

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

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

<b><u>Board Members</u></b>	<b><u>Attendance</u></b>	<b>(P)</b>	<b>(A)</b>
<b>Barbara Curtis, Chair</b>	<b>P</b>	<b>19</b>	<b>0</b>
<b>Gerry Cooper</b>	<b>P</b>	<b>17</b>	<b>2</b>
<b>Carolina Wiebe</b>	<b>P</b>	<b>17</b>	<b>2</b>
<b>Kenneth Hawkins</b>	<b>P</b>	<b>15</b>	<b>4</b>
<b>Mary C. Fertig</b>	<b>P</b>	<b>19</b>	<b>0</b>
<b>Alan Gabriel</b>	<b>P</b>	<b>17</b>	<b>2</b>
<b>James McCulla</b>	<b>P</b>	<b>17</b>	<b>2</b>
<b>Charlotte Rodstrom</b>	<b>P</b>	<b>10</b>	<b>1</b>
<b>Judith Hunt</b>	<b>P</b>	<b>2</b>	<b>0</b>

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

**Legal Counsel:** Sharon Miller, Assistant City Attorney

**Court Reporting Service:** Margaret D'Alessio

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

Chair Barbara Curtis called the meeting to order at approximately 6:35 p.m. with Alan Gabriel leading in the Pledge of Allegiance.

Chair Barbara Curtis proceeded to introduce the Board Members, along with City staff 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 November 19, 2003 Meeting. Board unanimously approved.

**Rescheduling of the January, 2004 Meeting**

Chair Barbara Curtis stated that the next meeting of the Planning and Zoning Board would be held on Thursday, January 22, 2004 at 6:30 p.m. She explained the Board had voted last month to change the meeting due to the Martin Luther King Holiday.

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

Chair Barbara Curtis stated that there was a request from the applicant to defer this item until February 18, 2004.

**Motion** made by Alan Gabriel and seconded by James McCulla to defer this item until February 18, 2004. Board unanimously approved.

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

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

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

Chair Barbara Curtis stated that there was a request to defer Item Nos. 4, 5, and 6.

Chris Barton stated this was a staff-driven request in order to provide City staff, Airport staff, and the Consultant additional time to work with the applicant in order to develop the language for the easement.

Mary Fertig entered the meeting at approximately 6:39 p.m.

Robert Lochrie, representing the applicant, stated that they agreed with staff's recommendation, and that progress was being made in order to resolve the issue.

**Motion** made by Alan Gabriel and seconded by Gerry Cooper to defer Item Nos. 4, 5, and 6 until January 22, 2004.

Chair Barbara Curtis announced that those items would be listed as the first items on the January agenda.

Roll call showed: YEAS: Mary Fertig, Alan Gabriel, Gerald Cooper, James McCulla, Charlotte Rodstrom, and Barbara Curtis. NAYS: None. Motion carried 6-0.

7. **City of Fort Lauderdale** **Bruce Chatterton** **9-T-03**

Request:\* Amend ULDR Section 47-13.20, *Downtown RAC Review Process and Special Regulations* to provide requirements for the allocation of any dwelling units in excess of the 5,100 dwelling in the Downtown RAC authorized to be allocated by the City's Comprehensive Plan. These regulations are proposed to Include a requirement that any development proposing to utilize any of the dwelling units in excess of the 5,100 must meet the design guidelines that are a part of the City's Consolidated Master Plan as approved by the City Commission

Chair Barbara Curtis announced that this item had been withdrawn.

Gerald Cooper stated that he had sent a fax to Sharon Miller, Assistant City Attorney, questioning whether a Motion to Defer to a time certain would require the public hearing to be closed. He asked if a report could be given at this time.

Sharon Miller, Assistant City Attorney, replied that she was in the process of preparing her answer and Mr. Cooper should receive it tomorrow. She stated that at this time the practice had been to allow a Motion to Defer at any time when an item was being considered.

Gerald Cooper clarified that at the last meeting he had made a Motion to Defer, and the Assistant City Attorney at that meeting, had stated that the public hearing had to be closed for such a motion to be made.

1. **Maison Saint-Antoine, LLC/** **Angela Csinsi** **13-P-03**  
**Old Progresso Village**

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

Rene Lepine, owner, stated that he had been asked to represent the owners in the area, along with representing the Progresso Village Homeowners Association in this matter.

Carolina Wiebe entered the meeting at approximately 6:44 p.m.

Mr. Lepine continued stating that they were asking to have the alley closed, since all the remaining alleys had previously been vacated. An area map was shown to the Board. He stated that the land was vacant except for two homes which had been built in the '20's and their fences extended through the alley for quite some time. He stated they were in the process of building new homes on the properties, and were erecting fences in the rear of the homes for security purposes since it was a transitional neighborhood. He stated if the alley was not vacated, it would create a 15' corridor which could create problems.

Angela Csinsi, Planning and Zoning, stated that this request had been reviewed at the September 23, 2003 Development and Review Committee Meeting, and all comments had been addressed. On September 18, 2003, the matter was reviewed by the Property and Right-of-Way Committee, and approval had been granted subject to the condition that the utilities would be retained in an easement, or arrangements made for relocation. She stated that staff had determined that the proposed vacation met the criteria in Sec. 47-24.6. If the Board approved the application, the following conditions were recommended by staff as follows:

1. A utility easement shall be retained within the vacated segment of the street.
2. If any relocations were required, the full cost shall be borne by the applicant and the relocation plan shall be reviewed and approved by the Engineering Department.
3. Final DRC approval.

Ms. Csinsi further stated that the Board would be making a recommendation to the Commission regarding this matter.

Gerald Cooper stated that in the document entitled "*Building A Liveable Downtown*," it stated that alleys should not be closed. He asked how staff would justify their recommendation based on this document.

Ms. Csinsi stated that the document recommended against closing alleys, but it did not state that it could not be done. She explained that in this circumstance, the alley was not needed for public purpose.

Chris Barton pointed out that this site was not located within the Downtown District, and therefore, the Master Plan technically would not apply, and it was not a City-wide recommendation. He added that this site was about 3 blocks west of the Downtown.

Mr. Lepine stated that one of the comments from the Parks Department was that they wanted to use this as a pedestrian access to a park they were anticipating to acquire. He stated that the Department had not been aware that they were installing sidewalks around the new homes, but once that point was made to them, they did not feel the area would be needed for access. He further stated that there were telephone poles down the middle of the alley, and it was not accessible for automobiles or other vehicles.

Chair Barbara Curtis proceeded to open the public hearing.

Ron Centamore stated that his property backed-up to this alley. He explained that actually no alley existed at this time and the backyards met. He stated their concern was that if the alley was not vacated and a fence was erected, they would create an alleyway and since the area was transitional it could create more problems. He urged the Board to approve this application.

