

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

**WEDNESDAY, APRIL 21, 2004  
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>A</b>	<b>22</b>	<b>1</b>
<b>Gerry Cooper</b>	<b>P</b>	<b>21</b>	<b>2</b>
<b>Kenneth Hawkins</b>	<b>P</b>	<b>19</b>	<b>4</b>
<b>Mary C. Fertig</b>	<b>P</b>	<b>23</b>	<b>0</b>
<b>Alan Gabriel</b>	<b>P</b>	<b>21</b>	<b>2</b>
<b>James McCulla</b>	<b>P</b>	<b>19</b>	<b>4</b>
<b>Charlotte Rodstrom</b>	<b>P</b>	<b>13</b>	<b>2</b>
<b>Judith Hunt</b>	<b>P</b>	<b>6</b>	<b>0</b>

**Planning Staff:** Chris Barton, Liaison to the Board  
Don Morris, Planner III  
Lois Udvardy, Planner II  
Angela Csinsi, Planner II  
Michael Ciesielski, 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**

Vice-Chair Kenneth Hawkins called the meeting to order at approximately 6:30 p.m. with the Pledge of Allegiance.

Vice-Chair Kenneth Hawkins proceeded to introduce the Board Members, along with City staff present at tonight's meeting.

Vice-Chair Kenneth Hawkins announced that Carolina Wiebe had resigned in March due to moving to Davie, Florida.

**Approval of Minutes – March 17, 2004**

**Motion** made by Alan Gabriel and seconded by Gerry Cooper to approve the minutes of the March 17, 2004 Planning and Zoning Board meeting. Board unanimously approved.

1. **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

and

2. **Sunrise Middle River Hotel** **Don Morris** **30-P-02**  
Request:\*\* Plat Approval/"Sunrise Middle River  
Hotel"/B-1 Acreage in 36-49-42  
Location: 2025 NE 10 Street

Don Morris, Planning and Zoning, stated that they had received a letter from the applicant requesting a deferral to the June 16, 2004 Planning and Zoning Board meeting. He explained they were exploring options in connection with offering the property for sale to Broward County and adjoining property owners, and wanted more time to perform their due diligence.

**Motion** made by James McCulla and seconded by Gerry Cooper to defer Item #1, 33-R-02 until June 16, 2004. Board unanimously approved.

Judith Hunt entered the meeting at approximately 6:36 p.m.

**Motion** made by James McCulla and seconded by Gerry Cooper to defer Item #2, 30-P-02 until June 16, 2004. Board unanimously approved.

7. **Jeff Hendricks Homes** **Tony Longo** **105-R-03**  
Request:\* \*\* Site Plan Review/3-Story Cluster  
Homes, Coral Ridge North Addition,  
P.B. 24, P. 5, Block 4, Lot 14  
Location: 2718, 2720, 2722 NE 20 Court

Vice-Chair Kenneth Hawkins announced that this item had been withdrawn.

3. **R. Saporiti/Riverland Village Plat** **Don Morris** **3-P-03**  
Request:\*\* Plat Approval/"Riverland Village"  
Rohan Acres, P.B. 22, P. 43  
Block 1, a Portion of Lot 6  
Location: East Side of SW 29 Ave. immediately  
South of SW 19 Street, if extended

Vice-Chair Kenneth Hawkins announced that this item was quasi-judicial and asked for the Assistant City Attorney to explain quasi-judicial.

Sharon Miller, Assistant City Attorney, explained that certain items on the agenda were considered quasi-judicial which meant that the items were treated similar to Court matters, but with less formality. She further stated that the case would be presented, and individuals wishing to speak on such items would be sworn in, and the Board would disclose any communications or site visits in regard to the property. She also advised

that anyone testifying could be cross-examined, and that exhibits used in the presentations would remain as part of the record.

Sharon Miller further stated that in regard to some items, this Board would also act as the Local Planning Agency that was governed by a State Statute that stated they had to make sure whether an application met the City's Comprehensive Plan or Land Use Plan. She explained that was an overall more visionary plan than the ordinances themselves.

Don Morris, Planning and Zoning, stated that this application was for a plat to allow 6 townhomes located in the Riverland area. He explained this area had recently been annexed and was still under the County Land Use and Zoning requirements. Therefore, they had to refer to the Broward County Code for the subdivision requirements for the property. He stated that he had distributed to the Board the section regarding residential zoning districts, and had highlighted the areas that applied to the proposal.

Mr. Morris further stated that he wanted to give the Board an idea what was required by the County Code in regard to such a project. He continued stating that one of the requirements different from the City's was that the City required a 75' frontage, but the County only required 19'. He explained that this project had over 50' of frontage. He added that one condition he would ask this Board to add to their approval was that park impact fees be paid prior to the plat being signed. He explained the amount of the impact fee would be \$5,040.

The following disclosures were made by the Board in regard to this item: Mary Fertig stated she had been to the site. Judith Hunt stated that she had been to the site and had spoken to several residents in the area, including David Bowman.

Gerry McLaughlin, representing the applicant, stated they agreed with staff's comments, including the park impact fees.

Vice-Chair Kenneth Hawkins proceeded to open the public hearing. There being no individuals wishing to speak on the matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by James McCulla to approve the application as presented, including payment of the park impact fees.

Judith Hunt stated that she believed that area did not have sewers. Don Morris confirmed and stated the development would have to be designed with appropriate septic system and approved by Engineering before any further approvals were granted.

Chris Barton, Planning and Zoning, stated that if the developer wanted to put the townhouses in they would have to be put on a septic system, and the necessary permits would have to be obtained.

Don Morris stated that the platting was the first step in the process.

Judith Hunt stated that one issue raised by the community was in regard to back-out parking and no sidewalks in the area. She added there were no places for children to

play in the area. She stated there had been land in the area that the County and City had been looking at for a park, but added there was a lot of density in the area.

Don Morris stated that as with all new projects in the City, the developer would be required to install a sidewalk in front of the property. He stated that the park impact fee was a method they established in lieu of donating land for park purposes.

Charlotte Rodstrom stated that the area had been annexed recently, and asked when would the City's code take over in the area. Don Morris stated they were currently working to recertify the land use, and one of the issues in the area was that land use categories would be somewhat different than the City's. He stated they would recertify it as an irregular density and would have to write special districts to accommodate this. He further stated they were about half-way through such process, and at some point these properties would have to be rezoned. He stated there were existing properties annexed but had not yet been rezoned, and those would have priority. He added they hoped to have those done by the end of summer.

Ms. Rodstrom asked if these were the first set of townhomes in this community because she noticed mostly single-family homes in the area. Mr. Morris stated that he had not noticed other such projects, but he was not sure since he was not that familiar with the area.

Gerry Cooper stated that he wanted to make sure in regard to his motion that the record reflected that the developer and staff had agreed on the \$5,040 impact fee for the park prior to the signing of the plat.

Roll call showed: YEAS: Judith Hunt, Mary Fertig, Alan Gabriel, Gerry Cooper, James McCulla and Kenneth Hawkins. NAYS: Charlotte Rodstrom. Motion carried 6-1.

4.     **Southern Port Land, Inc./Dockside Lofts**                     **Lois Udvardy**             **137-R-03**  
Request:\*\*     Site Plan Review/Waterway Use/  
                   RMM-25 Herzfeld's Addition to  
                   Lauderdale Harbors  
                   P.B. 35, P. 22, Block 3, Lots 11 and 12  
Location:       1480-1490 SE 15 Street

Vice-Chair Kenneth Hawkins announced that this item was quasi-judicial and proceeded to ask the Board for their disclosures at this time. Charlotte Rodstrom stated that she had been to the site. Judith Hunt stated that she had been to the site. Alan Gabriel stated that he had been to the site. Mary Fertig stated that she had been to the site and had spoken with Mr. Gutereez. Kenneth Hawkins stated that he had also been to the site.

Manny Gutereez, architect, stated that they had met the requirements for the project. He advised the project would consist of 8 townhouses. He further stated that they concurred with staff's determination. He stated they believed this project was compatible with the neighborhood and helped improve the parking and landscaping relationship which existed in the area at this time. He advised they had met with Harbor Dale Civic Association who was in support of this project. He explained the parking in this project

would be self-contained, and there would be no back-out parking. He proceeded to show a map of the area. He reiterated that they agreed with staff's recommendations.

Gerry Cooper asked Mr. Guterez if he was a registered lobbyist with the City. Mr. Guterez replied he was not.

Sharon Miller, Assistant City Attorney, explained they had a lobbyist registration ordinance that required individuals representing others for money to register. She explained that the ordinance provided that the City Commission could impose sanctions or censorship on anyone violating such ordinance. She added that an owner could represent him or herself.

Mr. Guterez stated he was not lobbying the project, but was being paid as the architect.

Lois Udvardy, Planning and Zoning, stated that this request was for waterway use approval, Section 47-23.8 for a multi-family residential development. She explained that the site abutted the Seminole River and needed to be reviewed as a Site Plan Level III. She further stated that the applicant proposed to construct an 8-unit loft-style residential building which would be 36' 8" in height with 6 boat slips for the use of upland owners only. She stated that the applicant had described the style as modern architecture. She explained that the site was currently vacant. She advised that RMM-25 zoning permitted 10 units on the site, but the applicant was proposing only 8. She stated that the Development Review Committee had reviewed the proposal on December 23, 2003, and all comments had been addressed.

Ms. Udvardy further explained that the neighborhood had a diverse group of building types mostly older with a few more recently developed structures. She stated that the heights varied from 2-5 stories, and the maximum permitted height in the district was 55'. She advised that this project proposed a height of 36' 8". She stated the development met all setback requirements, and the applicant was to provide a 20' landscape yard on the waterway, and was not asking approval for any encroachments into the yard. She stated they would also be constructing a new seawall, along with 6 boat slips. She advised there would be no back-out parking and sidewalks and street trees would be provided which would improve the appearance of the area. She stated that staff concurred that this development would harmonize with other developments in the area and met all ULDR requirements for waterway use approval.

