

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

**WEDNESDAY, November 16, 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	P	10	1
Alan Gabriel	P	10	1
James McCulla	A	10	1
Charlotte Rodstrom	P	10	1
Judith Hunt	P	10	1
Maria Freeman	P	11	0
Edward Curtis	P	9	2
Rochelle Golub	P	4	2
Catherine Maus	P	6	0

Planning Staff: Greg Brewton, Acting Liaison, Deputy Planning & Zoning Director
Don Morris, Acting Zoning Administrator
Jim Koeth, Principal Planner
Ella Parker, Planner II
James Cromar, Planner III

Legal Counsel: Sharon Miller, Assistant City Attorney

Court Reporting Service: Jamie Opperee/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 6:35 p.m. and all rose for the Pledge of Allegiance. He then proceeded to introduce the Board.

Jim Koeth, Principal Planner, proceeded to introduce staff that were present at tonight's meeting. He also announced that Tanya Wilson SeJour from the School Board was present this evening. Chair Alan Gabriel explained that Ms. SeJour would sit in on items related to the School Board.

Approval of Minutes

Motion made by Maria Freeman and seconded by Charlotte Rodstrom to approve the minutes of the September 21, 2005 Planning and Zoning Board Meeting. Board unanimously approved.

Motion made by Maria Freeman and seconded by Rochelle Golub to approve the minutes of the October 19, 2005 Planning and Zoning Board Meeting. Board unanimously approved.

1. One Condos/Peter Sordjan

74-R-05

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

Legal Description: Lots 1 and 2, of "Island No. 4, Nurmi Isles,"
According to the plat thereof, as recorded in
P.B. 24, P. 43, of the Public Records of Broward
County, Florida

General Location: Southwest corner of Isle of Venice
directly north of Las Olas Boulevard

Chair Alan Gabriel announced that there was a request to defer this matter until January, 2006. He explained that the Planning and Zoning Board's January meeting would have to be re-scheduled. He stated that the possible dates for that meeting were January 17th, January 19th, January 24th, or January 25th. He announced that normally the Board would have met on January 18, 2006.

Rochelle Golub entered the meeting at this time.

Motion made by Mary Fertig and seconded by Ed Curtis to reschedule the January Planning and Zoning Board meeting to Thursday, January 19, 2006. Board unanimously approved.

Motion made by Mary Fertig and seconded by Maria Freeman to schedule the January Planning and Zoning Board Meeting to January 19, 2006 at 6:30 p.m. Board unanimously approved.

2. City of Fort Lauderdale/Fire Station 53/88

126-R-05

Request: Public Purpose Use/Fire Station GAA**

Legal Description: A parcel of land being a portion of Tract 1,
F-X-E Plat, according to the plat thereof,
Recorded in P.B. 119, P. 4 of the Public
Records of Broward County, Florida

General Location: South of NW 62 Street, North of the Executive
Airport – Foxtrot Taxiway, between NW 28 Way
And NW 10 Terrace.

Chair Alan Gabriel announced that there was a request to defer this matter until December 21, 2005.

Motion made by Maria Freeman and seconded by Mary Fertig to defer this matter until December 21, 2005 at 6:30 p.m. The Board unanimously approved.

3. Lennar Homes, Inc./Village at Sailboat Bend

4-ZPUD-05

**Request:* ** Amend PUD to Allow an office Use and
To Allow the Redistribution of Dwelling Units**

Legal Description: Parcel "A", Administrative Facility, according to the plat thereof, as recorded in P.B. 137, P. 19, Of the public records of Broward County, Florida

Address: 230-422 S.W. 14 Avenue, 231-432 S.W. 13 Terrace, 1310-1350 S.W. 2 Court, 1300-1348 S.W. 3 Court, 1304-1314 S.W. 4 Street, and 1307-135 S.W. 4 Court

General Location: Bounded by S.W. 2 Court on the North, the New River on the South, S.W. 13 Avenue on the East and S.W. 14 Avenue on the West

Chair Alan Gabriel asked Sharon Miller, Assistant City Attorney, to explain what quasi-judicial meant, along with an explanation regarding the Board's duties as the Local Planning Agency.

