

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

**WEDNESDAY, MAY 18, 2005  
 6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u>	
		<u>From 6/16/04</u>	
		(P)	(A)
Gerry Cooper	P	10	2
Mary C. Fertig	P	11	1
Alan Gabriel	A	10	2
James McCulla	P	10	2
Charlotte Rodstrom	P	12	0
Judith Hunt	P	11	1
Randolph Powers	P	9	3
Maria Freeman	P	11	1
Edward Curtis	P	10	2

**Planning Staff:** Greg Brewton, Deputy Planning and Zoning Director  
 Ella Parker, Planner II  
 Michael Ciesielski, Planner II  
 Don Morris, Acting Zoning Administrator

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

**Court Reporting Service:** Jamie Opperlee/Margaret D'Alessio

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

Chair Mary Fertig called the meeting to Order at approximately 6:35 p.m. and Gerry Cooper led everyone in the Pledge of Allegiance. Chair Mary Fertig proceeded to introduce the Board members.

Sharon Miller, Assistant City Attorney, explained that quasi-judicial matters were treated similar to a Court hearing. Individuals were sworn in and could be cross-examined. All evidence presented would be part of the record, along with the case file from the planners and City staff. She further stated that such information would be used as the basis for the Planning and Zoning Board to decide whether the application met the criteria according to the ULDR.

Sharon Miller continued stating that the State of Florida Legislature stated that every City was to have a body that would review certain applications to make sure they complied with the City's Land Use Plan, the Comprehensive Plan that was the overall plan for the City. This Board was appointed to also act as the Local Planning Agency on behalf of

the City. Certain matters, such as rezoning, were reviewed and then a decision made that the development request was consistent with the City's Comprehensive Plan.

Sharon Miller further explained the process to be followed for tonight's presentations.

Chair Mary Fertig then asked Greg Brewton to introduce staff that was present at tonight's meeting.

James McCulla and Judith Hunt entered the meeting at this time.

**7. Daniel Ashlin/Ashlin Offices Mike Ciesielski 45-R-05**

Request: \*\* Waterway Use  
Residential to Office (ROA)  
Lots 6 and 7, Block 3, PLACIDENA UNIT 1,  
P.B. 2, P. 44, of the Public Records of  
Broward County, Florida, and that portion of  
Royal Drive and all of that portion of the land  
lying between Royal Drive and Tarpon River  
as shown by said plat which is included between  
the westerly line of said Lot 6, extended in a  
Northwesterly direction to said Tarpon River,  
according to said plat and Easterly line of said  
Lot 7, extended in a northerly direction to said  
Tarpon River, according to said plat and Easterly  
Line of said Lot 7, extended in a northerly direction  
to said Tarpon River, all as shown on the Plat of  
PLACIDENA, UNIT 1, P. B. 2, P. 44. Said parcel  
comprising all of said Lots 6 and 7, together with all  
of the land lying between said Lots and Tarpon River  
as shown by said Plat. Excepting there from that  
portion of said Lot 7 and the land lying between Lot 7  
and the Tarpon River described in deed dated  
November 27, 1951 and recorded in Deed Book 754,  
P. 229, Broward County, Florida.

Location: 213 Rose Drive

Chair Mary Fertig stated that a deferral of this item had been requested by staff. She added that she had not received materials regarding this matter in her back-up information.

Greg Brewton stated that the applicant had not met the requirements to move forward. Additional planning is necessary for this application, and staff is requesting this item to be deferred until the September meeting.

Gerry Cooper asked if the applicant should withdraw this matter.

Greg Brewton stated that the agenda is created for the newspaper way in advance of the meeting. During the process, sometimes things are discovered that require staff to request additional information from the applicant. He believed it would be appropriate to defer this item.

**Motion** made by Judith Hunt and seconded by Gerry Cooper to defer Item #7 to September 21, 2005. Board unanimously approved.

Chair Mary Fertig then began to explain the procedures that would be followed in regard to tonight's agenda.

Sharon Miller, Assistant City Attorney, explained that the City had adopted a lobbying ordinance that meant that if an individual was representing anyone to this Board for compensation, such individual needed to be registered with the City Clerk. Follow-up reporting requirements were also required regarding financial matters. Those individuals also were to announce before this Board who they were representing. She explained further that if an individual was not registered and not in compliance with the ordinance, they could be censured, reprimanded, or prohibited from lobbying before the City for a certain period of time.

