

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

**WEDNESDAY, JUNE 15, 2005
6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u>	
		<u>From 6/15/05</u> (P)	(A)
Mary C. Fertig	P	1	0
Alan Gabriel	P	1	0
James McCulla	P	1	0
Charlotte Rodstrom	A	0	1
Judith Hunt	P	1	0
Maria Freeman	P	1	0
Edward Curtis	P	1	0
Rochelle Golub	P	1	0
Catherine Maus	P	1	0

Planning Staff: Greg Brewton, Deputy Planning and Zoning Director
Jim Koeth, Principal Planner
Jenni Morejon, Planner III
Ella Parker, Planner II
Michael Ciesielski, Planner II
Yvonne Reading, Planner I
Tim Welch, Engineering Design Manager

Legal Counsel: Sharon Miller, Assistant City Attorney

Court Reporting Service: Jamie Opperlee/Margaret Muhl (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 6:30 p.m. and Rochelle Golub led everyone in the Pledge of Allegiance.

Greg Brewton, Deputy Planning and Zoning Director, stated that there were two new members on the Board who were Rochelle Golub and Catherine Maus.

Chair Mary Fertig proceeded to introduce the Board members.

Greg Brewton proceeded to introduce staff that is present at tonight's meeting.

Chair Mary Fertig stated that anyone hired to speak on behalf of any applicant must be in compliance with the City's lobbyist registration requirements.

Sharon Miller, Assistant City Attorney, stated that the City adopted a Lobbying Activity Ordinance, and therefore, anyone who communicates with any member of City Staff for the purpose of influencing what is thought of a request or proposal being applied for is considered a lobbyist. There are some exceptions for homeowners associations and other individuals not being paid to speak on someone's behalf. She further stated that the requirement is to register with the City Clerk's Office. She stated that the penalties are censure reprimand or up to two years of being restricted from lobbying within the City of Fort Lauderdale.

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 which 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.

Approval of Minutes – May 18, 2005 Meeting

Motion made by Alan Gabriel and seconded by James McCulla to approve the minutes of the May 18, 2005. Board unanimously approved.

Election of Chair and Vice Chair

Chair Mary Fertig proceeded to open the floor for nominations for the Chair position. She then asked Greg Brewton to conduct this portion of the meeting.

Greg Brewton asked for nominations for the Chair position of the Planning and Zoning Board.

Judith Hunt nominated Mary Fertig as Chair for the Planning and Zoning Board.

Chair Mary Fertig stated that for several years there had not been any rotation regarding the position of Chair for this Board. She stated that she would, therefore, decline the nomination.

Chair Mary Fertig proceeded to nominate Alan Gabriel for position of Chair of the Planning and Zoning Board. Judith Hunt seconded the nomination.

Motion made by Ed Curtis and seconded by James McCulla to close the nominations for the position of Chair for the Planning and Zoning Board. Board unanimously approved.

Board unanimously approved Alan Gabriel as Chair of the Planning and Zoning Board.

Judith Hunt nominated Maria Freeman as Vice Chair of the Planning and Zoning Board. Mary Fertig seconded.

Motion made by Alan Gabriel and seconded by James McCulla to close the nominations for the position of Vice Chair for the Planning and Zoning Board. Board unanimously approved Maria Freeman as Vice Chair of the Planning and Zoning Board.

James McCulla stated that Mary Fertig had done a great job as Chair of the Planning and Zoning Board. Mary Fertig stated that this was an exciting and energetic Board and she enjoyed working with them.

Greg Brewton stated that the Planning and Zoning Department wanted to thank Mary Fertig for her work as Chair of this Board, and appreciated working with her.

1. Pamela A. Adams

5-Z-05

Request: ** * Rezone from CF to RMM-25
Seminole Forest, Block 9, Lots 25 and 26
P.B. 14, P. 16 of the Public Records of
Broward County, Florida

Location: 1400-1402 N.W. 2 Street

Chair Alan Gabriel announced that this item is quasi-judicial and that the Board would also be serving as the LPA.

The following disclosures were made by the Board: Maria Freeman stated that she had been to the site. Judith Hunt stated that she had been to the site. Catherine Maus stated that she had also been to the site.

