

**CITY OF FORT LAUDERDALE
 PLANNING AND ZONING BOARD
 WEDNESDAY, JANUARY 19, 2005
 City Hall
 City Commission Chambers
 100 North Andrews Avenue
 Fort Lauderdale, Florida 33301
 6:30 P.M.**

Board Members	Attendance	Cumulative Attendance From 6/16/04	
		(P)	(A)
Gerry Cooper	A	7	1
Mary C. Fertig	P	7	1
Alan Gabriel	P	7	1
James McCulla	P	6	2
Charlotte Rodstrom	P	8	0
Judith Hunt	P	7	1
Randolph Powers	P	6	2
Maria Freeman	P	7	1
Edward Curtis	A	6	2

Planning Staff:

Marc LaFerrier, Planning and Zoning Director
 Chris Barton, Liaison to the Board and Principal Planner
 Jim Koeth, Principal Planner
 Mark McDonnell, Planner III
 Tony Longo, Planner III
 Ella Parker, Planner II

City Legal Advisor: Sharon Miller, Assistant City Attorney

Other City Staff Present: Tim Welch, Engineering Design Manager

Minutes Reporting Service: Debra Giehtbrock, Recording Secretary

Guests:

Robert Lochrie,
 Debbie Rochevski
 Julie Jones
 Dennis Knusser

Marc LaFerrier
 Diane Barry
 Joe Pasqualey
 Cindy Eden

Margaret Knusser
Phillip McAllen
Frank Almedia
Vickie Eckels
Frank Gernard
John Hudson
Larry Martinell
Robert Landsburg

Bruno Verosta
Judy Vantyle
Gus Carbonell
Stephen Tilbrook
Mike Sanchez
Jeff Falkanger
Dan Schwartz

Pledge of Allegiance

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

CALL TO ORDER

Chair Mary Fertig called the meeting to order at approximately 6:33 p.m. Chair Mary Fertig introduced the Board members. Chris Barton then introduced City staff present. Chair Mary Fertig then explained the procedures that would be followed with regard to the meeting. Chair Mary Fertig stated there were seven matters before the board. There have been no requests for deferral. No applicants had requested additional time for their presentation therefore each applicant will have 15 minutes to make a presentation followed by the staff report. After members of the Planning and Zoning Board have an opportunity to ask the applicant and the staff questions, public testimony will be taken. Members of the public will have 3 minutes to speak, representatives of homeowners associations will have 5 minutes to speak and then the applicant will have an opportunity for final comments. The public hearing will be closed and the board will consider the item. If you plan to address the board tonight during the public hearing portion, please record your name legibly and sign the sheet at the recording secretary's table that is right here in the center while the preceding person is speaking. That should help us to move quickly and also ensure an accurate record.

Approval of November 17, 2004 and December 15, 2004 Meeting Minutes

MOTION to approve the minutes of the November 17, 2004 Planning and Zoning Meeting was made and seconded. Approval was unanimous.

MOTION to approve the minutes of the December 15, 2004 Planning and Zoning Meeting was made and seconded. Approval was unanimous.

Chris Barton stated they had 2 issues on the agenda that need to be visited. We have a request from the proposers of the Bank of America, Basset Furniture Stores Item 3 on the Agenda, Case 145-R-04, a parking reduction request and site plan approval. They have requested that this item be deferred until February 16, 2005 to give the 3 parties the opportunity to work out issues amongst themselves. The neighborhood has a concern over parking in the rear of the property. They have requested a deferral.

Chair Mary Fertig called for a motion. Motion made and seconded. It has been moved and seconded that we grant a deferral on Item #3, Case 145-R-04 until February 16, 2005. All agreed.

The second item Chris Barton needed to bring to the public's attention was that he had just learned that a letter for case #1-P-04 has been mailed to all the property owners within the prescribed distance for a request to vacate the right of way at 1725 Davie Boulevard. This case was not on the agenda and the letter was inadvertently mailed. Two individuals had shown up and Chris Barton announced that the case will not be heard at that meeting. Anyone there for that case was advised that the case would not be heard. They would be re-noticed when it would be brought before the Board.

Chair Mary Fertig stated individuals wishing to speak were sworn in and asked Assistant City Attorney Sharon Miller to explain the quasi-judicial process.

Sharon Miller, Assistant City Attorney explained the process that when there were certain items noted with double asterisks (**), they were treated as quasi-judicial. That meant the procedure looked like what you would see in a court proceeding. Witnesses are sworn, each of the board members disclose any information they obtained about an item before the meeting so that everybody has that information. There will be cross-examination, if so chosen, and any exhibit that is submitted will be a part of the record until the matter is concluded. The Board reviews everything that is submitted and bases their decision on the information they receive to see if that meets the criteria of the Unified Land Development Regulations (ULDR).

Chair Mary Fertig called for disclosures. Site visits were made by Judy Hunt and Maria Freeman.

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|-----------|-----------------------------------|--|----------------|
| 1. | Broward General Med Office | Jim Koeth | 66-R-02 |
| | Request: ** | Extension of Approved Site Plan Level III/Parking Reduction | |
| | | Medical Office Building with Retail (CB) | |
| | | Parcel 1: Croissant Park, Lots 11 | |
| | | and 12, Block 35, P.B. 4, P. 28; Parcel 2: | |
| | | Resubdivision of Block 38, all of Lots 1-8, | |
| | | and all of Lots 25-30, P.B. 52, P. 8; Parcel 4: | |
| | | Croissant Park, Lots 13-18, Block 35, P.B. 4, | |
| | | P. 28 of the Public Records of Broward County | |
| | Location: | 1523 S Andrews Avenue | |

Robert Lochrie, representing the North Broward Hospital District stated that there were members of the hospital district joining him to request an extension of site plan approval and parking reduction for the medical office building to be constructed just west of Broward General at 1523 South Andrews Avenue, on the West side of Andrews Avenue. The project was delayed due to circumstances beyond the control of the Hospital District. Due to these delays the construction drawings have not been completed. However, in the last 30 days, a new contractor has been awarded the project. The district is moving forward with the final design and construction drawings and expects to have those drawings into the City within the next 6-8 months. At this time we request an extension of that site plan approval. They were prepared to answer any questions or address any concerns the Board may have had. Mr. Lochrie had also discussed the issue with the neighborhood association and submitted a letter in support of their granting of the request for the extension.

Jim Koeth stated that if you granted the extension they would have to apply for a building permit by February 16, 2006. They would have to obtain one and keep it active by August 16, 2006.

Chair Mary Fertig asked if there were any questions or if any member of the public wished to speak.

Alan Gabriel stated that he wanted to make sure that for purposes of the record he understood why we are extended this and hadn't it been extended once before.

Robert Lochrie responded that it had been extended once before. There was a report in the newspaper that there had been a criminal investigation of this project related to activities at the Hospital District, which had been resolved. The issues have been resolved and the plan will move forward.

Alan Gabriel asked if that is the reason they have not been able to make progress not because they just did not have the plans completed.

James McCulla asked if he was reading correctly, that one of the conditions for our being able to do this is that the requirements have changed.

Chair Mary Fertig stated that she actually thought the code allowed discretion if the requirements have changed. Would they indicate the memo or code that they are reading from?

James McCulla stated he did not mark it but it is in the italicized excerpt from ULDR 4724 it says, "an extension of time shall be granted in all applicable buildings zoning engineering regulations remain the same and good cause".

Sharon Miller stated that what they did was not included on page 425 of the ULDR where that was excerpted from. The last sentence reads "if any applicable building zoning or engineering regulation has been changed during the 24 month period, it shall be reviewed only to the extent that the changes affect the proposed development". I do not think that was included was it. No. So that is something that can be considered in what is being requested if there are changes to this structure that were effected by changes then we would look at that. She did not believe this is the case.

Mr. Lochrie stated that was correct and believed the intent was that the conditions could not have changed and if they had changed, then the Board has the opportunity to re-review them but the zoning has not changed at this site.

James McCulla asked if the building, zoning and engineering regulations governing this had not been changed.

Robert Lochrie stated there have been changes and the floor of the building code has been updated and they would need to comply with those plans as they are submitted to the City.

Chair Mary Fertig asked if there were any further questions and proceeded to close the public hearing.

Motion to approve was made by Alan Gabriel and seconded by James McCulla to approve the request for an extension of the approved site plan Level III parking reduction of the medical office building.

Chair Mary Fertig called for discussion.

Judith Hunt stated that she again had concerns on this project that we are giving a parking reduction in an area that absolutely needs more parking. They had seen other applicants in this area and we had been more concerned about their compliance. Ms. Hunt stated she was uncomfortable until they had seen all of the drawings completed and she would have to vote no.

ROLL CALL showed Yeas: James McCulla, Randolph Powers, Alan Gabriel, Charlotte Rodstrom, Maria Freeman and Mary Fertig. Nays: Judith Hunt. Approved 6-1.

DEFERRED FROM THE DECEMBER 15, 2004 MEETING

2. **Rodger Kooser/Harbor Village** **Ella Parker** **125-R-04**
Request: ** Site Plan Level III/Residential Flex Allocation on
Employment Center Land Use
Twenty-Seven (27) Multifamily Units (RMM-25)
Block 19, Everglade Land Sales Company's
First Addition to Lauderdale, Lots 8, 9, 10, 11,
12, 23, 24 and 25, P.B. 2, P. 15
Location: 712 S.E. 18 Street

Chair Mary Fertig asked for disclosures and Judith Hunt stated she had visited the site. Individuals wishing to speak on the matter were sworn in.

Gus Carbonell, Architect on behalf of Rodger Kooser stated that the project before them was to be able to obtain flex units. Staff had come up with a count of four units that they needed to be dedicated to this site. The property is located on SE 18th Court to SE 18th Street and just East of the Comfort Inn Suites that is located on South Federal Highway just south of the 17th Street Causeway. He presented a map that showed Federal Highway and the 8-story Comfort Suites and that most of the parking is located to the East of that building. Our property is an "L" shaped property zoned (RMM-25) and the land use is employment center. The reason they were here today is because even though the (RMM-25) allows the multiple family development, because they underline land use as employment center, this Board has the authority to grant the flexible units that they need to complete this project. For many years this property has been zoned multiple family, 25 units to the acre. In the 1960's and 1970's it was developed with a lot of the shotgun duplexes or triplexes with backup parking very little design to these buildings and the area for many years has been deteriorated. Due to the new shopping center being completed with a Publix and the proximity to all of the amenities that we have, the east side of town has become a very desirable area to live. We have come before the Harbordale Association, made a presentation to the general meeting and by unanimous vote it was recommended for approval and the Board should have a letter in their packets. They had a representative from the association at the meeting.