Ms. Udvardy stated if this Board approved the application, the following conditions were proposed by staff:

1. A Construction Debris Mitigation Plan shall be submitted to include, but not be limited to, the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
2. All construction will 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. Final DRC approval.

Ms. Udvardy proceeded to show photographs of the site and surrounding properties.

Charlotte Rodstrom asked if there was a rule regarding the number of dock slips. Ms. Udvardy stated there might be a question if more slips were being proposed than units.

Chris Barton clarified that on the plans the slips were for the use of the upland residents only, and there could be no leasing of the slips because they went with the units.

Charlotte Rodstrom asked if there would be signage along the waterway as well. Ms. Udvardy stated there should be a public notice sign along the waterway. Ms. Rodstrom stated that she had not seen any signs along the waterway. Ms. Udvardy stated that the applicant had filed an affidavit saying the signs had been posted as required.

Alan Gabriel asked if the 20' landscape area was being preserved on the waterway side. Ms. Udvardy confirmed and stated there would be no swimming pool, and no encroachments were being requested.

Vice-Chair Kenneth Hawkins proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by Alan Gabriel to approve the application as submitted per staff's conditions. Roll call showed: YEAS: Mary Fertig, Alan Gabriel, Gerry Cooper, James McCulla, Charlotte Rodstrom, Judith Hunt and Kenneth Hawkins. NAYS: None. Motion carried 7-0.

- 5. Michael and Cassandra Champion/ Angela Csinsi 12-P-03**  
**Champion Plat**  
Request: Plat Approval/Rohan Acres,  
P.B. 22, P. 43 – Block 4, Lot 8  
Location: 1990 SW 31 Avenue

Sharon Miller, Assistant City Attorney, stated that this item was quasi-judicial. Vice-Chair Kenneth Hawkins stated that his documents had not indicated that the item was quasi-judicial, and asked if it was appropriate to proceed forward due to the advertising of the item. Ms. Miller advised the Board that they could proceed.

Vice-Chair Kenneth announced the item was quasi-judicial and proceeded to ask the Board for their disclosures. The Board made the following disclosures: Judith Hunt stated that she had been to the site. Mary Fertig stated that she had been to the site.

Mickey Aldrich, representing the applicant, stated they met the requirements of the DRC report and was present to answer any questions.

James McCulla asked if Ms. Aldrich was a registered lobbyist with the City. Ms. Aldrich replied she was not.

Sharon Miller, Assistant City Attorney, explained it would be a matter of the City Commission making a determination whether to impose censorship or sanctions for testifying and not being a registered lobbyist.

Judith Hunt asked if staff notified individuals regarding the lobbyist ordinance. Vice-Chair Kenneth Hawkins explained that it was included in the notice.

Chris Barton stated it was in the notice and they did call them on two occasions. One to ensure that the signs had been posted and affidavits submitted, and to check on the amount of time needed for their presentation. He added that the Planners were reminded to ask them regarding the lobbyist requirements.

Sharon Miller stated it was not lobbying when the person answered questions.

Angela Csinsi, Planning and Zoning, stated that this plot was located in the Riverland annexation area. Since the applicant wanted to develop more than one single-family, they were required to replat. She explained the proposal was to have a 66x109 lot which calculated to 7,194 sq. ft area, and were required to dedicate 5' along SW 31<sup>st</sup> Avenue reducing the square footage to 6,999. She stated the dimensions met the Broward County regulations. She advised that staff was requiring that they contribute \$1,260 for the park impact fee which would be paid before sign-off of the plat. She added that they also met the subdivision regulations.

Vice-Chair Kenneth Hawkins proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by James McCulla and seconded by Gerry Cooper to approve the application as submitted with staff's conditions, including payment of the park impact fees before the sign-off of the plat.

Vice-Chair Kenneth Hawkins asked if the applicant was in agreement regarding the fees to be paid before sign-off. Ms. Aldrich confirmed.

Roll call showed: YEAS: Alan Gabriel, Gerry Cooper, James McCulla, Mary Fertig, and Kenneth Hawkins. NAYS: Charlotte Rodstrom and Judith Hunt. Motion carried 5-2.

<b>6.</b>	<b><u>Everglades LLC</u></b>	<b>Lois Udvardy</b>	<b><u>32-R-04</u></b>
Request: **	Site Plan Amendment to Conditional Use, Mixed Use, Waterway/B-1 Everglades LLC Plat, P.B. 172, P. 104		
Location:	1801 SE 17 Street		

Vice-Chair Kenneth Hawkins announced that this item was quasi-judicial, and proceeded to ask for the Board's disclosures. Judith Hunt stated that she had been to the site and had also spoken to Robert Lochrie, Commissioner Hutchinson and Mayor Naugle. Mary Fertig stated that she had been to the site. Alan Gabriel stated he had been to the site. Gerry Cooper stated that he had been to the site. James McCulla stated that he had spoken with Robert Lochrie. Charlotte Rodstrom stated that she had been to the site. Kenneth Hawkins stated that he had been to the site and had spoken to Robert Lochrie.

Robert Lochrie, representing the applicant, stated that this location had been the Everglades Dry Stack Marina on 17<sup>th</sup> Street. He stated that the application for this overall project had been brought before this Board and approved in November, 2002. He explained it was a mixed-use development consisting of 129 high-rise residential units, 5,000 sq. ft. of retail use, as well as at the time it was a 100 berth dry storage marina. He explained further that the project was currently under construction, but tonight they were making a request for two modifications to the original plan approved.

Mr. Lochrie stated that the first modification involved adding a spire to the residential portion of the project and was being done strictly as an architectural feature. He proceeded to show photographs of the site. He referred the Board to page A-4 of the site plan. He continued stating that the other modification involved the dry storage portion of the marina. He explained that the old Everglades Marina was the type everyone was accustomed to having diesel crane lifts that would pull out the boats and then drop them into the water. He stated there had also been fuel docks at the site, and as boats were washed and cleaned the water drained into the canal under the old regulations.

Mr. Lochrie continued stating that when the residential component of this project was originally conceived the developers, particularly one of their partners, Chris Rosenberg, recognized there was an interest in the City in preserving existing marinas. He further stated due to the fact there was a need for marine components and a market for that aspect of the project, they incorporated the marine component into the mixed-use project. Instead of retaining what existed or replacing it with a standard facility, Mr. Rosenberg proceeded to design something above state-of-the-art which was a prototype for marine design. As the project developed, the design of the building changed and became larger. He explained they had expanded in height by about 24', and also expanded to the east, north and south. He proceeded to show a rendering of the old-type marina. He explained that the new concept included a wet entrance so vessels could enter into the boathouse, at which point they would be raised by a boom crane and automatically washed, and then the vessel would be loaded into its leased spot. He proceeded to show renderings of the new marina. He explained that it would run on electricity and there would be no loud diesel engines.

Mr. Lochrie further stated that due to the boom crane, they had to add an additional 24' in height. He explained the original design had a flat roof, and in actuality the cornice part of the roof did not go up very far, and they were only requesting an additional 4'. He stated the significant portion of the 24' was contained within an area that sat back from the cornices. He explained further that even at 89', they were still well below the maximum height in the zoning area that was 150'. He stated they met all setback requirements on all 4 sides, and the project was self-contained within the site area.

Robert Lochrie announced that he was a Registered Lobbyist with the City.

Charlotte Rodstrom stated there was a door on the marina that had previously been approved, and asked if there was to be a door on the new one. Robert Lochrie replied there was a door, but the vessel would actually enter into the building through the water.



Alan Gabriel asked for further clarification of the spire. Mr. Lochrie explained that it was purely architectural and was designed to add more flare to that portion of the building. He advised that the concept had been in the original plans, but had been omitted and not part of the approval. The architect now requested that the spire be included. He stated it was within all code requirements, but since it was not a habitable area, they were being requested to appear before the Board this evening. Mr. Gabriel asked how high the spire would be. Mr. Lochrie stated it was to be 14' in height and would not be lighted.

Chris Rosenberg explained that the only light present would be on the top of the spire as required by the FAA.

Alan Gabriel stated that in the plans the dry storage building had been referenced, but in looking at the elevation key notes he was not able to find all the items listed. Robert Lochrie stated that the aluminum frame in the blue-tinted glass was located at the top of the structure and on the front and surrounded the glass.

Chris Barton stated that the materials used were acceptable to the City, and the fact that the drawings did not exactly match was not uncommon for plans. Alan Gabriel stated he wanted to make sure what he would be approving, and that the City would be getting what was actually approved. Chris Barton reiterated that the City did not have a problem that there was a slight difference.

James McCulla stated that they were getting slightly more height but less noise, and the boats would be put into the water gently instead of being dropped. Mr. Lochrie confirmed. He stated that as the crane rose in the past stability was lost regarding the boats, but with the boom crane it would be consistent up and down.

Lois Udvardy, Planning and Zoning, stated that the reason for the changes was due to the new technology being incorporated into the boathouse. She proceeded to show diagrams of the site. She further stated that the project was being reviewed as a conditional use because a marina was a conditional use in B-1 zoning and waterway use. She stated that the changes were reviewed by DRC on March 9, 2004, and all conditions were met. She stated that staff found the amendments requested by the applicant to be in conformity with the ULDR, and did not feel there would be an adverse impact on the site plan. She stated if the Board approved the changes, the following conditions were being proposed by staff:

1. 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. Final DRC approval.

Alan Gabriel clarified that the extra height of the spire would not be a problem and the Code requirements were being met. Ms. Udvardy stated that architectural features were not considered in the overall height of a project. She further clarified that the spire was going to be placed on the residential tower, and the overall height of the building was 189', but beyond the 150' were architectural features not to be counted in the height.

Robert Lochrie stated that they were within the height requirement, but the 150' he referred to was the 24' additional feet on the boat building which was well below the 150'. He explained that the residential building was also at 150' as the City measured height, and they were not increasing that height. He explained the City measured height to the ceiling of the highest habitable floor. He stated additional items could be added if they were architectural in nature and if reviewed by this Board.