Chair Mary Fertig stated that the Board wanted to recognize Gerry Cooper, one of their Board Members, who had worked diligently for the last six years. She stated that he had a profound influence on what this Board has done and how they went about doing it. She proceeded to present a token of the Board's appreciation to Mr. Cooper. She stated that the Advisory Boards of the City help to shape what the City will be in the future.

Greg Brewton stated that he had worked for the City for over 27 years and knew Mr. Cooper for all of those years. He stated that he admired Mr. Cooper's dedication to the City, and the Planning and Zoning Department appreciated all his time and effort over the years.

Gerry Cooper thanked everyone and stated that he was honored and pleased to serve his City who has done great things due to everyone serving on the various boards.

**Approval of Minutes – April 20, 2005 Meeting**

**Motion** made by Gerry Cooper and seconded by James McCulla to approve the minutes of the April 20, 2005.

Gerry Cooper suggested how staff put together the minutes and back-up materials.

Board unanimously approved.

**1. Broward County Board of County Commissioners     **Mike Ciesielski**     3-Z-05**

Request:\*\* \* Rezoning from B-3 to CF  
Lots 7 through 13 and Lots 18 through 21,  
Block 12 of Everglades Lands Sales Company's  
corrected plat of Second Addition to Lauderdale,

Florida, a re-subdivision, according to the Plat thereof, recorded in P.B. 1, P. 52, of the Public Records of Dade County, Florida; together with Tract "A" of re-subdivision of Portion of Block 12 of Everglades Land Sales Company's Corrected Plat of Second Addition to Lauderdale, Florida, Recorded in P.B. 48, P. 4, of Public Records of Broward County, Florida; and together with one-half (1/2) the vacated alley adjacent each of the above described Lots and Tract "A," as the same is included in the description contained in City of Fort Lauderdale Ordinance No. C-92-22; said lands lying in the City of Fort Lauderdale, Broward County, Florida.

Location: 323 S.W. 28 Street  
327 S.W. 28 Street  
328 S.W. 27 Street  
2700 S.W. 4 Avenue  
333 S.W. 28 Street

The Board proceeded to make the following disclosures: Maria Freeman stated that she had been to the site. Judith Hunt stated that she had been to the site and had also spoken to Commissioner Hutchinson. Charlotte Rodstrom stated that she had received a letter from Mr. Rodriguez. Gerry Cooper stated that he had spoken with Mr. Rodriguez. Mary Fertig stated that she had been to the site and had also received a letter from Mr. Rodriguez, and received a letter also from the neighborhood association and other residents.

Arnold Ramos, Broward County, stated that over a period of time the County has recognized that it needed to expand and enlarge their current marketing facility at Sailboat Bend. A study had been done in regard to finding a location in the surrounding neighborhood. He explained that the Health Department and the Brown School currently occupied the site and were in the process of relocating. He stated there was an existing church in the area and they wanted to remain in the neighborhood. He stated further they were requesting the area be zoned to CF from B-3.

Michael Ciesielski, Planning and Zoning, stated that this was a request to rezone a parcel of land consisting of 2.19 acres from B-3 to CF. The applicant is requesting the rezoning in order to bring the current use of the site into conformance with City zoning regulations. He explained the site had operated as an SSRF for 15 years. He explained further that in 1990 the Planning and Zoning Board had granted a conditional use approval for what presently exists at the site. He stated further that the neighborhood is comprised of aging business, commercial and warehouse facilities, as well as a substantial number of buildings used to provide services to the community.

Mr. Ciesielski proceeded to show photographs of the subject site.

Chair Mary Fertig proceeded to open the public hearing.

Brian Patchen stated that he was representing the Christian Romeny Church, and explained that they did not want this church destroyed. He explained there is a pending condemnation case at this time, and a resolution to use the entire block for the expansion of the Drug Rehabilitation Facility. He stated a zoning change is being requested so the facility could be built at the subject site. He explained they were attempting to set the stage for returning before the Court to destroy the church. He stated the facility could be built on the property and the Church could still remain at the site. Photographs were shown of the church. He stated they opposed the requested rezoning, and wanted the applicant to reconsider leaving the church at the site.

Mr. Patchen stated that he was not a paid lobbyist and only wanted to volunteer to help the church and its members.