Mr. Carbonell pointed out a few of the items that were included in the development so that it is not only compatible to the neighborhood but a first class project. It consists of 27 units; three stories in height, the size 57,200-sq. ft. and is approximately 1.3 acres. The allowed density is 25 per acre however in order to make the units larger and more spacious and create the type of pedestrian walk that you can see on the site plan fully landscaped, they reduced the density to 20.6. On the parking, all of the parking is provided inside, each unit has a 2-car garage, and in addition, they have guest parking. The amount required is 57, and they have 59. During meetings with the association, they encouraged we approach the City later on and see if we can add parallel

parking on the City street. I believe we can add 2 on one street and 4 on the other. Where there is the 150' frontage and larger frontage on 18th Court. This way it becomes more of an urban type setting, and people do not destroy the swell. Even though this is a multiple family development that is what is allowed in this zoning district, they have designed these to be of the villa type homes where everyone has their own entrance directly from the pedestrian path. There is a pool that you see in the courtyard that would be a common pool for everyone. The design is an old Florida style with a Key West flare. We have a lot of variation of roofs; the building facade has a tremendous amount of balconies, bay windows, recesses, porches, trellises that made the project a lot more interesting. Three models are proposed. The 6 units of 2,546 sq. ft. of living space, 17 units are 1,876 sq. ft. and 4 units of 2,301 sq. ft. They are all 3 bedroom, 3-1/2 bath and they all have a sun terrace on the roof. As you can see in the site plan there are no private yard spaces to give the residence some type of privacy here they can go up to the roof deck. The roof deck is actually hidden behind the roofline so it is almost like a little recess on the roof. All the equipment will be hidden on the roof away from view.

Mr. Carbonell stated the neighborhood association had encouraged them to create a pedestrian friendly atmosphere. As you can see, the sidewalks all direct the pedestrians to the street and even many of the individual units have their front entries facing 18th Court. The new project is much further away from meeting those 10' setbacks that is required of the sides. They are actually over 20' on the east and west sides to accommodate the driveway. The driveway is single loaded as you can see in the top rendering. The garages are 8' recessed back from the second floor in a way that the garage does not become imposing. The Hotel is to the west and there is an existing masonry wall with landscaping that will buffer this project from the Hotel and vice versa. The same thing will be on the east side. Many of the properties surrounding this project are actually on contract and similar projects will be forthcoming to this Board. The building height would be allowed to be 55' under the zoning district, and they are only at 32.6'. The landscaping is in excess of the 35%; they have 36.5% and that is all green growing grass beside the pool area are all the amenities. The footprint is 36% as you can see is not a crowded site. All the driveways will be finished in concrete block pavers

Chair Mary Fertig asked for the Staff report first and then the Board members may ask questions.

Ella Parker stated the applicant proposes to build six three story multi family buildings with 27 units on residentially zoned block with employment center land use. In accordance with the City's comprehensive plan, free standing multi family residential uses are allowed in this land use if flexibility is applied and if the parcel of land is 5 acres in size or less. The applicant's parcel is 1.31 acres. Through a search in the City's property records, staff has determined that the applicant needs 6 not 4 residential flex units. Ms. Parker wanted to make that clear for the record. The property is located in flex zone 55, which has 947 residential flex units available. If the applicant is granted the requested number of units, 941 flexibility units will remain. The proposed project is subject to adequacy requirements and neighborhood compatibility requirements. Staff concurs with the applicant's assessment of meeting the adequacy criteria and the Board is to determine if the proposal meets the neighborhood compatibility criteria. If the Board approves this request, staff recommends the following conditions:

1. Upon approval the applicant has 18 months to apply for and 24 months to obtain a building permit.
2. Prior to application for a building permit, a construction debris mitigation plan shall be submitted.
3. Final DRC approval.

Chair Mary Fertig stated the Board needed to let the audience know about the lobbyist registration policy. Chair Fertig stated that if you are planning to speak and you are in the employment of the applicant, you need to be registered as a lobbyist.

Sharon Miller stated you could read on your agenda about lobbying and the sections that are cited. Basically they need to register with the City Clerk and swear that they are lobbyists. That means what they are doing is advocating for financial gain for another principal beside themselves. There are some exceptions for homeowners associations, not for profit and that sort of thing who are usually here on their volunteer time. Otherwise so we know who they really represent, and who they are, they fill out that form and state to this Board or anyone else that they talk to when they are advocating a project that they are representing. Then if they do not, the City Commission can take action to recommend censure or prevent them from lobbying for a certain period of time.

Chair Mary Fertig asked for Board Members questions.

Charlotte Rodstrom asked Gus Carbonell if there were sidewalks. She also complimented Mr. Carbonell on the project and that he had done a very nice job. Gus Carbonell showed the landscaped plan and 18th Street and 18th Court with a white line representing the new sidewalk being provided.

Charlotte Rodstrom asked if this was a community sidewalk for the neighborhood and not fenced in for just the residents. Gus Carbonell related that it was a community sidewalk. The rest of the sidewalks are shown as a cross pattern through the neighborhood. Mr. Carbonell pointed out that he wanted to note that during their meeting with the association they had agreed to provide 2 dog potty bag containers because they are becoming popular and very necessary in walking neighborhoods.

Charlotte Rodstrom asked if they were going to maintain the trees and landscaping on either side of the sidewalk. Gus Carbonell stated there were actually two apartment buildings with this pool and there also happens to be a bed and breakfast one of the few in the City. It has many coconut trees and they were going to try to relocate some of them. They had taken out a unit because it was an extra unit at this location and there were 2 huge oak trees that are very mature and rather than lose them they planned to keep the largest one and relocate the second one within the site.

Charlotte Rodstrom asked if there was anything they needed to know regarding schools. Gus Carbonell stated in terms of schools, they have to contact the School Board and the issue will be a money replacement that is part of the City DRC process and they planned to do that.

Alan Gabriel asked Gus Carbonell if they would have any objection to adding a condition to the project regarding school mitigation. Gus Carbonell stated that as a part of the requirements they would have no problem adding that.

Alan Gabriel stated there was no comment in the backup material concerning that issue. Gus Carbonell stated that this project went through DRC a few months ago and by the time they had staff sign and apply, the new projects they were doing had now become a requirement on every project where residential flexible units are being added. Mr. Carbonell stated that on this one they were formally notified that they have to follow this so the Board is welcome to make it a condition.

Randolph Powers asked Gus Carbonell if this was a gated community. Mr. Carbonell stated that it was. They had a gate at the entrance point to the community however the guest parking had been left outside the gates. This is going to be for a trial period. At the present time there are a lot of vagrants and this project backs up to Kentucky Fried Chicken. Some of the other areas that have evolved do not have any gates there. There are just front lawns and the front entries of these units face 18th Court. Mr. Carbonell stated they were trying to be very pedestrian friendly. The Gates are mainly for cars to prevent people from cutting through. The actual project is pretty open. There are no walls. If anything they may do an open picket fence.

Randolph Powers asked if the vehicles could enter and exit on 18th Street and 18th Court.

Gus Carbonell stated they could and both of those were 2-way drives and only one that dead ends. These units have the garages facing to the interior so that the outside of the project is always the nicer looking elevations. Mr. Carbonell also mentioned that each of the units has a small private elevator.

Chair Mary Fertig proceeded to open the public hearing and guests were sworn in.

Vickie Eckels stated she was from Harbordale Civic Association and as Gus Carbonell had indicated earlier, he brought this project before them and they had approved it. Her primary reason for coming was reinforcing that Mr. Carbonell was the first and one of the only ones to bring a project before the homeowners association. They have a lot of developments like this coming into their neighborhood and there is not a mandatory requirement that developers approach them and she asked that part of her being there was to ask the Board to put some teeth into the request that developers approach nearby neighborhood associations. When developers come before this Board and they have not been to the associations would they question why they have not? They have a list of items that they talk to the developers about and the Board has raised one, the sidewalks. Some of the items they ask are in the code and some of them are not. We are affected by these decisions and you have many people living in an area many of which have pets. They raised the issue about installing pet stations and fortunately the developer was very receptive. Just giving us the opportunity to look at what is coming in and comment on it is important to us and that is why I was asked to be here and reinforce the fact that this is something Mr. Carbonell did. We would like to see all developers do it and not have it treated as an option. If a developer comes before you and has not been to us would you consider withholding approval until they have done so?

Chair Mary Fertig proceeded to close the public hearing.

MOTION to approve was made by Alan Gabriel with the 3 conditions of staff as well as a 4th that it will be subject to voluntary school mitigation requirements and seconded by Randolph Powers.

James McCulla stated just to be clear the package says the applicant is asking for 4 units and the City Staff says they need 6. Which are we doing?

Chris Barton stated that after they put that in the applicant pointed out they did not have that many units. Staff checked with the City Property Records officials and 2 of the units on site are listed as Hotel. There is a bed and breakfast in there somewhere that is not considered as residential units. They need 6 instead of 4. We have the flex units do it is not a problem.

James McCulla stated they were approving the subject as 6 units and Mr. Barton stated 6 units were correct.

Alan Gabriel stated that he would amend the motion to include the 6 units to be clear and asked if the second would accept it.

Roll call showed all approved and Chair Mary Fertig stated the motion carried unanimously.

3. **Bank of America, N.A./Bassett Furniture Store Michael Ciesielski145-R-04**
Request: ** Site Plan Level III/Parking Reduction
Retail Furniture Store (B-1)
Block S, Coral Ridge Country Club Subdivision,
Portion of Lots 15 and 16, P.B. 36, P. 30
Location: 3600 North Federal Highway

Deferred.

4. **Emil Pawuk Family Trust Pro Dive Jim Koeth 142-R-04**
Request: ** Site Plan Level IV/Retail,
Restaurant and Scuba Diving Training (SBMHA)
Portion of Lots 5, 6, 7 and 8,
Las Olas by the Sea
P.B. 1, P. 16
Location: 429 Seabreeze Boulevard

Chair Mary Fertig asked for disclosures. Judith Hunt had visited the site and spoken with Pete Wietch.

Guests were sworn.

Jim Koeth stated he would like to make a clarification before the applicant does their presentation. The following application is a Site Plan Level III review versus a site plan Level IV which your back up indicates. The difference with that is a site plan Level III is that your decision would be subject to 30 day call up by the City Commission decision versus Site Plan Level IV which would automatically go to City Commission on your recommendation. Mr. Koeth stated it had clarified with the zoning administrator prior to this meeting but after the report was written.

