testimony stating that a pool in the rear yard would be incompatible with the neighborhood. He did not think the pool had been the object of any testimony.

Mr. Lochrie stated that the Code mattered and was what all projects were about. He stated when designing a project, one began with the maximum envelope and listened to the public as to what was compatible. Then, the developer made this project shorter, less dense, and with greater setbacks. He proceeded to show a graphic showing the project superimposed over the Bellagio building. He then pointed out the differences between the two projects.

Mr. Lochrie continued stating that he respected the concerns of the neighborhood in their doing a study. He reiterated that this was a multi-family area of Coral Ridge which was out of the way and did not affect the single-family area. He stated this section always had permitted this type of use. He further stated that the Director of Development Services had pointed out in previous meetings that on this street alone there was a 43' building on 15th, another 45' building on 15th, and a 46' building on 14th. He proceeded to read Ms. Hollar's comments as follows:

"There is actually one at about 43' on 15th, there's another one that goes up 45' on 15th, and one more on 14th that goes up about 46'."

Mr. Lochrie reiterated that their proposed building was at 47' and below the height of the last approved project for this street. He stated the buildings were also divided. He proceeded to show a graphic of the context of the project.

Mr. Lochrie asked Marvin Sanders if, in his professional opinion, did this project meet the City's neighborhood compatibility requirements. Mr. Sanders replied it did and stated it also met the requirements of Section 47-23, 47-23.11, and 47-25.3.

Judith Hunt asked if this project was not seeking approval for a swimming pool would it have come before this Board. Mr. Barton stated that since this was a proposed use on a waterway, whether the pool was being requested or not, the matter would have come before this Board because of how the project would affect the waterway.

Chair Barbara Curtis stated that part of the concern with the project was that there were two buildings. She asked if the gap between the buildings could be larger. Mr. Lochrie replied that they did not object to increasing the separation of the buildings at the expense of the side yards, but they did now exceed the side yard requirements.

Mr. McCulla asked how the neighboring building, who stated they were being dwarfed, would feel if the separation between the buildings was widened. Mr. Barton replied there would be a 5' gain in the space between the two proposed buildings if that was done. Mr. Philpot stated that the additional setback was more of an advantage, than the wider gap between them.

Gerry Cooper stated he did not like to redesign buildings at the last minute, and stated that if residents did not like how the Code read, then they should contact the City Commission. He stated that Coral Ridge was predominantly an RS-4.4 neighborhood with lovely small homes, but the area being discussed was zoned RMM-25. He reiterated that he was in support of the project as designed.

Mr. Lochrie stated there was a significant change made in the Code in 1997 which was the addition of a maximum building length. Previously, there had been no such requirement. Mr. Sanders stated the purpose of the 200' length was an attempt to break up the building lengths.

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.

Mr. McCulla stated that he had been informed by the Assistant City Attorney that there was some case law in support of neighborhood compatibility discretion the Board was being asked to exercise. He stated his statements had been his layman's logical approach.

Mr. Dunckel stated that he had construed Mr. McCulla's comments as being distilled down to the fact that if the building met the Code, it was ipso facto and meets neighborhood compatibility. In the Las Olas Tower case, that had been in the Central Business District which had eliminated height restrictions. The first tower was to be 45 stories, and the second was to be 32 stories. He explained this was to be 120' across the River from Rio Vista and immediately to the east of the towers was a 4-story building. The long and the short of this was that notwithstanding the fact that the Code eliminated height restrictions, the Court upheld denial of both site plans due to neighborhood compatibility.

Motion made by James McCulla and seconded by Gerry Cooper to approve the application per staff's recommendations, and that no live-a-boards be permitted at the docks.

Carolina Wiebe clarified that she felt a 4-story building could be designed and meet Code requirements, while still tying in with the neighborhood. She reiterated that the two buildings being proposed were not compatible, and she felt the massing could be further reduced to reinforce the two-story level. She stated there had been little discussion about the architecture of the buildings.

Judith Hunt stated that when the neighborhood was developed no one envisioned having asphalt up to their front doors and cars parked all over the sidewalks. She felt the building would enhance the neighborhood and its safety. She added that the landscaping would greatly improve the area.