Gerry Cooper asked to be shown on the map the location of the church. He further asked Mr. Patchen how they knew the church was to be destroyed. Mr. Patchen proceeded to read from the Order as follows: "Broward County is seeking to acquire the subject property to enable to relocate the Broward County Substance Abuse Health Care Facility currently located at 111 Southwest 2<sup>nd</sup> Court, Fort Lauderdale, Florida." Gerry Cooper asked how that would be the prelude to the County's case of eminent domain. Mr. Patchen proceeded to read as follows: "In order for the County to utilize the property for a substance abuse treatment facility, it must apply for a zoning change from B-3 to Community Facility (CF) and conditional use permit." He explained that at the end of the Order it also stated: "Ordered and Adjusted the Petition for Eminent Domain is hereby abated for Broward County to reasonably demonstrate the required zoning change and conditional use permit can and will be granted by the City of Fort Lauderdale." Mr. Patchen stated that is the premise that they must first achieve before returning to Court.

Ed Curtis asked if they were challenging what the County was attempting to do due to the zoning change not meeting code. Mr. Patchen explained they were opposing the request because in effect they were not being candid with the Court or the Board. He stated the request was not to change the zoning so it could be used for the Drug Rehabilitation Center, and in fact, the County had other uses in mind for the property. He explained they would not be opposed to the zoning change if that was the end of the story, but this was an attempt to rezone the property so they could acquire the adjacent parcel.

Ed Curtis stated that if this was not consistent with the Code, he asked what their challenge was besides attempting to gain some negotiating power regarding the condemnation case. Mr. Patchen stated they were attempting to prevent the County from taking the church. Ed Curtis explained that the Court stated they could not take the church because the zoning would have to be changed. Mr. Patchen further stated that was not the only reason. The Order would give them the opportunity to seek the zoning change. He further explained that there was a claim under the Federal Act Discriminating Against Religion, but that has not yet been ruled upon. Mr. Patchen reiterated the County wanted to place a Drug Rehabilitation Center next to a school and playground, and he felt it violated the purposes of the Code. He further stated that it violated common sense to do that, and the request should be opposed. He believed the

center would be a danger to the nearby community, thereby, violating the spirit and intent of the Code.

Charlotte Rodstrom asked how long had this church been active in the community. Mr. Patchen stated they were present in the area for about 1-½ years.

James McCulla clarified the area they were seeking for rezoning. He asked how the rezoning would indicate to the Court that the County would be successful in their attempt to rezone the remaining parcels. Mr. Patchen stated that the Court had not made that conclusion, but the Order could be interpreted that the applicant needed to seek rezoning for the entire piece of property, and the owner gave them permission to do so while opposing it. He added the Church exercised their option to purchase the property, but have not yet acquired it.

James McCulla further clarified that they were asking the Board to reject the application because it might affect their ability to take the Church property. Mr. Patchen confirmed and stated they wanted to keep the church at the site. James McCulla clarified that the Order stated the County had to demonstrate they could obtain a zoning change or conditional use in order to do what they were proposing to do on the church property in order for the case to be unabated. Mr. Patchen stated that he would argue that to the Court. James McCulla stated that the Order did not mention the property next door. Mr. Patchen stated they felt the entire parcel should have been included. James McCulla asked if the property next door was part of the condemnation lawsuit. Mr. Patchen stated the property next door was part of a condemnation, but the issue had been settled.

James McCulla clarified that the County was the fee simple owner of the property being requested for rezoning. Mr. Patchen confirmed. James McCulla reiterated there was no implication being made regarding the church property. Mr. Patchen disagreed and stated they felt it did have an implication. He stated the County had explained they wanted the entire block and showed exhibits to City staff for the Rehabilitation Center.

James McCulla stated they could not deny them use of their own property because it could affect the church's property in the future.

Judith Hunt asked where the facility currently existed. Mr. Ramos stated it was now in Sailboat Bend, and proceeded to show a photograph of the subject site. He explained it had been at that site since the early or mid '70's. Judith Hunt clarified they wanted the facility to be moved from a residential to a commercial area. Mr. Ramos confirmed.

Pastor Tennis stated that they wanted the church to remain at its present site. He explained that once the "okay" was granted by the City, the County would take the church. He explained that letters had been received regarding the "takeover" of their property. He further stated that the church had been sent a scale model of the County's plan, and it showed the church would be demolished. He explained that they were not against helping people, and the building had housed a church at this site for over 52 years. He explained they were willing to work with the County, but wanted to remain at their present site.

Rocky Rodriguez, President of Broward County Alcohol and Drug Abuse Advisory Board, stated he was a Commissioner in the Florida Substance Abuse and Mental Health Recuperation Program and had been appointed by the Governor. He explained that the Broward County Center had a track record and offered services to the community. He stated that he had been an advocate of this Board for over 20 years and believed in the work they did for the community. He stated that in Coral Springs such a facility existed near a school and no one had ever complained. He stated that individuals who could not afford private facilities went to the County for assistance.