Stephen Tilbrook, attorney representing the Emil Pawuk Family Trust Pro Dive the tenant in the Emil Pawuk Trust property and introduced a few members of the team present, Frank Gernard, President and CEO of Pro Dive and Mike Sanchez the architect. Looking at the plan Mr. Tilbrook stated the building was an existing 2-story building and they were requesting a change of use for the ground floor of the building. Mr. Tilbrook also stated that Seabreeze Boulevard is directly adjacent to the site and up the north side of the site is Los Olas Boulevard and you can see the Venetian condominium across the waterway. The zoning for the property located in the South Beach Marina and Hotel Area (SBMHA), which permits retail uses that are oriented toward providing services for tourists as a primary use within that zoning category. The change of use requested is to change operation from a restaurant to retail use for the Pro Dive operation which is a Dive Shop and Dive Training operation. That is a permitted use for a Site Plan Level III. The ground floor use was the former Coconuts Restaurant that also operated as Forte at one point in

time. It was a restaurant of about 5,900 sq. ft. originally; a rather large restaurant that required a significant amount of parking. 5,162 sq. ft. of that will be converted to retail use therefore lessening the impacts on the community and lessening the parking requirements. Steve Tilbrook stated that in addition to the change of use from restaurant to retail, they were also asking for approval for scuba dive operations and excursions that are necessary for a dive shop and is part of the requested site plan approval.

Mr. Tilbrook went on to say that as far as the Scuba Dive operations are concerned there were 2 dive trips that occur a day and the vessel carries 27 scuba diving passengers. All of that is accounted for in the site plan. Steve Tilbrook proceeded to provide a little history on the site previously used as a restaurant. On April 14, 2004 they went to the Board of Adjustment (BOA) and sought a temporary use approval to move the retail operations in concurrence with going through the site plan approval process. They have been going through that process; the BOA unanimously approved their temporary use so they were there to get final site plan approval.

Mr. Tilbrook stated they were operating, were compatible with the neighborhood and that it was a good use for the community. He proceeded to tell the Board about Pro Dive a business that has been operating in Fort Lauderdale since 1975. Greg McKay began Pro Dive operations and their business is oriented around dive excursions. Pro Dive is a world leader in training dive instructors. They are known throughout the world for placing new dive instructors in resorts all over the world. Mr. Tilbrook stated they were one of the longest operating dive operations in Fort Lauderdale is a quality family-oriented tourist business that generates thousands of bed nights a year because many of the divers that are trained to be instructors are from other countries visiting Fort Lauderdale. They stay here for several months to be trained and that adds to the local economy. In addition, this project works in compatibility with the City's Aquatics Complex which is directly next door to the south. These are a few photos of the existing operations at the site and you can see if you have been to the site that it is in need of some upgrading and repair. The property is well kept and it is currently operating as the Pro Dive operation. Part of the project will involve upgrading the site particularly the parking area with new landscaping, new lighting and upgrading the façade of the building as well as interior modifications for the building. That includes wider sidewalks on Seabreeze Boulevard and new landscaping significantly upgrading the landscaping and lighting to make it more attractive. Mr. Tilbrook stated that the building would actually be reduced in size. At the location there is a large outdoor storage cooler for the old restaurant that would be removed. They will create a clean retail façade along Seabreeze Boulevard that will be attractive to residents and tourists and folks walking along Seabreeze. There will be aesthetic enhancements as well as positive impacts for the community. By changing the use of the ground floor from restaurant to retail there is a net reduction of trips on Fort Lauderdale beach of over 250 vehicle trips per day. That of course goes up on the weekends. Steve Tilbrook stated that this was one of those unusual projects that will actually improve traffic on Fort Lauderdale beach and they were proud of that aspect. Many of the visitors to the Pro Dive site walk there, they come by vans from local hotels and they actually stay in hotels nearby.

Mr. Tilbrook stated the new architectural style of the exterior of the building will be a Key West style, where it now has a kind of pseudo Mediterranean French look that needs upgrading. There will be standing seam metal roofs and new upgrading with shutters and upgraded paint. Another benefit of the change of use from restaurant to retail is the parking impacts are significantly reduced. By changing approximately 5,000 sq. ft. from restaurant to retail there is a net reduction of parking required of 30-40 parking spaces; so now where the property was somewhat a legal non-conforming use previously, now there will be 54 parking spaces required and 58 spaces provided so there will be a net increase, a surplus of parking for this project. In addition, there will

be improved circulation within the parking lot and it will be a safer experience for the visiting vehicle. This project is in full compliance with the comprehensive plan with the SBMHA zoning and is consistent with the redevelopment plan for Fort Lauderdale Beach. There is community support for this project. Mr. Tilbrook had submitted this project for review and presentation to the Central Beach Alliance on two occasions and on both occasions it was favorably received. The Board unanimously approved this project. In addition, they had presented this project to the Venetian Condominium Association and the other businesses in the area. Mr. Tilbrook stated they were excited about the project as a step in the right direction for this section of Seabreeze Boulevard and south Las Olas Boulevard and thought this would set a new standard for redevelopment on this part of Fort Lauderdale Beach. Mr. Tilbrook stated they requested their support and were there to answer any questions.

Chair Mary Fertig called for the City staff report.

Jim Koeth stated they were before the Board for a change of use actually reducing the restaurant square footage and introducing a retail component that already had Board of Adjustment temporary use approval for one year which is effective through April of this year. If they had been out to the site they probably saw the retail operation already in operation. They exceed the parking requirement, are reducing the size of the building and they are upgrading it aesthetically. Should the Board approve this application Staff recommended the following conditions:

1. Site Plan approval be valid as provided in ULDR section 4724.1M.
2. File DRC approval.
3. Obtain approval Valet Parking Agreement prior to final DRC.
4. No outdoor PA system or amplified music will be permitted and if such amp systems are used indoors, all doors and windows are to remain closed while in operation.
5. Construction debris mitigation plan shall be submitted to include but not be limited to the requirements of the construction debris mitigation policy as attached in memorandum and as approved by the City's Building Official.

James McCulla asked why they needed to have a valet parking agreement.

Jim Koeth stated the project was introducing valet parking on the site plan so they needed a valet parking agreement.

Mr. McCulla stated that he thought they only required those when they were valet parking off-site, to mitigate a parking reduction or a lack of parking and Jim Koeth stated they require them on-site as well.

James McCulla asked if anyone that operates a valet parking in the City has to have a valid parking agreement. Jim Koeth stated that when they come before the Board that is one of the requirements that goes to the zoning official.

Chair Mary Fertig asked for any other questions and if any member of the public wished to speak would they come forward and sign in. Chair Mary Fertig then asked if the applicant had any final comments. Chair Mary Fertig then closed the public hearing.

MOTION was made by Alan Gabriel and seconded by Judith Hunt to approve with the conditions as expressed by staff.

Roll call showed the motion passed unanimously.

At this time the Board took a five-minute break to reconvene at 7:25 p.m.

Chair Mary Fertig reconvened the meeting.

5. **Flagler POP I II, LLC (P. Douglas McCraw)** **Ella Parker** **15-P-04**
Request: Vacation of Right of Way, Alley
All of that Portion of the 14 foot wide
Alley lying adjacent to Lots 1 through 6,
Block 10, and Lots 19 through 24, P.B. B,
P. 40, Public Records of Miami Dade County
Location: 300 N.W. 2 Avenue, 117 N.W. 3 Avenue and
150 N.W. 4 Avenue

Chris Barton stated they had a small discrepancy on the application that was supplied by the applicant. They have the name of Mr. P. Douglas McCraw listed after the property owners name and there is some question as to whether or not that gentleman was actually a participant in this project. We have investigated that and the applicant is prepared to make a statement as to whether Mr. McCraw is or is not a participant in this application.

Robert Lochrie, on behalf of the applicant, clarified that the property had been sold; Mr. McCraw no longer owns the property it is owned by our client Zichen Tananbaum, the current applicant requesting the alley vacation. Mr. Lochrie stated the property in question is located north of Broward Boulevard actually north of the State Building, south of Second. The alley in question is an alley, which runs right through there. There is currently an FPL transmission line. The alley originally extended south all the way to Broward Boulevard but in 1975 the City vacated that portion of the alley. This is not the best graphic. The portion of the alley under consideration goes from Second Street and dead ends into the State property at the area indicated in green. The blue was the surrounding property. The City had previously vacated the area in pink. They had a unique situation that they had an alley that does not meet any of the City standards because it is a dead end alley. This does not serve any public purposes; it only serves the properties for which application has been filed. The request is to vacate this alley since it no longer serves any public purpose to serve these properties to combine the site into a project that will be presented to the Planning and Zoning Board in the coming months. Currently there is an FPL transmission line that runs through the center. They have been working with FPL on the condition of the vacation. There is a representative of FPL here as well. The condition is that the FPL lines be relocated and that easements be granted that are satisfactory to FPL. Staff report indicates a willingness to grant a 5' easement to FPL and they knew that would not be satisfactory to FPL. They were going to have to dedicate more than that. Mr. Lochrie stated it may have been a misprint in the staff report and that whatever it would be they would comply with FPL's request. Mr. Lochrie then asked for consideration on the vacation.

Chair Mary Fertig asked for the staff report.

Ella Parker stated the applicant wants to vacate a 14' alley located south of NW Second Street as Mr. Lochrie had described. This case was reviewed by DRC on October 26, 2004, and all comments have been addressed and the property and right of way committee on October 21, 2004 where it received a positive recommendation. Since some of these unresolved issues have

surfaced regarding the size of the utility easement, the applicant would provide to FPL, if the Board grants a positive recommendation for the vacation, staff proposed the following conditions:

1. The entire area be retained as a utility easement.
2. All utilities that are required to be relocated be done so at the applicants expense.
3. Vacating ordinance will be in full force and effect on the date as certified executed by the City. Certificate recorded by the City Engineer is recorded in the public records of Broward County. That this certificate shall state that the existing facilities have been abandoned and a copy of the recorded certificate must be provided to the City.
4. Final DRC approval.

Charlotte Rodstrom asked Robert Lochrie about the policy of the City to approve these vacations and not get anything back in return in the way of monetary funds for the land that is being given up by the City to the developer. She thought he was thinking of a mixed use residential and retail and asked if they would be coming back with perhaps sidewalk, landscaping or something that they will give back to us for what they are going to give you.

Mr. Lochrie stated he thought it may be more than a policy and he was not sure if the City was able to ask for any compensation. They would be back with a project and as part of that project they would be adding additional landscaping and streetscape improvements beyond the boundary of this project. Mr. Lochrie would bring that back to the applicant and let them know of the concern.