Judith Hunt stated that she did not see all the signs required at the site. She further stated that one of the signs did not have any information as required.

Catherine Maus stated that she did not see any signs at the site. James McCulla stated that the signs were bright yellow. Judith Hunt stated that she had seen white signs.

Sidney Calloway, on behalf of the applicant, stated that the signs were not at the site, but the property owners had been notified pursuant to a properly recorded letter. He stated that they would defer to the wishes of this Board.

James McCulla asked if the Board had a choice as to whether to proceed with this item or not.

Sharon Miller explained that this Board historically would defer such items. She further stated that there is a provision stating that sign posting is additional.

James McCulla asked if the item had been advertised. Mr. Calloway confirmed. Greg Brewton stated that the application had been advertised and all other notice requirements had been met.

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James McCulla stated that the Board could choose to proceed and hear this item because the signage is a secondary or tertiary means of notifying the public. Greg Brewton confirmed.

Motion made by James McCulla and seconded by Catherine Maus to proceed in hearing this item.

Rochelle Golub asked for some further clarification regarding the letters that had been distributed to the property owners.

Chair Alan Gabriel asked if staff could address the question regarding the requirements of notification.

Greg Brewton explained that in accordance with the ULDR a standardized letter was sent to adjacent property owners within 300' of the subject site. Also, there is a requirement that the agenda be published and that had been done. He added that posting on the property was for the benefit of individuals driving past the site. He stated that the process had always been that the signage was done as a safeguard for anyone living in the neighborhood who might be interested in the subject application. He stated that this property had been rezoned in the past from residential to Community Facility with the understanding that it would be used in regard to the Day Care Center located on Broward Boulevard. He stated the Center had acquired other property on site that made this site obsolete under the CF classification, but the idea behind such classification was to accommodate the Center's use on Broward Boulevard. He said by not having such use attached to the subject site, any use permitted under the CF classification was technically permitted at this location.

Greg Brewton stated that individuals in the area did not want the CF classification maintained.

Chair Alan Gabriel asked if the public had been properly notified of the scheduled hearing.

Greg Brewton stated that the Board needed to make that decision this evening.

Mary Fertig stated that many cases had been deferred in the past due to improper signage. She believed that was a requirement and felt it was fair. She reiterated that they needed to be consistent.

Motion made by Mary Fertig and seconded by Ed Curtis to defer this matter until July 20, 2005 at 6:30 p.m.

James McCulla asked if a sign had been properly posted. Greg Brewton stated that an old sign was at the site.

Mr. Calloway stated that written public notice had been given to the concerned property owners.

Judith Hunt reiterated that the white sign did not have the proper information regarding the hearing.

Roll call showed: YEAS: Rochelle Golub, Catherine Maus, Judith Hunt, Maria Freeman, Ed Curtis, Mary Fertig, and Alan Gabriel. NAYS: James McCulla. Motion carried 7-1.

6. Altaire Village, LLC, et al. 38-R-05

Request:** Site Plan Review/Mixed Use Residential,
Retail and Fire Station (CB)
Galt Ocean Mile, Block 1, Lots 1 through 8,
Block 2, Lots 1 through 14, Block 5, Lots
1 through 5, P.B. 34, P. 16, of the Public
Records of Broward County, Florida
Location: 3115-3125 N.E. 32 Avenue
3211-3223 East Oakland Park Boulevard
3220 N.E. 32 Street

7. Altaire Village, LLC, et al. 5-P-05

Request: Vacation of Right-of-Way (CB)
A portion of that certain 20 foot wide
Alley lying north of Lots 1, 2, 3, 4, 5, 6 and 7
And south of Lots 8, 9, 10, 11, 12, 13 and 14,
All of Block 2, Galt Ocean Mile, P.B. 34, P. 16
Of the Public Records of Broward County, Florida.
Location: North of Oakland Park Boulevard and South of
N.E. 32 Street, between N. E. 32 Avenue and
N.E. 33 Avenue

8. Altaire Village, LLC, et al. 25-P-04

Request: Vacation of Right-of-way (CB)
A portion of N.E. 32 Avenue, a 60-foot wide
Right-of-Way, as shown on the Plat Galt
Ocean Mile, recorded in P.B. 34, P. 16,
Of the Public Records of Broward County,
Florida.
Location: A portion of N.E. 32 Avenue, North of Oakland
Park Boulevard and South of N.E. 33 Street