Ira Corr, Real Estate Broker, stated that he was concerned about this matter, and added that the facilities were tightly controlled and people did not wander around arbitrarily. He stated that alternative locations had been reviewed. He proceeded to explain agreements that had been entered into with the owner of the remaining properties at the site.

Chair Mary Fertig asked if Mr. Corr was representing the County regarding this request. Mr. Core replied he was only stating the facts and was not receiving any compensation.

James McCulla asked if Mr. Corr had been engaged by the County to locate and acquire the subject site. Mr. Corr stated he had not been engaged by the County, and explained that he knew some of the information regarding the property due to the fact that he and the property owner had entered into a contract previously.

James McCulla asked if the County owned the property where they were seeking the rezoning. Mr. Ramos explained that the property was owned by the County.

Chair Mary Fertig asked if the applicant was before this Board due to the fact that the Judge stated proper zoning was needed before the County could proceed with their lawsuit. Mr. Ramos stated they did not know what the City was going to do with the property. He added that one of the attorneys representing the property owner in this matter wrote to the County Attorney and stated they would give the rights for proper rezoning on the property, but would reserve the right to oppose the rezoning.

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

**Motion** made by Gerry Cooper and seconded by James McCulla to approve the rezoning from B-3 to CF. Roll call showed: YEAS: Judith Hunt, Gerry Cooper, James McCulla, Charlotte Rodstrom, Randolph Powers, Maria Freeman, Edward Curtis and Mary Fertig. NAYS: None. Motion carried 8-0.

**2. City of Fort Lauderdale**

**John Simmons**

**3-T-05**

Request:\* Amend ULDR Section 47-19, *Accessory Buildings, Uses and Structures* Section 47.19.2, *Accessory Buildings, and Structures, General*, to provide for the regulation of Portable Storage Units or PODs

Judith Hunt disclosed that she had spoken with a police officer and a teacher regarding the subject matter.

John Simmons, Acting Director Community Inspections, stated this ordinance was proposed by the Code Advisory Committee, and would address an item not currently included in the ULDR. He explained that complaints had been received about the PODs and to address the matter, they were referred to as outdoor storage. He stated the Code Advisory Committee believed there was a use for the PODs and that they provided a service, but they wanted the amount of time to be controlled that the PODs could be placed on a property and where they would be located.

Judith Hunt stated that a police officer had brought this to her attention in regard to remodeling being done, and in the Ordinance under #4 h it stated: "Residential Use: A maximum of fourteen (14) calendar days per event and two events per dwelling unit per calendar year." She felt they were penalizing individuals who were performing their own remodeling work, and that 14 days was not a long time to complete the work.

Judith Hunt further stated that in the Ordinance under #9 a it stated: "If the National Weather Advisory Service or other qualified weather advisory service identifies weather conditions which are predicted to include winds of seventy-five (75) mph or greater, all PSUs shall be removed from all properties in the city and placed in approved storage locations at least twenty-four (24) hours prior to the predicted onset of such winds." She stated that during the last hurricane, she had difficult getting the City to come and remove the trees that were in the street. She asked how these numbers had been arrived at.

Mr. Simmons stated that the Building Department had used Code Enforcement and Building Inspectors to advise individuals regarding securing items on their properties or removal of other items, and that winds had to reach a certain level before that could be done.

Judith Hunt asked how and where these PODs had to be moved in case of inclement weather. Mr. Simmons explained that the Company who delivered it could come and pick it up. Part of the ordinance required that the numbers of the Company should be located on the POD. He explained there was a permit and eventually the homeowner would be the person cited for any violations. Judith Hunt clarified that if the homeowner rented the POD and the Company could not remove it within the 24-hour time limit prior to the predicted onset of winds, the property owner would then be liable for the fine. Mr. Simmons confirmed if a fine was generated.

Ed Curtis asked how the City planned to monitor or enforce this ordinance. Mr. Simmons explained that once the ordinance is approved, they would have to set up the permitting process through the Building Department so a log could be kept. He further stated that this would control the use of the PODs for moving furniture that tended to be kept in the neighborhoods for 30-45 days. Ed Curtis asked how the ordinance would be enforced if no penalties or monitoring were involved. Mr. Simmons explained that the Code Enforcement Division would give the property owner a courtesy notice as required by Florida State Statute 162 providing a number of days for the POD to be removed from



the property. If the POD is not removed during the required time period, then the matter would be scheduled before the Special Master, and then a penalty would be imposed.