Vice-Chair Kenneth Hawkins 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.

**Motion** made by Gerry Cooper and seconded by James McCulla to approve the application as submitted per staff's recommendations.

Alan Gabriel commented that the boathouse looked much better than when originally approved.

Roll call showed: YEAS: Gerry Cooper, James McCulla, Judith Hunt, Mary Fertig, Alan Gabriel, and Kenneth Hawkins. NAYS: Charlotte Rodstrom. Motion carried 6-1.

8.     **Arthur and Shirley Stone/**                             **Lois Udvardy**                             **18-P-03**  
          **Fort Lauderdale Antique Car Museum**  
Request:\*     Vacate a portion of Flagler Avenue  
                  Lying west of and adjacent to Block 36,  
                  Croissant Park, P.B. 4, P. 28  
Location:     Flagler Avenue btw. SW 15 Street and SW 16  
                  Street

Vice-Chair Kenneth Hawkins stated that this Board would act as the Local Planning Agency in this matter.

Robert Lochrie stated that this was a request to vacate a portion of Old Flagler Avenue between 15<sup>th</sup> and 16<sup>th</sup> west of Andrews Avenue. He stated it was initially a request of the Antique Car Museum. He explained the Museum was run by Arthur and Shirley Stone and provided a unique experience, and also offered the facility for various charitable organizations for fund-raising and similar type events.

Mr. Lochrie further stated that currently the location was restricted in its size due to the area's parking requirements, and due to the fact there was a significant parking area to the south. He proceeded to show a photograph of the overall site. He explained that Flagler Avenue had been vacated in the area, and the only portion that still existed was between 15<sup>th</sup> and 17<sup>th</sup> Streets. He further stated that the only portion that was maintained and provided a roadway was between 15<sup>th</sup> and 16<sup>th</sup> Streets. He explained they were requesting a vacation of that last portion of roadway. Initially, the concept was to provide additional parking facilities. Due to certain utility requirements, staff stated they wanted to maintain a utility easement through the area. In addition, there was discussion about the development of a greenway along the railroad tracks, and the concept was it would be nice to provide pedestrian access to such greenway. He stated they believed

pedestrian access presently existed on 16<sup>th</sup> and 15<sup>th</sup> Streets. He proceeded to show an overall plan for utilization of the site.

Mr. Lochrie explained the concept was to allow the expansion of the Museum and allow them to provide 90 degree parking in the former right-of-way, while providing additional landscaping and greenways on both sides of the parking. He remarked that presently the property was in deplorable condition. By vacating this portion of the property, they would be able to install the landscaping, parking, and also maintain it. He stated that the neighbors to the north and south were concerned because they needed the access due to 18-wheelers in the area which utilized it, and therefore, requested the property be left opened. Due to such discussions, the applicant agreed and asked that it be contained in the ordinance when presented to the City Commission. Therefore, they would request that the City maintain a utility easement and a vehicular and pedestrian easement to maintain traffic through the facility.

Mr. Lochrie further stated this was not an ideal parking situation, but would provide them with additional parking for the project while still allowing the neighbors to use the roadway.

Mary Fertig asked if this would affect the flow of traffic with the railroad, and stated they were using this as a way to meet their parking requirements. Mr. Lochrie stated that was part of it, and he did not want to under emphasize the importance of Mr. Stone's ability to put in a wall along the railroad tracks and maintain the area. He reiterated it would be harder for the City to maintain the facility.

Charlotte Rodstrom clarified that the City would essentially be giving Mr. Stone the portion of the right-of-way. She further clarified that the easement would go through the middle of the parking lot. Mr. Lochrie confirmed, and stated the only thing different from that vacation due to the others along Flagler was that the City would be retaining the access easement which they did not have in the other locations. He further stated that as to how the ordinance was being drafted, it would look better while still providing private parking within the area.

Judith Hunt asked when the Museum would predominantly use such parking. Mr. Lochrie explained the Museum was opened during the day, but most of the traffic occurred in the evenings or on weekends due to special events. He stated it was Mr. Stone's hope that the Museum would have a lot of use during the day as well. Ms. Hunt asked if there would be any issues with chains, fences, gates or hours of restriction. Mr. Lochrie stated that was not their original intention, but after meeting with the neighbors they had agreed to provide for that, but it could be included in the ordinance that the City would retain such right. He explained they would provide for a 24' standard easement through the middle of the lot.

James McCulla asked how close they would be to the railroad tracks. Robert Lochrie stated it was a 79' right-of-way at the extreme point, but did not know the distance from the new right-of-way line to the actual tracks. He explained it was not on the survey. James McCulla stated they normally had their own easement. Mr. Lochrie confirmed and stated it was normally between the tracks and the property line, and the street. He further stated they were not going onto the FEC property.

Lois Udvardy, Planning and Zoning, stated that DRC had reviewed this request on November 20, 2003, and recommended approval subject to retaining an easement for the City's storm water main and the public utilities, and that the west 20' would be retained for a pedestrian and non-motorized vehicle easement with the right to build improvements. She explained that was to be set aside for the future greenways project. She stated that FPL had no objection to the vacation as long as the west 25' was retained as an easement. She stated that BellSouth and Comcast did not have facilities, but wanted to retain their right to use it in the future, and therefore, retaining the entire vacated portion as a utilities easement would preserve it for all the public utilities, with the west 20' for pedestrian access. She stated the 24' vehicular easement would still allow vehicles to pass through.

Ms. Udvardy further stated that if this Board recommended approval of this application, it would be based on the area being retained as a utility and vehicular access easement, and the west 20' for pedestrians and non-motorized vehicles with the right to build improvements. She advised that 24 letters had been mailed out, and none returned.

Charlotte Rodstrom asked if there would still be the 15' easement for the railroad. Ms. Udvardy explained that the railroad had a 100' right-of-way, which would not be affected by this vacation.

Vice-Chair Kenneth Hawkins proceeded to open the public hearing.

Joe Lewis, one of the Proprietors of Jerry's Marine Service, stated that they had owned the property for 31 years, and the business had been there for 49 years. He explained the number of employees had grown from 3 to over 100. He stated further they had expanded to New Jersey and Charleston, South Carolina. He explained they were in the warehouse and marine distribution business. He stated due to the current development in the area, they had virtually lost all of their parking. He stated that some of their employees parked in the area the applicant was requesting to vacate. He stated further that when the new complex was built, they would be blocking off 16<sup>th</sup> Street from Andrews to the railroad tracks and one would have to drive underneath the buildings with a semi. He explained that was not possible because they would not be able to turn off Andrews Avenue. He reiterated that this would put their company out of business and 60 employees would lose their jobs. He remarked that this was a dream to Mr. Stone, but a nightmare to them.

Gerry Cooper clarified that Mr. Stone was not building this complex. Mr. Lewis confirmed and stated it was to be a new office/medical complex adjacent to Mr. Stone's property. Mr. Stone was not building this project. Mr. Cooper again clarified that there was to be an easement so the tractor-trailers could go through the subject property. Mr. Lewis stated he did not think they would be able to get through, and stated that if someone parked in the area, Mr. Stone would be able to have them towed. Mr. Cooper asked if Mr. Lewis felt the 24' easement would be enough room for a trailer to move through the property if there was an easement. Mr. Lewis stated he could not answer that question.

Charlotte Rodstrom stated that she believed they would have trouble making the turn, and asked for some clarification as to the route the trucks would be taking. Mr. Lewis

explained that as a rule they entered off 16<sup>th</sup> or 15<sup>th</sup> Streets, went down Flagler, made a left behind their building, and exited onto 17<sup>th</sup> Street.

Mary Fertig asked where the overpass was to be located. Mr. Lewis explained it would be part of 16<sup>th</sup> Street, but one could not turn off Andrews going North, and he did not believe it was designed for tractor-trailers to go underneath the building. Ms. Fertig asked if 17<sup>th</sup> Street would also be impacted. Mr. Lewis replied it was difficult for the trailers to turn off 17<sup>th</sup> Street onto Flagler.

A diagram was shown of the area.

Ms. Fertig asked if there had been conversations regarding a regional solution for the parking problem. She stated there were actually two issues involved in this matter. One was access and the other was parking. Mr. Lewis stated they had no parking and they owned the property that the building sat on. Ms. Fertig again asked if conversations had been held regarding a regional solution for the parking problem. Mr. Lewis stated there was no real solution to fix the problem, and continued stating that with the City taking the road and giving it to Mr. Stone was not the solution either.

Judith Hunt asked if the City permitted parking in the area being discussed. Chris Barton replied that people did park along Flagler, but he was not sure if it was stripped or not. He reiterated that it was not metered. Ms. Udvardy proceeded to show a photograph of a car parked in the swale, and stated that it was not marked or metered.

Jeryl Madfis, Business Owner and President of the South Andrews Business Association, stated that she had drafted a letter to the Board. She explained that they had done a master plan that addressed parking for the future. She stated that the plan had addressed shared parking lots that could accommodate businesses in the area that wanted to expand. She further stated that on 16<sup>th</sup> Street west of 1<sup>st</sup>, which was not being maintained by anyone, provided an opportunity for parking. She felt there were opportunities and they just needed to be initiated by someone.

Ms. Madfis proceeded to read her letter as follows:

“As President of South Andrews Business Association, we would like to inform you that on Wednesday, April 14, 2004, Mr. Lochrie representing the Antique Car Museum was invited to present the information on the Flagler Street closure between SW 16<sup>th</sup> and SW 15<sup>th</sup> Streets at our general meeting. We have many members from our group who were in favor, and a few who did oppose this issue. Many of those are property owners and business owners with established operations and employees. Recently, the City of Fort Lauderdale, South Andrews Business Association, and the Broward General Medical Center have concluded a master plan study that had broad participation throughout the community. It has been well documented by the City Planning Department and the planning consultant, and has been agreed by all sponsoring parties, and is scheduled for City Commission approval.