9. Altaire Village, LLC, et al. 23-P-04

Request: Vacation of Right-of-Way (CB)
A portion of N.E. 32 Street, a 110 foot wide
Right-of-Way, as shown on the plat of Galt
Ocean Mile, recorded in P.B. 34, P. 16,
Of the Public Records of Broward County, Florida
Location: A portion of N.E. 32 Street, East of N.E. 32 Avenue,
And West of N.E. 33 Avenue

Chair Alan Gabriel stated that Items 6, 7, 8 and 9 are to be deferred.

Robert Lochrie, attorney for the applicant, stated that based on discussions with City staff, they are requesting that Items 6, 7, 8 and 9 be deferred until August 17, 2005.

Motion made by Judith Hunt and seconded by Mary Fertig to defer Items 6, 7, 8 and 9 to August 17, 2005 at 6:30 p.m. Board unanimously approved.

2. Broward House

72-R-05

Request: Conditional Use/SSRF level V/RO
Croissant Park, Block 54, Lots 15 through 21
P.B. 4, P). 28, of the Public Records of
Broward County, Florida
Location: 417 S.E. 18 Court

No disclosures were made by the Board.

Michael Madfis, architect, stated that they were requesting seven more beds be placed at Broward House in the existing facility.

Jenni Morejon, Planning and Zoning, stated that this is a request for a conditional use approval for seven additional residential counts to an existing Social Service Residential Facility (SSRF) which is located in Poinciana Park. She stated the original approval had been granted in 1997. She explained that DRC reviewed this on April 26th, and all comments were addressed. She advised that the applicant was going to convert existing office space consisting of 473 sq. ft. to residential rooms. The facility would then consist of 75 residences that would not result in any changes regarding parking requirements. Various narratives were submitted by the applicant in regard to neighborhood compatibility.

Ms. Morejon stated that if the application is approved, staff proposed the following conditions:

1. Construction Mitigation Plan shall be submitted.
2. The SSRF shall comply with the applicable statutory and administrative requirements of the Florida Statutes.
3. Final DRC approval.
4. Site Plan approval shall be valid as provided by the ULDR.

James McCulla asked if a written report had been provided by staff. Greg Brewton explained that the report had been sent via e-mail.

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

Motion made by James McCulla and seconded by Ed Curtis to approve the application as presented per staff's recommendations. Roll call showed: YEAS: Maria Freeman, Ed Curtis, Mary Fertig, Rochelle Golub, Catherine Maus, James McCulla, Judith Hunt, and Alan Gabriel. NAYS: None. Motion carried 8-0.

3. Michael Corea/"Lake Ridge Key Plat"

6-P-05

Request:** Plat Approval/RC-15
A portion of Tract 3, Lake Park, Unit 1,
P.B. 23, P. 36, of the Public Records of
Broward County, Florida, together with
Lots 6C, 7C, and 8C, Lake Ridge Addition,
P.B. 34, P. 14 of the Public Records of
Broward County, Florida
Location: 1200 N.E. 18 Avenue

Chair Alan Gabriel announced that this item was quasi-judicial. The Board made the following disclosures: Catherine Maus stated that she had been to the site. Judith Hunt stated that she had been to the site. Mary Fertig stated that she also had been to the site.

Scott McLaughlin, McLaughlin Engineering, stated that the site consisted of 0.64 acres a little over 30,000 sq. ft., in Lake Ridge. He explained that nine townhomes would be constructed at the site. He stated further that they agreed with staff's recommendations and requested this Board's approval.

Michael Ciesielski, Planning and Zoning, stated the proposal is consistent with Objective Five of the Future Land Use Element. He stated that DRC reviewed and approved the plat on March 22, 2005, and it was approved by the City Surveyor and Engineering Design Manager with the condition that the revised Plat Drawing would show a 10' wide sidewalk, along with a utility easement on the west boundary of the plat. He explained that the plat limits on all lines would be labeled accordingly. He advised that the applicant had to respond to adequacy requirements, and a fee of \$7,560 had been submitted to the City towards a park and open space impact fee. He explained such amount represented the cash equivalent value contribution as required under Section 47-25.2.