James McCulla asked Ella Parker if she had any conditions and it was staff's conditions that the entire area be retained as a utility easement.

James McCulla asked if that worked for the applicant and Robert Lochrie responded that he thought what would work for them was if it be retained as a temporary utility easement until such time as the utilities are relocated and we have granted other utility easements to the utility companies. To retain it and for two of these utilities an easement does not really get them anywhere.

Chris Barton stated that in the application in the survey that was provided, there was no easement noted. Robert Lochrie stated there was no easement there at that time. Chris Barton continued that the drawing appeared to show a 5' easement.

Robert Lochrie stated it was currently just an alley. The utility companies are using that alley as a right of way and they wished to vacate the alley. They would agree to dedicate a temporary utility easement of 14' until they relocated the utilities and they would give them whatever they needed.

Chris Barton stated City staff would accept that amendment to the proposed conditions.

James McCulla stated they needed to restate their condition to this that the alley be retained as an easement area temporarily until they are satisfactorily relocated and Ella Parker stated the temporary easement would suffice.

Lynn Schatis representing FPL came forward and stated that was fine.

Alan Gabriel stated that he was looking at the drawing showing the easement and asked Mr. Lochrie if his client owned all the property adjacent to the requested easement area.

Robert Lochrie stated there was one portion they did not own on the southwestern portion of the alley, which was owned by the State. They had previous discussions with the State and they have consented to the vacation as well.

Alan Gabriel reiterated that they were not a participant in the application but that they had communication with the State. Robert Lochrie stated that was correct and they owned the lot adjacent to that portion of the alley.

MOTION was made by Alan Gabriel and seconded per the staff recommendations including that the applicant grant a temporary utility easement in the alleyway until such time as they satisfactorily relocate the existing utilities.

Chair Mary Fertig asked if Mr. Gabriel was adding one condition that is not what they discussed.

Alan Gabriel stated that staff added it at the podium and he was just trying to announce it.

Robert Lochrie asked if he could address it if it could be retained as a temporary utility easement that might be the easier way.

Alan Gabriel asked if there is not an easement now, how you retain something they do not have.

Robert Lochrie agreed that if the City vacates the alley, that it would be retained as a temporary utility easement interest. It would go from right of way to temporary utility easement.

Alan Gabriel amended the motion from grant to retain.

Chair Mary Fertig stated it has been moved and seconded to vacate a right of way alley out of the portion of the 14' wide alley with certain conditions including that we retain the easement until they have relocated the lines. So, there being no further discussion let's call the roll.

Roll call showed motion approved unanimously.

6.	Grand Palazzo Hendricks LLC	Tony Longo	158-R-04
	Request: ** Site Plan Level III/Waterway Use Twelve (12) Multifamily Units (RMM-25) Block 4, The Plat of Victoria Isles, Lots 24 and 25, P.B. 15, P. 67		
	Location: 516-524 Hendricks Isle Drive		

Chair Mary Fertig started with disclosures. Randolph Powers stated he spoke with Debbie Rochevski and the developers to look at the revisions. Maria Freeman stated she made an on-site visit with Debbie Rochevski and the developers. Judith Hunt had visited the site. Alan Gabriel had met with Ms. Rochevski as well as the development team. Chair Mary Fertig stated she had met with Ms. Rochevski and reviewed the plans.

Debbie Rochevski, representing the applicant, started with a review of the section of the zoning map from the City of Fort Lauderdale. Particularly you can see marked in blue is the site and the orange is Hendricks Isle and Isle of Venice. In reviewing this matter she really wanted to put

things into context. This property has been zoned for multi family residential development for more than 30 years. They checked the records of the City and over the years as each zoning district has changed and evolved and the City has gone on and on, these to Isles have consistently been at a density of a multi family that you see today. In fact in 1997, they were all working on the ULDR's and there was a review of the zoning of the whole surrounding areas. There were adjustments and changes made within the isle area to the East. There were adjustments made to the West to adjust to existing conditions and neighborhood and planned conditions.

Ms. Rochevski stated the one constant through all this time even in the face of what they were doing in the late 90's was that Isle of Venice and Hendricks Isle were identified to be an intense multi family area of this otherwise wonderful neighborhood. That decision and the decision again when they re-looked at all these things in the late 1990's has resulted in exactly what the ULDR and prior zoning called for. We have a copy of your map and the orange sites are actually existing, approved, or under construction multi-family residential buildings on Hendricks Isle and Isle of Venice; particularly Hendricks that are 5 story or above. The blue is 4 stories, the yellow 3 story. The majority of the area of Hendricks Isle has been redeveloped with a 5 story some of them go to 7 stories since many years ago the zoning permitted that. She believed the maximum is 5 stories as this time. What has been created is exactly the neighborhood that we have seen through zoning to evolve within this area. It is essentially 2 isles of multi-family within a sea of single family. She thought you will hear from some of our neighbors, those changes have been very positive. Some of the things that have happened as a result of this transformation of Hendricks Isle are that the live aboards that used to be up and down and polluting the Isles and the waterways have been reduced tremendously. The transient character and nature of Hendricks Isle has changed to be point that it is really a neighborhood. One of the changes that you see is people walking their dogs on the sidewalk. They are walking up and down along the Isle. The sidewalks that were built by the 7 new projects and the 8th sidewalk that will be built by this project if approved, create the kind of continuity and enjoyable neighborhood that we are trying to achieve all over the City of Fort Lauderdale. This first perspective is the Hendricks Isle frontage. This project is a 12 unit residential condominium although 14 units would be permitted but it is proposed as 12. It has been designed to meet each and every provision of the ULDR's with the exception of 1. That is to not have any yard modification requirements with the exception of 1 and the yard modification actually is to allow a pool to be constructed within the 20' landscape area along the waterway that she would get to in more detail later in her presentation. From the standpoint of design of this project, it has been designed in a Spanish Mediterranean motif with an attention to detail that she did not believe you are seeing in every building coming up along the Isles certainly not in this area. This building is having tremendous attention to architectural detail, which is something that is becoming more and more important to us as residents of the City of Fort Lauderdale. Let me share with you a few of the special features. For example there are not 1 but 2 types of roofing. There is a tile and parapet wall enclosure. They will all be covered in Spanish S-Roof tile in Taupe, Rich Tan and Terra Cotta. We have a sample board here to give you a sense of the richness of the quality materials. I know that is something you do not necessarily get into, but I think it is something we need to start focusing on. There is a quality of project that we are going to start demanding. The exterior walls are finished with 2 different types of hues and not just painted. They are rough textured stucco 2 different hues to do multiple textures and in addition to that, the wrapping around the base of the building will be cut Italian Saternium marble. Again, this gives a sense of warmth and dynamic to the facades. Let me just move to the waterway side of this building. The entry columns, bases, piers all of these will be cast in stone and done in such a way that it will look like they came out of a roman coliseum. Again, interest, buildings that last that hold our interest as a community. Moldings and windowsills

above the first floor finished with smooth coated stucco that will tie together the different building elements of the façade.

One of the things on the front element is there is much articulation within the front of this building the ins-and-outs, the different aspects. You notice the entry features and the reliefs in different portions. Those are the types of attention to detail that this project is going to raise the bar on. On the landscape treatment with particular attention to the waterway area is a planned view. The entire site has been landscaped to the extent that there is a rule in the code that says you cannot have more trees if you are going to create a certain type of canopy. We had to stop adding trees. We have the maximum number of trees permitted before you step over some other line at some other end of the tree spectrum. Specific variety and attention has been given to the waterway and the pool area. One of the other aspects that you will see on the sides of the building where we now have the exposed parking, this does not have any roof over the parking. In order for there not to be any light from cars affecting the neighboring areas, there is landscaping a knee wall and then the fencing that you see. So it creates a complete buffer to any type of off-site effect from lighting yet creating the kind of lush tropical environment that we are looking for along the waterways. The one yard modification that was requested for this project relates to the waterway requirement for a 20' landscaped area. This graphic, she apologized for how rustic it is, but thought it makes a particular point. The entire waterway frontage meets the 20' landscaped yard requirement. The only portion that it does not is the placement of the pool. That is a configuration, which we see routinely throughout the waterways of the City of Fort Lauderdale. For a variety of reasons for example in this particular location the lot is actually curved in a way that the pie comes together right where you would put the pool so that you have narrowness. In order to mitigate that we pulled the pool as close to the building as the health department would allow and incorporated a landscaped area right along the frontage of the waterway at the docks with only pathways so people can get to their docks. Something the code does permit. This project has really taken great pains to comply with the code and from a design standpoint go beyond what you have typically seen within this area. The project was before this board a couple of months ago. The developer and the design team took this Board's comments to heart. They reduced the mass of the building and eliminated thousands of saleable square footage to bring you a better product a product that is more in keeping with what this Board was telling us they wanted to see on Hendricks Isle. We would urge you to support this application and hope that the Board was as pleased with the changes as they were.

Chair Mary Fertig asked for the staff report.

Chris Barton stated Mr. Longo was under the weather tonight so he would present for him. As the project consists of 12 multi family residential units in a 4 levels of residences over a level of parking garage with a ground level of garage this is under the maximum. This site could contain up to 14 units but the applicant is only asking for the 12 on a 56 acre site. The proposed height of the structure is 52.9' this gives a side yard setback requirement of 26.5'. As Ms. Rochevski pointed out the boat slips and docks will be created. This is an unusual place on the Isle where there is not a building on the West side of the roadway, only on the East side. So it is open on that side. It is a relatively narrow portion of the Isle. The site is vacant now and to the South we have a 2-story structure to the North there is an existing 2-story structure. The site is open. I guess that is 3 stories. Mostly 2 story across the water on Isle of Venice. The existing seawall is in structurally sound although not very attractive. That will be cleaned up and the docks developed on that point. Going North along Hendricks Isle Drive, there is an existing 3-story structure older structure at the end of the Isle this is a focal point as you drive down. The site is

here on the right. It has a commanding view down the east west canal that leads out to the intercoastal. It is a very nice site in terms of the views offered by the particular site.

Ms. Rochevski pulled up a City map, an exhibit map that we have used on a number of the cases on this and the proposals on the Isle of Venice that does show the developments in the area. Again a number of projects have been approved and in some cases are now under construction. This is approved very recently this project is approved and is now under construction it is a 5 level project just several properties away. You can see other larger projects that have been approved over the years or have been built or in the process of being constructed as well as the 3-story project next door or at the end and some other 3-story older facilities along the roadway. We see two 5-story projects over on the adjacent Isle as well. The only requirement request that this applicant is making is for the pool and the area between the rear wall and the water. Again the 20' yard that is required. The pool has been minimized and this is a yard modification that has been granted in almost all cases of similar projects in the Isles. These areas are RMM-25 areas both on these two Isles as well as several other RMM-25 areas along canals within the City. That is a common requirement and the Board typically approves the request for the pools. One thing that was not pointed out was this will remove the back out parking that typically exists.