“Three factors arose at this meeting, and we request this Board be cognizant of these issues.

1. Mr. Lochrie's proposal shows vehicular traffic including large 18-wheeler tractor-trailers will continue to have access from both north and south ends of Flagler Drive. We request an agreement that is legally binding indicating that once this vacation takes place that vehicular access cannot be taken away from the public.
2. Our master plan indicates the importance and the possibilities of the FEC Railroad right-of-way adjacent and parallel to Flagler Drive to become a greenway and function as a recreation and multi-modal transportation link to the region. We would like to confirm the pedestrian accessibility to the possible future greenways at any location along common property line between Flagler Drive and the FEC Railroad.
3. The idea of shared parking is also stipulated in the SABA Master Plan and was discussed at the above-referenced previous and subsequent meetings, not only for surrounding businesses, but also taking a view into the future of the area and realizing flexible parking uses are major issues in accommodating future development. An agreement should be allowed for in the future to share parking upon the completion of a parking study providing available parking in this lot."

Ms. Madfis further stated that this parking idea had also been presented to Broward General with their huge lot that the public could start sharing. She stated they were not isolating Mr. Stone or anyone in particular, and they felt this was just a neighborly idea.

Mary Fertig asked where the parking would be located. Ms. Madfis stated that the master plan looked towards future development. Now, there was a lot of parking available and meters were not being utilized, and therefore, it was hard to say there was no parking on the street. She stated that when the Hospital took over they replaced 14 spaces on 14<sup>th</sup> Street. She felt the other issue was that it should be written that on-street parking can be counted in the building counts. She stated those items were addressed in the master plan. She advised that the master plan was available on the web site. She reiterated that they did not want to stifle development in the area, but they were looking for positive ways to help it happen and they get the development they wanted.

Charlotte Rodstrom stated that she felt their master plan was definitely "on track," and she agreed the shared parking idea was an excellent one. She stated she was not sure if that was included in Mr. Stone's ultimate concept. Ms. Madfis stated that if a study proved there was parking sitting empty, she felt it should be shared. She stated that parking was a major issue in the area. She reiterated that development would become stifled if the parking issue was not resolved. Ms. Rodstrom clarified that Mr. Stone's idea was not to share the parking, and that was the decision before this Board tonight. Ms. Madfis stated that she wanted the Board to just be aware of this matter. She stated it was included in their master plan that the pro-active ideas were present. Ms. Rodstrom stated she believed it was a great idea.

Judith Hunt asked if the parking spaces were sitting on the street unused would there be any objection on the owner's part to meter such spaces with revenue being retained by the City. Mr. Lochrie replied that he would explain this issue in his rebuttal.

Gerry Cooper stated that he believed this had gotten slightly confusing. He announced that he was in favor of shared parking. He reiterated that Mr. Stone would get this property, pay taxes on it, maintain it, but then his neighbor who had zero parking would then share the parking. He asked if the neighbor would share in Mr. Stone's expenses for the upkeep of that parking area. Ms. Madfis stated that she was not addressing this directly to his neighbor. She stated that if the parking was sitting empty, why not share it. She stated it might not be for her to say, but it was her understanding that at certain times in the evening events took place and there was not sufficient parking. She stated parking was being shared, there was not agreement, but it was happening. She reiterated that no one was around to monitor the situation. Mr. Cooper stated that he understood what was being stated, but that was not what he was addressing. He reiterated that he also owned parking at some of his properties and neighbors wanted to use it, he was not opposed to that but should they also pay a pro-rata portion of his expense towards taxes and upkeep or should they get a "free pass." Ms. Madfis stated there should not be a free pass, and she believed that parking was an expensive issue. She stated there might be a price to be paid for it. Mr. Cooper stated that at some point when free parking ran out, it was not fair to stop the neighbor from growing in his business. Ms. Madfis stated they were not recommending stopping the neighbor. She stated that she was only presenting the facts because this issue had not been taken to a vote due to the time frame. Mr. Cooper asked if Ms. Madfis was in favor of the proposal being presented by the Museum. Ms. Madfis replied that personally she was in favor of the development and the growth, as long as it would not put anyone else out of business. She reiterated she was not looking to hurt a neighbor. She stressed that with growth, things did happen.

Charlotte Rodstrom asked when Mr. Cooper got his land and parking had he received it for free or did he buy it and pay taxes on it. Mr. Cooper replied that he had bought his land and had not vacated anything. He stated that he was not inferring that the cost of the land should be charged to the people using it, but was stating that the maintenance costs should be shared, along with the taxes. Ms. Rodstrom remarked that it would benefit Mr. Stone's building to have a nicer parking lot, and thereby, more individuals would park there and frequent his establishment. Mr. Cooper agreed, but he felt the project should not be stopped because other people desire free parking. Ms. Rodstrom added that he would be getting free parking. Mr. Cooper disagreed, and stated that Mr. Stone was getting the land free, but then he had to maintain it and pay taxes on it.

John Zigler, Owner of Waterfront News, stated that he was the tenant in the building north of the Museum. He stated that his landlord was unable to attend tonight's meeting was opposed to this project, and did not want to pay an increase in taxes or maintenance. He announced that he had a letter from his landlord (John and Carol Daggett Lenihan) and read it as follows:

"We are writing this to show our opposition to the vacation of the portion of Flagler Avenue between 15<sup>th</sup> and 16<sup>th</sup>. We are still owners of a building we constructed in 1976 on 8 lots fronting on Flagler Avenue. We petitioned the Board at that time to vacate the same alley, but were denied. Therefore, we designed our building to utilize the then unpaved alley, and petitioned to have it paved and improved. This was done and we paid our share. We recognize that things are changing, but at a time when traffic congestion was a growing concern, it seems unfair that the road could be closed to the

south. We regret that circumstances prevent our attending this important hearing, but we greatly appreciate your reading this letter at the hearing.”

Mr. Zigler further stated that he and 4 of his neighbors to the north of the Museum used Flagler as a freight access. He continued to read the following from the previous letter:

“We see no reason to change the existing street except to economically benefit one developer in the area at the expense of his neighbors’ logistics in conducting their daily business.”

Gerry Cooper stated that he wanted to comment on two issues. In regard to the 18-wheelers, he asked if the solution offered by Mr. Lochrie would solve the problem. Mr. Zigler stated he felt it would go a long way, but whether it would actually happen or not, that was something his landlord was skeptical about. Mr. Cooper stated that Mr. Zigler had stated that his landlord was opposed to this because of increased taxes. Mr. Zigler stated it was his understanding that the City had stated when they vacated the street behind Mr. Stone’s building, they would also vacate the street behind his landlord’s building. Therefore, they would then have to pay property taxes and maintain such area. Mr. Cooper asked Mr. Zigler if he felt anyone in the City would accept free land if they only had to pay the taxes on it. Mr. Zigler stated that he was just conveying his landlord’s opinions. He further added that he was not attempting to be a lobbyist. He reiterated that they did not want any part of this.

Demetrius Kirkles, attorney, stated that he was in favor of the Museum expansion. He felt that was a great idea, but he believed the issue regarding this vacation was that Mr. Stone needed the parking in order to obtain permits to expand his actual building. He felt there should be a way to accomplish the expansion by either Mr. Stone creating new parking spaces or formalize the parking spaces without necessarily abandoning the street.

Mr. Kirkles further stated that the other problem was that any time a street was a right-of-way and parking lot, they had to do a domestication of the parking lot so police could enforce the traffic laws. Otherwise, there would be no monitoring and controlling the traffic. He reiterated that this was public property being taken for private use, and he felt there had to be some way to solve this issue. He stated they were affected by the Hospital employees coming into their area. He proceeded to show the location of their site on the map.

Chris Barton stated that the sketch made was from memory of the approved medical/office building, and the north and south bounds or ends of the building might be located in the wrong area. He explained that the Copper Kettle was at the south end of the block, and it showed the approved building with the drive-thru that had formerly been 16<sup>th</sup> Street. He explained further the southern half of the building would be a parking garage, and the northern half would be a 9-story office building.

Jonathan Lewis stated that he opposed the vacation. He stated that the entrance from 16<sup>th</sup> Street would be blocked by the new building, and trailers would only have access via 15<sup>th</sup> and 17<sup>th</sup> Streets. He stated that in tonight’s discussions, nothing had been raised about the use of the FEC. He further stated that the railroad was there on a daily basis.



In the future when events took place in the area, no one would be able to come down the vacated street. In the past when Mr. Stone had events during normal business hours, there was no parking available. He added that once the Hospital began construction of their new facility, there would definitely be no parking available. He reiterated that he opposed the vacation. He added that Mr. Stone had definitely improved the neighborhood, but the vacation would harm their business in the future. He proceeded to show on the map the location of their business.

Charlotte Rodstrom stated the zoning was B-3, and in the Code it stated as to what was permitted in the area as follows: "heavy commercial/light industrial." If one went to commercial recreational which she assumed would cover a museum, it stated that the establishments permitted were: "billard hall, bingo hall, bowling alley, movie theater, and performing arts center." She asked if a museum was permitted in a B-3 zoning district.

Chris Barton stated that he did not believe it was permitted and did not appear to be listed.

Mr. Lewis further stated that when the railroad was working the entire street was used and parking was not available.

Birch Willey, resident, stated he did not own property in the area, but he was very familiar with the Downtown area. He continued stating that he was familiar with the Museum and also knew the Stones. He stated that for the good of the community and for the good of the cause, as long as some of the conditions such as the street not being enclosed, he would vote in favor of this request. He felt it would serve the whole community. He urged the Board to consider this vacation for the long haul.

Gerry Cooper asked Mr. Willey if he had ever been a member of this Board. Mr. Willey replied that he had served on this Board for over 11 years.

Wilson Tannes, Member of the Florida East Coast Historical Society, showed on the map where transformers were offloaded by Round Tree, who was a mover of construction equipment. He stated if that area was blocked off, it would cause grave damage to the area as a result of not bringing in heavy equipment.