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, 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.

The Board made the following disclosures: Rochelle Golub stated that she had been to the site. Charlotte Rodstrom stated that she had been to the site and spoke to Steve Glassman. Maria Freeman stated that she had been to the site. Mary Fertig stated that she had been to the site. Alan Gabriel stated that he had spoken with Susan Delagar, attorney for Lennar Homes.

Dan Fee stated that this application was for a rezoning. He explained that the site has been under construction for the past year. He added that the West Side School Building

was also part of the project. He explained that the previously approved PUD was for the building to house five residential units, along with workshops for artists. He stated that Art Space was to acquire the building for artists, and has negotiated with Broward County who was interested in putting the Historic Commission's Office in that historic building. Since that use was not part of the original PUD, the rezoning application had to be filed. He stated that a new PUD rezoning application had therefore been filed in order to allow for such a use.

Mr. Fee explained that five units were to be in that building, along with the Art Space building containing 35 units. He explained further that two of the units from the West Side School Building had been incorporated into the Art Space Building which would now hold 37 units. He stated that they also had included some minor clean-up adjustments to the site plan. He explained that a summary table of such adjustments had been distributed to the Board for their review.

Judith Hunt entered the meeting at this point in time.

Don Morris, Planning and Zoning, stated that this proposal was consistent with the City's Comprehensive Plan. He continued stating that Section 2A.5 allowed for community facilities of which included governmental administration. Subsequently, the proposed County's Historic Commission Office was also a permitted use in both the low-medium and medium-high residential land use categories. He stated that this was also consistent with Objective 6, Policy 6.1 of the Comprehensive Plan that was for the continuation of redevelopment and revitalization of blighted areas of the City.

Mr. Morris stated that if this Board determines that this application meets all criteria for rezoning to a PUD, their recommendation would be forwarded to the City Commission for their consideration. If this Board determines that the criteria for rezoning to a PUD have not been met, then the Board would deny the application and procedures for appeal to the City Commission as provided in Section 47-26.B would apply.

Mr. Morris reminded the Board that they were acting as the Local Planning Agency, and therefore, the Board's motion should include findings of compliance with the City's Comprehensive Plan, along with the criteria for rezoning.

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 Charlotte Rodstrom and seconded by Judith Hunt to approve the application as submitted in accordance with the City's conditions as listed. Roll call showed: YEAS: Ed Curtis, Maria Freeman, Mary Fertig, Rochelle Golub, Judith Hunt, Catherine Maus, Charlotte Rodstrom, and Alan Gabriel. NAYS: None. Motion carried 8-0.

4. City of Fort Lauderdale

8-T-05

**Request: * Amend ULDR Section 47-22.6
Temporary Signs and Advertising Displays**

Don Morris, Planning and Zoning, stated that the City Commission had directed staff to revise the regulations regarding temporary signs and advertising displays that was Section 47-22.6. He stated that the proposed ordinance would establish standards for the placement and removal of temporary signs, which included filing the application and posting the bond with the Building Department for each temporary sign, and adopting measures to ensure compliance with the Code requirements.

Mary Fertig asked about the procedures that were to be followed in connection with political signs.

Don Morris explained that at this point in time, there was no such procedure. He stated that this would establish a procedure for the placement and removal of such signs after the election.

Mary Fertig clarified that the signs could be in place for thirty days. Don Morris confirmed.

Don Morris advised that this would apply to all temporary signs, including political signs. He further stated that a posting of a bond would not be required for any City sign, but required for non-City entities.

Chair Alan Gabriel asked about an applicant posting a sign regarding a Planning and Zoning matter. Don Morris stated that they had to pay \$50 for such signs and when the signs were returned, the money was refunded. Therefore, he explained that there was an incentive in place for the signs to be removed.

Sharon Miller stated that a distinction would be made between a sign that was being required for posting in connection with public notice in a procedural sense, and this said "permitted to be erected." She continued stating that these signs would have to be applied for and permitted to post, such as a banner sign.

Rochelle Golub asked for some further clarification in regard to the posting of signs.