Mr. Ciesielski continued stating that if this Board approved the application, the following condition was recommended by staff:

1. Prior to City Commission submittal, the applicant is to provide revised plat drawings showing a 10' wide sidewalk and utility easement along the western boundary of the plat for facilities, and that plat limits on all lines would be labeled as such.

Chair Alan Gabriel proceeded to open the public hearing.

Rixon Rafter, Lake Ridge, stated that he was concerned about the 10' wide sidewalk. He explained that 18th Avenue was a 40' wide street, and was two blocks long from 13th

Street to 11th Street. He stated it was permanently closed south of 11th Street, and therefore, no access was provided from Sunrise Boulevard. He added that there was also no access north of 13th Street due to the location of Sunrise Middle School and Bennett Elementary School. He added that last year an eight-unit townhouse development had been completed north of this site. He stated that he did not understand

why there had to be another 10' wide sidewalk. He added that the other sidewalks were only 5'. He further stated that he had raised this issue at the DRC meeting, and the response given was that Broward County had this site as a major traffic diversion street. He reiterated that it was not, and that it was only two blocks long. He believed the map used by the County was out of date. He stated that the representative of the County had stated that they would review the situation. He added that Lake Ridge was supportive of this development.

Mr. McLaughlin stated that the 10' wide sidewalk and utility easement was for an area created on the property, and that the sidewalk would match the other sidewalks. He stated that there would probably be 5' sidewalks with a 10' utility easement partially under the walk and the remaining portion within the property limits.

James McCulla asked if it was typical to end up with 60' of roadway, sidewalk and utility easements in this type of neighborhood.

Tim Welch, Engineering, stated that it was typical under subdivision regulations. He added that the City required a minimum of 60' of right-of-way for medium or high-density residential or commercial development when platting.

James McCulla asked what easements were on the adjoining properties. Mr. Welch stated that they did not look at adjoining properties per se, and only looked at the site being reviewed. He explained that they looked from the centerline to the property line, and if it was inadequate for their half-section, then a dedication was required at that time. He explained further that they did not have control over adjoining properties. James McCulla clarified that there would be a 30' easement from the centerline. Mr. Welch explained that on 18th Avenue, there was a 20' half-section, and therefore, they would be asking for another 10' in order to make it a 30' half-section to fulfill the 60' right-of-way.

Ed Curtis asked if the applicant was in agreement with staff's condition. Mr. McLaughlin stated that he did not believe there was a dedication requirement involved, and that this was an easement requirement that would bring the sidewalk and the easement onto the property. Ed Curtis reiterated that the condition was an easement. Mr. McLaughlin emphasized that it was not for a 60' right-of-way.

Chair Alan Gabriel clarified that it was for a 10' wide sidewalk and utility easement. Mr. McLaughlin confirmed and stated that they did not oppose staff's condition.

Richard Boemermann stated that he owned 3 1/3 acres approximately 600' south of the subject site. He stated that he was very concerned about property rights and the adding of extra easements on properties. He felt such an easement was not necessary. He stated if the Board approved this request, they would be setting a precedence. He added that he was in favor of the project. He stated that he did not think staff was being creative with developers, and if staff did not cooperate with the developers, then the community would not be able to move forward.

Mary Fertig asked for the applicant to show the location of the subject site.

Mr. Boemermann explained that he owned the entire block from Sunrise Boulevard to the dead end, including both sides of the street.

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

Motion made by Ed Curtis and seconded by James McCulla to approve the application as submitted per staff's recommendation.

James McCulla asked why there was a need for 60' of combined roadway, sidewalk and utility easements.

Greg Brewton stated that it was a requirement by Code in accordance with ULDR Section 47-24.5.

James McCulla stated that if it was a Code requirement, then why was it written as a condition.

Greg Brewton stated that in the past a question arose as to whether or not this Board had the right to waive such requirement, and therefore, staff was reiterating the fact that this was a requirement per Code.