Andrew Schenfield stated that they were working hard on their neighborhood, and the alleyway would cause them additional problems.

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.

Charlotte Rodstrom asked if the vacation was granted would it mean that the alley would be divided equally between the residents and the developer. Mr. Lepine confirmed.

**Motion** made by Alan Gabriel and seconded by James McCulla to approve the application as presented per staff's recommendations.

Gerald Cooper stated that he felt service alleys were important, and therefore, would vote against this request.

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

<b>2.</b>	<b><u>Susan Prescott</u></b>	<b>Kevin Erwin</b>	<b><u>8-P-03</u></b>
	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	

Susan Prescott stated she was asking to vacate a portion of SW 6<sup>th</sup> Avenue between 10<sup>th</sup> and 11 Streets. She stated that the other portion of SW 6<sup>th</sup> Avenue had already been vacated. She advised that she had met with DRC and the Property and Right-of-Way Committee and all issues had been addressed.

Ms. Prescott stated she wanted to make some improvements to the property, and currently it was sitting as a vacant lot. She stated further it was barricaded at this point in time. She also stated that they wanted to secure the site, and they had been asked by the Parks Department to deed over the property as a park. She advised that the Parks Department could not offer security for the park after hours.

Chair Barbara Curtis asked what lots were owned by Ms. Prescott. Ms. Prescott replied she owned Lots 43 and 24.

Kevin Erwin, Construction Services, stated that this was a request to vacate a portion of SW 6 Avenue between the east/west alley and SW 10<sup>th</sup> Street. He explained that the

franchise utilities had reviewed this request, and had no objections. He stated that BellSouth and FPL indicated they wanted a 5' easement along the north portion of the area to be vacated. He stated the Property and Right-of-Way Committee had no objections to the request.

Mr. Erwin stated that if the Board approved this application, staff recommended that provisions satisfactory to the City Engineer be included to protect the public utilities in the area, and that a utility easement satisfactory to both the City and the franchise utilities be dedicated and recorded prior to the vacation, and that they receive final DRC approval. He further stated that the City was in receipt of 3 letters of opposition to this request, and 1 letter in support of the proposal.

Mary Fertig asked what type of development would be permitted at this site. Mr. Erwin replied that the property was located within an RD-15 zone which permitted single-family, duplex, and cluster dwellings.

Chair Barbara Curtis asked what was the entire width of the parcel. Mr. Erwin stated he believed the right-of-way was either 40' or 50' in width, and he believed the lots on either side were 50'. Chair Barbara Curtis asked if staff had procured a copy of the master plan for the neighborhood. Mr. Erwin replied he had not received one. Chris Barton stated that they could not locate a copy of the master plan which had been developed in the late '80's.

Carolina Wiebe stated that the applicant had referenced other portions of 6<sup>th</sup> Avenue which had been vacated, and asked for those portions to be shown on the map. Ms. Prescott stated that the portions previously vacated were between SW 9<sup>th</sup> and SW 10<sup>th</sup>, including the portion on the opposite side of SW 11<sup>th</sup>. She added that access to the alley was from SW 8<sup>th</sup> and SW 4<sup>th</sup>.

Ms. Wiebe stated that in the backup information, it stated that the applicant had requested this vacation was not only for irrigation purposes, but to construct a pool and a needed garage. Ms. Prescott added that the pool was already in the process of being constructed, but that there was no place for a garage on the property.

Wendi Malone stated that the garage would be built on their lot. She added besides the garage, they wanted to build an addition to their home. She reiterated they were asking for the same opportunity that had been granted to other homeowners in the area.

Chair Barbara Curtis stated that in the actual application, it stated that "...the purpose for which the proposed vacated right-of-way would be used was to make room for an inground swimming pool and a much needed garage." Ms. Prescott stated they could not begin building the garage because there was not enough room on the property. She reiterated the garage was for the property owner located at 521 SW 11<sup>th</sup> which was owned by her daughter, Wendi Malone. Ms. Prescott clarified the pool would be located on Lot 43, and the garage would be located on Lot 24.

Ms. Wiebe stated that there were letters in opposition, and she asked what were their objections. Mr. Erwin replied that one person wanted the open land in Tarpon River to remain, another person was concerned about green areas, and the third individual was also concerned about disappearing green spaces in the neighborhood. Ms. Wiebe asked if there were any police reports available alluding to criminal activity in the area. Mr. Erwin stated that none were submitted as part of the application.

Charlotte Rodstrom asked if they were actually vacating a street which was no longer a street, and asked how wide was the portion they were requesting to have vacated. Mr. Erwin stated it was about 50' and had never been paved or developed. Ms. Rodstrom asked why they were not pursuing the park idea, and was it because of lack of security. Mr. Erwin stated that staff did not state that they would not be interested in a park.

Sharon Miller, Assistant City Attorney, clarified that when there was a dedicated right-of-way, the City could not choose to turn it into a park because it would be an abandonment from its use for which it had been dedicated. She stated they could look into pedestrian travel ways, but technically not into a park.

Mary Fertig asked when the other vacations had occurred which had benefited the other 5 property owners referenced. Ms. Prescott stated she had a letter regarding the portions between SW 9<sup>th</sup> and SW 10<sup>th</sup> which had been vacated in 1997.

Ms. Wiebe asked how the property was currently being defined. Ms. Miller explained that it was a right-of-way until it would be vacated. Ms. Wiebe asked who was responsible for the landscaping at the site. Chris Barton replied that various property owners took care of the landscaping. He explained there were many areas in the City which were dedicated right-of-ways that had never been improved and were not being planned for improvements. He stated they had been platted that way years ago, and the roads were never developed. He explained in this case there were some large trees in the area, but it had not been designed or improve as green or open space, other than by the residents adjacent to the property. He stated the fact that people used the area to walk through was something the residents in the area had chosen to do, but it was not a formal planned walkway.

Mr. Erwin stated that he believed the Parks and Recreation Department had planted some of the trees in the right-of-way at the neighborhood's request.

Chair Barbara Curtis proceeded to open the public hearing.

Sara Horn stated that she was speaking on behalf of the Tarpon River Civic Association. She continued stating that this particular right-of-way had been considered in their master plan which had been approved by the City Commission in 1989. She further stated that this property had been used as a pedestrian right-of-way because there was no other way to get from 11<sup>th</sup> Street to 10<sup>th</sup> Street without either going to 4<sup>th</sup> or 8<sup>th</sup> Avenues. She stated the residents wanted to keep this as a right-of-way, and they did not see any need for the vacation. She proceeded to show a photograph of herself at age 2 in the front yard of 701 SW 11<sup>th</sup> Street, and the trees were above the houses at that time and were probably about 100 years old. She added that all of a sudden last year all 7 trees had died. She stated the City had replanted the trees.