Vice-Chair Kenneth Hawkins asked if Mr. Tannes was opposed to the building or the vacation.

Mr. Tannes replied that he was opposed to the vacation.

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.

Robert Lochrie stated that he wanted to make sure everyone was aware of what was actually being discussed at this meeting. He stated that Art Stone operated the Antique Car Museum that was a not-for-profit museum. He explained no one was charged a fee and everyone was welcome. He stated that in the last 2 years, this facility had raised over \$500,000 for charities within the City, and most importantly, it brought individuals to an area that was unaware of the neighborhood.

Mr. Lochrie further stated that he felt two primary issues had been raised, which were access and parking. He stated that he could explain a number of ways in which anyone could get to Jerry's Marine and the facilities to the north with the vacation, but he was not going to go there because they would maintain access. He stated the City could supply whatever necessary language to protect the access. He stated they conceded that issue and it should no longer be on the table. He emphasized that they would grant access in both directions through the area. He stated that was no longer part of the equation.

Mr. Lochrie continued stating that the second issue raised was parking and how the issue would be resolved. He stated there was a lot of parking in the area, and much of it was not being utilized. He admitted there were operators who did not have parking and whose employees and customers had to find available public parking. He stated that the medical office building along the portion of 16<sup>th</sup> would actually supply more parking, and there would be a gain. He stated that as the City had done on other streets, they had even discussed the end of 16<sup>th</sup> from Flagler to one block to the east was in terrible condition, and there were no meters or parking spaces available. He stated there was enough right-of-way to provide parking spaces. He stated those locations were the type if they were discussing a unified area that would be appropriate for public parking. He explained that Jerry's Marine could, as this property had done, vacate their property in a similar manner, go through the process, and then have parking to serve their customers. Even if they did not do that, there was public parking available in the area.

Mr. Lochrie reiterated that what was important to Mr. Stone was that he be able to provide parking which was in keeping with his facility which was a first-class operation with beautiful landscaping that he would control and maintain. He reiterated that Mr. Stone would be providing parking for his users. He believed if it made sense for everyone involved, Mr. Stone would consider entering into agreements to provide parking. He stated that Mr. Stone's intent was to take a portion of a right-of-way which had been vacated for the remainder of the City, keep the public access through it, and utilize it for private parking in order to add to his facility.

Judith Hunt asked if the area they were speaking about in regard to expanding public parking was owned by the City. Mr. Lochrie replied it was City parking on 16<sup>th</sup> Street. Ms. Hunt asked if there had been discussions with the business group to fund a portion of parking on 16<sup>th</sup> Street. She stated that everyone wanted parking, but asked who was willing to pay for it. Mr. Lochrie stated they were willing to pay for their parking. Ms. Hunt asked if the applicant would be participating in the 16<sup>th</sup> Street parking, if others were willing. Mr. Lochrie replied they would gladly contribute to a fund if others did the same towards shared parking.

James McCulla asked how wide was the area to be vacated. Mr. Lochrie explained it was 76' at the ends, and narrowed to about 55'. He stated that he had spoken with Tim Welsh, and a tractor-trailer on a straight path needed at least 10', and they were proposing a 24' area to be granted. Mr. McCulla asked if they only had half of the area vacated so the westernmost portion of Flagler Avenue remained open, could they configure their lot in that manner and satisfy their requirement. Mr. Lochrie stated that he would defer to the architect who was stating that it would not work. He further stated

that the concept was to have the driveway in the middle with parking on either side providing about 30 spaces. Mr. McCulla asked if they only had half, how many spaces would be provided. Mr. Lochrie stated that it was easy to say 15, but he felt it would depend on the area. He stated there were items that would conflict with the parking area, such as garage doors, dumpsters, and the like. He stated it was not acceptable to the City to have parking in front of the garage doors. He added that the backs of the building also had garage doors.

Mary Fertig clarified that there was to be a net gain in public parking when the medical building was constructed, and asked if such parking would be available in one of the garages. Mr. Lochrie stated the parking would come about in two ways. He explained there was parking on the ground floor of the facility before going into the garage with additional parking along Andrews Avenue that did not exist at this time.

Chris Barton added there was also on-street parking along SW 1<sup>st</sup> Avenue along the west side of the proposed medical office building.

Ms. Fertig asked if any business in the area was in support of this proposal. Mr. Lochrie stated the answer was yes. He further stated that the owner directly to the north had indicated to him that at first he was concerned about the project, but once he understood that his trailers could continue to have access, he was no longer opposed to the project. The landlord had a different view. Ms. Fertig clarified that the area being vacated would also affect the other businesses on the street. Mr. Lochrie explained it would not affect the business owners to the south. He stated that the City engineers suggested that they extend it all the way up the street. He stated further that the concept was not to have access, but if the concept was that the Board felt it was inappropriate for the property owners to the north to have their property vacated, then one of the things they had done in other locations was to vacate only a portion of the area, and grant an easement across that portion. He stated that the City Engineers stated that would not be an issue.

Ms. Fertig asked about the comments made regarding the transformers. Mr. Lochrie explained that the spur was actually south of the location, and the activities occurred in the railroad right-of-way. He stated they would prefer to see them continue on the right-of-way and not on the street. He stated that was one of their problems, the debris and look of the facilities and they wanted to improve such conditions. Ms. Fertig asked if the City had any way of holding the railroad responsible for maintenance of the area. Mr. Lochrie replied they could not, but they would construct a wall and maintain their own property.

Charlotte Rodstrom stated that there probably was plenty of parking in the surrounding area, but she did not feel there was sufficient parking for 18-wheelers or room for loading and unloading of the trucks. She felt there was a lot of different uses occurring in one district, and that created the conflicts. She remarked that of the uses, a museum was not one of them.

**Motion** made by Gerry Cooper and seconded by James McCulla to approve as submitted per staff's recommendations.

Mary Fertig stated they were spending a great deal of time discussing parking, and it was easy to say there was parking across the street, but every time she went there, there were more cars in the area. She stated everyone talked about plans for the area, but asked if it would not be better to attempt to come up with an overall parking plan for the area or agreement between the parties involved. She stated she was going to make a motion to have this item deferred so the community could meet on the issue.

**Motion** made by Mary Fertig and seconded by Judith Hunt to defer this matter until May 19, 2004. Roll call showed: YEAS: Charlotte Rodstrom, Judith Hunt, and Mary Fertig. NAYS: James McCulla, Alan Gabriel, Gerry Cooper and Kenneth Hawkins. Motion failed 3-4.

Vice-Chair Kenneth Hawkins stated there was a motion on the floor as follows:

**Motion** made by Gerry Cooper and seconded by James McCulla to approve as submitted per staff's recommendations.

Mary Fertig stated she had hoped to defer this matter because she felt what the Museum had done was very admirable, but she did not think it would be fair to everyone in the area to do vacations without a plan in place. She stated when such vacations were done, they needed to safeguard everyone's rights in the area, as well as individuals that would be affected in the future. She encouraged the Board to vote against this item until a plan was in place that would safeguard the future and ensure the type of growth the businesses in the area and the residents wanted to see.

James McCulla stated that the issue that gets "danced around" was that there was ample parking on the streets in the area, but it was not free. The people expressing concerns about where their employees would park were eliminating the words "where they can park for free." He stated the question of public purpose was one of vehicular access, and appeared to have been addressed by the applicant and confirmed by the City Engineer. He felt they were getting distracted by the parking requirements for surrounding businesses that did not provide their own parking, and whose employees wanted to park for free. He remarked that things were getting bound up in the behemoth parking garage issue of the hospital district. He did not think acting in favor of this request would be in conflict with public purpose.

Mary Fertig further stated that during her tenure on this Board, she did not remember a time they had vacated a piece of property that one of the owners had objected to. She stated that the owners on half this block were objecting to the vacation, and she was not sure why they were vacating property that the owners did not want vacated. She felt there were multiple questions that had been raised in regard to this issue. She stated that in regard to free parking, some of the individuals had been in the area for 50 years or so. She felt they needed a plan that would "watch out" for everyone. She did not think this proposal was doing that. She felt the Museum project was great, but yet they also had the surrounding businesses and their concerns that were also valid.

Judith Hunt stated she had several concerns. The first one was in regard to the parking along the roadway. She remarked that in many areas of the City that was considered illegal parking and residents were ticketed on a regular basis. She felt if that was the

case, then the same standards should be applied across the Board. She stated her other concern was that this Board had recently approved a parking variance for the Hospital District. She continued stating that she felt they were holding this applicant "ransom" because they did not have a parking solution, and she did not think that was fair. She felt there could be a solution on 16<sup>th</sup> Street, and if the business owners were willing to contribute and the applicant was also willing to contribute, then some of the parking problems could be solved. She further stated that if Mr. Cooper moved forward with his motion, she suggested that it include a fund to be developed by the property owners in the area for parking improvements on 16<sup>th</sup> Street.

Gerry Cooper stated that he was not going to make such an amendment to his motion, and felt they had discussed this matter to great lengths.

Charlotte Rodstrom stated that whether parking was free or not most individuals preferred to park close to their work place, rather than have to park far away and walk. She stated they were looking to approve or vote against individuals using the right-of-way who were meeting the permitted uses in the district, and found that distressing. She added that she was not in support of this motion.

Roll call showed: YEAS: Judith Hunt, Alan Gabriel, Gerry Cooper, James McCulla and Kenneth Hawkins. NAYS: Charlotte Rodstrom and Mary Fertig. Motion carried 5-2.

**BOARD RECESSED AT 8:46 PM**

**BOARD RECONVENED AT 8:56 PM**

9. **Robert Ader/The Shark Restaurant and Bar**      **Kevin Erwin**      **118-R-03**  
Request:\*\*      Parking Reduction/Coral Ridge Commercial  
                                 Boulevard Addition, P.B. 43, P. 13  
                                 Block 3, Lot 9  
Location:      2925 East Commercial Boulevard

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

Vice-Chair Kenneth Hawkins stated that this matter was quasi-judicial and Board disclosures were made as follows: Alan Gabriel had been to the site.