Ed Curtis asked if in order to enforce a penalty regarding a code or ordinance did it have to be contained in that code or ordinance.

Sharon Miller stated that under Section 1-6 stated in the Code that any violation of any of the Code of Ordinances had a certain fine and certain potential for imprisonment. Ed Curtis asked how they would know what the penalty was for the violation or the amount of the fine to be imposed. Sharon Miller explained it could be up to \$500. Mr. Simmons explained that the Florida State Statute limited the fine to \$250 until it was a repeat violation that was then \$500. Sharon Miller explained that they could also go through the NTA in the Prosecutor's Office. She further stated that the Florida Statutes ruled over the City Code. Mr. Simmons further explained there was a Code Enforcement section in the Code of Ordinances that reflected what was stated in Florida State Statute 162 which set forth the Code Enforcement procedures.

Sharon Miller further stated that sometimes an ordinance could set forth a different penalty if recommended.

Ed Curtis asked if the Legal Department was satisfied that the penalties and enforcement were sufficiently set forth in the Ordinance. Sharon Miller confirmed.

Gerry Cooper asked for some further clarification regarding the fine process. Mr. Simmons explained they tried to look at the violation and then determine the fine accordingly.

Charlotte Rodstrom asked if there was anything in place at this time regarding the PODs. Mr. Simmons stated it was referred to as outdoor storage that was not permitted in residential neighborhoods. He stated further they were not permitted in commercial areas unless placed in a fenced-in area.

Chair Mary Fertig asked how long it took to get such a permit. Mr. Simmons stated that it went through the Permitting Department and probably would be set up as a "walk-thru." Chair Mary Fertig asked how they could arrive at a date they were going to obtain it, if they did not know how long it would take to obtain the permit. Mr. Simmons stated that they would have to find out the delivery date and a receipt would be given. He explained the intent was not to penalize someone who was moving furniture to another area, but to take care of the individuals who kept the PODs for 60-120 days on their property.

Chair Mary Fertig stated that the PODs were to be placed on an area approved for parking. Mr. Simmons stated that part of the process was to have the PODs in an area that would not destroy landscaping. Chair Mary Fertig asked for further clarification of the language stating: "Adjacent to the property using it." Mr. Simmons explained that the PODs were not to be placed on a swale or public right-of-way, but would be permitted if the physical limitations of the property kept an individual from being unable to place the POD in another area. It should not be placed on a neighboring piece of property.

Judith Hunt asked if there was the ability to supply an individual doing remodeling additional time over the 14 days to complete the construction work before having to remove the POD. Mr. Simmons stated that flexibility was provided in the courtesy notice. He then proceeded to once again explain the procedure.

Maria Freeman asked if there were special provisions for PODs being used in unusual circumstances such as cleaning up hurricane debris. Mr. Simmons explained that construction permits were issued for repairs and then storage was permitted outdoors.

Randolph Powers asked for some further clarification of item #9 b in the Ordinance. Mr. Simmons explained that everything under the Florida Building Code had to meet the limitations of 120 mph wind loads.

Charlotte Rodstrom asked if the POD companies could be supplied with permits to help expedite the permitting process. Mr. Simmons stated that the Building Department wanted to monitor the situation. He stated they would make the process as convenient as possible. Charlotte Rodstrom asked for some further clarification of Item 4 h. Mr. Simmons explained that there would be some flexibility involved. He stated the intent was not to penalize individuals for one or two days. Their object was to get a handle on something that was getting out of control.

Gerry Cooper stated this appeared to be well-thought out. Judith Hunt reiterated that she wanted to make sure they would allow for a process for individuals to perform their own work within a reasonable period of time.

Mr. Simmons stated that the process would be made as easy as possible for everyone involved.

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

**Motion** made by Gerry Cooper and seconded by Randolph Powers to approve the ordinance as presented.

Charlotte Rodstrom asked if the maker of the Motion would consider a friendly amendment to delete the last sentence in Item #4 that states: "Events may not be consecutive." Gerry Cooper stated that he would not accept such amendment.

Chair Mary Fertig explained that an amended motion could be made.

**Motion** made by Charlotte Rodstrom and seconded by Judith Hunt to approve the amendment to delete the phrase "Events may not be consecutive" in Item #4 of the Ordinance. Roll call showed: YEAS: Charlotte Rodstrom, Judith Hunt, Randolph Powers, Maria Freeman, Edward Curtis and Mary Fertig. NAYS: Gerry Cooper. Motion carried 6-1.