The creation of a continual sidewalk system is beginning to happen as the projects are filled in and we see that as a positive get rid of some of the back out parking along the roadway. That is one of the benefits of going to these larger developments. The review of a project similar to this was brought before the Board in September of last year that requested side yard modifications for a one level structure to cover the surface parking. It did create a couple of small balconies or terraces to the North and South but did come into the yard and I believe it was a 10-12' request that the Board denied. In that case it would have provided some balconies and terracing effect on the structure and remove some of the boxiness that we see today. The intent of the step back or the system that allows for yard modifications in these situations was to perhaps allow a developer to come closer to the property line in the first one two or possibly three levels. The tradeoff of course with the upper levels they would step back to greater than half the height of the building and gets that terracing effect. As the City has been less and less willing to grant yard modifications in general, the developers have not pulled back at the upper levels so we are not getting the terracing effect we would like to see. They are just going back the required amount and going straight up. We are not getting the upper level terracing. The system was set up with some give and take involved to get that step down look but it has not turned out that way. With that in mind the Staff has determined that this application meets the minimum standards of the ULDR with the one concern that there is a continuity of urban scale surrounding buildings. There are some smaller surrounding buildings but the gap between them is similar to what is in the neighborhood. The set back from the street on the larger approved buildings is similar but it is a little closer to the street than some of the elder structures as you can see the footprints here. That is one area that will differ slightly. Many of the lower buildings in the area are being developed with 3-5 structures and that is happening. There is some new development that was not a 5 story level.

The applicant is proposing only a 52.9' high building where the area does allow up to 55', that is a small difference. The overall neighborhood is comprised of a wide range of building sizes architectural styles that have evolved on these Isles over the last 70 years. It is quite diverse as you go down there but more and more as the larger ones are coming in it is beginning to take on the look of a more densely developed street. With that I would answer any questions.

Charlotte Rodstrom asked how wide the City property was across the street on the west side that goes against the canal. Our drawing does not look like it was there at all. Is some part of land there 5'?

Chris Barton stated it varies when you look at it. Probably at the minimum point not that piece. I have a photo of it. It is quite close to the right of way. Actually the right of way goes to the seawall or what passes for a seawall. It varies anywhere from 5-10' and I believe there are some trees that have grown up and the level of maintenance varies.

Dennis Knusser resident at 512 N. Victoria Terrace, which is across the Karen canal, and is the canal on the West Side of Hendricks Isle minus the right of way of the Hendricks Isle Street and the Karen Canal. Mr. Knusser stated he was there back in September and tonight you are being told you only have one thing worry about and that is the rear yard modification for a swimming pool. You actually need two things to do that. One of them is the waterway use that is a separate section from yard modification. The waterway use says you are going to have to tell them they can put that pool in under that section and then you will have to come back and tell them they are allowed to have a yard modification to do it. He did not know who wrote it but that is the way it reads. It came up last time we were here so those are two issues. The third issue was he had not seen any landscape plans and so he did not really know whether the landscaping requirements were met based upon this new uncovered parking. Mr. Knusser had not seen the site plan yet on this project so he really could not comment unless they take the terrace off of the top of the underground parking. This information was not provided even though we were provided with the plans at the Victoria Park Civic Association prior to the September meeting. The fourth thing he wanted to list comes under the modification of required yards. In Item D under Section 3 under A, is there is continuity of urban scale with adjacent properties. Urban scale includes height and proximity to street front in relationship to building size. There is continuity of architectural features with adjacent properties. Adjacent properties are defined in the ULDR as buildings located on the same side of and fronting the same right of way of the proposed area within 600'. On one side a 300' distance on both sides of the proposed development. What this is saying is we have a piece of land you have to go 300' in each direction on the same side of the road or 600' in one direction. You can not go 600' to the North; you would run out of property. If you go 300' in each direction, you will find no property with a pool in the rear yard. If you go 600' to the South you will find no property with a pool in the rear yard. You also will not find a 5-story building. So I do not know how this can be defined as a continuity of architectural features with adjacent properties. It was mentioned there is 3-story to the North but it is on the other side of the road so it does not meet this definition. As far as going south, there may be one that is approved but it was approved in 2003 and the existing buildings that were there in 2003 have been torn down now. I do not know how long your approval limitations are or what yard modifications do if they go at infinity with the property even though nothing is done? So I think this is something we really need to think about with regard to where we are going on this because this doesn't say unlike what was mentioned this says you can build up to 5-story but it is supposed to be compatible with what is already there.

To do that you have to start at the South end and domino all the way down the Isle. What we are trying to do is avoid that domino. There are a lot of uses that can go in as 3-story townhouse over there that would bring in a lot more revenue than this building is going to bring in because of the nature of it. I do not know about you but I would not buy property where I had 2 parking spaces for my 2 cars and I had 1 guest space for 12 unit owners. How does one have a party with people coming over? The water taxi does not stop individually any longer so the only other routes would be a regular taxi and have you drop in front and goes away. Grant you it meets the parking requirements. There has got to be some thought put into this type of development when they are

going to be asking in excess of \$1.2M to \$1.5M per unit. Dennis Knusser wanted them to look at the adjacent property argument more than the pool. The pool is something somebody could live with but the mass of this building is really totally contrary to what was there when he bought there 22 years ago. I know in the ULDR when it was re-written that was one of the areas that we really argued on regarding Hendricks Isle. Before that you could not have done this. With the ULDR we allowed this to happen. We also put these other provisions in the ULDR one of the worst ones that was put in was the yard modification provision because everybody knows we used to call that a variance. That would not come here it would go to the Board of Adjustment. That is a kind of a thing we really need be up and watching and I wish Mr. Cooper was here to nod at me occasionally but he is not. At any rate I wish you would really consider this thoroughly. Think it through in your deliberations on it.

Charlotte Rodstrom asked Dennis Knusser if he had stated this was Northeast 5th Street.

Mr. Knusser indicated there is a lot there that is the DiMartini's and a lot and a half there that belonged to his next door neighbor. This half of the lot belonged to them and he was directly across the street.

Charlotte Rodstrom asked if he was on the South or the North side of that brick home, the 2-story.

Dennis Knusser stated there was a new house going in there. We understand that this is going to be her home and if you would like to know where it is this is the DiMartini's half and this half was him. This is the Eden's and Jackie's is right here. I am not sure of that because of the platting he was looking at.

Chair Mary Fertig stated they have had so many concerns brought to the Board about parking from people in the community, so last month we spent a lot of time talking about that and have forwarded the recommendations to the City Commission. She understood from Chris Barton that they were going to be holding a workshop soon. One topic was guest parking and was one thing high on the list.

Chair Mary Fertig stated we had a long list, which was attached to the December minutes and encouraged him to get them and then talk to the Commissioners because it would be moving on to them. We have had a lot of people come speak before them and she just wanted to take this opportunity to say the Board has heard people and have tried to incorporate just about everything heard and pass it on in some way or another.

Chair Mary Fertig asked Dennis Knusser if he had a conversation with the applicant back in September before the September meeting. He had received a copy of a set of plans about a week after that meeting and did not know if that set of plans is what the Board has in front of them now. No one has talked to us since.

Chair Mary Fertig asked if the Civic Association had been contacted.

Dennis Knusser stated, since September their Civic Association has not had any to his knowledge contact with them since the September meeting.

Chair Mary Fertig asked if they have taken a position on this project?

Dennis Knusser stated that the members that live at Victoria Terrace had and also some of the people that back up to Victoria Terrace. It is a rather unique street if you have ever been on it. The people that live across the street from us do not front on Victoria Terrace. We look at their rear yards. They front on Victoria Park Road. It is one of the few areas of the City with homes with basements. A lot of people do not know that little secret but what has happened is they have been built on the ridge and then the land drops to Victoria Terrace if you go down the street. You have the first floor of the homes on Victoria Park Road on the East side and they do have basements below them that open onto the level of Victoria Terrace. There are some people on that side that look at Victoria Terrace as their street as well and they are high enough on the ridge that they are looking at the tops of our houses and will see this thing across the canal as well.

Randolph Powers asked if Mr. Knusser was on the Board of the Civic Association.

Dennis Knusser stated he was not but they were about to hear from one of our past presidents.

Cindy Eden stated she lived at 520 Victoria Terrace and as for this property it is directly across from single family homes. She lives directly to the West of this proposed development. One of the comments that was made by Debbie Rochevski was that it was intense multi-family and the zoning is not intense it is medium multi-family at 25 units per acre. If you look at the size of the units they can range from 400-sq ft and up. When you look at the denseness of this project, Ms. Eden did not think that was really the intent when they wrote the ULDR and promised the ability to compensate for set backs. She thought the intent was to provide for architectural features not necessarily swimming pools but something that was pleasant to look at that would reduce the massing of something as dense as this is and certainly as large as the units are. Then there was also the comment made of this pool being approved by almost all properties not all but almost all and certainly not within the immediate area are there any pools. I really would request this board to deny this petition and allow them to go back and figure out a way to get that pool on this particular lot without having to go into the set backs and without having to infringe on our waterways. This would probably reduce some of the massing of this building in order to do it they would have to reduce either the size of the units or the number of units. She really encouraged this Board to do that.

Bruno Verosta stated he was the lucky owner of that corner lot that is going to be looking at this building probably, 5-stories high. His lot is number 26 it's the very one in the corner. Mr. Verosta did not want to waste any time on yard modification as he was not aware of what this all entails. He knew it had something to do with a variance or some sort of a modification. He requested the Board think about the impact on the density and quality of life that is there if any of that benefited the neighborhood if this were built. He had lived there for 33 years and did not see any benefit in having a huge building like that. It is out of context with the neighborhood. There are other buildings being built down in Hendricks Isle but it doesn't seem to be as large or boxy as this presentation here. He understood for example that developers want to maximize their return and they will build and build and try to sell as much as they can and they are here asking you and asking the neighborhood to let them do it. They want to make a lot of money at the expense of the neighborhood. Another thing that struck him was the rendition showing the water view. Now that property is made up of two different lots. If you can see how the lot lines go there was a single family home and they were not able to get 3 legal docks in there so they left out a piling which they could not legally put in because it was encroaching on my part of the property. So, they picture that I saw on that tells me right away they are looking at 8 boats and 4 finger docks on possibly what is that 120' of frontage with the lot lines going like this? I do not think so. Powerboats require a beam of probably 16-18' sailboats somewhat less do the math figure it out. There is

something wrong with the rendition the way I look at it. I do not believe that this project is really in the best interest of this neighborhood sure there is a 3-story building across from me, mine is a 2-story building. It is nestled into the trees you cannot see it. There are several single-family properties still there too. I would therefore ask you to reconsider and give this some more thought before making a decision.