Ms. Horn added that the owner's husband had approached the residents 3 years ago about vacating, and the residents at that time had informed him that they would not consider giving away City property. She further added that she had received statistics from the Police Department, and stated that Tarpon River had one of the lowest crime rates in the City. She added that Ms. Prescott lived in Pembroke Pines and no work had been done on the pool since they had started the action for not having the area vacated. She reiterated that the neighborhood was against this vacation.

Kenneth Hawkins entered the meeting at approximately 7:16 p.m.

Ms. Horn proceeded to show photographs of the commercial vehicles that were parked in the vicinity. She reiterated that the sewer mains were under the right-of-way, and it could only be used for a driveway or a setback.

Reed Morgan, President of Tarpon River Civic Association, stated that he wanted to thank the City for the process because otherwise the residents would not have been aware of this situation. He added that the Association had denied the applicant's request because they wanted to maintain as much green space as possible in the area. He added further that there were 7 significant pieces of right-of-way along the river known as greenways. He stated the residents and the Parks Department maintained those areas, and it was their intent to improve those areas. He stated that the Tarpon River Civic Association wanted to maintain the right-of-way. He stated that the police had mentioned that Tarpon River was the most boring statistical police blotter.

James McCulla asked if the portion of 6<sup>th</sup> Avenue between 9<sup>th</sup> and 10<sup>th</sup> Streets was used as a pedestrian walkway. Mr. Morgan stated it was not currently being used because it had been blocked off by fences. Ms. Horn stated that she had been the master plan coordinator and had sat on the traffic committee. She explained that the vacation between 9<sup>th</sup> and 10<sup>th</sup> Streets came about after the master plan had been approved by the City, and had been used as a cut-thru to circumnavigate the street closures. She stated the people who had lived there had not requested to have it vacated, but the neighborhood had gone to them. She stated the people really did not want that because it was more for them to pay taxes on, but it was necessary. She remarked that their traffic pattern would not have been any good without it. She further stated that the public could use it and many people had walked it.

Mr. McCulla asked if there was any deed restriction which prohibited the owners of Lot Nos. 1, 11, 15 and 30 from building on the property. Ms. Horn reiterated that the City had put the sewer main through there. Mr. McCulla stated he was struggling to understand why the conditions there were different than the conditions in the next block going south. Ms. Horn stated there had been a rock road between 9<sup>th</sup> and 10<sup>th</sup> Streets that the people had used.

Mr. Morgan stated that 9<sup>th</sup> Street was dead-ended at 4<sup>th</sup> Avenue. He continued stating that in the traffic study of the master plan that was to be a cut-thru to get over to 10<sup>th</sup> Street in order to get to 4<sup>th</sup> Avenue. In order to prevent that, the idea was to close it and make everyone drive to 8<sup>th</sup> Avenue to get to 10<sup>th</sup> or 11<sup>th</sup> Streets. Mr. McCulla added that the residents could walk there. Mr. Morgan stated they were in a transition of what was happening in the neighborhood since there were no sidewalks. He stated that made the alleyways very important. He stated they were working with the City in an attempt to put in parks and develop pedestrian walkways. He stated they wanted to go on record saying that they wanted to maintain green space, pedestrian walkways, and whatever else could be done to enhance the livability of an urban environment. He reiterated that this was the Downtown Urban residential area with no sidewalks.

Charlotte Rodstrom stated that when she went to the area to view the situation, it appeared that most of the homes were single-story cottage bungalow type homes. She did not think it was too much to ask for the one portion to be granted as an easement or a right-of-way since other portions had been previously closed. It appeared this area was the only remaining portion to be used for green space.

Gaylord Wood stated that this property had been platted by Frank Croissant in 1924 and dedicated for the use of the public forever.



Judith Hunt entered the meeting at approximately 7:31 p.m.

Mr. Wood continued stating that he and his wife walked on this property and enjoyed the small oasis of green space. He explained that most of the homes were "cookie cutter" houses and this property was an oasis of green space and had been a pine oasis until the mysterious death of the trees. He further stated that nothing would be more repugnant to the residents than handing over a \$100,000 building lot to the applicants at no cost. He stated if they "stepped up to the plate" and agree to meet the City's budgetary crisis by paying market value for the property, then possibly their attitude would be different. He reiterated that the applicant wanted the lot at no cost. He suggested that the City needed to change their rules so before the committees reviewed these applications, the residents would be made aware of the requests. He felt the same posting requirements which applied for this Board would also apply to the other committees. He urged the Board not to give away City property.

Chair Barbara Curtis stated that the DRC agendas were sent to the civic associations, and were posted on the City's web site. Mr. Wood reiterated that no signs had been placed on the property. He suggested that the neighborhoods be apprised of what was happening.

Gerald Cooper asked if there were any requirements for posting signs regarding such matters. Ms. Miller explained that the sign noticing this meeting and City Commission meetings had to be posted, but there was no requirement for notice for DRC meetings or Right-of-Way Committee meetings which were internal staff meetings. She added that notices had to be posted regarding vacations, along with mail notifications.

Mr. Wood added that he was outside of the required 300' and had not received any notification. Mr. Cooper asked if there had been a sign posted within the last 2 weeks. Mr. Wood replied there was a sign, but had he known of the earlier meetings, he would have raised his concerns sooner. He felt the community needed to be heard at all levels of government.

Mr. Cooper asked if the civic associations wanted signs posted prior to this meeting, the ULDR would have to be changed. Ms. Miller confirmed. Mr. Wood suggested that such changes be made. He felt if something was on the horizon, the residents needed to be informed. Mr. Cooper suggested that the residents contact their City Commissioner.

Dave Rhenquist stated that signs should be posted. He stated that his grandmother had been fighting to get their side vacated also. He stated she had written many letters, but never received a response. He stated he now owned the property. He further stated that the residents did not kill the trees, but they had been killed by beetles. He stated that the powerlines went through the alleyway, and there was no reason for trucks to go through the area. He stated there was a 5' easement for BellSouth and no one ever walked through the area. He remarked that the barricades had been installed in order to stop the through traffic. He stated the other portions had already been vacated, and he saw no reason why this should not be done. He urged the Board to approve this application.

Charlotte Rodstrom asked if he was talking about the 6<sup>th</sup> Avenue right-of-way. Mr. Rhenquist confirmed and stated it had been blocked off with concrete poles. He reiterated that cars still went through the area.

Tracey Young stated that they were all upset when the pine trees had died, but were old and more susceptible to disease. She stated that 6<sup>th</sup> Avenue had never been maintained by the City. She stated this was an old area of the City. She felt the applicants would maintain the property.