Sharon Miller stated that James McCulla had left the meeting at approximately 7:45 p.m. and had not voted.

**Motion** made by Charlotte Rodstrom and seconded by Judith Hunt to approve the ordinance as presented with the deletion of "Events may not be consecutive" in Item #4. Roll call showed: YEAS: Charlotte Rodstrom, Judith Hunt, Randolph Powers, Maria Freeman, Edward Curtis and Mary Fertig. NAYS: Gerry Cooper. Motion carried 6-1.

**MEETING RECESSED FOR A 10-MINUTE BREAK**

**3. City of Fort Lauderdale**

**John Simmons**

**4-T-05**

Request: \* Amend ULDR Section 47-19.5,  
*Fences, Walls and Hedges*, to  
provide additional criteria for fences and  
for walls.

John Simmons, Acting Director Community Inspections, stated that the only portion missing out of this section was maintenance.

Gerry Cooper stated that in Section 1 - #5, the word "promptly" was used, and he asked for some further clarification as to what promptly meant in a Court of Law.

Sharon Miller suggested that the word be further defined.

Gerry Cooper suggested that a number of days could be included instead of the word promptly. Mr. Simmons stated the problem noting a number of days would be that each repair was different and longer periods of time might be needed regarding maintenance and repairs.

Charlotte Rodstrom stated that the Code Inspector could be the judge regarding "promptly." Mr. Simmons confirmed.

Chair Mary Fertig asked if the word "promptly" could be removed. Mr. Simmons confirmed.

Judith Hunt stated that the homeowner was the one penalized, and it appears the victims get penalized. She reiterated that some victims involved senior citizens who did not have the money or ability to readily take care of problems. Mr. Simmons stated that property and First Amendment rights were sometimes involved. He reiterated that the City did have a graffiti ordinance in place.

Ed Curtis asked if the word "reasonable" could be used instead of "promptly." Mr. Simmons stated that was covered in Florida State Statute 162. He further stated that a consultant had written this ordinance, but he would be willing to say the word "promptly" might not be necessary.

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

**Motion** made by Gerry Cooper to approve the Ordinance as written and presented.

Charlotte Rodstrom asked if the Maker of the Motion would accept a friendly amendment to remove the word "promptly" from the proposed ordinance. Gerry Cooper agreed.

The motion read as follows:

**Motion** made by Gerry Cooper and seconded by Charlotte Rodstrom to approve the Ordinance as written, with the exception that the word "promptly" be deleted in Item #5. Roll call showed: YEAS: Charlotte Rodstrom, Randolph Powers, Maria Freeman, Edward Curtis, Gerry Cooper and Mary Fertig. NAYS: Judith Hunt. Motion carried 6-1.

**4. Victoria Brown/La Porcherie Sauvage Ella Parker 8-P-05**

Request:\*\* Plat Approval  
Lot 14, Block 5 of "Riverland Village  
Section One" according to the Plat  
thereof as recorded in P.B. 27, P. 44  
of the Public Records of Broward  
County, Florida, less the East 20' thereof  
Location: 3381 Riverland Road

Chair Mary Fertig stated that this item was quasi-judicial. Therefore, the Board made the following disclosures: Ed Curtis stated that he had been to the site. Maria Freeman stated that she also had been to the site.

Jane Storms, Police Land Surveyors, stated that this is a subdivision of one lot into two.

Ella Parker, Planning and Zoning, stated that the applicant is proposing to subdivide their 31,741 sq. ft. property into two separate lots of 10,529 sq. ft., and 21,212 sq. ft. The property shall adhere to Broward County regulations until such time the land is rezoned to City zoning. She further stated that the plat is consistent with Broward County Subdivision Regulations, and the City's Comprehensive Plan. She explained that the applicant made a payment of \$2,520 towards a park and open space impact fee.

Charlotte Rodstrom asked if the smaller lot would be the one abutting the smaller lots in the neighborhood. Ella Parker confirmed.

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

**Motion** made by Judith Hunt and seconded by Gerry Cooper to approve the application as presented per staff's recommendations. Roll call showed: YEAS: Randolph Powers, Maria Freeman, Ed Curtis, Gerry Cooper, Charlotte Rodstrom, Judith Hunt, and Mary Fertig. NAYS: None. Motion carried 7-0.