Chair Mary Fertig asked where Mr. Verosta's home was located. Mr. Verosta asked if he could see the plot plan and said it is the green area right at the edge at the end of the street.

Chair Mary Fertig asked Mr. Verosta if this was next door or on the street on the same side.

Mr. Verosta stated no; I am directly next door.

Chair Mary Fertig asked if Mr. Verosta had conversations with the applicant about this.

Mr. Verosta stated they had talked at one time. Prior to September he expressed an interest in buying my property. Nothing ever became of it because he was not interested. Mr. Verosta stated maybe 2 weeks or so ago the developer called him up and wished him a happy Easter or New Year something like that.

Chair Mary Fertig asked if he had seen the new landscaping plans or was this the first time.

Mr. Verosta stated this was the first time he had seen the rendition.

Chair Mary Fertig asked if Mr. Verosta if he felt like the increased landscaping gave him more protection than the previous plan.

Mr. Verosta stated he was not really able to comment on that because his lot has a lot of trees and you can barely make my house out because it looks like a forest in there. That one is going to stick out like a sore thumb being 5-stories.

Julie Jones a local real estate broker stated she was there on behalf of the applicant. She had seen the plans and believed that they were well planned and thought out. The project style is of unique beauty as well as architecturally pleasing and appears to be very compatible with the other 5-story projects that are emerging on Hendricks Isle.

Chair Mary Fertig asked if the applicant had retained her services and Ms. Jones replied they had not. I am here to speak for the applicant and for the proposal after looking at the various drawings and floor plans. She is a resident of the Bay View Isles and lives in a 5-story building very similar to the one that the applicant is proposing. The building has improved the Isle and contained the parking. There are a lot of very good aspects to this project. Her office is located on Las Olas and she has seen the changes on Hendricks Isle and the people walking and enjoying the community.

Phillip McKowan stated he was empowered by affidavit this evening by Mr. Donald Lyberger. Mr. Lyberger is an owner at 64 Isle of Venice Drive and he also is the President of the Isle of Venice Homeowners Association. Mr. Lyberger felt strongly enough about his opinion concerning this project to have me come on his behalf and have his comments recorded in the record. His comments are one of a very positive nature on behalf of this project. He has seen the plans of 516 - 524 Hendricks Isle and he felt that it was very well done and a professionally planned and designed project. He was very please with what he feels aesthetically that it is going to add to the

community. He also is in favor of the planning and zoning board approving this project. He feels that it will be a very positive addition in the community of which he is on the Board of this Homeowners Association.

Alan Gabriel asked if Mr. McKowan was speaking on behalf as the President or him individually.

Phillip McKowan stated I am speaking his written comments.

Phillip McKowan stated this capacity was as the President as well as the owner at 64 Isle Venice Drive.

Alan Gabriel asked so the association is in favor of the development of this project?

Chair Mary Fertig stated she would like to clarify for the record that Isle of Venice Civic Association did not take a vote on this and Mr. McKowan stated he did not know.

Chair Mary Fertig asked if he was reading from his affidavit as he spoke tonight. Mr. McKowan stated he was.

Chair Mary Fertig asked if Chris Barton could provide a copy of the affidavit.

Judy VanTyle stated she lived on North Gordon right across the canal from Plaza de Arts and is here speaking on behalf of the project, the building that is going up. You gave side yard modifications to that building and they were allowed to terrace back. It is such a better look than the condo building right next door to it that I look at that is a straight box. She did not understand why they were stopping these side yard modifications if they terrace them back. The place is just so much more pleasing. As far as what Hendricks used to be if you drive down every car is sitting out on the driveway. All the new buildings that are going up you are putting cars underneath. It is such a better look of what is going on. And yes, my property values are going up and as well as everyone else on Venice and she was all for it. Truly in the future just think about the terracing effect and what a great look it is for especially me who has to look at it every day. I think you are doing a great job and this project looks to be wonderful.

Judith Hunt stated they were certainly interested in the comments and appreciated residents coming before the board.

Chair Mary Fertig stated she was happy to hear Ms. VanTyles comments and asked if she could show the Board where she lived on North Gordon Road?

Judy VanTyle stated she was third from the point.

Chair Mary Fertig asked if she was speaking for the proposal but you would have preferred to see terracing even if that meant giving a modification for covered parking.

Judy VanTyle stated she liked it either way but for the future she would prefer they allow these people to terrace them and give the side yard modification only because it is better than looking at a box. The Plaza de Arts if you're at my house and looking across it is really beautiful how they have terraced them back. It makes the building look smaller. I just think it looks nice. What they are doing on Venice is gorgeous. All the buildings that are going up are such an improvement.

Debbie Rochevski stated she wished to clarify one point because Frank would be very upset if I did not. The picture you saw of the seawall that Chris showed has been very much modified. The seawall actually has already been reconstructed and is looking wonderful. It is in the finishing stages and was something that Mr. Almedia undertook immediately. The other thing that I would like to bring to your attention is when he purchased this property it had a 4-story building on it that had been condemned by the City. He demolished it cleared the site and also moved off the liver boards that were adjacent to the property and has really made every effort to clean up and keep this area in a wonderful state. There were some comments made about what is the neighborhood and what is evolving. Let me show you some pictures of the Hendricks Isle neighborhood today. I do not have addresses but let me just treat this as kind of a Montague. These are existing projects all along Hendricks Isle with the same configuration a 4-story residential with parking over it. I am not sure about this one but it is approved. Here is the next one that shows the same pool configuration again in the rear 4-story over parking. Finally we have the same with 400 Hendricks Isle. That is the Hendricks Isle neighborhood. I am only showing you the ones we have the pretty graphics on. We have a stack of buildings that are presently under construction same exact configuration. That is the neighborhood. It is evolving. Let me also show you what is happening across the waterway. There was some reference I am not sure whose home this is, if it is Jackie's that's great. It is a 2-story house directly across from our property. It is at a height of 35'. Keep in mind that the height of the structure before you tonight is 52' and a little over. Just to give you a sense of what one sees when you are standing on our parcel; and looking across, keep your eye on the orange. You can see given the landscaping that is already on the site in the median on the West side, which was that narrow public area that Ms. Rodstrom was referring to a moment ago. That is public right of way. It is not the best looking. I have a feeling that in the long run there is going to be a condominium association gardener who is going to be cleaning it up when the City does not get it to exactly the way everybody in the neighborhood would like it. Let me just note a few other things. First of all in terms of the lot that is to the North of us, the required set back from that parcel is 26.5'. Our set back ranges because remember we have a pie shape here at its longest which is closest to the street it is 37'. It then proceeds to pie to its narrowest point at the waterway where it is 26.5' so it not only meets the yard requirement but also far exceeds the yard requirement and all of that area is landscaping. Let me also add that the 2-story building we believe has 3 units in it and as far as we can tell there is anywhere from 5-7 live aboards that continue to be in that location. That is the old Hendricks Isle and what you have seen this evening is the new Hendricks Isle something we have all been planning for a very long time. Finally, I would like to note the criteria for waterway use. This was in our application materials and I just would like to read this for you for a moment. Waterway use development requirements. Buildings and land uses on parcels abutting waterways in non-residential districts and multi family districts shall be designed to preserve the character of the City and neighborhood in which they are located. Harmonized with other development in the area and protect and enhance the scenic quality and tranquility of the waterways. A pool with a lot of landscaping goes very far towards achieving that. We believe that we have well met the standards for the yard modification. I would also add that in the criteria for yard modification the concept of adjacent properties relates to and encourages according to subsection B. Public pedestrian interaction between the proposed development and a public street is one of those standards. One of the things that is happening and you have heard it from a number of people tonight is that Hendricks Isle is becoming a place where people can take a walk. They can take a walk on a sidewalk with shade trees and palm trees along the way. That is what Florida and Fort Lauderdale is all about. We would urge you to approve this project if there are any questions they would be happy to answer them.

Chair Mary Fertig wanted to clarify whether the building that was on this property was a 2-story or a 4-story building?

Frank Almedia stated it was a single story house at 524. There was a 4-story structure that went 3 plus an elevator shaft that was condemned and torn down on May 16. Then there were multiple boat docks, which I think totaled 12 that were all removed.

Chair Mary Fertig stated she sees from the audience that there is disagreement on that. She asked Chris Barton to find out.

Alan Gabriel stated that he focuses a lot on the waterway use and when this property first came to the Board he was one of the first to object and complain to the way that they were presenting the waterway and how they effected the landscaping and other things. They have made great strides in addressing the comments and concerns that I had with regards to that. There are some times when we are just not going to get swimming pools on properties unless they are in the 20' set back area on a waterway. We recognize that I think. They have made opportunities efforts to put landscaping around the pool and minimize the pool to provide what I look for as it relates to the waterway. With regard to the other questions, we have to recognize that zoning means something. The zoning code has some benefit and purpose. When applicants come before us and they meet the requirements of the zoning code without asking for waivers of other types, then we need to recognize that. They are not asking for a waiver of any type at all. They are coming in here meeting set back requirements. Mr. Gabriel wanted to confirm one point with Chris Barton. If it wasn't for the waterway and the set back on the pool would this development have to come before the Board.

Chris Barton stated they did not but only for the fact that it is on a waterway but that it is a multi-family building; the fact that it is a multi-family on the water. A townhouse on the water would not come before you. Alan Gabriel asked they meet all the zoning requirements and Chris Barton stated other than the pool and the required rear yard. Those are the two reasons that this proposal is before the board.

Judy Hunt stated that one of the things that we did not pay attention to was the building had been significantly reduced. Whether you deem it to be significant or not is really in the eyes of the beholder. The developer will tell you significantly. Some of the neighbors will tell you it has not been reduced at all and needs to be reduced further. However, it meets zoning regulations and that is the problem I find we have to deal with. If you do not like what you are getting, change the zoning code.

Motion made by Judith Hunt and seconded by Alan Gabriel to approve the items per staff recommendations.

Roll call shoed the motion was approved unanimously.