Don Morris explained there was a list of temporary signs permitted in the City that were the ones that were being referred to in this case. He stated that signs not specified as temporary or permanent signs would not be permitted. He stated if something was not specified as permitted, then it would not be permitted.

Rochelle Golub asked if every stake with a sign was considered as a temporary one or did the sign have to be a certain size requiring the \$100 bond.

Don Morris further stated that a \$100 bond was to be posted for each temporary sign.

Judith Hunt stated that she had some concerns regarding this matter. She continued stating that in regard to political expression, she found this to be offensive. She stated there would be elections in February and March of next year, and she felt that candidates would not be able to comply with the thirty-day rule. She asked if they would have to pay an additional \$100 every thirty days. She then asked about Little League game and other sporting event signs. She asked if they were going to have to pay the \$100 bond as well.

Sharon Miller stated that they would have to recognize that most of the signs erected were not permitted by the Code. She remarked that was another matter.

Judith Hunt stated that possibly the next step in the slope would be limiting notification to parents regarding events for children. She felt this matter needed to be rethought.

Mary Fertig asked about community group, school or church events being held, and if they would apply in this case.

Don Morris stated they would apply if defined as temporary signs.

Mary Fertig stated that previously the issue of banners had been discussed, and she asked about the time limit for such banners. Sharon Miller explained that banners could be displayed for 14 days in accordance with Section 47-22.3.C. Mary Fertig further asked if there were any requirements at this time for political signs. She asked if the temporary signs erected at this time were in violation of the law since there was nothing to define them in the Code. Sharon Miller stated that certain provisions did permit temporary signs, such as balloons announcing Grand Openings. She stated that banners were a different matter. She further stated that political signs were permitted, but had to be removed within 30 days after the event. She felt the language needed to address such signs more clearly. She stated that the \$100 bond was max and if the sign was not removed according to the requirements, then \$10 would be deducted from the bond. When the \$100 was gone, it would have to be replenished.

Charlotte Rodstrom clarified that political signs could be erected but an application had to be filed with the Building Department, along with a fee being paid. She asked how much in advance did that have to be done in order to receive the permit for political signs to be erected in accordance with the 30-day requirement.

Don Morris stated that he assumed it would be a "walk-thru."

Maria Freeman asked if a list could be provided with the permitted signs. Don Morris stated that they were spread out throughout the Code.

Motion made by Maria Freeman and seconded by Judith Hunt to defer this matter until more information could be provided to the Board.

Judith Hunt stated that she felt staff needed serious time to work through the Code and make up a list of permitted signs. She felt there needed to be a way they could begin thinking about a process for political signs and events.

Rochelle Golub stated that the discrepancies need to be resolved in this matter.

Board unanimously approved the motion made.

5. Lucky 13, LLC/Lofts on Las Olas

77-R-05

**Request: ** Site Plan Level III/Conditional Use
For Mixed Use Development/B-1
28 Multi-Family Units with Flex Allocation**

Legal Description: Lots 12, 13, 14, 15 and 16, Block 33, Colee Hammock, according to the plat thereof as recorded in P.B. 1, P. 17, of the Public Records of Broward County, Florida, less the South 10.00 feet of said Lots 12, 13, 14, 15 and 16.

Address: 1313 & 1415 East Las Olas Boulevard

General Location: Northwest corner of East Las Olas Boulevard and S.E. 15 Avenue

Chair Alan Gabriel announced that this was a quasi-judicial matter.

The Board made the following disclosures: Catherine Maus stated that she had spoken with members of the Colee Hammock Civic Association. Mary Fertig stated that she had been to the site. Rochelle Golub stated that she had been to the site. Charlotte Rodstrom stated that she had been to the site. Maria Freeman stated that she had been to the site also.

Courtney Crush, attorney, stated that this was a 28-unit condominium project, along with a restaurant and ancillary retail located on the northwest corner of Las Olas Boulevard and 15th Avenue. She continued stating that this project was not requesting any variances, or any dimensional requirements from Code. She stated that this project was requesting an allocation of flex units. She stated that there were sufficient flex units in this area, and they were only requesting 28 units. She stated further that this project had been in the works for a long time. She stated that staff was interested in having a mixed-use component along Las Olas. She remarked that this project would be across from The Floridian. She stated that the building would be 10 stories in height with an arcade along Las Olas.