**5. Fort Lauderdale Community Redevelopment Agency Ella Parker 1-ZR-05**

Request:\*\* \* Rezoning from RMM-25 to X-P, Lots 31, 32,  
and 33, Block 331, Progresso, according to the

plat thereof, recorded in P.B. 2, P. 18, of the Public Records of Dade County, Florida, associated with the CB-zoned site, Progresso, Block 331, Lot 25 less the road right-of-way for Sistrunk Boulevard and all of Lots 26 through 33, P.B. 2, P. 18

Location: 1033 Sistrunk Boulevard

Chair Mary Fertig announced that this matter was quasi-judicial. The Board had no disclosures regarding this item. Gerry Cooper stated that he owned property across the subject parcel. Sharon Miller explained that the Cooper property did not abut the subject property, and therefore, Mr. Cooper did not have a conflict of interest.

Gerry Cooper stated that in looking at the map, the subject property is north of Sistrunk Boulevard, but the address provided is on Sistrunk Boulevard. Therefore, he asked if the property had been properly advertised.

Sharon Miller advised that the determination was made that the CRA combined the site so it would be rezoned to exclusive use, and was part of the overall site with an address on Sistrunk Boulevard.

Cheryl Dickey, co-applicant, stated that the CRA had put out an RFP for a retail office facility for the property in question. She further stated that the property in the front was zoned CB, and when the CRA purchased Lots 31-33 it had been zoned RMM-25. She explained they were requesting that it be used as a parking lot for the commercial facility. The land had a commercial mixed-use on it previously even though it had been zoned CB.

Ella Parker, Planning and Zoning, stated that the northern portion of the parcel was zoned RMM-25, and the southern portion was zoned CB. She stated the applicant is proposing to rezone the RMM-25 portion to X-P for a parking lot to service the proposed office retail building fronting Sistrunk Boulevard. She stated the rezoning is subject to the availability of commercial flexibility acreage. She advised the property is located in Flex Zone 50 which has 58.69 acres of commercial flexibility acreage available. The requested acreage for this proposal is .23 acres of commercial flexibility. If the applicant's request was approved, 58.64 acres of commercial flexibility acreage would remain.

Ms. Parker further stated if the application is approved the following conditions are recommended:

1. The applicant shall provide architectural detailing on the rear portion of the building that will be visible from residential properties (east elevation).
2. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
3. Final DRC approval.

Gerry Cooper asked for some further clarification regarding staff's first condition. Ms. Parker explained it was in accordance with the Neighborhood Compatibility Criteria, and

the applicant was agreeable to the installment of windows at that location in order to match the other elevations on the second floor, and they are providing landscaping below.

Sharon Miller stated that the Executive Director, through the agreement with the developer, had the authority to approve the concept plan the CRA Board has approved. She stated through the agreement, it was subject to agency approval, but this could be added if the Board was concerned.

Gerry Cooper asked why the applicant felt they were entitled to a reduction for parking. Ms. Parker explained that the parking reduction was approved at a Level II review because the site was located in the Northwest Progresso Flagler Heights area. She advised it was in accordance with Section 47-20.34 b. Gerry Cooper stated that if approved by the DRC, then this Board did not have to vote on that matter. Ms. Parker explained that the Board was voting on the rezoning connected with the site plan, and not the parking reduction.

Gerry Cooper stated that a perception was being given that an unrelated agency might not get the same treatment in this matter.

Greg Brewton stated that is not necessarily the case. The Code states if one is within the area, whether it be the City or a member of the private sector, the same process would be followed. Therefore, it is not restricted to City-related properties, and is primarily restricted to the district itself which allows the DRC to review the request in these types of instances.

Chair Mary Fertig proceeded to open the public hearing.

Bob Young, adjacent property owner, stated that he had built some of the buildings in the area and advised they were attempting to change the area. He asked the Board to support this request to help the neighborhood.

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

**Motion** made by Maria Freeman and seconded by Judith Hunt to approve the request as presented per staff's recommendations.

Gerry Cooper asked if the maker of the Motion would accept a friendly amendment that staff's recommendation #1 should include that it be subject to the approval of the Executive Director as discussed. The maker of the Motion accepted the amendment, along with the second.

Roll call showed: YEAS: Maria Freeman, Ed Curtis, Gerry Cooper, Charlotte Rodstrom, Judith Hunt, Randolph Powers, and Mary Fertig. NAYS: None. Motion carried 7-0.