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|-----------|--|-----------------------|----------------|
| 7. | Wild Acres Group/RCL Self Storage | Mark McDonnell | 9-ZR-04 |
| | Request: ** * Site Plan Level III/Rezoning B-1 to B-2/
Commercial Flex Allocation on Employment Center Land Use
Self Storage (B-1 to B-2, and I)
Everglades Terminal Co. Sub.
P.B. 68, P. 38, Portion of Parcel "A" | | |
| | Location: 701-705 S.E. 24 Street | | |

Chair Mary Fertig stated we are acting as a local planning agency on this item and asked Sharon Miller if she would explain.

Sharon Miller stated that by State Statute, the City has to have what is called a local planning agency that reviews for consistency with the City's comprehensive plan. So the Board will be wearing 2 hats at this time. One is to see whether it meets the ULDR as the Planning & Zoning Board and one to determine whether the rezoning is consistent with the City's comprehensive plan.

Jeff Falkanger, the architect for the applicant, stated the property is at the corner of Miami Road and State Road 84 right at the entrance into Port Everglades new Security Check Point. The property is basically 1 acre, it is .97 of an acre. Also there is an unimproved existing right of way here that as part of our proposal we would put the road and drainage in because that is going to be the primary entrance. Even though there is an opening in the median here, because of the way traffic backs up at a checkpoint, it is virtually impossible to go in here, so it would basically only be an exit. One of the reasons the item is here before you is part of the property is Zone I and part of it is zoned B-2 and this piece is zoned B-1. We are requesting this to be changed from B-1 to B-2 because of the flexibility rules and everything, that is why you are now acting as the Local Planning Agency. It is a 7-story self-storage facility just under 117,000 S.F. The loading areas and everything are under the building on the side facing Port Everglades; storage tanks and everything over there. This is the parking lot for West Marine; their main super storage right there. This is a vacant lot and the gas station is on the corner. The Staff has done an excellent job and the report made sense to me. I am here for any questions.

Chair Mary Fertig asked for the staff report.

Mark McDonnell stated before you is a request for a site plan Level III approval. This is a 7-story 82.5' tall self-storage building facility. Rezoning is needed from B-1 to B-2 as represented by the applicant over a portion of this site to allow the self-storage building. Commercial flex is required for this applicant; there are some calculations on one of your plan sheets that detail the calculation. There is sufficient flexibility for the rezoning that is needed for this site. Parking is adequate at 23 spaces on-site. The loading area is recessed into the building to mitigate the view you would see while those vehicles are standing. Staff concurs with the adequacy narrative that is attached to your set of the site plan. There is concern with regard to the potential impact on City communications, the network. We have addressed that in a condition in the report. Also the Planning and Zoning Board is required to make a finding of neighborhood compatibility and I will just note briefly that the applicant worked with the Staff to enhance the architectural features on the façade of the building. There is also an area on the façade for future large-scale mural or public art potential and also there is a letter in your files Exhibit 1 indicating support from Harbordale Civic Association. With regard to the rezoning, Staff finds the application consistent with the site plan, and we do note there were substantial changes to the neighborhood character namely 9-11 and as represented by the applicant the inability to sustain a business on this property. Currently, it is a single story office building that has been vacant. This did go to DRC on October 12, 2004 and all issues have been addressed except as otherwise stated. We go to the staff recommendation. Should the Board recommend approval of the requested rezoning along with the associated site plan the following conditions are proposed by staff:

1. The construction debris mitigation plan as detailed in item 1 of the staff report and also attached to your staff report.
2. Approval of 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 will be required and for that final DRC approval are conditions 5, 6, and 7.
5. Determination of no hazard to air navigation that must be issued by the FAA.
6. Provide site plan acceptance letter from Port Everglades.
7. Mitigation resources at sites other than this project location may be required to address impacts of this development on the City's communication network. An internal bi-directional amplifier system may be required to address communication issues within the building.

Charlotte Rodstrom asked why there is landscaping just around the building and there is not landscaping heading up Miami Road and is that your parking lot?

Mr. Falkanger stated this was West Marine's parking lot.

Mr. Falkanger stated the applicant was prepared to put in the road and drainage and improve it. This is our property and as part of our proposal we would put in the street and the right-of-way.

Charlotte Rodstrom asked if they would volunteer to put in some landscaping.

Mr. Falkanger said he would absolutely provide additional landscaping.

Mr. Falkanger also pointed out that they are going to put in the Civic Association's standard entry monument sign down in the corner. Mr. Gabriel asked Jeff Falkanger to follow up on the landscaping question to figure out the appropriate number of trees or some kind of landscaping. Mr. Falkanger stated they would go back to the Civic Association and come to some agreement and then Staff could review it.

Chair Mary Fertig stated they would work with the City and the civic association to put in the landscaping and we would add that as a condition.

James McCulla asked Jeff Falkanger if there was anything about this building that potentially poses any disruption to the City's communication network and potential hazard to air and navigation.

Jeff Falkanger stated there was none. As part of the checklist at the DRC any buildings over a couple stories must get a letter from the FAA.

Larry Martineau stated the answers are that given the location near the edge of the airport runway, they have requirements that you have to have FAA approval based on the height of your building as well as the construction cranes that will also be higher at that time. We have already filled out the paperwork its being processed right now for review and approval.

James McCulla asked what the threshold was.

Larry Martineau stated it is 1 foot per thousand feet from the runway. So, if you were taller than that, within that realm of, I mean if I did an 80-story building six more blocks to the south or the north, I would still have to go through FAA approval.

James McCulla asked how many stories could you build here without getting the FAA involved and Larry Martineau stated it was probably about 4.

James McCulla asked if there wasn't a standard in the City now once you are over so many stories period.

Chris Barton stated that the location of the building in relation to established flight paths for not only the airplanes that come in on the main runways, but there are several helicopter approach zones for this area. But the 7460A, that is the FAA form that they routinely send to the FAA, looks for physical interference during construction and of the building. In this case, it is not a serious concern because of where the building is. They also look at communications, interference with ground to air communications, electronic interference. Sometimes just the structure of the building, whether it is steel frame or concrete whatever will cause problems with ground to air communications. That is the primary concern on the other question with the City Police and Emergency frequencies. They cannot model this electronically, inexpensively. So, the City's Radio Frequency Engineer often requires this particular requirement that once the building is built, they go out and test to see if it is creating any shadows or if there are any dead spots within the building. If it does, they will then be required to put in the booster equipment on the upper levels of the building. So, it is not a hard and fast requirement. They may build it and we find out there is no problem.

Jeff Falkanger stated what we typically do in a building like this is we have a space on the roof to put the amplifier. We actually run empty conduits down to each floor and then when the structure is up, they go in there and test it. If there are any dead spots we are all set to add it in. Mr. McCulla stated let me ask the question in a more pointed way. If the building were shorter would you have to do this?

Jeff Falkanger and Mr. Barton responded that it would.

Alan Gabriel asked if the building meets the current zoning for height and other set back requirements and it is only for where the use that we are rezoning the property.

Mark McDonnell stated only the portion the industrial zone meets it. With regard to whether it meets the setbacks for B-1 he was not certain but knows it meets it for B-2.

Alan Gabriel stated he guessed the reason he was wondering is he did not see a condition of the approval that it must be rezoned for the site plan to be approved.

Jeff Falkanger stated that Self-Storage is not allowed in B-1 but allowed in B2. Since more than half the property is Industrial or B-2, it's only this four-tenths of an acre that is B-1. In B-1 on that chart, set backs are only 5' and so forth. The set backs we have here are because of the set backs you need for Self-Storage facilities when you are on the street you must be back 20'.

Alan Gabriel asked if the site plan you propose is compatible and meets the requirements of B-2.

Mr. Falkanger stated it did.

Alan Gabriel stated I guess my point was if the rezoning is not approved, you could not go forward with this?

Mr. Falkanger stated that was correct.

Alan Gabriel stated that therefore we have to make it a condition.

Ms. Miller stated actually it should read is a rezoning that includes a site plan. It is being rezoned not only into the new zone but also into the site plan specifically because they have to do that in order to get their flexibility approved. The site plan is really within the rezoning approval.

Ms. Miller stated she understood it is a rezoning that includes site plan approval.

Vickie Eckels, Harbordale Civic Association, stated earlier when she spoke she alluded to the fact that very few developers had come before them. The Harbor Village Project was one. On the same evening, these gentlemen came before us so she could hardly believe when she realized that they were on the schedule. Just again to reinforce that we really like developers to come before us. They presented this project, we took a vote on it we are all very happy about it. If you know what Miami and 84 is, you will know that this a great improvement to that corner with appropriate landscaping and the potential for a lovely mural at some point. So, it was certainly never going to be multi-family. The association is very happy with it.

Vickie Eckels stated that they were also happy that they agreed to build one of the monuments.

MOTION made by Ms. Hunt to approve with the staff conditions and the additional requirements for landscaping, and seconded by Mr. Gabriel to approve with the staff conditions and the additional requirement for landscaping.

Roll Call showed motion carried unanimously.

For the Good of the City

Chair Mary Fertig asked Chris Barton if he had an update on when the parking item will be coming.

Chris Barton stated he had Mr. Marc LaFerrier the Director of the Department. He wanted to talk a little bit about what the City Commission discussed at their previous meeting the first meeting in January. They too have concerns about parking, parking reduction and I believe they will be doing a session in conference or perhaps a workshop to get into some of the issues about parking. Before we start we have developed a list of parking reduction orders that now exist. We have developed this back to 1997. Research is continuing to go back further than that. The list contains the date they were approved the number of spaces given the location. We will map this eventually so when a development request comes in for such a parking reduction we can easily tell what has gone before that area. We will be able to see if there is any double dipping going on or if the number of reductions is based upon municipal parking within a given region. That will be very easy to tell with the mapping. With that I would ask Mark to make his comments.

Marc LaFerrier stated he would provide a brief update. From Staff's and the Commission's perspective this Board heard a request by McCabi Cigars on Las Olas for a parking reduction. An appeal to this Board's decision on that was brought forward to the City Commission and during the discussion at the Commission meeting they had asked that we come back to them after researching so the results and magnitude of parking reductions. We are going to try to come back to the Commission with that on their February 1 City Commission Conference. We have begun the process Chris handed out the first draft of what we have on file. It has taken a little bit of research to pull this stuff out and I am sure there may even be some things missing here but we are going to continue to get it up date and accurate. We will have a report ready for the Commission on February 1 and we will be able to come back under the good of the City and give you our evaluation and analysis at that time. The good news is you have some of the information in front of you now so at least you have an understanding of the magnitude and the timing of some of these things. We will look at it again to make sure we get the best information possible. Then we will see you at your next meeting.

Charlotte Rodstrom stated she had a quick question and she did not know if we are the correct person. Is there a standard size or measurement that we use as a City when they put these parking spots in and if so, how do you find out what it is?