Mary Fertig stated that what was considered compatibility varied in interpretation, but ultimately they needed to look at the project both from the street and the waterway. She felt there had been little conversation regarding the waterway view. She further stated that they should not be held to saying that every building had to be the same because that was not compatibility.

Charlotte Rodstrom asked if the developer was going to install sidewalks in front of the buildings and were there sidewalks already on the street. Mr. Lochrie stated they were putting in sidewalks, landscape buffering, trees, shrubs and fences. He stated the powerlines were to be placed underground. He proceeded to show a graphic of the site.

He further stated there would be a park-like setting which would enhance the neighborhood. He added that the Bellagio was also adding sidewalks.

Mr. Gabriel asked if the added landscaping had been a condition to the motion. Mr. McCulla confirmed and stated the developer had committed to the condition. Mr. Gabriel stated that he wanted that item included into the motion. The maker of the motion and the person that seconded agreed to the condition.

Chair Barbara Curtis asked if the swale area was included in the plan. Mr. Lochrie stated that it had not been included on the current plans, but could be included as a condition for approval. Chair Barbara Curtis asked if there was to be irrigation. Mr. Lochrie confirmed.

The maker of the motion and the second of the motion agreed to include the ground cover and trees, along with the irrigation, to be included on the plans.

The motion was restated as follows:

Motion made by James McCulla and seconded by Gerry Cooper to approve the application per staff's recommendations, and that no live-a-boards be permitted at the docks. Also the ground cover should be planted one per every 2 sq. ft., and trees shown on the rendering in the swale area south of the sidewalk should be included in the plans, along with irrigation.

Roll call showed: YEAS: James McCulla, Judith Hunt, Gerry Cooper, and Barbara Curtis.
NAYS: Carolina Wiebe, Charlotte Rodstrom, Mary Fertig, and Alan Gabriel. Motion failed 4-4.

Gerry Cooper stated it was presently 10:00 p.m. and normally the Board stopped around 11:00 p.m., and it was stated that the next item 78-R-03 required a half-hour presentation. Therefore, did the Board want to defer Item Nos. 10 and 11.

Chair Barbara Curtis asked the Board if they wanted to defer Item Nos. 10 and 11 on tonight's agenda. The Board concurred.

10. **Maison Saint-Antoine, LLC/Old Progresso Village** **13-P-03**
Request: Vacate 15 feet of alley lying W. of Lots 1-11,
and E. of Lots 33-42, Block 320, Progresso
P.B. 2, P. 18; together with that portion of the

Alley lying N. of Tract "A", S&R Investment Co.
Plat, P.B. 76, P. 26
Location: 600 and 700 Blocks of NW 1 Avenue and NW
2 Avenue

11. Susan Prescott

8-P-03

Request: Vacate a portion of SW 6 Avenue between
Lot 43, Block 13, River Section of Croissant
Park, P.B. 7, P. 50 and Lot 24, Block 14,
Plat of Lauderdale, P.B. 2, P. 9
Location: A portion of SW 6 Avenue between SW 10 Street
and SW 11 Street

Motion made by James McCulla and seconded by Gerry Cooper to defer Item Nos. 10 and 11 (13-P-03 and 8-P-03) on tonight's agenda until December 17, 2003, and that Item 10 and 11 would be first and second on that agenda. Board unanimously agreed.

9. Premier Developers III Assoc./Aquatania

78-R-03

Condominium

Request:** Site Plan Approval/Waterway Use/IOA
Birch Ocean Front, P.B. 19, P. 26
Block 7, Lots 4-6
Location: 545 Bayshore Drive