Sarah McDonald, representing the applicant, stated that they were seeking a termination of an off-street parking agreement that had been signed in 1990 and never used. She remarked that it was dangerous and unnecessarily burdened the parcels in question. She proceeded to explain the area in question on map. She stated that The Shark had previously been known as Scally's back in the '70's and '80's. She added that they had provided parking in the front of the site at that time. In 1990 the tenant had entered into an Off-Site Parking Agreement with the City that burdened the vacant lot, labeled as Parcel #2 on the map, and was located across Bayview and Commercial Boulevard. She explained that the site had never been improved and was an eyesore.

Ms. McDonald explained that the traffic study showed there was more than adequate parking to serve the site in the area. She stated that Carl Peterson had done the study

and would be glad to answer any questions the Board might have in this matter. She further stated that the parking for the area was provided through the public lot. She stated that staff had suggested that they go through the parking reduction application in order to reach their goal that was the termination of the parking agreement. She reiterated that it had never been utilized for parking.

Kevin Erwin, Construction Services, stated that this was a request for a parking reduction. In the backup provided by the applicant, it stated there had been 3 spaces on site originally, and an addition had been done on the property in the '90's that removed that parking, and the parking agreement was then entered into. He stated the lot was to provide 10 of the required parking spaces, and testimony had been given that the lot had never been developed and would be dangerous to utilize. He further stated that Section 47-20.4 of the Code – Location of Parking Facilities – requires that the parking be within 700' by safe pedestrian path, and continued to define a safe pedestrian path. He explained that the path had to be within 700' and could not cross a right-of-way of more than 6 lanes. He stated that this parking agreement violated that stipulation in today's Code. He added that he did not know if such verbage had been included in the Code at the time the parking agreement had been recorded.

Mr. Erwin stated that he had the following conditions to be applied if the Board approved this application:

1. The Parking Reduction Order must be executed and recorded in the public records of Broward County at the applicant's expense prior to Final DRC.
2. Final Development Review Committee approval and sign-off.

Mr. Erwin stated that the applicant would also have to terminate the parking agreement which had not been a condition listed in the staff memorandum.

Vice-Chair Kenneth Hawkins proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by James McCulla to approve the application per staff's recommendations. Roll call showed: YEAS: Judith Hunt, Mary Fertig, Alan Gabriel, Gerry Cooper, James McCulla, Charlotte Rodstrom, and Kenneth Hawkins. NAYS: None. Motion carried 7-0.

- 10. Fifth Avenue Partners, Ltd./Sign Modification Mike Ciesielski 5-R-04**  
Request: Sign Modification for City Center/First  
Federal of Broward Portion Tract B, P.B. 94,  
P. 20, Broward County; together with  
Additional Plat of Stranahan Subdivision,  
Lots 3, 14 and 15, Block G, P.B. 3, P. 187,  
Miami-Dade County  
Location: 401 East Las Olas Boulevard

Robert Lochrie, representing the applicant, stated that they were requesting 3 different sign variances for the City Center Building or Bank of America Building. He stated this was the largest office building in Downtown Fort Lauderdale and encompassed an entire square block between east of Las Olas Place, north of Las Olas Boulevard and south of Second Street.

Mr. Lochrie explained that the building itself went before this Board a few months ago for the Bank of America sign located at the top of the building. He explained that the City Zoning Code was unique, and in the Downtown area it provided that applications that came forward and were not in conformity with the plan went before this Board for review. In other parts of the City, variances could be requested. He explained further that when the Downtown Regional Activity Center was first adopted, and again when the ULDR was created in 1997, there were unique pedestrian experiences, vehicular traffic ways, and buildings, and as a result a relaxation was needed from the standard requirements. He stated that was not to say that this Board could go and approve everything, but the Board needed to apply their standards and concepts of good design to determine whether the sign requests made sense or not. This Board would then be the master sign reviewer for this Downtown project that was unique in its size.

Mr. Lochrie further stated that this building almost to a point met the standards of the Downtown Master Plan that had been adopted long after the building had been constructed. He explained it provided for a building wall along portions of 2<sup>nd</sup> Street at 60' to 80', and provided for a tall tower sitting back off the pedestal off 2<sup>nd</sup> Street. He stated it was the nature of the breaks between the tower itself between the parking garage and the Downtown retail experience which necessitated this requirement. The City Code stated that in the Downtown if one faced 4 streets, 4 signs would be permitted. He stated that a building of this size typically had a sign at the top of the building. Strict reading of the Code would not permit any additional signs. He explained that the sign at the top of the building was difficult to see from various streets and locations.

Mr. Lochrie stated the applicant was requesting 3 types of signs consisting of ground signs at 3 locations, wall-mounted signs, and canopy signs for the retail tenants. He stated that ground signs were not unusual in the Downtown area. He proceeded to show signs at various locations in different cities. He further stated that tenants wanted signage to show their presence in the area. He proceeded to then show examples of different types of ground signs that were available. He showed the sign the applicant wanted to install at the SW corner of the property, and explained the structure on which the sign would be attached was already existing.

Mr. Lochrie continued stating that the second ground sign being requested would be located on the other side of Las Olas. The other area was outside of Red Coral at the eastern portion of the property. At that location they were requesting either of two ground signs shown indicating the building and tenant names. He stated that the third sign being requested was at the NW corner of the property on the steps.

Mr. Lochrie explained that the second type of sign being requested were the signs placed on the garage level of the building. He stated it would be consistent with the design scheme developed by Stiles Corporation on other buildings in the area. He

stated that in keeping with the spirit previously adopted along Las Olas, they were requesting an option of a few signs. He explained they were requesting a total of 4 signs, and no more than 2 would be placed on any façade. He stated that the signs would be channelized letters and back-lit.

Mr. Lochrie continued stating that the third type of sign being requested was an under canopy sign.

Alan Gabriel asked if the sign on the garage would identify multi-tenants. Mr. Lochrie explained there would be a total of 4 signs and were discussing a potential of 4 different names. He further stated that each sign would be for one tenant. Mr. Gabriel asked if the Board was to also approve the size of the signs. Mr. Lochrie stated they were also requesting specific size to be approved that would not exceed the Code requirements. He stated that staff had recommended a maximum square footage of 105' for the flat or secondary signs and they agreed with such restriction.

Charlotte Rodstrom asked if the applicant was requesting over and under canopy signs. Mr. Lochrie clarified they would retain the over-canopy signs, but would add the under canopy signs.

James McCulla asked if they were proposing uniformity regarding the signs to be hung on the building. Mr. Lochrie confirmed and explained they would be aluminum backed, channelized letters, and back-lit. Mr. McCulla asked about the color of the signs. Mr. Lochrie stated they could be the same color, but in most cases corporate identities preferred their own trademarks. Mr. McCulla further asked if the under-canopy signs would have logos on them also. Mr. Lochrie confirmed, but stated the overall canvas would be uniform throughout.

Michael Ciesielski, Planning and Zoning, stated that the applicant was requesting approval for 17 additional signs at Las Olas City Center Building, specifically 3 ground signs two of which were directional, 4 secondary building signs which were referred to by the City's Code as flat signs, and 10 under-canopy signs.

Alan Gabriel stated that he wanted to know what was permitted for this building, so the Board would be aware of what they were granting for the project. He asked if staff could provide a short summarization.

Mr. Ciesielski stated that the Code permitted 4 building identification signs that had been approved by this Board back in December, 2003. He further stated that the applicant was requesting to install 2 ground signs, along with a third ground sign noted on page 6 of the applicant's package as provided to the Board. He explained that the ground signs did not comport to the current Code. He stated that according to the Code, the ground signs could only contain street numbers and street names. Furthermore, the ground signs were not specifically allowed to have a directory and the only type of directory sign permissible was a wall directory sign. He stated further that the proposed ground signs with directory were to be 7' 4" in height exceeding the maximum 5' height requirement in the Downtown RAC. He also stated that such signs were to be 36 and 7/10 sq. ft. in area and that exceeded the 32 sq. ft. requirement stipulated in the Code. Mr. Ciesielski



referred to S-5 location for a sign and stated that it did not comport with the current Code and was located within 5' of a pavement or sidewalk.

Mr. Ciesielski stated that in respect to secondary signs, his memo stated:

“Although the proposed ‘secondary building signs’ comport with the requirements for flat/wall signs in the Downtown RAC...the maximum number of signs, as per Sec. 47-22.4A.2 will be exceeded (the current Code only permits one building identification sign facing each street frontage, which the applicant already has with the Bank of America signs).”

Mr. Ciesielski further stated that in regard to the ten canopy signs, staff was concerned because Las Olas Place was not identified as a pedestrian priority street. In accordance with the Code, under-canopy signs were not permitted unless they faced a pedestrian priority street.

Mr. Ciesielski stated that if the Planning and Zoning Board decided to approve these signs, then staff recommended that the following conditions be included with the approval :

1. That only one of the two proposed ground signs at the southeast corner of the site be permitted.
2. That none of the under canopy signs exceeds a total of eight square feet, that the letters for each of the under canopy signs does not exceed twenty-four inches (24") in height, and that the color fabric to be used for each canopy sign match the color of the existing canopy.
3. That none of the four “secondary building signs” (flat/wall signs) exceed one-hundred and twenty square feet in area.
4. That all existing window signs located on the ground floor retail establishments be removed pursuant to Sec. 47-22.4.C.13.a (Window signs are prohibited in the downtown RAC.)
5. That the specific location of ground sign “W-4” be identified. (According to the site plan, it appears as though this sign is proposed to be located on the steps.)
6. Final DRC approval.

Vice-Chair Kenneth Hawkins asked Mr. Lochrie to provide some clarification regarding the sign labeled SW-4. Mr. Lochrie stated that the sign would be installed on the steps and the concept was to have it as an essential element to the stair itself. Vice-Chair Kenneth Hawkins asked if the height listed as 11' 4" was taken from the top of the step or from the bottom. Mr. Lochrie replied it was taken from the top of the step. Vice-Chair Kenneth Hawkins proceeded to ask about the width of the sign.

