

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

**WEDNESDAY, JULY 20, 2005
6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u>	
		<u>From 1/19/05</u> (P)	(A)
Mary C. Fertig	A	6	1
Alan Gabriel	P	6	1
James McCulla	P	7	0
Charlotte Rodstrom	P	6	1
Judith Hunt	P	7	0
Maria Freeman	P	7	0
Edward Curtis	A	5	2
Rochelle Golub	A	1	1
Catherine Maus	P	2	0

Planning Staff: **Greg Brewton, Acting Liaison, Deputy Planning
and Zoning Director**
Jim Koeth, Principal Planner
Mark McDonnell, Planner III
James Cromar, Planner III
Ella Parker, Planner II
Michael Ciesielski, Planner II
Yvonne Reading, Planner I
Bill Pinnix, Engineer

Legal Counsel: **Paul Bangel, 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 Alan Gabriel called the meeting to Order at approximately 6:36 p.m.

Greg Brewton, Deputy Planning and Zoning Director, proceeded to introduce staff that were present at tonight's meeting. He also announced that Bill Pinnix, Engineer, would be attending in place of Tim Welch.

Chair Alan Gabriel advised that Paul Bangel would be the Assistant City Attorney present at tonight's meeting.

Chair Alan Gabriel announced that the next scheduled Planning and Zoning Board meeting would be August 17, 2005.

PLANNING AND ZONING MEETING

JULY 20, 2005

PAGE 2

Chair Alan Gabriel stated that a question arose regarding the scheduled meeting of the Planning and Zoning Board of December 21, 2005. He stated that discussions were held regarding changing the date of that scheduled meeting to December 13, 2005.

Motion made by Judith Hunt and seconded by Maria Freeman to change the scheduled Planning and Zoning Board meeting from December 21, 2005 to December 13, 2005. Board unanimously approved.

Chair Alan Gabriel proceeded to explain the procedure regarding tonight's meeting. He then asked the Assistant City Attorney to provide the definition of quasi-judicial.

Paul Bengal, Assistant City Attorney, stated that he had some other comments to make besides providing an explanation of the term quasi-judicial. He stated the first item that he wanted to raise was in regard to the City's lobbying ordinance. He explained that the City had in place a lobbying ordinance that required anyone communicating with this Board for the purpose of influencing legislation or other official action to register with the City Clerk prior to engaging in lobbying activities. Legislation was a term that was defined in the ordinance. In addition, the ordinance required all persons engaging in lobbying activities to make a statement of representation at the beginning of the presentation, stating the name of the principal for whom he or she is lobbying. Excluded from the registration and statement of representation requirements was any person who in his or her individual capacity communicated with the Board for the purpose of self-representation without compensation or reimbursement for such communication to express support of, or opposition to, any action or decision. He explained that he could not advise anyone regarding the applicability of the lobbying ordinance, and urged anyone who was uncertain of the requirements of the lobbying ordinance to review it and consult with their legal counsel. He stated that penalties for violation of this ordinance included reprimands, censure, or prohibition of the violator from lobbying for a period not to exceed two years. He stated that this was not a complete explanation of the ordinance, but was only a brief overview, and was being provided as legal advice.

Paul Bengal further explained that items on the agenda marked with two asterisks (**) were considered quasi-judicial hearings, and were conducted in a manner similar to a Court hearing with sworn testimony, evidence and cross examination. All evidence presented, including staff reports, would become part of the record upon which decisions were based. He further stated that this Board was created to act in an advisory capacity to the City Commission in order to conduct investigations and hold public hearings on all proposals to change zoning regulations of the City, or to vacate abandoned streets and alleys, and to report their findings and recommendations regarding such proposals to the City Commission. He continued stating that this Board was also to study any existing plans with the view to improve same so as to provide for the development, general improvement, and probable future growth of the City, and from time to time to make recommendations to the Commission regarding changes in the existing City Comprehensive Plan, and to review and recommend for approval or disapproval all plats, and to perform such other duties that may from time to time be assigned by the City Commission or prescribed by ordinance.

Paul Bengal stated that the Planning and Zoning Board was also designated as the Local Planning Agency for the City. As such the Board was responsible for the

preparation of the Comprehensive Plan. The Board's duties also consist of monitoring and overseeing the effectiveness and status of the Comprehensive Plan, and recommending to the City Commission such changes that may be required from time to time. He explained the Board was to review proposed land development regulations, land development codes, and amendments thereto, and making recommendations to the City Commission as to the consistency of the proposal with the adopted Comprehensive Plan or elements of portions thereof. He stated further that such Local Planning Agency items were marked on the agenda with one asterisk (*).

Chair Alan Gabriel asked everyone to rise for the Pledge of Allegiance and asked Judith Hunt to lead everyone in its recitation.