She reiterated that even though the civic association stated they supported this property to be maintained as a green space, it did not mean that everyone agreed. She reiterated that she was in favor of the vacation.

Duncan Young stated that he was in support of this vacation.

John Haagenson stated that he was in support of the vacation. He also stated that he had lived in the area for 3 years and his grandparents had lived there for over 20 years, and they did not see a lot of pedestrian traffic going through the area at this time. He stated they walked through the alley, but did not walk between SW 10<sup>th</sup> and SW 11<sup>th</sup> Streets.

Gloria Reese stated that she had lived in the area since 1994, and wanted the area to remain as open space and a pedestrian right-of-way. She stated it was used by people going through the neighborhood from 11<sup>th</sup> Court.

Jacquelyn Reece stated that she was a walker and used the area and wanted the property to remain as green space.

Mike Misasham stated that he wanted the property left as green space and pedestrian right-of-way. He stated he did not see any crime taking place in the area.

Clyde Horn stated that in 1955 relatives of his had played on this lot. He reiterated that it had always been used for walking dogs, a playground, or pedestrian right-of-way. He stated he did not see any reason for giving up the green space.

Scott Park stated that he owned Lot No. 25 and used the area as a pedestrian walkway.

Don Behringer stated he owned Lot No. 27 and that he and his family walked through the area all the time, and they preferred the property to remain as green space.

Lisa Aprea stated that she hated to see loss of the green space and remarked that the area was changing. She further stated that it was a piece of property which could be improved for pedestrians.

Robert Shipman stated that he lived in the area since 1949 and used the alleyway. He added that he did not want to see green space destroyed and pretty soon they were going to be a City of concrete. He stated that people had devoted a lot of time in creating their master plan. He felt the City had let them down, and he was against giving away the area. He felt citizens should have more input regarding what they wanted and needed. He reiterated that he was against giving away this green space.

Andy Ziffer stated that the County had been trying to buy property in the neighborhood for the establishment of pocket parks. He reiterated that green space should be maintained.

Ms. Prescott stated that they had done nothing to harm the trees which had been in the area. She reiterated that after her daughter had bought their house, they had maintained this lot. She stated that the residents were acting as if they were attempting to build a "monstrous cement castle" on the lot. She stated they were going to improve the area. She stated she would not be reinvesting money to rehabilitate her property if she was going to turn around and sell it to a developer. She stated that most of the individuals who had spoken this evening owned large pieces of property or multiple lots which they could sell if they wanted to at this time. She stated

she had no right to stop them from doing that. She further stated that they maintained the property themselves, and reiterated that she had letters from 5 property owners in the immediate area stating they were not opposed to this vacation. She further stated that the trees had died of natural causes, and her daughter had asked the City to look at the trees and take care of them. The City then made the determination to remove the trees due to having been infested with bark beetles.

Ms. Prescott proceeded to show photographs of the site when she made application for the property. She stated the trees had been replaced, and she had asked the City why they had replaced 7 trees with 17. Then, about one day later the City came and removed all the trees. She stated that this request was being made due to the security of her family.

Charlotte Rodstrom stated it was nice to have such a large amount of property between the two homes, but she did not think that the community was making this a personal attack. She felt the residents were concerned about development since it was now coming down that avenue. Ms. Prescott stated that they just wanted the same consideration which had been given to the other 5 property owners. The owners did not pay any fees to the City for the vacation. She stated that she had met with the Civic Association Board, and as of this date they had not yet given her an answer regarding her request.

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.

Chair Barbara Curtis asked why the public was permitted to come and make their comments on these items.

The Assistant City Attorney explained that this was a vacation of right-of-way process where a public hearing was held, and notice given so individuals could comment on whether this application met the criteria for such a vacation.

Mary Fertig stated that she could not support this request, and she felt people were concerned because of future development. She felt they needed to look at public property differently. She stated there was green space in the area and they needed to be concerned about future density.

Carolina Wiebe asked what were the side setbacks for properties in this area. Mr. Erwin stated that RD-15 for single-family homes were 5', and also 5' for duplexes and cluster dwellings. Ms. Wiebe stated if this vacation was granted, they could then build up to 5' from the center line of the vacated property. Mr. Erwin confirmed.

Chair Barbara Curtis stated that they were required to review Section 47-24.6, and one of the criteria to be considered was that the right-of-way was not used for public purpose, and that the closure would not adversely impact pedestrian traffic. She felt the testimony at tonight's meeting was that this part of the avenue was presently being used.

**Motion** made by Alan Gabriel and seconded by James McCulla to approve the application as presented per staff's recommendations.

Gerald Cooper stated that he was not in favor of this request, and he stated that his record showed that he rarely voted for vacating an alley and to vacate an avenue would be outrageous.

He reiterated that it was a full size lot and appeared to have had a lot of use, and possibly could be put to better use in the future. He felt it would not make sense to vacate this property.

Roll call showed: YEAS: None. NAYS: Kenneth Hawkins, Gerald Cooper, Carolina Wiebe, James McCulla, Charlotte Rodstrom, Judith Hunt, Mary Fertig, Alan Gabriel, and Barbara Curtis. Motion failed 0-9.

8. **Fifth Avenue Partners, Ltd./Bank**                      **Lois Udvardy**                      **96-R-03**  
Request:\*\*      Signage Approval/RAC-CC  
                            First Federal of Broward,  
                            P.B. 94, P. 20 Revised and  
                            Additional Plat of Stranahan's  
                            Subdivision, P.B. 3, P. 187  
                            M.A. Hortt's Subdivision, P.B.  
                            2, P. 3  
Location:              401 E. Las Olas Blvd.

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

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

Sharon Miller, Assistant City Attorney, explained that certain items on the agenda were considered quasi-judicial which meant there was a procedure that the items were treated similar to Court matters, but with less formality. She further stated that the case would be presented, people sworn in that were going to speak, the Board would disclose any communications or site visits in regard to the property, and anyone testifying could be cross-examined. Also, exhibits would remain as part of the record.

Disclosures were made by the Board as follows: Mary Fertig stated that she had spoken with Mr. Lochrie. Alan Gabriel stated he had also spoken with Mr. Lochrie. Charlotte Rodstrom stated that she had been to the site. Barbara Curtis stated she had been to the site and had also spoken with Mr. Lochrie.

Robert Lochrie, attorney, stated that he was representing the applicant. He stated further that the ULDR provided for a special provision regarding signs in the Downtown RAC. It specifically provided that due to the unique character of the Downtown RAC signs could be approved by the Planning and Zoning Board subject to a City Commission call-up. He stated they were requesting the addition of the bank's logo beneath their name sign on the back of their building located at 400 E. Las Olas Boulevard. He explained that the logo was a very important part of their corporate identity, and provided an important corporate element to the building and helped to balance out the building. He proceeded to show a two-dimensional graphic of the site.