Mr. Welch explained that often in the right-of-ways there was a 20' half-section, and 18th Avenue was a long street and at some points in the City it was a traffic way, but even if it was only a 40' right-of-way, it would be constrained. He explained further that a standard residential right-of-way was 50' in width. He stated that in placing all the easements under ground, the area was consumed very quickly. He explained they were asking for the 10' sidewalk and utility easement because it was in consideration of the development. He further stated that the area would not be used to build a street, but would be used for landscaping and underground utilities, along with street lights and other amenities needed by the community. He believed this would not be a hindrance to the development.

James McCulla asked if the setback would be affected by the granting of the easement. Mr. Welch stated it would not be affected, but would be if they would take right-of-way.

Roll call showed: YEAS: Rochelle Golub, James McCulla, Catherine Maus, Maria Freeman, Ed Curtis, Judith Hunt, Mary Fertig, and Alan Gabriel, NAYS: None. Motion carried 8-0.

4. Sunrise Investors, LLP/c/o Altman Development Corp. 9-P-05

Request:** Plat Approval/B-1 and RMM-25 (Proposed PUD)
Lots 3 through 24, less the south 15 feet of Lot 24,
Block 176; Lots 9 through 17. Lot 25 less the south
15 feet and the east 40 feet thereof, Lots 26 through 29
less the east 40 feet thereof, and Lots 30 through 44,
Block 175;p Lots 25 through 42 less the south 15 feet
of Lot 25, Block 174 "Progresso," according to the Plat
thereof, as recorded in P.B. 2, P. 18, of the Public

Records of Miami-Dade County, Florida; together with
Parcels A and B, and Alley of "Resubdivision of a
Portion of Block 175, Progresso," according to the Plat
thereof as recorded in P.B. 55, P. 31 of the Public
Records of Broward County, Florida.

Location: 1015, 1111, 1201 East Sunrise Boulevard
1017, 1026, 1029 N.E. 11 Avenue
1010, 1011, 1020, 1021, 1024 N.E. 12 Avenue

5. Sunrise Investors, LLP/c/o Altman Development Corp.

1-ZPUD-05

Request:** * Rezoning from B-1 and RMM-25 to PUD, including
Site Plan approval. All of Lots 3 through 24, Block 176,
less the South 15 feet thereof; together with the East
7.5 feet of the alleyway vacated in the Official Record
Book 24493, P. 119 of the Public Records of Broward
County, Florida; together with all of Lots 9 through 17,
Block 175; together with all of Lots 30 through 44,
Block 175; together with the west 95 feet of Lots 25
through 29, less the South 15 feet thereof, Block 175;
together with all of Lots 25 through 42 less the South
15 feet thereof, Block 174, Progresso, according to
the Plat thereof, as recorded in P.B. 2, P. 18, of the
Public Records of Miami-Dade County, Florida;
together with the "Resubdivision of a Portion of
Block 175, Progresso," as recorded in P.B. 55, P. 31,
of the Public Records of Broward County, Florida.

Location: 1015, 1111, 1201 East Sunrise Boulevard
1017, 1026, 1029 N.E. 11 Avenue
1010, 1011, 1020, 1021, 1024 N.E. 12 Avenue

Mary Fertig stated that she had driven to the site and attempted to match the numbers with the properties, but she felt it was very confusing. She continued stating that the numbers did not appear to match, and she was not sure if there was a problem with the advertising of the legal description.

Sharon Miller stated that if any of the numbers were wrong, they would be wrong in the sense that they were not within the area under consideration, and then there might be a problem. She stated that there would also be a problem if a property was included that had not been listed in the notice to the public. She stated that staff would have to advise whether the numbers and addresses were correct.

Jim Koeth, Planning and Zoning, explained that the numbers listed as the addresses would be the assigned numbers once the project was developed. He further stated that the numbers were assigned at the DRC level through the Building Department so accurate numbers would be provided at the time of application for the permit.

Mary Fertig clarified that the numbers listed would be the ones used in the future, but were not the numbers that existed at this time. Mr. Koeth confirmed.

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Sharon Miller asked if the numbers that existed were within the numbers to be used in the future. Mr. Koeth confirmed and stated they were in the same vicinity. He reiterated that presently there were different uses on the property. He continued stating that the City had been using this process for quite some time. Sharon Miller asked for further clarification regarding the numbers used at this time, and the numbers that would be used in the future. Mr. Koeth reiterated that he did not know the numbers presently being used, but stated that they were included within the subject area.