Approval of Minutes – June 15, 2005 Meeting

Motion made by Maria Freeman and seconded by Catherine Maus to approve the minutes of the June 15, 2005. Board unanimously approved.

1. Pamela A. Adams

5-Z-05

Request: * * * Rezone from CF to RMM-25

Legal Seminole Forest, Block 9, Lots 25 and 26
Description: P.B. 14, P. 16 of the Public Records of
 Broward County, Florida

General South of NW 2 Street, West of NW 14 Avenue
Location: North of NW 1 Street, East of NW 15 Avenue

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

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

Pamela Adams explained that this application for rezoning was consistent with the City's Comprehensive Plan, and was located within the City's CRA and the RAC.

The following disclosures were provided by the Board: Judith Hunt stated that she had been to the site. Charlotte Rodstrom stated that she had been to the site. Maria Freeman stated that she also had been to the site.

Pamela Adams further stated that the permitted use was RMM-25. She explained they had been in touch with the residents of the neighborhood and the members of the Front Porch Organization, the Dorsey River Bend Homeowners Association, Jack & Jill Nursery, and the Fort Lauderdale Community Development Corporation MODCO. Copies of support from these groups were provided to the Board. She stated they were hoping to have the opportunity to build some flexible residential properties at that site. She advised that this matter had been deferred from last month due to signage issues.

Yvonne Redding, Planning and Zoning, stated that this was a request to rezone the property to its original zoning of RMM-25 to be consistent with the neighborhood. She

stated further that it was no longer necessary to serve as parking for the Jack & Jill Nursery since they had purchased property adjacent to their site for parking. She stated they were requesting that this property be returned to the residential zoning that it was originally intended for.

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

Motion made by Judith Hunt and seconded by Catherine Maus to approve the application as presented.

Charlotte Rodstrom suggested that the criteria regarding rezoning be included in the motion stating that the property was to be rezoned to its original state.

The motion was amended as follows:

Motion made by Judith Hunt and seconded by Catherine Maus to approve the application as presented per staff recommendations. Roll call showed: YEAS: Maria Freeman, Judith Hunt, Catherine Maus, Charlotte Rodstrom, and Alan Gabriel. NAYS: None. Motion carried 5-0.

Chair Alan Gabriel announced that Items 2 and 3 would be called and heard together, but voted on separately.

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

Request:** Plat Approval/B-1 and RMM-25 (Proposed PUD)

Legal Description: 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; 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.

General Location: North of Sunrise Boulevard, South of N.E. 11 Street, East of N.E. 10 Avenue and West of N.E. 13 Avenue

3. 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.

PLANNING AND ZONING MEETING

JULY 20, 2005

PAGE 5

Legal Description: 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.

General Location: North of Sunrise Boulevard, South of N.E. 11 Street, East of N.E. 10 Avenue and West of N.E. 13 Avenue.

Chair Alan Gabriel stated that Item #2 was quasi-judicial, and Item #3 was also quasi-judicial, and the Board would also be serving as the Local Planning Agency for Item #3.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

The following disclosures were made by the Board as follows: Judith Hunt stated that she had been to the site. Maria Freeman stated that she had been to the site. Charlotte Rodstrom stated that she had been to the site. Alan Gabriel stated that he had spoken with Robert Lochrie and Dennis Mele, as well as the applicants' representatives.

James McCulla proceeded to enter the meeting at approximately 6:51 p.m.

Dennis Mele, attorney, stated that he was representing the applicant. He stated that Items 2 and 3 related to the same property. He proceeded to show a map of the subject site, and the parcels that were to be platted.

Dennis Mele proceed to show an aerial photo of the site in regard to Item #3. He stated the property was outlined in red, and there was a park located across the street. He advised that a letter in support had been received from the Lake Ridge Civic Association, and that the letter had originally been written in October in connection with a vacation of streets for the subject property. He explained that originally they had proposed to vacate two avenues that bisected the property and the neighborhood had been in support of that proposal. He further stated that the streets were currently closed with physical barriers at this time. He further explained that staff instructed them not to vacate the rights-of-way, but to leave them in place and retain the physical barriers. He proceeded to show the barriers on the map.

Dennis Mele proceeded to show the site plan. He reminded the Board that a portion of the subject property was zoned as B-1 and a portion was zoned as RMM-25. He explained that the yellow line showed the separation of the zoning districts. He stated

that south of the yellow line was B-1, and north was the RMM-25 District. He showed a diagram listing the heights of each building, and then proceeded to show renderings of the site. He stated that input had been received from staff and the neighborhood regarding the site. Therefore, some minor modifications had been made in regard to the building heights. He stated that some of the comments they had received were that the buildings were relatively uniform in relation to the Sunrise Boulevard elevation in that the center area was approximately the same height, except for the two end pieces. Therefore, they lowered the front portion from 9 stories to 7 stories, and raised a small portion in the rear from 3 stories to 5 stories. He advised that the northernmost piece remained at 3 stories. He explained by doing those modifications, there would be a slight step-back along Sunrise Boulevard, as opposed to resembling a straight wall. He further stated that the neighborhood would see the backside of the parking garage. Therefore, by raising the small portion from 3 to 5 stories, the neighborhood would then only see residential units. He proceeded to show the new elevations. He further stated that about 5' of additional green space was added between the face of the building and the Sunrise Boulevard right-of-way. He explained that some of the trees in the area were to be transplanted.