Mr. Lochrie explained that the building had turrets which arose on either side of the bank's name, and their intent was to place their logo beneath their name. He stated that generally signs were required to be 25% of the façade of a building, up to a maximum of 300'. He stated this sign was different in various ways because it was located very high on the building, and reiterated that the sign was not seen from the street level and only seen from far distances. Secondly, he stated that it was a large building and the sign represented a small percentage of the overall building size. He pointed out that the City's measurements of the sign took into account the overall size of the sign, including blank space between the corporate logo and the

name itself. He explained if one took just the name portion, adding the corporate logo portion, the total sign area would be 332' which was slightly over what was permitted elsewhere in the City. He proceeded to show a view of the building with and without the sign.

Lois Udvardy, Planning and Zoning, stated that the special sign regulations under Section 47-22.4 stated as follows:

“When a sign is proposed to be erected which does not comply in all respects with the sign code in the Downtown RAC and the Beach, it can be reviewed as a Site Plan Level III by the Planning and Zoning Board.”

Ms. Udvardy stated that the way the sign was measured had taken in a lot of the area around the perimeter of the sign, and between the existing sign and the logo. She stated that staff's determination was that the addition of the corporate logo would not have a negative impact on the character of the Downtown City Center. She stated if the Board approved this request, the following conditions would apply:

1. Site Plan approval shall be valid as provided in ULDR Section 47-24.1.M.
2. Final DRC approval.

Ms. Udvardy stated that due to a concern by a staff member, they had also added a condition that FAA review and confirm that the addition of the illuminated logo would not cause a hazard for air navigation.

Charlotte Rodstrom stated she realized the logo would be more visible from far away, but if one looked at it from the south end there was a condominium looking directly at that sign, and asked if that had been considered by staff. Ms. Udvardy replied that the blue portion of the sign already existed, and the sign contractor could provide more details as to whether the logo would be more illuminated than the existing sign.

Michael Sedello, Art Sign Company, stated that the amount of light which the sign casts in front of it would not reach the condominium across the way. He explained that it was not a neon sign where there was an increase in brightness, but it was covered with a film which created the red color.

Carolina Wiebe stated that they were looking at two separate requests. One was a different way of interpreting the amount of area involved. Mr. Lochrie replied that he was not suggesting that they calculate it differently, but was suggesting that it was a justification for the request for the additional sign. He explained that they were not appealing the decision of the interpretation of the City Code. He stated that the actual sign area totaled 332'. Ms. Wiebe stated they were requesting to go above the 300' for the second portion of the sign, and she asked if they could leave one of the two ways of interpreting the Code fixed, which was to go ahead and permit them to calculate by looking at the letters, establishing the square footage, and then establishing the square footage of the logo and have the figures total 300'. She asked if that would reduce the size of the logo. Mr. Lochrie confirmed and stated that the sign would be smaller. He further stated that he believed the intent was that in looking at the space between the turrets, it appeared to be the correct size for the area. He stated if the sign was shrunk, they would do so proportionately. Ms. Wiebe reiterated that she would prefer that they stick to 300' and interpret the calculation of the sign as proposed.

Chair Barbara Curtis asked what size would the sign then be reduced to. Ms. Wiebe stated they would have to make sure that they were within the 300'. She further stated that they would be establishing precedent for future buildings.

Mr. Lochrie stated that the suggested changes would bring the corporate insignia portion of the sign down to about 8' 9" x 10' 2 1/2" which would be smaller. He stated they would be agreeable to do that. He stated the request was made for a sign of 10' x 12'.

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

Alan Gabriel asked what the dimensions would be for the sign. Mr. Lochrie stated it would reduce the corporate logo section from about 123 sq. ft. to about 90 square feet, but it would not be of the same proportion with what was currently there.

Mr. McCulla proceeded to leave the meeting at approximately 8:15 p.m.

**Motion** made by Gerald Cooper and seconded by Alan Gabriel to approve the application per staff's recommendation.

Mr. Cooper explained that his motion encompassed the sign at its full size, and not the reduced size. Charlotte Rodstrom asked if the logo could not be placed on the south side so it would not abut against the residential building. Mr. Cooper stated he felt the motion he made was fair and would not accept any amendments. He reminded everyone that the signs were far up into the air.

Roll call showed: YEAS: Gerald Cooper, Judith Hunt, Mary Fertig, Alan Gabriel, and Kenneth Hawkins. NAYS: Carolina Wiebe, Charlotte Rodstrom and Barbara Curtis. Motion passed 5-3.

<b>9.</b>	<b><u>Ira Lang/Jersey Mike's Subs</u></b>	<b>Mark McDonnell</b>	<b><u>83-R-03</u></b>
	Request:**	Parking Reduction/B-1	
		Coral Ridge Addition, P.B.	
		41, P. 47, Block 12, S 1/2 of	
		Lot 15 Block 12, Lots 16 & 17	
	Location:	5441 N. Federal Highway	

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

The Board made the following disclosures: Carolina Wiebe had been to the site. Barbara Curtis stated that she had been to the site.

Tom Hall, Miller Consulting, stated that they were the traffic engineering firm which had done the traffic study for this property. He stated that this property was known as Federal Plaza and had been in existence since about 1975. He further stated that there were 56 parking spaces, and 31 of those were located in the front, and 25 in the rear of the property. He explained that a number of uses at the site did not create a large demand for parking. Mr. Hall stated they were seeking approval for a sit-down eating facility and a parking study had been done which demonstrated that even under the most conservative of assumptions, additional parking spaces existed beyond what was required by Code.

Mark McDonnell, Planning and Zoning, stated that staff concurred with the statements made by the applicant. He explained the restaurant at this time was approved only as a take-out facility. He explained the applicant was proposing to add 40 seats to the site. He stated that the Plaza required 62 parking spaces, and adding the tables would increase the requirement to 71 parking spaces. He stated that currently there were 56 parking spaces, which was a reduction of 20.8%. On October 6, 2003, staff had visited the site, and the application was presented to the Development Review Committee on October 7, 2003, and all issues had been addressed. He stated that the City's traffic consultant, Tinter Associates, who concurred with the parking analysis that was submitted, and supported the request for the parking reduction. He added that the applicant had contacted Knoll Ridge who supported this reduction and the increase intensity of the use for a sit-down restaurant.