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

The Board made their disclosures as follows: Gerry Cooper stated that he had spoken with Don Hall and Courtney Crush, and announced that he owned property diagonally across the street from the proposed project. He stated that he had also been to the site. James McCulla stated that he had spoken with Ms. Crush. Charlotte Rodstrom stated that she had spoken with Gerry Manning, Courtney Crush, and Commissioner Trantalis. Alan Gabriel stated that he had spoken with Don Hall, Courtney Crush, Gerry Udell, and Commissioner Teel. Mary Fertig stated that she had spoken with Mr. Hall and Courtney Crush, Commissioner Teel, Roger Smith, and some residents in the neighborhood. She added that she had also viewed the site from both sides of the Intracoastal. Judith Hunt stated that she had been to the site and had spoken with Courtney Crush and Don Hall. Barbara Curtis announced she had been to the site and had spoken with Commissioner Teel, Courtney Crush, Mr. McNulty, the President of the Sunrise Intracoastal Homeowners Association and viewed the site from her property, and had visited other properties across from the proposed project. She also stated that she had read the Planning and Zoning Board minutes of April 23, 2003 meeting and was a member of the Sunrise Intracoastal Homeowners Association. She advised that she had spoken with Sharon Miller, Assistant City Attorney, and was advised that being a member of the Homeowners Association did not present a conflict in this matter. Mr. Dunckel concurred.

All individuals wishing to speak on this item were sworn in.

Courtney Crush, attorney, stated that with her this evening was Don Hall and Nectaria Chakas, attorneys; Eddie Alvarado, Project Architect; and Mark Jacobson, Landscape Architect. She added that Gordon and Brad Deckelbaum of Premier Developers were also present this evening.

Ms. Crush further stated that this project was located on the Intracoastal along Bayshore Drive in the IOA zoning district consisting of 3 platted lots. The project would consist of 55 units and would be 120' in height. She stated that she wanted Gordon Deckelbaum to take the Board through the design and thought of this project.

Gordon Deckelbaum proceeded to show the site plan of the property and stated that this had been the largest assemblage of property on Bayshore Drive. He stated they had studied the Code before attempting to design the building. He stated he was familiar with the neighborhood and their concerns. He stated their property was extra wide. He stated there would be a minimum of a 40' setback on the north side which was adjacent to a two-story motel, and setbacks on the south side adjacent to the high-rise building which varied from 40' to 90'. He stated they wanted to maximize the space between the buildings.

Mr. Deckelbaum further stated that they had done some unique things in designing the building which they felt would enhance the building's appearance, along with its utility on the street and waterway. He proceeded to show an elevation from the street and showed where parking would be located. He added there was a basement floor for parking. On the side, they had created a two-story recreation building with a pool in front. He stated that they also created two separate units on the water side of the ground floor making a private residential zone.

Courtney Crush, attorney, stated that she wanted the Board to review the criteria for approval of this project. She reiterated that this was a project in the IOA zoning district which had a 150' height limitation, and a density of 60 units per acre. She stated there was a pending zoning in progress with a reduction of 20%, and advised that this project complied with such reduction. She stated the project also complied with height criteria, as well as density. She explained that when one was focusing on yards and setbacks, it was important to distinguish the beach from the rest of the City. She stated the beach had a provision with established setbacks for certain buildings based on height. She further stated that the application and architecture had to meld with the plan and vision which was established by the Central Beach Revitalization Plan which had been codified in the IOA.

Ms. Crush continued stating that when the Code had been rewritten, they had encouraged high-quality development with active first-floor uses. She stated they brought activity off of Bayshore Drive and it had ground floor units. She also pointed out that this application was not asking for any special exceptions or a conditional use. She stated they were requesting to have a Code established setback applied to this project. She stated they would demonstrate that they met and exceeded the standards for such setbacks.

Ms. Crush stated that staff had indicated that the applicant had not yet addressed yards and massing guidelines as they relate to overall height. She stated that staff's report did find that the application satisfied the requirements of the ULDR for a Site Plan Level IV Beach Development permit. She also stated that staff had determined that the proposed project was Code compliance and compatible.

Ms. Crush continued stating that the Intracoastal Overlay area had performance based setbacks. Historically, development on 100' and 200' lots had resulted in setbacks of about 10'

to 20', and they had examined various projects in the area. She proceeded to show photographs of the area and the surrounding buildings.

Ms. Crush then showed a computer modeling of the project. She further stated that this was a contemporary compact form design and was not a pedestal building. She also stated that they had met with the Central Beach Alliance and letters had been submitted from their adjacent neighbor who supported the project. She also advised that they had met with Sunrise Intracoastal.