Jeff Lutz, Stiles Development Company, stated that he was a Registered Lobbyist with the City. He further stated that the concept of such sign was to maintain similar symmetry to the identity already created on Las Olas and give the retailers along the private drive the opportunity to promote their businesses to individuals traveling on 2<sup>nd</sup> Street, the same as individuals traveling on Las Olas. He stated that the width would be

the same as the one on Las Olas that was about 2' to 3', and the depth would be that of the stairs.

Vice-Chair Kenneth Hawkins proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Alan Gabriel stated that he preferred to address each type of sign individually. He stated that he realized this was a large building that needed signage and he did not have a problem with such concept, but whether it required directory signs on each ground sign was the question. He felt there would be too many signs. He stated that he could support ground signs with identification of the building, including the address, as proposed in the 3 locations. He added that he did not have a problem with the garage signage or the retail signage. He further stated that the sign labeled W-4 was too large. He stated that the Board had been told to choose the signs without any direction from the applicant, and added that they could not approve a sign package without it clearly being defined. He felt it would be difficult to do that unless they did it one sign at a time.

Charlotte Rodstrom stated that the sign labeled W-4 actually enhanced the entranceway to the stairs going to the building. She stated further that she was concerned about the canopy signs.

James McCulla stated that one of the things they continually heard before this Board and at seminars regarding urban development and redevelopment was the combination of retail and office use, and encouragement towards pedestrian friendly street level retail use. He stated further that the sign criteria they had for the City was sometimes in conflict with the idea of attempting to promote walking/pedestrian shopping and browsing traffic. He stated he was not troubled by the under-canopy signage because it promoted such activity or the directory signage at any of the 3 proposed locations. He did encourage the developer to deploy some control and decorum as to what would be placed on such signs. Otherwise, he felt they would look like a "hodge-podge" at the Mall. He stated if it was not for the scale of this building, he would probably draw the line regarding the secondary signage for the facades, and absent appropriate signage it would make it more difficult to lease the building.

Vice-Chair Kenneth Hawkins stated that looking at the W-4 sign in proportion, he felt it was still too large. Robert Lochrie pointed out that 2<sup>nd</sup> Street was going to change due to the improvements that would be made by the DDA. He continued stating that it would be the only sign along that street. In addition to what was on the site plan and graphics, there was a large sidewalk in the area. He stated they would not disagree if the Board decided they wanted the height to be lowered for the sign, but they believed it was a prominent corner.

Vice-Chair Kenneth Hawkins stated his other concern was in regard to the depth of the sign. He stated that circulation around the steps was important in order to keep the flow of traffic and he did not think they should project far out into the curb area. He added that he was not comfortable with the dual monolithic sign. Mr. Lochrie stated that the applicant would agree to keep the sign within the location of the current railing. Vice-

Chair Kenneth Hawkins asked about the height of the sign and asked if they would scale it to proportion. Mr. Lochrie confirmed.

**Motion** made by Mary Fertig and seconded by Judith Hunt to approve the application with staff's conditions and the agreement made regarding the W-4 sign. Roll call showed: YEAS: Mary Fertig, Gerry Cooper, James McCulla, Charlotte Rodstrom, Judith Hunt, and Kenneth Hawkins. NAYS: Alan Gabriel. Motion carried 6-1.

- |            |                                       |   |                       |
|------------|---------------------------------------|---|-----------------------|
| <b>11.</b> | <b><u>City of Fort Lauderdale</u></b> | <b>Kevin Erwin</b>  | <b><u>49-R-03</u></b> |
|            | Request: * **                         | Conditional Use/Replacement of Poinciana<br>Park Storage Tank and Pumping Station<br>Croissant Park, P.B. 4, P. 28<br>All of the Unnumbered Block lying between<br>Blocks 62 and 64 |                       |
|            | Location:                             | 401 S.E. 21 Street  |                       |

Vice-Chair Kenneth Hawkins announced that this item was quasi-judicial, and advised that the Board was also acting as the Local Planning Agency. The following disclosures were made by the Board: Judith Hunt stated that she had been to the site, spoke with Robert Lochrie, Commissioner Hutchinson, and Craig Canning. Gerry Cooper stated that he had been to the site. James McCulla stated that he had spoken with Robert Lochrie. Charlotte Rodstrom stated that she had been to the site.

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

Maurice Tobin, Engineering Design Manager for the City of Fort Lauderdale, stated that he was going to provide an overview of the tank and the need for such a tank. He explained this tank was needed to supplement water for the southern end of the City, along with supplying water for emergencies. He stated that the 2000 Master Plan approved by the Commission recommended replacement of the tank and pump station due to the age of the facility. He further stated that State Regulations required that the City Water System maintain a certain amount of storage for such emergencies.

Mr. Tobin continued stating that the existing tank was located in Poinciana Park and had been built in the 1960's of steel construction, and held 2.1 million gallons of water, and was comprised of 97' in height and 58' in diameter. He explained that due to its present condition, it was out of service. He stated that the existing building on the site was 68' x 30'.

Mr. Tobin explained that they proposed to build a new pump station and erect a new tank at the site. He stated that the new tank would be a ground storage tank and would not be elevated, and would be lower in height but larger in diameter. The capacity would be increased to about 2 million gallons, with a tank height of 56' and a diameter of 80'. He explained that the proposed pump station would have a higher capacity to meet future demands, and the building would be 55' x 42'. Pictures were shown of the site.

Judith Hunt asked if they had met with the community regarding the design. Mr. Tobin advised that he had met last November or December with the Poinciana Park Homeowners Association and had presented the drawings. At that time, they were in

favor of the proposed design. He explained that it was understood there was a need for such tank. He stated that he had also explained how the construction would be handled. He proceeded to show the site plan for the project. He remarked that the park would remain unchanged. He explained the only other site plan improvements that were going to be done were the addition of a sidewalk around the perimeter of the park, along with some curbing.

Kevin Erwin, Construction Services, stated that the City was proposing to demolish the existing facilities at the site and replace them with newer and higher capacity facilities. He stated that the changes were provided by the applicant regarding the new tank. In addition, he stated the pump station would also be larger, and architectural features would be incorporated that would enhance its appearance making it look less industrial. He explained that this was a conditional use in the park zoning district, and as such it must be reviewed as a Site Plan Level III, and receive approval of this Board. He advised that the project was also subject to neighborhood compatibility requirements, along with meeting the adequacy requirements. He stated that the applicant had demonstrated in their narrative that such requirements were met. He explained that the site was surrounded on all 4 sides by right-of-way and did not directly abut residential dwellings. He stated that staff found that the project met the criteria for conditional use and recommended approval of the project, subject to the following conditions:

1. A Construction Debris Mitigation Plan was to be submitted.
2. All construction will 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. Final DRC approval.

Charlotte Rodstrom stated that according to the blueprint, it appeared they encroached onto 21<sup>st</sup> Street. Mr. Erwin replied they were not and that it was the same perimeter.

James McCulla asked about the screening for the project. Mr. Erwin stated that they were proposing new landscaping around the water tank. Mr. McCulla asked for a more specific description of what the landscaping would consist of. Mr. Erwin proceeded to explain what landscaping would be done and where it would be located.

Mr. Tobin stated that one of the issues involved was security, and reminded everyone that this was the drinking water system for the City. He stated that the EPA and Department of Homeland Security had mandated that they do a risk assessment of all the City's facilities. He stated that one of the issues was visibility of the system for the police. He reiterated that there could be malicious intent.

Mr. McCulla stated that he understood the security issues, but he felt they needed to do something for the community by masking the facilities from their view.

Vice-Chair Kenneth Hawkins proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

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

Judith Hunt suggested that a friendly amendment be made to the motion for staff in their best efforts to add landscaping so as to obscure 30% of the visible surface area from the corner.

Roll call showed: YEAS: Alan Gabriel, Gerry Cooper, Charlotte Rodstrom, Mary Fertig and Kenneth Hawkins. NAYS: James McCulla, and Judith Hunt. Motion carried 5-2.

<b>12.</b>	<b><u>City of Fort Lauderdale</u></b>	<b>Kevin Erwin</b>	<b><u>50-R-03</u></b>
	Request: * **	Public Purpose Use/Replacement of Second Avenue Storage Tank and Pumping Station Progresso, P.B. 2, P. 18 Block 321, Lots 1 through 11	
	Location:	631 N.W. 2 Avenue	

Vice-Chair Kenneth Hawkins stated that this item was quasi-judicial and the Board would also be serving as the Local Planning Agency.

The Board made the following disclosures: Gerry Cooper stated that he had been to the site. Kenneth Hawkins stated that he had been to the site and had spoken with Robert Lochrie on this item. Judith Hunt stated that she had been to the site and had spoken with Robert Lochrie. She stated that she had also spoken to some of the residents of the area, along with members of staff.

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

Maurice Tobin, Engineering Design Manager for the City of Fort Lauderdale, stated that this was a vital facility in the City's water distribution system, and supplied water to the northern and central parts of the City, including the Beach area. He explained it had to meet peak hour demands, and fire requirements. He stated that this tank was also used in emergencies, such as the one in June, 2003, when there had been a large water main rupture on 38<sup>th</sup> Street. He stated that the tanks were vital to maintain consistent pressure.

Mr. Tobin explained that the existing tank was presently zoned RMM-25 and they were requesting to replace this tank under public purpose surrounded by commercial and multi-family residential. He stated that the existing tank was made of steel in the early '60's, and had reached the end of its useful life. He stated further that the Water and Wastewater Master Plan recommended that this tank be replaced with a ground storage tank and a new pump station. He explained that the existing tank's capacity was 1 million gallons and was 140' in height with a diameter of 80'. He explained further that the existing pump station was 25' x 20'. He stated that the proposed project included a new ground storage tank and pumping facility. The new tank would have a capacity of 1 ½ million gallons that would be a 50% increase over the existing capacity. He stated the height of the tank would be 46' and a diameter of 80'. He stated that the pump station capacity would be significantly increased from 2.4 to 7 ½ million gallons with a larger

pump station 82' x 34'. The increase was required due to the redevelopment of the Downtown area and the Beach.