Mr. McDonnell reiterated that all criteria had been met by the applicant, and if this Board approved the parking reduction, staff recommended the following conditions be applied:

1. Appropriate signage to be installed within the front parking areas to ensure that patrons of the retail center were aware of the parking available in the rear of the building.
2. That all parking spaces, except those reserved for handicap spaces, remain within the general pool of available parking spaces without the possibility of reservation for any businesses located within the Plaza.
3. The parking reduction order was to be executed and recorded in the Public Records of Broward County at the expense of the applicant prior to final DRC.
4. The applicant was to apply for a building permit within 18 months and that the permit be issued within 24 months.
5. Final Development Review Committee approval be obtained.

Chair Barbara Curtis proceeded to open the public hearing.

Mr. Hall stated that they agreed with staff's conditions.

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 Alan Gabriel and seconded by Carolina Wiebe to approve the application as presented per staff's conditions. Roll call showed: YEAS: Carolina Wiebe, Charlotte Rodstrom, Judith Hunt, Mary Fertig, Alan Gabriel, Kenneth Hawkins and Barbara Curtis. NAYS: Gerald Cooper. Motion passed 7-1.

<b>10.</b>	<b><u>Alfredo Leon/The New Fort Lauderdale</u></b>	<b>Don Morris</b>	<b><u>94-R-03</u></b>
Request:**	Site Plan Approval/Cluster Homes/ RD-15 Lauderdale Beach Extension, Unit B, P.B. 29, P. 22 Block 17, Lots 17 & 18		
Location:	2512-2520 NE 32 Avenue & 3210 NE 26 Street		

Chair Barbara Curtis announced that this matter was also quasi-judicial. The Board made the following disclosures: Mary Fertig had been to the site. Gerald Cooper had been to the site.

Carolia Wiebe had been to the site. Charlotte Rodstrom had been to the site. Barbara Curtis had been to the site.

Individuals wishing to speak on this item were sworn in.

Gus Carbonell, architect, stated that this project consisted of a 6-unit cluster development which had been split into 2 buildings with 3 units each. He explained there was a 10' gap between the buildings, and proceeded to show a rendering of the project. He explained further that all the criteria of the ULDR had been met. He stated that there were different zonings in the immediate neighborhood. He explained that this project consisted of 3 stories, and proceeded to show photographs of buildings in the area which consisted of more than one story. He stated they also had met the compatibility requirements of the ULDR.

Mr. Carbonell continued stating that the properties adjacent consisted of one-story rental apartment buildings which had been built in the '60's and '70's and were now substandard according to today's housing standards. He further stated they needed to also look at today's present economic conditions because maintaining these properties in areas where taxes had soared was no longer feasible. He stated that more redevelopment would be occurring in the area. He explained the height of this project was 35'. He stated the third floor appeared objectionable to staff and had been strategically placed in the center of the building.

Don Morris, Planning and Zoning, proceeded to show a map indicating the lot numbers of the buildings in the area. He explained the applicant had submitted a narrative which showed how the proposal complied with adequacy requirements. He stated that staff agreed with the summary. He explained they had also submitted a narrative addressing how the proposal complied with neighborhood compatibility. He proceeded to read from Section 47-25.3.A.e which was shown as Exhibit 2 in the Board's materials.

Mr. Morris stated that the applicant had addressed the building's orientation in their narrative, but had failed to address the mass and scale of the project, along with its compatibility with surrounding buildings except for a recently improved cluster development which was catty-corner to this property and on one lot. He stated the predominant development pattern for this area was one-story residential structures, and all on one platted lot. He stated the proposal was for two 3-story, 35' high structures on two platted lots. He explained there was no discussion in the narrative of existing heights or the massing of adjacent properties. He stated further that no mitigation efforts had been discussed to address potential impacts resulting from the differences. As a result, staff found this proposal as not being compatible with the mass and scale of neighboring properties.

Mr. Morris continued stating that staff had four possible ways to improve the project in regard to compatibility which would require a redesign of the project, and those were as follows:

1. Reduce the number of floors and overall height of the development so it would be compatible with adjacent properties.
2. Provide building setbacks on the north side of Building No. 1 and the south side of Building No. 2.

Mr. Morris stated the way the buildings were presently developed, there were no setbacks provided where the buildings abutted each other. He stated it, therefore, looked like one massive development. He stated if they were to treat the line between the buildings as a



property line and provide a 22' stepback requirement, it would help to reduce the appearance of mass in the structures.

3. Reduce the number of curb cuts to reduce vehicular and pedestrian conflict points. He explained that every unit had a curb cut at this time.
4. Increase the buffer yard along the south property line where the project abutted the single-family residences zoned RS-8 to the south.

Mr. Morris stated further that the future Land Use Element of the Comprehensive Plan permitted density up to 15 dwelling units per acre in the medium residential designation. He stated that the request complied with the density limitation. He explained that staff was concerned about the mass and scale of the proposal in regard to compatibility. He stated that the remainder of the application had met the requirements of the ULDR regarding cluster development. He explained further that staff had determined that the application met the minimum requirements and did not exceed any of the maximum allowable requirements in the RD-15 zoning district. He stated that staff further found that the proposed project met the requirements of Section 47-18.9 and Section 47-25.2. He explained that the Planning and Zoning Board had to determine whether the applicant had met the requirements regarding neighborhood compatibility.

Mr. Morris continued stating that if the Planning and Zoning Board had determined that the proposed development met the standards and requirements of the ULDR and the criteria for Site Plan Level III review, the Board could approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR. He stated that if the proposal did not meet the requirements of the ULDR, along with the criteria for the proposed development or use, the Planning and Zoning Board could deny the Site Plan Level III permit.

Mr. Morris stated that if the Planning and Zoning Board approved the development, staff would propose the following conditions to be made:

1. The proposed development was in an area that had potential to generate impacts from construction debris due to high winds in close proximity to existing uses. Therefore, to ensure the construction debris was maintained on site and would not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include, but not be limited to, the requirements of the construction debris mitigation policy as attached and approved by the City's Building Official.
2. The site plan approval shall be as provided by ULDR Section 47-24.1.M.
3. Final DRC approval is required.

Charlotte Rodstrom asked why the applicant had not yet started construction. Mr. Morris stated it had not been called up by the Commission, and they were now able to go through final DRC because the call-up time had expired.

Chair Barbara Curtis proceeded to open the public hearing.

Joe Holland, President of Dolphin Isles Homeowners Association, stated that they were opposed to this project because they did not feel the project was compatible with the neighborhood. He proceeded to explain the types of buildings which were in the area. He stated that it was his understanding that the setbacks were 5', but on the drawings the eaves appeared to encroach into that setback. He stated they were not in favor of the mass and scale of this project.