<b>6. <u>Riverbend Corporate Park of Fort Lauderdale, LLC</u></b>	<b>Ella Parker</b>	<b><u>41-R-03</u></b>
Request:** Waterway Use/Corporate Office Park with Retail Uses (B-1, B-2 and County B-3)		

Tracts "A" and "B" of "The R.E.B. Plat"  
according to the Plat thereof as recorded  
in P.B. 74, P. 43 of the Public Records of  
Broward County, Florida; together with all  
of the N.W. 2 Street Right-of-Way in said Plat;  
together with a portion of the S.E. ¼ of  
Section 5, Township 50 South, Range 42  
East, Broward County, Florida.

Location: 2255 W. Broward Boulevard

Chair Mary Fertig stated that this item was quasi-judicial. The Board made the following disclosures: Ed Curtis stated that he had been to the site. Gerry Cooper stated that he had been to the site and had spoken with Robert Lochrie. He advised that he had also spoken with the property owner. Maria Freeman stated that she had been to the site and had spoken with Robert Lochrie.

Robert Lochrie, attorney for the applicant, stated that a request is being made for site plan approval of an office complex and ancillary uses associated with the complex on property formerly known as the Konover site. He stated this development is in accordance with the agreement for redevelopment and disposition of property between the Fort Lauderdale Community Redevelopment Agency and Broward Barron, Inc. He advised the agreement was entered into by the CRA and the developer on October 1, 2002 and it had been amended 5 times. He explained that Riverbend was the current property owner.

Mr. Lochrie proceeded to show photographs of the site. He explained that the area to the south was Broward Boulevard, 22<sup>nd</sup> Avenue along the east boundary, and the Juvenile Justice Detention Center to the north and east of the site. He explained that due east was the FDOT Park 'n Ride Facility, and to the west was the Sheriff's Complex, and other businesses. He provided an overview of the site. He explained further the Site Plan included 5 buildings. He proceeded to show a rendering of the main street to be developed in accordance with the Master Plan Guidelines.

Ella Parker, Planning and Zoning, stated that the applicant was proposing to construct a corporate office park with general office use and specialty retail use as part of the Agreement for Redevelopment and Disposition of Property between the City of Fort Lauderdale CRA and Broward Barron, Inc. She explained the property is located north of Broward Boulevard, west of I-95 between NW 22<sup>nd</sup> Avenue and NW 25<sup>th</sup> Avenue, and was split between three different zoning districts, B-1, B-2 and County B-3. She explained the proposal is for Buildings B, C, D, E and F as shown on the plans, along with associated site improvements. She stated the applicant would have to reappear before this Board for an amendment to the Site Plan in order to construct Building A.

Ms. Parker advised that if this applicant was approved, staff was recommending the following conditions:

1. The proposed project shall comply with the Agreement for Redevelopment and Disposition of Property between the City of Fort Lauderdale Community Redevelopment Agency and Broward Barron, Inc.

2. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application for a building permit, a Construction Debris Mitigation Plan shall be submitted to include, but not be limited to, the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
3. All construction will require approval from all pertinent environmental review agencies.
4. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
5. Final DRC approval.

Charlotte Rodstrom asked if the applicant had any photographs of the view from Broward Boulevard. Mr. Lochrie provided such photographs.

Ed Curtis asked for clarification of the parking reduction. Mr. Lochrie stated that such reduction was granted by staff and it was a requirement of the Code within the CRA.

Ed Curtis asked if transportation flow was reviewed by staff within the site plan. Ms. Parker explained that the Engineering Department had a traffic study done and had signed off on the plans. She added that Building A would not be built at this time.

Greg Brewton stated that the site geometrics had been worked out in the Engineering Department, and they had to comply with the engineering standards. He further stated all issues had been addressed.

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

**Motion** made by Judith Hunt and seconded by Gerry Cooper to approve the application per staff's recommendations. Roll call showed: YEAS: Ed Curtis, Gerry Cooper, Charlotte Rodstrom, Judith Hunt, Randolph Powers, Maria Freeman, and Mary Fertig. NAYS: None. Motion carried 7-0.

**"For the Good of the City"**

Greg Brewton stated that he had enjoyed working with Gerry Cooper and he would be missed.

**Motion** made by Gerry Cooper and seconded by Judith Hunt to adjourn the meeting. Board unanimously approved.



There being no further business to come before this Board, the meeting was adjourned at approximately 8:56 p.m.

CHAIRMAN

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Mary Fertig

ATTEST:

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Margaret A. D'Alessio  
Recording Secretary