Don Morris, Planning and Zoning, stated that in staff's memorandum, second paragraph, he wanted to correct the number of stories for the building from 10 to 12 with 9 residential floors instead of 8. He stated that would not change the overall height of the building. He also stated that Exhibit 2 depicted buildings in the IOA area, and clarified that the Americas on the Park consisted of 18 floors and not 16 floors.

Mr. Morris stated that the map shown had been done by a surveyor and showed the surrounding buildings. He stated that this item had been deferred from the Board's October 15, 2003 meeting at the applicant's request. He further stated that pursuant to Section 47-12.5.D.1.d.i and ii – Reductions of yards for development with significant impacts stated: "The applicant is requesting that the side yards be reduced to 40' and the rear yard reduced to 20' for the principal building, and the side yard be reduced to 10' for the amenity building. As proposed, the side setbacks of the principal building had been reduced 33% and the rear yard 66% from the standard setback of half-the-height of the building which in this case would be 60'.

Mr. Morris continued stating that the side setback of the amenity building had been reduced 20%, and a swimming pool with a deck was proposed immediately west of the amenity building and the pool would encroach approximately 11' into the required setback, and a rear yard modification for the pool was being requested. He stated that in July, 2002, the City Commission had implemented zoning in progress for the area, and the height and density limits had been reduced by 20%. He explained that heights were reduced from 150' to 120', and the density from 60 dwelling units per acre to 48 dwelling units per acre. He stated that the proposal met the zoning in progress limitations.

Mr. Morris added that the applicant had submitted a narrative in Exhibit 3 as to how their proposal complied with adequacy requirements, and staff agreed with their narrative. He stated that a narrative had also been submitted which addressed compliance with Section 47-25.3 which was neighborhood compatibility. He explained that the applicant had provided minimum yards as permitted through the reduction of yards allowed in the Site Plan Level IV process. He stated they had also provided a table comparing the adjacent development to the proposed development which was listed as Exhibit B-1 and Exhibit 4. He added there had been no discussion in the narrative of the existing yards of the adjacent development and any parallels there might be to the yards of the proposed development. He explained that the proposed yards should be consistent with those of the adjacent development pursuant to Section 47-25.3. He stated that the yards were to provide for the flow of air and light. He reiterated that the applicant had not sufficiently addressed how the proposed reduction in yards and the subsequent restriction of the flow of light had been mitigated.

Mr. Morris further stated that the height of the structure had not been addressed, and the applicant had chosen to discuss the façade treatment. He stated this was in regard to the narrative presented to staff during their discussions with the applicant. He stated the height was contained in a single volume with no variation, and the only variation occurred with the rooftop

features which had not been included in the overall height calculation. He stated that would add on about an additional 20'. He explained that gave the building a more massive appearance. He explained further that variation in building height was encouraged pursuant to Section 47-25.3.A through E.4.c which helped to mitigate impacts caused by the mass of the building.

Mr. Morris stated that the future Land Use Element of the Comprehensive Plan permitted up to 5500 dwelling units in the beach area, and the request was for 55. He stated including this project, there would be a balance of 1,637 units available at the time of staff's memorandum. He stated that the proposed development was also within the limits set forth by the Fort Lauderdale Beach Action Plan which restricted redevelopment growth to no more than 3200 peak hour traffic trips. He explained the total peak trips generated by this development would be 34.

Mr. Morris advised that the Development Review Committee had reviewed this proposal on August 12, 2003 and all technical issues had been addressed. Staff found that the proposal failed to sufficiently address bulk controls and massing guidelines as they pertain to neighborhood compatibility. He stated that the remainder of the application met the requirements of the ULDR for the beach development permit with the side and rear yards being reduced as per the ULDR, Section 47-12.5.D.1 under Site Plan Level IV review. He stated that if the Board approved the proposed development, the following conditions were proposed by staff:

1. The proposed development was in an area that had a potential to generate impacts from construction debris due to high winds and the close proximity to existing uses. As such in order to ensure the construction debris remained on site and did not become a nuisance to the neighboring properties, prior to application for a building permit a Construction Debris Mitigation Plan shall be submitted to improve, but not be limited to, the requirements of the Construction Debris Mitigation Policy as attached and as approved by the City's Building Official.
2. Final DRC approval will be required and the site plan shall be valid as proposed by ULDR Section 47-24.1.M.
3. The rooftop shall be used for only housing mechanical equipment. Now, it was being shown as a terrace and a recreational use for tenants and if that was the case the overall height would increase because it would be habitable space.
4. The proposed dock shall be used for Upland residents only and no live-a-boards would be permitted.