Dennis Mele further stated that Lake Ridge would be having their monthly meeting tonight. He stated that a letter was received from them dated today showing their support of such modifications.

Jim Koeth, Planning and Zoning, stated that the plat would be for 281 multi-residential family units, and 13,500 sq. ft. of commercial of which 3,200 sq. ft. would be unrestricted, and 10,300 sq. ft. would prohibit the use of restaurants. He stated this would be rezoned to PUD that had a requirement that a public plaza be provided of at least 1,400 sq. ft., but the applicant was providing 1,965 sq. ft., including trees, benches and other amenities for pedestrians. He added that the streets would remain open for pedestrians, and the barricades would be relocated. He further added that the streets would continue to be closed to vehicular travel through the barricades. He stated that traffic circles are depicted on the site plan.

Jim Koeth continued stating that the applicant was also requesting a reduction in parking requirements. He explained that this was a mixed-use project, and the parking requirement would total 609 parking spaces, and a garage would be provided consisting of 6 levels. He stated that the garage would include 553 parking spaces, which was a 56 space shortfall. However, the applicant would provide metered on-street angled parking on 11th and 12th Avenues. He advised that such spaces could not be counted towards the applicant's parking requirements since they were located in the right-of-way. He stated that 59 parking spaces would be provided in that location. Actually, he stated there would be a surplus of 3 parking spaces if the on-street parking spaces could be counted..

Jim Koeth further stated that an engineer hired by the applicant had conducted a parking study, and found that the 553 spaces on site were more than adequate for the project. Therefore, the metered parking would be surplus parking.

Jim Koeth advised that the School Board had provided a letter stating that the project would not generate additional students based on what existed at the site at this time.

Jim Koeth stated that staff found the application complied with the ULDR, subject to the following conditions:

1. That the right-of-way sidewalks be clear 7'.
2. Part of the development exceeds 25 dwelling units per acre located in the B-1 zoning district, and would have to be reviewed by Broward County regarding compatibility. He stated that this was standard procedure.
3. The proposed development is in an area that could generate construction debris, and a Construction Mitigation Policy would have to be instituted.
4. Final DRC approval.
5. Final ULDR approval in accordance with Section 24.1.

Charlotte Rodstrom asked how many units would be in the building. Jim Koeth replied there would be 281 units, and the units would range from 847 sq. ft. to 1,458 square feet.

Dennis Mele stated that there would be 39 one-bedroom units, 202 two-bedroom units, and 40 three-bedroom units.

Charlotte Rodstrom asked how many parking spaces would be provided per unit. Dennis Mele stated that the one-bedroom units would provide 1.75 spaces, the two-bedroom units would provide 2.0 spaces, and the three-bedroom units would provide 2.1 spaces. Charlotte Rodstrom asked where guest parking would be provided. Dennis Mele stated that there would be guest parking provided in the garage and were part of the figures he had just provided. He further stated that retailers and customers preferred ground parking closer to the businesses. Charlotte Rodstrom asked if the employee parking for the retailers were part of the parking count provided. Dennis Mele confirmed.

Catherine Maus asked if the project was considered apartment buildings or a condominium. Dennis Mele stated they were considered condominiums. Catherine Maus asked where was the entrance and exit located, and how would the traffic flow. Dennis Mele showed on the site plan.

Jose Saumell, MSA Architects, stated the entrance to the project was located on 11th and 12 Avenues from Sunrise, and the garage would be accessed from that area.

Cathy Sweetapple, Traffic Planner, explained that there were two access points serving the site that were off 11th and 12th Avenues. She stated that coming westbound there would be two exclusive right-turn lanes as required by FDOT. She further stated that traffic going eastbound would have an exclusive left-turn lane.

Catherine Maus asked if traffic would be allowed to go north through Lakeridge. Ms. Sweetapple stated that would not be permissible.

Chair Alan Gabriel proceeded to open the public hearing.

Dale Shriver, Lakeridge, stated that their Association supported the project, but were concerned that the closures be maintained because they did not want additional traffic

going through the neighborhood. He explained that this area had changed a great deal during the last ten years, and they believed such closures had made that possible. He stated further that they appreciated the lower height at the rear of the buildings permitting more sun to get through to the neighborhood, and did not want the specifications to change once the plans were approved. He further stated they were glad that the project did not consist of rental units, and they welcomed more homeowners into the area. He stated that the neighborhood was concerned about construction traffic and hoped it would be kept to a minimum.