Ms. Crush further stated that all requirements of Code have been met. She stated that 111 parking spaces were required, and 117 would be provided. She added that 2100 sq. ft. of landscaping is required, and 3701 sq. ft. would be provided. Open space would also be provided and would be double the requirements.

Ms. Crush continued stating that they had to go through the Conditional Use process that was similar to the Site Plan Level III process. She stated that staff found that this project met all requirements of the ULDR, and the open space was acceptable, along

with the project being consistent with the City's Comprehensive Plan. She added that the applicant had also responded to the requirements for adequacy and neighborhood compatibility. She added that the building met all setback requirements also. She continued stating that the building integrated into the pedestrian environment along Las Olas. She remarked that staff had not commented on the narratives regarding adequacy and compatibility, but did make a finding. She stated that staff felt the building was not compatible in regard to height, length, mass and scale in relation to the established character on Las Olas Boulevard and the surrounding Colee Hammock neighborhood. She further stated that staff felt the project was not consistent with the building pattern along Las Olas Boulevard. Ms. Crush stated that was not the issue this evening, and the Board tonight was to consider whether the building met the zoning requirements of the B-1 zoning district, and if it had any adverse impacts on the neighborhood. She stated that staff cited a code section that required there be a finding of an adverse impact. The section read as follows: "it requires the development be compatible and preserve the character and adjacent neighborhoods, and include improvements to mitigate adverse impacts, such as traffic, noise, odor, shadow, scale, visual nuisance, or similar adverse impacts." She advised that staff had not identified any adverse impacts, and they concluded that the building may be taller and longer than other buildings on Las Olas.

Ms. Crush stated that there was no other opportunity provided as to how the building should be modified. She advised that throughout the course of the application process, they met with staff and had made a modification to the building in order to open up a 40' x 40' void in the center of the building. She remarked that neighborhood compatibility was not defined in the City's ULDR. She added that this Board had requested that a workshop be held regarding compatibility. She advised that Webster's Dictionary defined compatibility as "capable of co-existing in harmony." She stated that this application had addressed each requirement addressing adverse impacts, but staff had not identified any, nor had they defined the term neighborhood.

Ms. Crush stated that Colee Hammock was a diverse neighborhood made up of a central corridor. She stated that the B-1 Corridor was chosen in 1997 to be "boulevard business" and something that would support major arterial traffic. She added that the ULDR adopted a 150' height limitation. She added that to the north and south of this area were residential neighborhoods.

Ms. Crush proceeded to show other projects located along Las Olas Boulevard. She added that today they had received some letters in support of this project from surrounding property owners.

Jennifer Briley, architect, stated that this building was not based on one person's image, but the input of many. She reiterated that this was a mixed-use project comprised of 8600 sq. ft. of retail on the ground floor with an 1800 sq. ft. restaurant. She added that there were two public plazas. One was located on the corner of Las Olas and 15th, and another located in the heart of the building. She stated that 200 sq. ft. of outdoor dining was being provided that was adjacent to the restaurant. She explained there was a vertical garden consisting of three stories in height and was comprised of two layers. She stated that the back layer was composed of a ficus vine, and in front of the vertical garden was a trellis that would provide further articulation to the building. She stated that

there was a cadence to the trellis that was in keeping with the width of the smaller buildings along Las Olas.

Ms. Briley stated that above the vertical garden were lofts. She stated that there would be 28 lofts total consisting of about 1500 sq. ft. and varying in sizes. She stated there would be double height in the living room. She explained that the tower would consist of glass and stone with canvass awnings on the ground floor.

Ms. Briley further stated that the building complied with all setback criteria and had a 45 degree angle. She proceeded to show a photograph. She explained that the complete width of the building was 21 feet, and at its widest was 65 feet. She stated the height would be 108 feet. She explained there would be a view corridor which was 40' x 40' that helped to address the mass of the building. She remarked that the building was inviting.