Mr. Morris stated that the Planning and Zoning Board shall determine whether this proposed development or use met the standards and requirements of the ULDR and the criteria for Site Plan Level IV development, and shall forward their recommendation to the City Commission.

Gerry Cooper stated that it seemed the two main problems the City had with this proposed project were the bulk controls and the massing guidelines. Mr. Morris confirmed. Mr. Cooper clarified that since hearing testimony this evening, staff's opinions had changed regarding this project. Mr. Morris stated that he wanted time to review the proposal in more depth, and therefore, see if they were meeting compatibility requirements. Mr. Cooper stated they did not have such luxury available this evening, and he relied on staff for their professional opinions. Mr. Morris stated he was not comfortable giving an opinion because they had not reviewed the project and plan in 20 minutes. He advised that until the last minute the project kept having changes which were not reflected on the plan given to the Board because staff had not properly reviewed all the changes. Therefore, he was not willing to state that the plan now met neighborhood compatibility without a proper review of all the changes.

Carolina Wiebe stated that regarding the Board's meeting format and their agenda, she asked if a clause had not been included regarding what would happen if changes were introduced at the 11th hour. She asked if they could act on such a clause at this time. Chair Barbara Curtis explained that involved site plan changes. Mr. Morris stated that the changes were regarding neighborhood compatibility. He stated staff had to review all the changes and then determine what their recommendation would be. He did not think any site plan changes were involved. Chair Barbara Curtis clarified that the site plan had not changed, and only additional information had been supplied by the applicant regarding neighborhood compatibility. Mr. Morris confirmed.

Ms. Crush stated that they did not realize when submitting the site plan and provided setbacks that they were to further explain all the information.

Charlotte Rodstrom asked if the change regarding the arched dome was included in the site plan. Ms. Crush stated that the arched dome had not changed.

Bradley Deckelbaum, Premier Developers, stated that the only change made were the two roof elements, and not the arches, and they had been lowered by 10'. He advised that one changed was not reflected in the site plan.

Ms. Rodstrom asked if the recreational use change was included in the plan. Mr. Deckelbaum stated that no changes had been made in that area.

Ms. Wiebe stated that comments had been made that there had been changes in the diameters of the towers. Ms. Crush explained that regarding the roof top elements, they had committed to staff to lower the height and that had not been included in the plans.

Chair Barbara Curtis stated that the plans showed the ultimate height at 150', and asked what was the total height of the building. Mr. Morris explained that the plans reviewed by staff showed the total overall height to be 150', including the roof top elements. He further stated that it did not include any reductions that had been proposed previously, and these were the plans originally submitted. He stated they had conversations with the applicant regarding the information but by the time the reductions were submitted, staff did not have the proper time to review them.

Chair Barbara Curtis stated that in looking at Sheet A-11, it appeared to her that part of the building between 120' and 150' with the overall building length of 200', it appeared they were discussing an area between 70% to 85% of the building. Mr. Morris confirmed. Chair Barbara Curtis stated that a significant part of the building was over 120'. Mr. Morris confirmed. Chair Barbara Curtis stated that even though it was measured to 120', there was a large portion of the building that would create a shadow and stop the air. Mr. Morris stated that had been one of the arguments made by staff in connection with the roof top elements and staff believed they added to the mass of the building. He stated the building needed to be broken up so as not to look so massive.

James McCulla asked for further clarification of the elements being referred to. Mr. Morris explained the elements were the ones visible from driving or walking past the building. He believed the arched element in the front was visible, along with the two circular elements which housed the mechanical equipment.

Chair Barbara Curtis asked if it was staff's intent when the City allowed some elements above the maximum height to create something that was between 75% to 85% of the width of the

building. Mr. Morris stated that he could not address the intent because he was not present at that time, but it appeared to him when they discussed the overall height they were talking about 120', and if there were to be variations they should occur at that level.