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 James McCulla to approve the application as presented per staff's recommendations.

Chair Alan Gabriel stated that an alternative had been presented that had to be discussed, which was the question regarding the reduction of the height of the building in relation to Sunrise Boulevard, along with an additional 5' landscaping area.

James McCulla proceeded to withdraw his previous motion.

Motion made by James McCulla and seconded by Judith Hunt to approve the plat as presented per staff's recommendations. Roll call showed: YEAS: James McCulla, Charlotte Rodstrom, Maria Freeman, Judith Hunt, Catherine Maus, and Alan Gabriel. NAYS: None. Motion carried 6-0.

Motion made by James McCulla and seconded by Maria Freeman to approve the rezoning and the site plan as presented with the lower façade on Sunrise Boulevard and at the north end of the project, along with the additional 5' of landscaping to be provided along Sunrise Boulevard, including staff's recommendations.

Charlotte Rodstrom stated that she was concerned about the zoning being changed to a PUD because B-1 was for the purpose of being commercial and not residential. Dennis Mele stated that the City's Comprehensive Plan regarding commercial permitted residential to be provided in commercial land use areas as long as the criteria were met which this project had done.

Catherine Maus stated that the setbacks that were less than the existing ones permitted in RMM-25 would provide additional shadows to the neighborhood.

Roll call showed: YEAS: Maria Freeman, Judith Hunt, James McCulla and Alan Gabriel. NAYS: Charlotte Rodstrom and Catherine Maus. Motion carried 4-2.

4. Robert Hannan, Law Office

148-R-04

Request:** Site Plan Review/Level III
Office Use/ROC

Legal Description: Block 51-L, Lot 11, Croissant Park,
according to the plat thereof, recorded

In P.B. 4, P. 28 of the Public Records
Of Broward County, Florida

General Location: South of S.E. 14 Court, East of S.E. 4 Avenue
North of S.E. 15 Street and West of U.S. 1

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.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

Todd Chase, architect, stated that this project involved a change of use in the ROC District. He explained they were proposing to change a single-family residence to an office use for an attorney. He stated they were proposing to remove an existing flat-roof garage at the side of the residence in order to gain access to the rear of the property so parking requirements could be met. He further stated that handicap parking would be provided at the front of the property. He advised they were also proposing to add 438 sq. ft. to the rear of the building for additional office space. He stated all parking requirements were met and they would provide 6 parking spaces. The character of the building would maintain the residential look, and therefore, continue to be compatible with the neighborhood, and an open front porch would be added to the front of the building.

Yvonne Redding, Planning and Zoning, stated that this project required approval due to the conditional use of the ROC category. She advised the addition met the required setback requirements of 10' even though the existing structure did not, but Code permitted the existing structure to maintain as is. She stated all ingress and egress requirements were being met. DRC approved and no complaints had been received from the neighborhood.

Charlotte Rodstrom asked about the hours for the proposed office. Yvonne Redding stated that the office would have regular business hours and probably would have occasional evening hours.

Chair Alan Gabriel proceeded to open the public hearing. There being no individuals wishing 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 application as presented per staff's recommendations. Roll call showed: YEAS: Catherine Maus, Maria Freeman, Judith Hunt, James McCulla, Charlotte Rodstrom, and Alan Gabriel. NAYS: None. Motion carried 6-0.

**5. Fort Lauderdale Crown Land Trust, Inc./
Crown Center**

71-R-05

Request: ** Site Plan Review/Conditional Use (Vocational
School) in an existing building/AIP

Legal Description: All of Lots 30 and 34, together with a portion Of Lots 29 and 35, Fort Lauderdale Industrial Airpark Section 2, according to the plat thereof, P.B. 63, P. 8, of the Public Records of Broward County, Florida

General Location: Northwest Corner of West Cypress Creek Road and NW 12 Avenue

Chair Alan Gabriel announced that this item was quasi-judicial.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

The following disclosures were made by the Board as follows: Catherine Maus stated that she had been to the site.

Jim Brady, representing the applicant, explained that this was a conditional use application for a building existing on NW 62nd Street, immediately north of the Airport. He proceeded to show the site on the map, along with the parking area. He stated that the tenant was Sanford Brown Institute, an affiliate of Career Education Corporation that was a national for-profit vocational school facility. He stated the education provided would encompass various technical fields, including medicine. He stated they had received approval from the Airport authority regarding the use. Staff felt that all criteria have been met, and there are no compatibility issues.