Mary Fertig stated that she was concerned that if one drove down the street looking for a specific address, the addresses would not match the legal description that had been advertised. She stated that possibly they had been advertised as to what they would be in the future.

Mr. Koeth stated that he thought the legal description was correct and that addresses are not part of the legal description. He referred the Board to the aerial of the site that had been provided for guidance where the site is located.

Sharon Miller explained that the notice was part of the agenda, and the numbers were to be correct there as well.

Mr. Koeth asked if the addresses were part of the legal description. Sharon Miller replied they were not part of the legal description, but were part of the notice regarding the agenda. She added that she did not have sufficient information in order to compare the two at this time.

Robert Lochrie, attorney, stated that the property under consideration this evening was located between NE 11th and NE 12th Streets, and the addresses from 1015 through 1201 E. Sunrise Boulevard would make sense. He further stated that he had not been aware of the numbers being supplied as future addresses. He reiterated that was outside of his control.

Judith Hunt stated she was concerned if someone from the public read the addresses and went to the site, it would be confusing. She did not think the Board could proceed this evening due to there not being proper notification.

Ed Curtis stated that if this was an issue of notice, the Board's precedent was to defer the matter and be on the side of caution.

Mr. Lochrie suggested that possibly a representative of the applicant could confirm whether the numbers were correct or not. He further stated that in this case mail notice had been sent to the adjacent neighbors due to this being a matter of rezoning, which contained the legal descriptions and vicinity map. He added that a notice was also published in the newspapers, along with the legal description. He stated that there was no requirement that the address be part of the notice.

Chair Alan Gabriel asked if Mary Fertig had difficulty finding the subject site due to the issue of the address numbers. Mary Fertig stated that due to the information she had been given, she could put together the probable intent. Chair Alan Gabriel stated that he felt the average individual would have difficulty with the legal description as given.

Mr. Lochrie stated that he did not know if the addresses had ever been existing ones, but it was his understanding that the City looked to general location and future addresses. He stated this did not address the specifics of the concerns being raised. He stated they were presently checking one of the addresses at the site to see if the numbers corresponded.

James McCulla asked who had decided to publish future addresses for public notice. Mr. Koeth stated that he was not sure who had decided to use such a process, but the problem was that old addresses had been used and in going through the approval process and applying for a permit, there would be new addresses assigned and problems occurred. James McCulla suggested that old addresses be used until plats were recorded.

Chair Alan Gabriel stated that the Board could discuss what should be done in the future later on.

Ed Curtis suggested that this matter be deferred.

James McCulla stated that if this was what the City required of the applicants for advertising as a matter of policy, practice and convenience, how could they punish the applicant in notifying the public, when they followed the City's requirements. He stated this was a policy issue that should be addressed by the City.

Rochelle Golub stated that checking addresses did not appear to be the issue. She believed the issue was regarding the side streets, and how far back the requests went on 11th and 12th Avenues. She did not feel that the Sunrise portion of the site was the issue.

Ed Curtis stated that punishing the applicant would be unfair, but he also felt if there was any doubt about the public receiving fair notice, then they needed to air on the side of caution.

Mary Fertig stated that she also did not feel the applicant was at fault, and therefore, should not be punished. She stated that she reviewed all the materials that had been distributed and was prepared to discuss the item, but she did not feel that was the question. She further stated that the public was being left out of the equation.

James McCulla asked if the Board agreed that the way this property was advertised was inappropriate, what would happen to the projects approved in the past. He stated the rules might need to be changed, but the present rules had been followed by other applicants. He felt the item should not be deferred.

Chair Alan Gabriel stated that the addresses did not change at every site, but if the Board believed this to be improper or questionable, then it should be fixed.

Chair Alan Gabriel clarified that both items were to be deferred and had the same problem. Greg Brewton stated that both had the same addresses listed in the advertisement.

Motion made by Ed Curtis and seconded by Judith Hunt to defer this item to July 20, 2005 at 6:30 p.m.

James McCulla asked to make a friendly amendment to the motion to include both items for deferment.

The motion was changed as follows:

Motion made by Ed Curtis and seconded by Judith Hunt to defer Item Nos. 4 and 5 to July 20, 2005 at 6:30 p.m. Board approved unanimously with the exception of James McCulla and Catherine Maus who voted "Nay." (Roll was not called.) Motion carried 6-2.