Chris Barton stated that the intent of allowing elements above the official height of the main roof deck were functional and architectural. Functional in that the cylinders would screen off the mechanical equipment, and whether they needed to be 10', 18' or 20' high depended on the size and volume of the mechanical equipment. He stated they were also located in the middle of the roof and were set back, and did not lend much to the volume and mass of the building as did the arch in the front. He explained that the arch did not have a pure function, and it attempted to respond to the guideline of varying the roofline. He stated that point could be argued because the guidelines did not state how much and did not state a specific percentage. He stated there were other ways to vary the roofline. He stated further it was difficult to say what was too much, but architecturally, it did add to the mass of the building.

Chair Barbara Curtis stated that on page A-01 which was the overall site plan information, she asked if the applicant's chart was in conformance with staff's chart or the ULDR. Mr. Morris stated that the applicant's chart reflected the provision to request the minimum yards which was a reflection of the process. However, the ULDR stated it had to be one-half the height of the building.

Mary Fertig proceeded to show the photographs that she had taken at the site and explained the area.

Chair Barbara Curtis proceeded to open the public hearing.

Diane Smart, Central Beach Alliance, stated that they opposed this project. She stated that in October the Aquatania team had made a presentation which had been voted down overwhelmingly by the majority due to height, massive bulky appearance, threat of a canyon corridor along the Intracoastal, scale, character, and integrity. She stated that Birch Water Front Estates was an area on the Intracoastal which was developed in the '40's and '50's. She stated it was a unique collection of mid-century modern architecture. She further stated that the bulky appearance did not tie in with the basic two-story structures in the area. She stated they attempted to take a holistic view of the neighborhood compatibility issue. She proceeded to show photographs of the area and the surrounding buildings. She urged the Commission to vote this project down.

Gerry Udell, President of the Sunrise Intracoastal Homeowners Association, stated their Board reviewed the plan and voted unanimously to vote it down. She proceeded to show photographs of the site. She added that they had rejected the plan due to its cumulative impact, the concrete canyon corridor even on the waterway, incompatibility with the neighborhood, and the sideyard setbacks should be one-half the height of the building according to Code. Ms. Udell stated that another high-rise on the beach would not have a positive impact on the area.

Mary Fertig asked if the virtual tour given from the water view was an accurate representation of the area. Ms. Udell stated she did not feel it was an accurate presentation.

Anne Knupcynski, Sunrise Intracoastal, stated that she agreed with the comments made by Ms. Udell. She stated it was her understanding that this meeting was for the applicant to request a new category so they could erect their building. Chris Barton explained that the Code allowed for two levels of approval. The half-the-height relationship was the most the City could require of

a development proposal, and then it built in a provision from that point out to what was called the "wedding cake," and that was the most this Board could approve. He stated that somewhere in-between the applicant could ask for consideration if they show it would be compatible with the neighborhood. Ms. Knupcynski stated when the applicant showed the setbacks, they had a building within it and she thought they were not permitted to do that. She urged the Board to vote against this project.

Barbara Scerbo stated that there was a slow prostitution of the waterway which was continuing. She stated that tonight she was beginning to wonder what this City was all about. She explained that the buildings were not compatible with what the residents had envisioned for the City. She stated they were still "suffering under the sting" of LaReeve, Cascade, and now Aquatania. She urged the Board to deny this project, and she felt effort should be put into a better project. She asked if the City could not have a small central park at some location.

Michelle Golub stated it was important to note that LaReeve was being developed by the same company and had been approved under a set of contentious circumstances where they had agreed to limit the height of that building to 100'. She stated it was uncertain that was being done, and the community was presently researching the matter. She further stated that she felt they could not base compatibility on a cumulative effect of incorrect decisions. She stated that she opposed this project.

Karen Turner stated that she was on the Board of Directors at the Bayshore Embassy, and proceeded to show photographs of the subject site and from the waterway. She continued stating that once they lost the small buildings with their unique architecture in the area, they would be gone forever. She further stated that if all the projects got built, what would happen to the Barrier Island. She stated that FPL was also working in the area until March, 2004, adding to the congestion already being felt from all the proposed construction.