Michael Ciesielski, Planning and Zoning, stated that this was a conditional use issue requiring Site Plan Level III approval. He stated further that the narratives provided by the applicant included limitations on conditional and permitted uses in the AIP Zoning, District, adequacy requirements, neighborhood compatibility, and criteria for conditional use approval. Staff determined all the criteria have been met. The DRC reviewed the application on May 24, 2005, and all comments had been addressed.

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

Motion made by James McCulla and seconded by Maria Freeman to approve the application as presented per staff recommendations. Roll call showed: YEAS: Maria Freeman, Catherine Maus, James McCulla, Charlotte Rodstrom, Judith Hunt, and Alan Gabriel. NAYS: None. Motion carried 6-0.

6. Marina Mile Properties, LLC/Secure Storage at 84

2-T-05

Request: * Amend the Comprehensive Plan Future Land Use Plan Map Medium High Residential to Commercial

Legal A portion of Tracts 2 and 3, F.A. Barrett's

Description: Subdivision, P.B. 1, P. 46

General Location: North Side of State Road 84 and East of
and Abutting Interstate 95

Chair Alan Gabriel announced that the Planning and Zoning Board were acting as the Local Planning Agency in this matter.

ALL INDIVIDUAL WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

Gerry Knight, attorney for the applicant, stated that they were requesting a Land Use Plan Amendment to the Comprehensive Plan to redesignate the property from medium-high residential to commercial. He stated this was the first step in the process. He stated this would also come before the Board for a rezoning application to a PUD. He continued stating that the property was located at the intersection of I-95 and SR 84. He further stated that access was from the frontage road of SR 84. He explained that on the east was the Eastport Center that was a warehouse project and designated commercial. To the south abutting SR 84 was a piece of commercial property also owned by the applicant. He stated that both parcels would be combined for the subject project. He added that to the south was non-residential, heavy commercial and industrial type uses. To the north were the Osceola Apartments previously known as the Pond Apple Creek Apartments.

Gerry Knight stated the proposed designation for the site was commercial which they believe would be compatible with existing uses in the area. He stated they have applied for PUD zoning. He added that this development would be unique because it would be a secured storage facility for automobiles, such as antiques. He explained the building would consist of 3 stories with large bays.

Kevin Buckley, principal of Marina Mile LLC, stated that they have been doing business in Fort Lauderdale for about 19 years. He continued stating that they had developed both Barnes and Nobles and Borders next to the Galleria Mall, the Winn-Dixie on the Galt Ocean Mile, Sports Authority on Federal Highway, and the Bed Bath & Beyond on Federal Highway. He explained they had been working on this project for approximately 2 years. He explained further by secured storage they provided air conditioning, and storm proof storage geared towards high-end automobiles. He stated it was being offered on a condominium basis meaning the ultimate users would own their own units that were about 600 sq. ft. each. He stated from the outside it would resemble a high-tech office building with windows. He explained the facility would consist of a series of parking ramps that were non-mechanical. He stated this was a unique project and was a passive one.

Kevin Buckley further stated that they had met with the Homeowners Association who was in support of the project, and the District Commissioner also appeared to be in support.

Gerry Knight further stated that the Board had been provided with the minutes of the River Oaks Civic Association stating their support of this project. He stated that the

proposed use would be good for the site. He added that DOT had approved the access to the site.

Mark McDonnell, Planning and Zoning, stated that the site consisted of 3.38 acres, and the existing land use was medium-high residential. The proposed land use was for commercial that would require an amendment to both the City and the County's future land use maps. Therefore, this would be presented for approval to the Broward County Planning Council. The applicant addressed all components regarding the change and provided maps of the site. He stated that staff highlighted components that were required for analysis and the impacts would be less than the current land use of medium-high residential in the form of solid waste, transportation, and no further student generation. He further stated that River Oaks Civic Association reviewed this project on May 19, 2005 and voted 10-1 to support the Land Use change and the project. This was reviewed by DRC on April 26, 2005 and all issues were addressed.

Mark McDonnell explained that one of the requirements for the Planning and Zoning Board acting as the Local Planning Agency was to make a finding of consistency of the Land Use change proposal with the Comprehensive Plan. He stated that staff highlighted several objectives in their report, and stated the project was consistent with the Comprehensive Plan.

Maria Freeman asked if renderings were provided regarding the project.

Gerry Knight further stated that a conceptual rendering has been provided at this time since they were still in the preliminary design stages. He remarked that they were not yet seeking site plan approval.

Kevin Buckley stated that the only changes made in the design phase as of this time were that the exterior bays would have fixed-glass windows that were aesthetically compatible with the neighborhood.