10. St. Thomas Aquinas High School

53-R-05

Request:** Site Plan Level III (CF-HS)/Increase in gross
Floor area, exceeding 10,000 S.F. Block 1,
Curley Heights, P.B. 28, P. 15 of the Public
Records of Broward County, Florida
Location: 2801 S.W. 12 Street

Chair Alan Gabriel announced that this item was quasi-judicial. The Board made the following disclosures: Judith Hunt stated that she had been to the site. Mary Fertig stated that she had been to the site and had spoken with Sharon Miller, Assistant City Attorney. She added that one of her children attended the school, but she did not have a conflict of interest.

Don Wilkin, architect for the applicant, stated that the application is for an 18,000 sq. ft. addition to the school facility, along with a 650 sq. ft. concession stand. He explained that signs had been posted on all four sides of the property. He proceeded to show a map of the site and explained the location of adjacent streets. He explained the existing gross floor area of buildings on the site totaled 283,475 sq. ft. representing a .32 floor area ratio. He further stated that a 1.0 floor area ratio was permitted at the site.

Ella Parker, Planning and Zoning, stated that the proposed additions included a stand-alone concession stand and an athletic building. She added that the proposal would increase the gross floor area by an additional 18,860 sq. ft., increasing the overall gross floor area to 283,475 square feet. She stated that the applicant addressed adequacy and neighborhood compatibility requirements.

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

Motion made by James McCulla and seconded by Judith Hunt to approve the application as presented. Roll call showed: YEAS: Maria Freeman, Ed Curtis, Mary

Fertig, Rochelle Golub, Catherine Maus, James McCulla, Judith Hunt and Alan Gabriel.
NAYS: None. Motion carried 8-0.

“For the Good of the City”

Rescheduling of the December Board Meeting

Judith Hunt stated that in reviewing the Board’s meeting schedule, she discovered they were scheduled to meet on December 21, 2005, and asked if the date could possibly be changed.

Greg Brewton stated that if the Board could reschedule the meeting, then it had to done at a regularly scheduled meeting. He added that staff would check the calendar and then get back to the Board.

James McCulla suggested that staff check and see if meeting rooms would be available for any dates from December 13th –15th.

Signage

James McCulla stated that a notification error had been made regarding an application for one of his clients with the Board of Adjustment, and monies were expended to reproduce materials to be submitted to the Board. He did not feel that was fair. The City required the applicant to list the addresses given, and he did not think the applicant should be penalized. He further stated that either the policy had to be changed, or they needed to encourage staff to write the advertisements in a more general fashion so human error would not cause a hardship on the applicant, nor cause a backlog on the Board’s agenda.

Mary Fertig stated that notices were not a minor requirement, but yet this evening she heard comments that signs did not matter. She stated that signs regarding one of tonight’s cases had been posted in the middle of the block, and individuals would question whether that was the site of the subject property. She reiterated that signs were very important. She stated further that applicants should not be inconvenienced. She also stated that in the past the Board had asked staff to indicate to applicants the requirements regarding notices. She stated that possibly now they needed to clarify the address issue.

James McCulla asked who had the obligation to notify the public. Sharon Miller stated that it was a combination of responsibility. James McCulla asked who was obligated to make sure the public had been noticed. Sharon Miller reiterated that the developer was required to meet the notification standards. She added that staff’s responsibility was in regard to the posting and publication of the agenda. She stated that personal notice was provided by the developer and mailed by staff. James McCulla continued stating that since the City set forth the rules, then possibly they should have to complete the notices and determine that all requirements were met.

Chair Alan Gabriel stated that certain pre-requisites had to be met, and notification was the first requirement. Therefore, if a question arose regarding whether a notice was proper or not, then it was their duty to postpone the hearing of an application until proper notification was provided. He stated that they needed to review how the agenda was identified. He remarked that it stated "location" which was an address of the property. He felt this matter needed to be addressed by the Board so proper direction could be given to staff.

Catherine Maus stated that she had voted against the motion, and believed that the application should have been heard this evening. She felt that possibly it could be misleading to list future addresses. She added that it appeared this was how staff chose to describe the subject property. She suggested that staff discuss this issue and arrive at a solution.