Mary Fertig asked about the commercial vehicles parked in front of the property. Ms. Turner stated the trucks appeared to come from the LaReeve and LaCascade sites. Ms. Crush asked if any formal action had been taken by Bayshore Embassy. Ms. Turner replied no formal action had been taken.

James Gibbey stated he lived across from the LaReeve, and when that project began all types of promises were made, but with a little "hand waving and smoke" things changed. He stated the same thing would happen with this project. He stated the premise that each successive building should be equal to or greater than the previous buildings approved was false. He felt once a large building was constructed, they should then build smaller ones and take down the mass. He stated the key point was the height of the building. He felt anything above 8 stories was ludicrous. He added that the homes along the Intracoastal set the tone and price for the entire neighborhood. He urged the Board to deny this project.

Joseph Servo stated that if one looked at the overall map of the area, they were impacted by the larger buildings. He reiterated they were not compatible with the neighborhood.

Vince Kelly stated he was not happy with the design or height of this project, but stated that traffic was already bad and things would only get worse with all the construction.

Richard Freeman stated that he opposed this project and urged the Board to deny the application.

Irvin Mayer stated that everyone was against this project because the building was too big and too massive, and was not compatible with the neighborhood.

Mr. Deckelbaum stated that most the individuals speaking were not part of this community and lived across the waterway. He stated that allegations had been made that LaReeve was not being built according to plans, and he stated that was untrue and the remarks were unfounded. He further stated that the issue appeared to be focusing on height. He reiterated that the Code permitted a height of 120', plus mechanical structures above that level. He added that the cylinders represented about 25% of the area of the roof. He stated the virtual reality tour had been limited and showed the relationship between the proposed building and the adjacent neighbors. He stated there was no requirement nor need in their mind to show the streetscape beyond that point. He further added that the distances between the buildings had been accurately depicted.

Mr. Deckelbaum further stated that according to the Code there was no requirement for a variegated roof. He added they were providing additional setbacks than the other buildings in the area, and he did not feel the individuals were giving the developer credit for the good things which were being provided. He proceeded to show a rendering of the roof over the garage structure.

Ms. Crush reiterated that the height had been reduced in connection with the mechanical equipment, and the building height was now down to 138'. She stated that for the first 80' of this building, they met the half-the-height requirement. She proceeded to show graphics as to where they pierced half-the-height requirement. She also showed various elevations of the building. She stated they felt this building was of superior quality and design. She felt a lot of what was stated this evening was that some residents wanted to rewrite the zoning code. She reiterated they were honoring, meeting and complying with the zoning regulations in effect and everything the City was proposing for the last 15 months. She also stated that this project would enhance the area.

Gerry Cooper stated that this Board had to determine whether the proposed development or use met the standards and requirements of the ULDR, and the criteria for Site Plan Level IV development. He continued stating that in order for him to make such a determination, he had to make the decision as to whether it met all controls and massing guidelines. He stated that he had asked staff if they felt the project met such requirements, but staff stated they needed additional time to process and review the new information. He felt there had been good public input on this matter.

Motion made by Gerry Cooper and seconded by Judith Hunt to defer this matter until December 17, 2003.

Robert Dunckel stated that the public hearing needed to be closed before such a motion could be presented.

James McCulla stated that he was confused because staff's report stated that the proposed front setback was 20', the rear setback was 20', and the side setback was 40'. The applicant felt their figures were 40', 40', and 80'.

Gerry Cooper left the meeting at approximately 11:50 p.m.

Mr. Deckelbaum explained that there was 40' on one side and ran up to 89'. He proceeded to show a map of that area.

Ms. Fertig asked if the applicant had considered the Intracoastal being at its narrowest point at this site. Ms. Crush stated they did not know if that was the narrowest point of the Intracoastal, and further stated that the closest linear distance between their property and the property across the way was 304'. She reiterated that the neighbors across the way were not adjacent to the site.