Charlotte Rodstrom asked what would be the minimum length of stay for the vehicles. Kevin Buckley explained that the owners would be able to come and go at will, and interest in the units appeared to be from collectors who wanted to store their automobiles in a controlled atmosphere. He anticipated the vehicles would be stored off-season and possibly relocated during storm seasons. He stated that they envisioned this to be a passive use and did not anticipate daily traffic. Charlotte Rodstrom reiterated that this would be more of a storage facility versus a garage. Kevin Buckley confirmed.

Maria Freeman clarified that the Board was to vote on the change for the land use. Mark McDonnell confirmed and stated that the project would come again before the Board for rezoning and the site plan. He stated a lengthy process was involved for this use.

James McCulla asked if the Board was being asked to view the use at this time, or were they tying their recommendation for a change in the land use to the proposed use. Gerry Knight stated that this was an application for a change in the land use designation to commercial. He stated further that this was the beginning of a lengthy process, and the site plan and request for rezoning would be presented at a future date. James McCulla

asked what would happen if the land use plan amendment went through the process, but the zoning remained at RML-25.

Greg Brewton stated that zoning had to be consistent with the land use, and at some point in time, even if the applicant did not pursue a zoning change, the City would be a participant to make sure such consistencies occurred in terms of a zoning change. He stated further that he did not believe this would happen because what was being done was being predicated on being able to do a zoning change in order to proceed with the project. He added there was no need to do a land use amendment without being able to move forward with this project. As indicated recently, this was the beginning stage and the rezoning would catch up with the lengthy land use amendment process in regard to the finalization. He continued stating that the matter had to be presented to the City Commission before moving forward to the County level. A zoning change and site plan approval would be sought for this project. He stated it was the applicant's desire to have everything occur simultaneously.

James McCulla asked if there would be the opportunity to approve this all at once. Greg Brewton stated that was the applicant's intent. He added the applicant was requesting a PUD for the ultimate zoning activity, and therefore, would have to go before this Board and the City Commission, along with the site plan. James McCulla asked if there would be about three presentations to this Board involved in the sequence of events. Greg Brewton confirmed there was the possibility of three presentations. He hoped everything could be done in two presentations because the zoning request and site plan approval could be combined. James McCulla stated this could be withdrawn. Greg Brewton confirmed. James McCulla stated that possibly the applicant could get trapped between a land use that was no longer compatible with the RML-25 zoning, or the Board would be approving a zoning change in front of the land use. Greg Brewton stated that a zoning change could not be done in front of a land use change, but it could travel with it. He stated this had been done in the past where zoning classifications had been inconsistent with the land use, and the City had done the rezoning in order to match the situations. He further stated when land use amendments were done in conjunction with annexations, then rezonings were brought before the Board so everything would be consistent. If they decided not to move forward with the zoning change, the City would be required to make the change so the zoning would be consistent with the land use.

Mark McDonnell clarified that the Broward County Planning Council's Administrative Rules included an Appendix which was a rigorous checklist used by staff and the applicant. One of the requirements was that any property having a change in land use had to be followed with an application for rezoning so it would be consistent with the Land Use Plan.

Gerry Knight assured the Board that the applicant's goal was to move forward with this project.

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 recommend to the City Commission that this application be approved per staff's recommendations. Roll call showed: YEAS: Judith Hunt, James McCulla, Catherine Maus, Charlotte Rodstrom, Maria Freeman, and Alan Gabriel. NAYS: None. Motion carried 6-0.

7. Kenneth Sandler, LLC

57-R-05

Request: ** Site Plan Review/Level III
Yard Modifications/RMM-25
3-Story Residential Multi-Family Development

Legal Description: Block 260, Lots 5 and 6, Progresso,
according to the plat thereof as recorded
In P.B. 2, P. 18 of the Public Records of
Dade County, Florida

General Location: West Side of N.W. 1 Avenue between
N.W. 8 Street and N.W. 9 Street

Chair Alan Gabriel announced that this item was quasi-judicial.

Catherine Maus stated that she had been to the site and questioned the signage issue.

Kenneth Sandler stated that signs had been placed at the site and photographs had been submitted.

Catherine Maus further stated that while at the site, she thought she noticed a Board of Adjustment sign dated March 9, 2005, and another sign behind it. Mr. Sandler stated that the new sign had been placed in front of the old one.

Chair Alan Gabriel asked when the sign had been posted. Mr. Steven Cohen, Mr. Sandler's agent, stated that the sign was posted approximately 30 days ago. He believed the sign had been posted on the 19th of last month. He added that the photograph would have the date of the posting.

Maria Freeman stated that she had driven past the site and notice the Board of Adjustment sign. She stated that a sign was laying on the ground and asked if anyone had checked the site. Mr. Sandler stated that he had been to the site approximately a week and a half ago.

James Cromar, Planning and Zoning, stated that he had been by the site several times during the past week, but had not looked closely at the sign.

Motion made by Judith Hunt and seconded by Charlotte Rodstrom to defer this item until August 17, 2005 at 6:30 p.m.