Marc LaFrrier stated you mean when the development community puts them in.

Charlotte Rodstrom stated whoever puts them in.

Marc LaFerrier stated yes. It is under the City Code. Chris Barton was looking for it now he will probably give you the citation.

Chris Barton stated it is under Section 4720.11 Geometric Standards there is even a little diagram. It shows the isle dimensions the size of the lot dimensions of each space for 45°, 60° and 90° parking. It is pretty much everything you need to know about how to lateral a parking space.

Charlotte Rodstrom asked about the date of the Geometric Standards.

Chris Barton stated this dates back to when the ULDR was put in this was adjusted all at that time. They were introduced in 1951 and revised in 1997. The revision in 1997 was the elimination of the compact car space. At one point I think we allowed 7.9' and there are a number of those at the Coral Ridge Theater you go in there and it is ridiculous you can not get a car in there. That was eliminated in the City. We have a number of them scattered throughout the City that are still there but you can get in but you can not get out of the car if someone parked beside you. So 8' is the smallest in the City.

Judith Hunt stated the lady that spoke to us about the side yard modifications and how they can really make a building much more attractive and this Board stopped giving side yard modifications. I think she told the whole story. Perhaps we have gotten a little over zealous and made the buildings uglier instead of pretty.

Chair Mary Fertig stated that might be a matter of debate. The other comment that I thought was a good comment was from the Civic Association President.

Maria Freeman stated there was some concern and Chris mentioned what the intent of the code was on those side yard modifications and I guess there is an appearance that the Board has been

denying. Quite a few of them because both projects last month and the month before last had to make modifications so maybe is it because the Board is not necessarily understanding or why is it? My question as to why we have been denying or why we have to keep going back to make adjustments when the modifications are allowed?

Chair Mary Fertig stated I do not know that modifications are allowed I see that Alan has a light. Everybody is putting his or her lights on. I think that the modification is not something that is an absolute you get to get it if you ask for it. There are many factors that have to be considered. That is why we are here so that we can consider the factors and see if they really do fit in with the intent. Chair Fertig asked Chris Barton if he wanted to give a better answer than that.

Chris Barton stated when the side yard modification was debated with the property line being at this location and half the height of the set back being this line; you would establish a building envelope. The intent of the so-called wedding cake was to allow a developer to request a modification to come out closer to the property line at lower levels. The tradeoff being that they would step back and create terraces on these levels. If you did that you would get a nice a terrace effect there perhaps there or there and the step back and that's what the lady was talking about in that one project that was across the canal from her home. The project was approved that way its been built that way and it's a lot more interesting building a lot more going on with balconies, covers, arcades and terraces on those two terraces rather than the box that was proposed tonight. Now the earlier submittal for that building had the parking garage level which is just level it came out to that point and they had a nice terrace right here on the first level and then they went straight up they didn't do much else. Perhaps if in September they had put a terrace in at this level, or even just the top level, with the double terrace here and here the Board might have been more receptive in September. While the Board was within its right to deny this, what it has caused is they have come back in with a straight box construction and we did not get a terrace in either case. You may recall several cases about this time last year over on 14th street. One was a 5-story straight and then later when the second one down the street came in, we talked them into sinking the garage about 4' into the earth so it looked like a 4-story building on a raised 4' podium. That helped it was really 5 levels. That helped to lower it to about 48', which was something, but by lowering it, it also reduced the side yards. So the developer is being asked to produce a 25' or so set back 26' 27' if he is maxing out on his height which is far greater than the older houses that are on the Isle now that are all set in at about 10' from the property lines. So we are getting large side yards but we are also getting boxes if we enforce it strictly. If we give them a little lead way and give that little lower terrace and ask for that notch above, we get much more interesting buildings.

Chair Mary Fertig stated just for clarity, the project that we are talking about tonight did not have a great deal of terracing when it came in September or August.

Chair Mary Fertig stated it pretty much was a box but it did have covered parking.

Chris Barton stated that is correct. All that building did was cover the parking, put in indoors.

James McCulla stated he was going to continue that thought because he thought one of the reasons we ran into problems with the waivers is because we started getting a lot of developments that had garages. They were using that opportunity to expand their garage with a concrete box on the first floor and that's what we were seeing. They were coming back a little bit but they weren't really doing the wedding cake, as you like to call it. Typically we were seeing first floor concrete toolboxes for lack of another word. That is what we are pulling away from and of course, he just

wanted to comment we as a Board may not necessarily approving the waivers but certainly the commission when it goes to them are definitely not approving waivers. So I think that you saw a change of perception or a change of direction at some point from the City and whether or not this Board is just following suit on what it has been hearing or not, but that is what has been going on.

Maria Freeman stated if they are allowed to make the requested modifications and tier it back with what was the intent now maybe they are not understanding or it is not being explained that way and that may be something that the planner might be able to introduce or recommend. I just hate every time well you saw Robert came in they came back with no side yard modifications only the swimming pool and this group did the same thing. What we are ending up is a lot of boxes instead of allowing them to do is tiering it.

Maria Freeman stated that becomes a tradeoff. But this will allow it to happen so that we do not end up with a bunch of boxes.

Chair Mary Fertig stated this project tonight was not going to do it anyway. They were going to give you a box no matter what. Because of the conversation from this Board they went back and tried to redesign a project that would be more pleasing to the community. I think that is a positive of this Board that we have the ability to have conversations with them and say look you know there are things you could do that would make it fit in better or would make it a better project for Fort Lauderdale. From that standpoint the discussion is good.

Maria Freeman stated she just wanted to be able to encourage them to do the tiering instead of just all of these boxes.

Chris Barton stated no they can do the boxes we saw tonight and we can't really say much about it. Now when they come in even before they apply, we encourage them to do the step back up here. As you pointed out they are always seeking for the extra but most do not recognize the need to give something up higher to gain that. So they want more but the do not want to give. So there is plenty of blame to go around. It doesn't have to be that this line needs to be there. It could be that the line could be that the line could be there and they could ask for a little more and a little less up above. Still you are getting an interesting building because really 26' from here to the property line that is a pretty good side yard. What is going to happen in that 26' other than just green space but what could happen in that space. Is that not a wise use of the land just to get that lawn that's there? Now keep in mind one thing that the Board sometimes forgets you have a powerful tool in the deferral. If it were suggested in a debate, if you didn't like that box that perhaps they come back and put in that lower level to cover the parking which is a plus but also put in those notches up above defer them and have them rethink. That is exactly what happened on the first project that came in on 14th Street. We worked with them the Board deferred them and said go back and work with the neighborhood work on the design they widened the gap between the two. They did not have a gap in that case. They did put the corner terraces up at this point on the 5th floor and it made for a much more interesting building. So the deferral is a pretty powerful tool. Do not forget you have that option. We the staff can't tell them or make them do that. When it comes to neighborhood compatibility only the Board can decide. If you feel that this is not consistent with what is in the area or compatible you can suggest it through the deferral.

Maria Freeman asked if we defer it, do they go back to you and work with you on the design.

Chris Barton stated well they come back with a new design we give it the once over from a DRC level to make sure that the changes they made to not violate any other aspect of the code. We

bring it back to you. Ultimately you have the decision on the neighborhood compatibility side or issue on each one of these cases. So the deferral is power tools so don't forget to use it.

James McCulla stated this was just his own informal observation that we are hitting on a very germane point. I think there is an inference by our actions, questions, grilling these people when it comes to this issue. That you are best served to build that box 25.5' away from the property line because he doesn't like wedding cakes. You have said that she wants a wedding cake and the side yard modification. Cooper doesn't like pools in the right of way and our actions and probably those of the Commission have said to the development community stay within the envelope. Putting a pool in the set back there is so many pools on the waterway nobody is really making much of an issue out of that. If you do this thing that Chris Barton drew on this board that is the intent of how the ordinance or whatever is written you are going to get beaten up.

James McCulla stated he agreed, but unfortunately that is how we act as a group.

James McCulla stated Chris is right. But we have said to them build the box stay within your setbacks. If you want to ask for a pool on the waterway, landscape it very nicely and he complimented Mr. Gabriel for pressing them on this their actions speak very loudly.

Charlotte Rodstrom stated the Board needs to make a change and look at that.

Mark LaFrrier stated he wanted to follow up that you have codes and ordinances that prescribe limitations but they do not always allow for the best design. Therefore in some instances and I am not necessarily talking about this instance specifically. There is some flexibility allowed. Those are brought forward to you. Some others are brought to the City Commission and others that there is an opportunity for a Board of Adjustment variance. In the end codes throughout the Nation do not always prescribe the best design there is often an opportunity for someone to come in and show you how a design works better by not following your code. In our case we have examples like this where someone needs to come in and show to the staff and show to the Board that they are asking for a little deviation a modification but they need to show why it is a better design. We need to be able to do some staff work before it gets to you to try and elicit a better design. So when it comes before the Board, the committee is not designing it. That is an approach that I would like to proceed with on these types of matters. I do not know if that meets with the Board favor or if that necessarily even changes the way the staff of the City has done these things in the past. If that sounds like a reasonable approach and if that is answering some of the questions, let me know.

Chair Mary Fertig stated, that over time things go from one extreme to another. Certainly in the time I was sitting on this Board I have seen where every project with no matter what, people are like oh okay. Then the community responds to that. Then you see them go the other direction. I am hoping that right now we are being I think we have seen through a lot of the questions for example the question on landscaping on this particular project is going to result in a better landscaped project. I think that is positive for the future of the City. We do not want to be so rigid that we do not encourage flexibility. At the same time we want to plan for the future of the City and maximize what we can get and really use the ability to grant those modifications to do something that is really going to promote a better looking City for all time. I am hoping that we are all kind of doing that we have gotten to a point where I see a lot more questions being asked from this Board but also really honest good questions of people that want to get information back and see what they can do. I do not know how the rest of you feel I know there are times when we all get frustrated with each other but I think we have made a real effort to try.

Maria Freeman stated there were nine of them and we ought to be able to sit down and put the best possible product out there. Chris Barton made a good recommendation, as far as I need to sit down with you and see how maybe deferring that sending them back instead of just saying okay you are asking for a pool in the rear we will just approve it without any problems. Just coming back and taking away all the side modifications is not the intent.

Chris Barton stated the Board should send them back with some direction so they understand where they are coming from.

Chair Mary Fertig asked if there were any more comments for the good of the City.

MOTION was made by Alan Gabriel and seconded by Maria Freeman to adjourn. Motion carried and the meeting adjourned at 9:20 p.m.

CHAIRMAN

Mary Fertig

ATTEST:

Debra Giehtbrock
Recording Secretary

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.