Kevin Erwin, Construction Services, stated that this application was proposed as a public purpose use because there were 3 sections of the ULDR that they were seeking a waiver from. The first was that a public utility was not a permitted use in the RMM-25 zoning district, and therefore, they were requesting a public purpose use to allow the use in the RMM-25 district. He stated that the height of the proposed storage tank was 46' 5" which according to Code Section 47-25.3.A.3.c required a setback of half-the-height which would be 23' 2 1/2". The property abutted residential on the north and on the west sides. The problem they had meeting such requirement was on the west side where it abutted the Day Care Center. Therefore, they were requesting a 21' setback. He explained the third requirement they were seeking relief from was that there was a 5' setback requirement for the buffer yard wall where it abutted an alleyway, which it did on the west side of the property, and they were requesting a zero foot setback for a portion of the wall in order to fully enclose a monitor well.

Mr. Erwin stated that this project needed to meet neighborhood compatibility. He stated further that the proposed tank was more compatible than the existing one, and were lowering it by about 100' while keeping the diameter the same. He explained they were improving the looks of the pump station even though the size was being increased, and they were also relocating it from the east side of the property to the north side. He continued stating that the zoning on the north, west and east was RMM-25, and the zoning on the south was B-3 and I.

Mr. Erwin continued stating that staff was proposing the following conditions if this Board approved the application:

1. A Construction Mitigation Plan was to be submitted.
2. All construction will 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. Final DRC approval.

Vice-Chair Kenneth Hawkins asked for some further clarification of the rendering of the site.

Richard Barrett, member of the Utilities Advisory Committee and resident of the City, stated that a presentation had been made to their Association meeting. He felt the rendering was not representative of what the tank size would be. He stated they were concerned because there had been no input from the community regarding this matter.

Gerry Cooper left the meeting at approximately 10:00 p.m.

Mr. Barrett further stated there was residential on 3 sides of this site, and since a tank was there did not make it right for it to stay there. He reiterated there had been no discussion about the project, and no alternative sites or designs had been looked at. He felt the City should grant to its residents, what it demanded from the utility companies. He reiterated that this project would have an effect on the CRA and its property values,

which would affect the taxes collected by the City. He stated they were not saying that this Board should deny the request, but were asking that more information be supplied before a decision was made.

**Motion** made by Judith Hunt and seconded by Mary Fertig to defer this item to allow the community to work with staff.

Sharon Miller, Assistant City Attorney, stated that they needed to add into the motion a time certain.

Mr. Tobin stated that these projects were actually one large design and construction project and were intended to be bid in such a manner. He stated that this project had been in DRC for over one year, and was substantially behind schedule. He explained that there were financial commitments involved and bonds were to be issued for the project. He stated there were also resource implications if this project were delayed.

Mr. Tobin further stated that last year he had met with the Progresso Retail Merchant's Association and had presented a previous rendering to them similar to the Poinciana Tank, and at that time it was his impression that the tank was acceptable to the community. He stated that subsequent to that, they had met with several of the Association Members, along with the developer, and came up with some of the modifications, including the banding and colors. He explained they had also looked at other options in the area, including having two tanks on the site that would not work due to space limitations. He remarked that a square tank was cost prohibitive.

Vice-Chair Kenneth Hawkins asked if 1-2 months delay would be crucial to the project. Mr. Tobin stated he was at a loss in regard to what other options were available.

The Assistant City Attorney explained that the matter could be deferred until the Board's next meeting, and if additional time was needed, the matter could be deferred once again.

James McCulla asked what efforts had been made to satisfy the requirements of meeting with the neighborhood and the compatibility issues.

Mr. Tobin stated that through the process they had met with neighborhood representatives and modifications had been made. He added that they had also met with the developer, Rene Lepion.

Rene Lepion, developer, stated that he was building 60 homes in the neighborhood. He added that they had met with Mr. Tobin in the past.

Mr. Tobin stated they had also met with the attorneys involved.

James McCulla asked the developer if he had been at the neighborhood meeting with the presentation had been made. Mr. Lepion confirmed and stated that a matter-of-fact presentation had been given, but no opinions had been given or asked for. He stated that they had made over 12-15 suggestions for alternatives to this project. None had

been accepted or considered. He stated that this would have an effect that would cost the City a great deal of money, and the residents would have lower property values.

Mary Fertig asked who Robert Lochrie was representing. Robert Lochrie replied that he was present on behalf of the developer, Mr. Lepion, who he worked with. He explained further that he was working on a project on Andrews Avenue, and Mr. Lepion had asked him to assist him in this matter, as well.

The motion was restated as follows:

**Motion** made by Judith Hunt and seconded by James McCulla to defer this item until June 16, 2004, to allow the community to work with staff.

Vice-Chair Kenneth Hawkins stated that he felt since this was a time sensitive issue he was more in favor of a deferment until May, 2004, and therefore, would not support the motion deferring the item until June 16, 2004.

Roll call showed: YEAS: James McCulla, Charlotte Rodstrom, Judith Hunt, Mary Fertig and Kenneth Hawkins. NAYS: Alan Gabriel. Motion carried 5-1.

<b>13.</b>	<b><u>City of Fort Lauderdale</u></b>	<b>Chris Barton</b>	<b><u>12-R-04</u></b>
	Request: * **	Public Purpose Use/Replacement	
		Of Fire Stations 47	
		Acreage in 8-50-42	
	Location:	1000 S.W. 27 Avenue	

Vice-Chair Kenneth Hawkins announced that this item was also quasi-judicial, and that the Board would be acting as the Local Planning Agency.

The Board made the following disclosures: Mary Fertig stated that she had spoken with Commissioner Hutchinson. Judith Hunt stated that she had been to the site and had spoken with the President of the Southwest Coalition, Pete Sheridan, Craig Canning, Commissioner Hutchinson, and residents and firefighters in the area.

**All individuals wishing to speak on this matter had been sworn in.**

Frank Snedeker, architect with the City of Fort Lauderdale, stated that the subject site had an existing fire station known as Fire Station No. 47 which had been built in 1963. He added that it had run its basic life cycle, and they were in the process of designing a new building. Prior to deciding to rebuild, the fire department had done studies throughout the area looking for alternative sites, but none had been found. Therefore, a decision was made to rebuild a new station at the same location. He stated that since firefighting had changed substantially over the years and there were more crews with larger vehicles, the new station would be larger than the existing one. He stated that had presented some problems, and asked if this Board would grant relief in connection with setback requirements, landscaping, and other issues that would be covered by staff.



Judith Hunt stated that she had deep concern regarding this project, and she did not think that it was compatible with the community. She stated that St. Thomas High School, SW Coalition, and the neighborhood had worked in connection with uplifting Davie Boulevard. She stated they had a vision they were working with the City on. She stated further that concerns she had heard from the homeowners groups were that the project had not been presented to them, and that it did not resemble anything in the neighborhood. She felt it was a "take it or leave it" type project. She did not think it was an attractive project.

Mary Fertig asked if the project had been presented to the neighborhood associations. Mr. Snedeker replied they had not, and also stated that the station was surrounded by schools on two sides, a park, and businesses. He added there were no residential dwellings within the immediate vicinity of the site.

Charlotte Rodstrom stated that since this was the first station they would be renovating, there was any policy in place as to who they had to talk to regarding the project. She stated that Davie had a Western theme throughout their area, and in this vicinity they were attempting to make Davie Boulevard look very attractive. She stated that she realized they were not supposed to judge design, but suggested that they talk to other individuals and possibly come up with a different façade.

Mr. Snedeker stated they would be willing to talk to the neighborhood, and advised that the site was two blocks from Davie Boulevard. He stated the site was on Riverland Road and SW 10<sup>th</sup>. He remarked that it was not fronting on Davie Boulevard.

**Motion** made by Mary Fertig and seconded by Judith Hunt to defer until June 16, 2004.

Vice-Chair Kenneth Hawkins asked if the maker and second of the motion would withdraw such motion at this time in order to permit a public hearing to take place.

Motion was withdrawn by both parties.

Resident of Lauderdale Isles stated they were undergoing a \$350,000 revitalization plan for Davie Boulevard that stretched from I-95 to SR 441. He stated that the original vision was to carry the theme from the Peele-Dixie Water Plant that was the Mediterranean style plant. He stated the new facility would match the old building, and they preferred to have the theme carried through Davie Boulevard. He stated that he had not seen the building, but based on what he had heard it was to not be what they had envisioned for the area. He stated they welcomed the station in the neighborhood, and they wanted the entire area to look attractive. He stated that he had been employed by the City for the last 23 years. He asked if they could meet with the SW Coalition regarding this project

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

**Motion** made by Mary Fertig and seconded by Judith Hunt to defer until June 16, 2004.

James McCulla asked how long it would take to redesign the project. Mr. Snedeker replied it would depend on the comments made and felt the work could be done within the 60-day time period.

Roll call showed: YEAS: Charlotte Rodstrom, Judith Hunt, Mary Fertig, Alan Gabriel, James McCulla and Kenneth Hawkins. NAYS:None. Motion carried 6-0.

**“For the Good of the City”**

Vice-Chair Kenneth Hawkins stated that last month there had been questions regarding what the Broward County School Board was offering in regard to mitigation measures. He announced that an Oversight Committee was to be selected by June, 2004.

Chris Barton stated that there was going to be a light agenda for the Board in May, and suggested that additional information be supplied regarding this matter and discussions could then take place.

Judith Hunt complimented Vice-Chair Kenneth Hawkins on how tonight’s meeting had been conducted, and stated that it was the most delightful meeting she had ever participated in.

**Motion** made by Alan Gabriel and seconded by James McCulla to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at approximately 10:50 p.m.

VICE-CHAIRMAN

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Kenneth Hawkins

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.**