Mr. Cohen asked why the motion was made to defer. Chair Alan Gabriel explained that the signs had not been appropriately posted.

Board unanimously approved, except for James McCulla who opposed the deferring of the item. Motion carried 5-1.

8. Donna Batiste/12 Terrace Residential Development

28-R-04

Request: ** Site Plan Review/Level III/Conditional Use
For Mixed Use Development/CB
12 Multi-Family Units with Flex Allocation

Legal Description: A portion of the North 180.00 feet of the
Northwest one-quarter (NW ¼) of the
Southwest one-quarter (SW ¼) of Section 35,
Township 49 South, Range 42 East,
Broward County, Florida

General Location: Southwest Corner of N.E. 14 Court, and
N.E. 7 Avenue (Dixie Highway)

Chair Alan Gabriel announced that this item was quasi-judicial.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN.

The following disclosures were made by the Board: Charlotte Rodstrom stated that she had been to the site. Catherine Maus stated that she had been to the site.

Gus Carbonell, developer, stated that this project would consist of a 12-unit multi-family development located on Dixie Highway and 14th Court. He added that the plat was approved by the City Commission, and tonight they were requesting the approval of the 12 flex units so the plat could be finalized and recorded in accordance with the condition of the Broward County Planning Council.

Gus Carbonell stated that they had worked with the neighborhood and addressed all concerns. On July 10, 2005, a meeting was held with the general membership and the project was 100% endorsed.

Gus Carbonell stated that the units were designed as a townhouse having their own two-car garage with a den on the ground floor. He stated that the kitchen, living and dining areas were located on the second floor. He stated that each unit had a balcony on the second floor, and a master and additional bedroom on the third floor. He explained that the garages had been placed away from the street accessed through an interior driveway off Dixie Highway. The front doors either faced 14th Court or the Middle River Terrace Park. He believed this project was a catalyst for the neighborhood. He explained that the zoning along Dixie Highway was CB which allowed 100% residential developments if under 5 acres. He explained further that the density was approximately 22 units per acre, and 25 units were permitted. He added that this would be consistent with the developments on Dixie Highway that consisted of two-story small residential apartment buildings. He stated that a contemporary design was produced in accordance with the neighborhood recommendation.

Gus Carbonell stated that this was a multiple use development that required a public plaza. Such plaza would be placed at the western side of the development, including a fountain and benches. He added that the parking requirement was 2.2 per unit that would be provided inside a private garage, along with two guest spaces on site, and two additional spaces on 14th Court.

Ella Parker, Planning and Zoning, stated that this was a multiple use development consisting of 12 multi-family units on a commercially designated land use parcel with the allocation of residential flex units. She stated the project was located at the southwest corner of Dixie Highway and N.E. 14th Court. She explained that mixed-use, single-use residential buildings were permitted on parcels of less than 5 acres, and the applicant's property consisted of approximately .52 acres. She continued stating that mixed-use developments were permitted on commercial land use subject to the availability of residential flex units. The project needed to utilize 12 such flex units.

Ella Parker continued stating that the mixed-use development was a conditional use approval. The applicant had addressed adequacy, neighborhood compatibility, conditional use and mixed-use criteria. If the Board approved this development, the following conditions were recommended by staff:

1. That the applicant would be required to mitigate any potential impacts with the Broward County School Board for public school facility planning.
2. That the Associated Donna Batiste plat is recorded in the Public Records of Broward County prior to final site plan approval.
3. Site Plan approval must be valid as provided in ULDR Section 47-24.1.M.

Catherine Maus asked if any trees would be relocated. Gus Carbonell explained that the trees along 14th Court would be saved, and during the platting process 16' had to be dedicated in the area, along with another 9'. Most of the trees were located in the City's right-of-way. He stated there was a Laurel Oak along Dixie Highway they would attempt to save and would be meeting with an arborist, but it appeared that the tree was in its final life span.

Charlotte Rodstrom stated that she liked the idea of the garages in the center of the complex. She added that this was a very nice design.

Judith Hunt stated that she had visited the site.

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 Judith Hunt and seconded by James McCulla to approve the application as presented per staff's recommendations. Roll call showed: YEAS: Charlotte Rodstrom, Catherine Maus, Judith Hunt, James McCulla, Maria Freeman, and Alan Gabriel. NAYS: None. Motion carried 6-0.

"For the Good of the City"

Alan Gabriel announced that Mary Fertig was presently in the hospital.