Brian Reedy stated that every house on the east side from 26<sup>th</sup> Street to Birch State Park were one-story single-family homes with a few two-stories. He felt this was an “in your face” construction project consisting of 3 stories and was huge in comparison to the surrounding structures. He felt this project would not improve the quality of the neighborhood, but only destroy it. He asked the Board to send back this design and have the applicant prepare something that would be more in tune with the neighborhood, thereby preserving its integrity and compatibility. He stated he did not object to something being built at that site, but this project was too large.

Marlene Weiss stated that she was in favor of this project. She stated that at some point in time something new had to be put into a neighborhood. She further stated that the applicant was being innovative and it would be an impact because nothing like this had ever been done in the area before. She believed that this project would not increase traffic for the area. She urged the Board to approve this project.

Kenneth Anson stated that the neighborhood was changing for the better, and traffic would not be a problem. He believed that this project would be an improvement for the neighborhood.

Dr. Jeffrey Pass stated that he was in favor of this project and felt it would be an improvement for the neighborhood. He felt that something needed to be done with the old duplexes in the area and that traffic would not be a problem. He stated that change was inevitable and was good for the area.

Mr. DeLeon reminded everyone that today was 100 years since the Wright Brothers flight and that had been progress. He felt the project would be good for the area.

Kenneth Hawkins stated that he was concerned about the 5' encroaching into the setbacks. Mr. Morris stated that the requirement was 30% with 3' being the maximum. Chris Barton stated the required Section was 47-19.2.B, Accessory Buildings, and proceeded to quote from that section.

Mr. Morris stated that a single-family home could be built that would be 35' in height, but since these were cluster homes they were required to look at neighborhood compatibility.

Chair Barbara Curtis asked if the changes and variations in the site plan regarding Lot No. 4 would make the project more compatible. Mr. Morris stated that when roof heights could be varied, it helped to lessen the mass. He stated that staff had given suggestions as to how they felt things could be utilized to make the project more compatible. He felt it would be up to the designer to incorporate such suggestions.

Mr. Carbonell proceeded to show the footprint of the building, along with the 3<sup>rd</sup> floor plans. He explained they used the “wedding cake” effect for the building which gave it a lot of variety. He explained that the cluster guidelines were very strict. He proceeded to show renderings of the roof lines. He advised that on Sunday he had received an answer from the homeowner association stating that they felt the project was not compatible with the neighborhood. He advised that additional landscaping would be provided.

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.

Charlotte Rodstrom stated that she could not support this project and had faith in staff's determination that it was not compatible in mass or scale with the neighborhood.

Carolina Wiebe stated that she agreed with staff, and could not support this project.

**Motion** made by Gerald Cooper and seconded by Kenneth Hawkins to approve the application as submitted per staff's recommendations. Roll call showed: YEAS: Judith Hunt and Kenneth Hawkins. NAYS: Charlotte Rodstrom, Mary Fertig, Alan Gabriel, Gerald Cooper, Carolina Wiebe and Barbara Curtis. Motion failed 2-6.

<b>11.</b>	<b><u>Mozaic 1230 LLC</u></b>	<b>Kevin Erwin</b>	<b><u>99-R-03</u></b>
Request:**	Site Plan Approval/Cluster Homes/RM-15 Progresso, P.B. 2, P. 18 Block 105, Lots 39-42		
Location:	1228-1234 NE 12 Avenue		

Chair Barbara Curtis announced that this item was quasi-judicial. The Board proceeded to make the following disclosures: Charlotte Rodstrom had been to the site. Mary Fertig stated she had been to the site. Barbara Curtis had also been to the site.

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

Stewart Robin, Winterhaven Design Group, proceeded to show a rendering of the project. He stated that this was a 4-unit cluster dwelling and was a loft-style project. He explained that the 2 center units would have a 2-car garage with 3 bedrooms and 2 ½ baths. He stated that the end units would have a one-car garage with 3 bedrooms and 2 ½ baths. He explained that each dwelling had their own backyard, as well as an amenity to be used by all units.

Carolina Wiebe left the meeting at approximately 9:28 p.m.

Kevin Erwin, Construction Services, stated that this was a 4-unit cluster dwelling being proposed on a 13,500 sq. ft. lot. He stated that the parking requirement was 14 spaces, and 6 of those spaces were provided in attached garages, with 8 more spaces provided in front of the garages. The applicant had complied with adequacy requirements, and had submitted a narrative outlining their compliance with regard to neighborhood compatibility. Staff suggested that the Board consider the following factors in making their determination:

1. Building height which was 34' 1" which was higher than most of the existing buildings in the area, but stepbacks had been incorporated at the upper levels which reduced the overall mass of the project as intended by the cluster home regulations. He stated it was important to note that the intent of the cluster home regulations were for developments to emulate single-family houses. He stated the cluster homes were included in the ULDR in order to promote single-family development in areas that were in need of redevelopment.

Mr. Erwin stated that in regard to compatibility, staff considered architectural features such as height, mass, scale, sight arrangement, and overall character of the surround neighborhood. Staff determined the height of the proposed structure exceeded most in the area. He explained there were several multi-family structures in the area with similar overall mass. He stated the

project had met the additional 1' for every foot in height additional setback for over 22' in height, and the density of the development met the density for the zoning district. He stated further that the area had a variety of building sizes and architectural styles.

Mr. Erwin continued stating that staff determined that the application met the minimum requirements and did not exceed any of the maximum allowable requirements of the RM-15 zoning district. Staff found that the applicant had demonstrated that this project met the requirements of Section 47-18.9.

Mr. Erwin stated if the Board approved this application, the following recommendations were made by staff:

1. They meet the Construction Mitigation Plan.
2. All construction was to be approved by all pertinent environmental review agencies.
3. Site plan approval would be valid per Section 47-24.1.M.
4. Final DRC approval.

Chair Barbara Curtis proceeded to open the public hearing.

Rixon Rafter, President Lake Ridge Civic Association, stated that they liked the project and felt it would be good for the area. He remarked that change was inevitable, and 3-story townhomes were being constructed in the area. He stated that they supported this project. He felt the design was exciting.

Mary Fertig stated there were single-family homes in the area, and this project appeared to be in the middle of the street. Mr. Rafter stated it would take the place of two vacant lots which had been that way for years. He reiterated this project would be a plus for the neighborhood.

Judith Hunt asked if the members of the homeowners association who had participated in the vote regarding this project resided close to the site. Mr. Rafter stated that one Board Member resided on NE 11<sup>th</sup> Street, and another owned property on NE 9<sup>th</sup> Avenue. He added that they had consulted with the individuals who lived directly across the street from the proposed project, plus the individuals who lived north and south and no one had any objections to the project. He announced that most properties were owner occupied.

Mr. Robin stated that the property to the north of the site was a duplex, but the remaining surrounding properties were single-family homes which had been built in the '50's as vacation homes.