Chair Alan Gabriel reiterated that this was an opportunity for the Board to provide their comments to staff regarding such issues.

Ed Curtis stated that it was his understanding that signage was clearly required.

Greg Brewton explained that signage was a requirement, but the Code also stated that failure to post such signage was not ground to invalidate a hearing.

Chair Alan Gabriel stated that historically the Board had taken the position that if a question arose regarding signage, it went back for re-notification. He added that the subject of a sign having been posted and then removed had also been discussed previously.

Ed Curtis added that the policy behind such decisions was well taken, and protected the applicant. He stated that notice to the public was very important. He explained that protection to defer was afforded to the applicant. He believed that staff needed to arrive at a solution very soon regarding this issue so all parties would be treated fairly. He reiterated that the applicants were not being treated fairly because they had complied with all requirements, but yet the items were deferred.

Maria Freeman stated that the problem needed to be resolved before the Board's next scheduled meeting.

Mary Fertig stated that if they could not rely on the signage or the addresses listed, how could the public find their way to the subject site. She stated that markers were depended upon.

James McCulla stated that the purpose of the notice was for the public to attend the hearing and find out what was going on.

Judith Hunt stated that signs were very important, and asked how addresses were assigned.

Greg Brewton stated they were not published addresses, but were projected to be future addresses.

Greg Brewton reiterated that staff did not take the posting of notices lightly. He added that in the past they had used a generalized location. He explained that the address could have been noticed as a location north of E. Sunrise Boulevard between 10th Avenue and 13th Avenue, south of 11th Street. He further stated that the issue was when multiple locations were involved. Code required signage on the frontage of the street, and the subject property had at least 10 locations. He stated that 10 signs could be posted because a \$50 deposit was required, but the signs were not limited in number. He stated that if the Board wanted to be able to identify each and every site when multiple locations were involved that could be done. It had not been done in the past, and he felt they should get away from advertising projected addresses because that was misleading.

Chair Alan Gabriel stated that signs could be required at each corner.

Rochelle Golub stated that in reviewing the distributed materials, the northern borders differed and the signage was not helpful.

Chair Alan Gabriel stated that this problem was probably unique due to the size of the property. He added that in such areas signage should be placed facing the major roadways.

James McCulla reiterated that the problem was not regarding the placing of the signs, but what was stated on them.

Chair Alan Gabriel suggested that a general statement could be made on the signs.

Sharon Miller stated that a broader description could always be narrowed down.

James McCulla emphasized that the purpose of the notice was to alert the public to come and ask questions, and not to inform them of all details.

Ed Curtis stated that he did not believe the Board should be writing the requirements.

Robert Lochrie, attorney, stated that the problem with using existing addresses was that when buildings were demolished, there was no longer an address provided for the site. He believed the best way to resolve this problem was not to use addresses.

Mary Fertig stated that for larger projects maps could be provided on the signage, and individuals would be able to easily see the parameters of the project. She added that two months ago the Board had voted not to move forward regarding the EAR, and she had submitted four pages of notes regarding the matter. She stated that she was very concerned how that report had been drafted, and would not support it in the format it was in. She asked why someone had not come forward since that time to discuss the matter with the Board. She suggested that a workshop be scheduled to discuss the issue.

Chair Alan Gabriel asked Greg Brewton to look into the matter. He stated that such report was scheduled to come before this Board in August. He added that a workshop

could be held if the Board so desired. Chair Alan Gabriel reiterated that a workshop would be the better way to address the matter.

Mary Fertig asked what was the final deadline for the report. Greg Brewton stated that large sums of money were at stake, and discussion and recommendations were needed. He stated that he was not sure of the deadline.

Chair Alan Gabriel thanked Mary Fertig for her work as Chair of this Board, and felt it would be hard to "fill her shoes."

Motion made by Ed Curtis and seconded by Maria Freeman to adjourn the meeting. Board unanimously approved.

There being no further business to come before this Board, the meeting was adjourned at approximately 8:05 p.m.

CHAIRMAN

Alan Gabriel

ATTEST:

Margaret A. D'Alessio (Muhl)
Recording Secretary