Workshop Dates

Chair Alan Gabriel stated that there was to be a workshop to review the DCA's objectives, recommendations, and comments report. He stated that dates had been e-mailed to the Board members. He announced that the workshop could be held on the 8th Floor Conference Room or in the First Floor Commission Chambers. He stated the dates for the 8th Floor Conference Room were Tuesday, August 16; Friday, August 19th; Monday, August 22nd; Friday, August 26th; Monday, August 29th; and Tuesday, August 30th. He advised that the available dates for the Commission Chambers were Tuesday, August 23rd after 5:00 p.m.; Wednesday, August 24th during the day only; Thursday, August 25th during the day only; Friday, August 26th; Monday, August 29th; and Tuesday, August 30th.

Chair Alan Gabriel stated that the first question for the Board was to determine if they wanted to hold the meeting during the day or in the evening.

Chair Alan Gabriel asked if any other items were to be discussed at the workshop. Greg Brewton stated that no other additional items would be on the workshop agenda. He stated the Board needed to consider how much lead time was needed to review the document prior to the workshop. Chair Alan Gabriel advised that the document had gone through some modifications since the Board had originally reviewed it.

Greg Brewton stated that the document was to be presented to the City Commission in October. He stated the Board was to vote on the document in September.

The Board discussed how long the meeting might take and the procedure to be followed regarding its review and vote.

James McCulla suggested that a special meeting be held instead of a workshop because no action could be taken at a workshop. Greg Brewton stated that the idea was to hold a workshop to discuss all issues, and then changes would be made, and then presented to the Board for their final approval in September.

Judith Hunt stated that the regularly scheduled August Board meeting could be held, and then the Board could convene at a later date for the workshop.

Paul Bangel, Assistant City Attorney, stated they would have to continue the meeting to a time and date certain, and have it announced.

There was a consensus of the Board to hold the meeting in the evening on Tuesday, August 23, 2005 at 6:30 p.m. Chair Alan Gabriel suggested the meeting be held in the Board's regular meeting room that was the First Floor Commission Chambers. He announced the Board's regularly scheduled meeting is August 17, 2005 at 6:30 p.m.

The Board then discussed whether to hold a special meeting or a workshop. Alan Gabriel suggested that other items possibly be added to the workshop agenda.

Paul Bangel stated that the ordinance provided power to the Chairperson to designate special meetings at other times. Chair Alan Gabriel stated that the meeting should be a workshop because it allowed an open forum, and then the document can once again be brought before the Board for approval.

James McCulla stated that in contemplating a workshop, he was not aware that they would have to "stare down the barrel" at yet another deadline. Chair Alan Gabriel stated that he did not believe there would be a problem with the September meeting.

Greg Brewton stated that previously one issue had been that the document was too large to provide an adequate time for review. He stated staff's goal was to include the document with the back-up materials for the Board's August 17th meeting.

Attendance Resolution

Chair Alan Gabriel stated that Resolution 97-187 had been distributed. He reminded the Board that absence from 4 regular meetings or one-third of the regular meetings during the calendar year would constitute an automatic resignation. Greg Brewton stated that he had checked with the City Clerk and the calendar year consisted of January to December.

Signage

James McCulla stated that this was the second meeting in a row that an item had been deferred due to signage. He stated that he wanted a determination made by the City Attorney or another staff member as to whether signs were a code requirement to satisfy the public's interest regarding notice. He stated it was not fair to the applicants.

Paul Bangel stated that issues involving specific applicants that were not present should not be discussed. He stated that further research could be done and an answer provided to the Board at their next meeting.

Greg Brewton stated that he believed at the last meeting it was stated that this was a policy of this Board in regard to sign issues. James McCulla clarified that if there was a question regarding adequate notice, and it had been the policy of the Board to defer such items. He stated that last month the Assistant City Attorney did not appear to state that it was a requirement. He, therefore, asked to have the issue clarified. Greg Brewton added that according to Code failure to post the sign did not invalidate the meeting. He further stated that the property by Code is required to be posted with signage, but failure to do so would not invalidate the meeting. James McCulla further stated that it would not invalidate the adequacy of public notice. Greg Brewton confirmed. He stated that a position would be provided to the Board from staff and the Legal Department at their next meeting.

Chair Alan Gabriel asked for copies of that section of the Code to be provided to the Board at their next meeting.

Paul Bangel further stated that there is another issue, and that was whether a determination was made on a Board member seeing the sign or not, as opposed to a member of the public or staff.

James McCulla stated there was a difference between constructive notice versus another type of notice.

Rescheduling of December Meeting

Paul Bangel stated that another item was about moving the December meeting. He stated that according to the ordinance, the Board's regular meeting was to be held on the third Wednesday of each month, except when the day is a legal holiday observed by the City or an election day. He stated that this item might be brought back before the Board.

Chair Alan Gabriel stated that the date was moved due to the holidays.

Motion made by James McCulla and seconded by Judith Hunt to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at approximately 8:43 p.m.

CHAIRMAN

Alan Gabriel

ATTEST:

Margaret A. Muhl (D'Alessio)