Chair Barbara Curtis asked if the people living north, south, east, west, and across the street were owner occupied properties. Mr. Rafter reiterated that one property was a rental property, but the remaining were owner occupied. He stated that plans had been shown to the residents and they were in favor of the project. He added that only one person was a member of the homeowner's association.

Mr. Robin stated that as a designer in this City, he found that over the last 5 years many things had changed, and what he did not like hearing was that development was bad. He further stated that the east side of Lake Ridge had not been a great neighborhood years ago. He hoped the Board recognized the fact that they had attempted to soften the size and mass of the building with the numerous setbacks and stepbacks that the City had requested.

Ms. Fertig asked for some further clarification of the area involved and asked if the project would fit in with the surrounding homes. Mr. Robin stated that in reality most of the homes in the area were not built for year-round residency, and he did not consider them wonderful buildings. Some had been modified and improved upon. He believed this project would be good for the area. He felt the point of these dwellings was to give a new type and style of building for the neighborhood.

Ms. Fertig further asked if the applicant was looking to the compatibility of the future, instead of compatibility with the past. Mr. Robin stated he felt that compatibility with the future was more in line with the project.

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 Alan Gabriel and seconded by Kenneth Hawkins to approve the application as submitted per staff's recommendations. Roll call showed: YEAS: Judith Hunt, Alan Gabriel, Kenneth Hawkins, and Barbara Curtis. NAYS: Mary Fertig and Charlotte Rodstrom. Motioned carried 4-2.

**12. Hibiscus LLC/The Grove at River Oaks Lois Udvardy 52-R-03**

Request: \* \*\* Site Plan Approval/Mixed Use/ Allocation  
Of Flex Units/B-2

Tract "D", Beta Plat, P.B. 172, P. 98-99

Location: 1351 SR 84

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

The Board proceeded to make the following disclosures: Mary Fertig stated that she had spoken with Robert Lochrie regarding this matter. Barbara Curtis stated that she had spoken with Robert Lochrie and the President of the Edgewood Civic Association.

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

Sharon Miller, Assistant City Attorney, explained that the Local Planning Agency had been created under the Growth Management Act. She explained the purpose was for the Board to make 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.

Robert Lochrie, attorney for the applicant, stated that this was a request for a 62-unit residential project located north of SR 84 between two hotels and a residential area to the north. He stated they had received e-mails from the River Oaks Association. He added that the River Oaks Association and the Edgewood Civic Association had reviewed this project, and were in favor of the project. He stated the project met all code requirements, except for the SR 84 corridor requirements. He explained those requirements were designed for commercial and industrial type uses, and they had not anticipated the aspect of having a residential mixed-use project in the area. He stated that everyone was inclined to be in favor of the project, but due to the neighborhood's requests some revisions had been made to the plan. He stated they were

moving the buildings back further from the street, narrowing the sidewalk so the landscaping could be increased in the swale area between the sidewalk and SR 84. He stated they complied with all other requirements of the Code. He announced that variances had been granted by the Board of Adjustment. He stated they exceeded the open space requirement for this project, along with the parking requirements.

Lois Udvardy, Planning and Zoning, stated that this project was considered a mixed-use development residential only. She stated that the mixed use section permitted single-use residential buildings with no business uses for parcels less than 5 acres in size. She announced that the subject property consisted of 3.04 acres. She stated the mixed use section required the allocation of 62 flex units from flex zone 56, and announced there were currently 1,314 available units in that zone.

Ms. Udvardy stated that the applicant had provided narratives describing how they had met the mixed use requirements, as well as neighborhood compatibility, adequacy, and conditional use. She stated that in regard to the Interdistrict Corridor requirements which was a new ordinance passed by the City Commission on October 15, 2002. Since the type of development was residential, they chose to request variances from the Board of Adjustment. She stated the first 3 variances pertained to the Interdistrict Corridor ordinance, and the ordinance required a 5' sidewalk, but the mixed use requirements required a 7' sidewalk. Therefore, a variance had been granted.

Ms. Udvardy stated that she had spoken with the President of the River Oaks Homeowners Association who had informed her that they supported the 5' sidewalks so as to receive more landscaping for the area. She stated that the proposed development was consistent with the Comprehensive Plan and Future Land Use Elements. She stated that staff found the proposal to be in compliance with the ULDR as a result of the variances which had been granted.

Ms. Udvardy stated if this Board approved this application, the following conditions would apply:

1. A Construction Debris Mitigation Plan shall be submitted.
2. Vacation of a portion of the access easement as shown on Tracts C and D of the Beta Plat, P.B. 172, Pages 98 and 99.
3. Payment of the Park Impact Fee (\$46,872) prior to a building permit being issued.
4. All construction would require approval from all pertinent environmental review agencies.
5. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
6. Final DRC approval.

Ms. Udvardy announced that the applicant had applied to DRC for the access easement vacation.

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

**Motion** made by Alan Gabriel and seconded by Judith Hunt to approve the application as submitted per staff's recommendations. Roll call showed: YEAS: Mary Fertig, Alan Gabriel, Kenneth Hawkins, Charlotte Rodstrom, Judith Hunt, and Barbara Curtis. NAYS: None. Motion carried 6-0.

**“For the Good of the City”**

Chair Barbara Curtis stated that a request had been made by Mr. Cooper, but he was ill and had to leave the meeting early. She stated that this was something that the Assistant City Attorney was going to speak about.

Mary Fertig stated that projects had been brought recently for the Barrier Island, and asked if someone could explain what ability the Board had to evaluate projects in terms of environmental impact. Alan Gabriel asked if that subject could be discussed at next month’s meeting.

Chris Barton stated that this would fall under the adequacy requirements of environmentally sensitive lands. He explained the Barrier Island was not actually designated as environmentally sensitive land, but this Board was charged with advising the City Commission of any subject they felt required further advice. He suggested that the Board make a recommendation to the City Commission, and then they could direct staff to prepare such a report for discussion.

**Motion** made by Mary Fertig and seconded by Charlotte Rodstrom that this Board recommended that the City Commission direct staff to prepare a report regarding the cumulative effect of development on the Barrier Island as they relate to the environment. Board unanimously approved.

Sharon Miller, Assistant City Attorney, stated that as her memorandum reflected, it depended what the Board’s notes pertained to and what their purpose was in regard to them being considered public records. If they were personal and nothing was to be done with the notes, they would not be considered as public records, but if they were to perpetuate further discussion, then they would be considered a public record. If the notes were a public record, there

**Motion** made by Alan Gabriel and seconded by Mary Fertig to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at 10:11 p.m.

CHAIRMAN

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Barbara Curtis

ATTEST:

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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.**