Ms. Rodstrom stated that she had heard the term "wet streets" being used and asked for some further clarification. Mr. Barton stated they were referring to the canals and waterways as being active. Ms. Rodstrom stated if they were considered wet streets, they would have to consider Sunrise Key as an adjacent neighborhood. Mr. Barton replied that the neighborhood across the waterway was not as affected in the same way as the adjacent neighborhoods were affected. He remarked they would be affected visually, and would not be impacted by the traffic. He reiterated that it was adjacent for certain purposes, but not for others.

Chair Barbara Curtis stated that comments had been made that debris from the LaReeve was going across the Intracoastal, and therefore, they were affected by the debris. Mr. Barton explained that cities affected by wind problems had not been able to arrive at code provisions defining how to deal with such situations. He stated it could affect the wind patterns on the ground, but to determine that was a very expensive proposition.

Chair Barbara Curtis asked what was the zoning along the Sunrise Intracoastal neighborhood along the eastern side of Intracoastal Drive. Mr. Barton replied that interior lots were RS-8, and he believed that area was RS-4.4 which was the lowest density for residential and had larger setbacks. Chair Barbara Curtis further asked if the setback with a 2-story building was a true setback. Mr. Barton stated it was an unusual situation in what had been proposed. He referred to the table in staff's report.

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 to approve the application per staff's recommendations.

Mr. Barton added that the City had the ability to approve a building up to 150'. Mr. McCulla stated the discussion regarding the roof amenities was debatable, but technically the building would be 130' in height if the strict interpretation was followed regarding the roof amenities. Mr. Barton explained that if there was habitable space, the upper roof deck would make the building 130' in height and the setbacks would be 65'. Chair Barbara Curtis reminded everyone that the application only stated 130' for height of the building. Mr. Barton confirmed and stated they could not permit the extra habitable space because it had not been requested. Therefore, the use had to be eliminated and made a condition.

Ms. Crush stated that it had originally been determined that the space would not be habitable and they would accept such a condition.

Chair Barbara Curtis stated that if the situation was going to be open to discussion, then they would have to include the noise issue. Mr. Barton reiterated that the Board could impose the condition that the roof house only the mechanical equipment and no habitable space would be provided.

Motion made by James McCulla and seconded by Carolina Wiebe to approve the application per staff's recommendations, and that there be no habitable or otherwise useable areas on the roof other than the mechanical equipment, and that no live-a-boards be permitted at the docks.

Chair Barbara Curtis felt there was no need to defer this matter. She stated the vote being taken was on the motion to defer the item.

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

Judith Hunt stated that she wanted to abstain from voting on the next motion because she felt she was not in possession of the appropriate information since staff had not made any further determinations. Mr. Dunckel stated that abstaining was not an option. Ms. Hunt further stated that unless she had complete information, she felt she was denying the applicant their due process.

Mary Fertig stated that the Board had previously decided no last minute information could be submitted to the Board, and added that she had spoken to several residents on Bayshore Drive who commented how bad it was to live in the area at this time. She stated that she could not support this project because there were many of quality of life issues involved for the neighborhood.

Ms. Wiebe stated that her concern was in regard to the rear setback. She stated that she had been convinced that the side setbacks were reasonable. She added that she too could not support this project.

Chair Barbara Curtis stated that she had concerns on various issues, but one area in particular was the waterway use. She proceeded to read the Code section regarding such issues. She added that the aerial had showed a cumulative negative impact for the neighborhood. She felt the testimony of the residents showed the project to be incompatible with the area.

Ms. Wiebe further stated that she appreciated the side treatments made around the building. Ms. Rodstrom stated that she agreed with staff in that the proposal failed to significantly address the bulk, controls, mass and guidelines regarding neighborhood compatibility. She added that she could not support this project.

Ms. Fertig thanked the applicant for a professional presentation, but stated she had concerns what this project would do in regard to the overall character of the area.

Roll call showed: YEAS: James McCulla. NAYS: Charlotte Rodstrom, Judith Hunt, Mary Fertig, Alan Gabriel, Carolina Wiebe and Barbara Curtis. Motion failed 1-6.

Motion made by Alan Gabriel and seconded by Charlotte Rodstrom to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at 12:24 a.m.

CHAIRPERSON

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.