Ella Parker, Planning and Zoning, stated that the applicant was requesting a conditional use permit for a mixed-use development on a commercially designated land use parcel with the allocation of 28 flex units. She stated that DRC first reviewed this project in May, 2005. She stated that the location of the project was in Flex Zone 59, and currently 1,169 units exist in that area. She advised that the project met the minimum mixed-use requirements with the exception of neighborhood compatibility and preservation criteria. Therefore, all ULDR requirements had not been met. She explained that the proposed building was not compatible in regard to height, length, mass, and scale in relation to the established character along Las Olas Boulevard that was comprised mostly of individual lower scale buildings consisting of 1-2 stories. She added that the project was not compatible with the Colee Hammock neighborhood located behind it. Therefore, the project did not preserve the character and integrity of the adjacent neighborhood as defined in the neighborhood compatibility section of the ULDR.

Ms. Parker explained that if this Board approved the project, the following conditions would be proposed by staff:

1. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
2. The applicant shall provide documentation of an agreement with the Broward County School Board regarding potential impacts for public school facility planning through a recorded covenant prior to final site plan approval.
3. Final DRC approval.

Mary Fertig asked about the square footage for the residential units. She also asked if the 200 sq. ft. of the outdoor seating for the restaurant calculated into the square footage of the public plaza. Ms. Briley stated that that the 200 sq. ft. was in addition to the plaza.

Mary Fertig stated that the traffic calculations noted 19 total trips in the morning, and 21 trips during the afternoon peak hours.

Molly Hughes, Traffic Consultant, stated that she had prepared the information for the project. She continued stating that the morning trip calculation was low because typically on Las Olas the stores did not open until 9 or 10 a.m. She stated that residential for such

a small number of units would not generate many trips. She added that the restaurant added one trip in the morning for delivery purposes.

Mary Fertig asked if there was any restriction against the restaurant being opened for breakfast. Ms. Hughes stated that she was not aware of any restrictions.

Mary Fertig asked about the formula used to calculate the school students.

Tanya Wilson SeJour stated that the formula was based on the student generation rates that are included in the Broward County Land Development Code. She explained that the rates differed based on the types of units and types of buildings. In this case it was based on high-rise that had the lowest generation rate.

Mary Fertig asked what the generation rate was for these types of units. Ms. SeJour stated that for a two-bedroom high-rise it was .061. Mary Fertig stated that it was mentioned that two charter schools existed within a two-mile proximity, and asked if such schools were applicable. Ms. SeJour stated they were not applicable, but that fact was supplied for informational purposes.

Mary Fertig stated that it was listed that 5' was for the first 14', and 0' above. She asked for some further clarification.

Ms. Briley stated that was existing on the building design, and 5' for the first 9' was required and 0' above.

Ms. Crush advised that the approximate square footage for the residential area was 43,000 square feet. The total project consists of 125,000 square feet.

Wayne Jessup, Planning and Zoning, stated that Las Olas was the single most important place in the Corridor in the City, and care had to be taken if they were going to consider changing the character of the area. He stated it was very successful and sustainable, but due to the height of the project, the scale of the pattern of buildings along Las Olas would be changed. This could be a precedent for other development in the area, and would change the nature of the Corridor completely. He stated that staff felt it was incumbent on them to consider carefully the impacts to the area. In addition, he stated that the adjacent neighborhoods were RM-15. He stated further that taller buildings had been referenced by the applicant's attorney, but those buildings were located in neighborhoods that were RAC or higher residential zoning. He added that there would be adverse impacts to the adjacent neighborhoods.

Mr. Jessup continued stating that a unique feature of this project that would change the nature of the development along Las Olas was the fact that there was parking on Las Olas. He remarked that there was a 3-story parking garage interestingly treated that would be a precedent that should be carefully considered. He stated the garage would be an adverse impact on the environment.

Mr. Jessup further stated that the applicant mentioned that staff had not brought various matters to their attention at the beginning of the review of this project. He stated that the height and impact of the parking had been mentioned early on as problematic, and that

the applicant should consider those items when moving forward with their project. He remarked that some subtle modifications had been made to the project, but they had not addressed the large scale issues that staff had brought to their attention. He stated that staff felt these were all important impacts that would change the character of the area.

Ed Curtis stated that he understood staff's comments regarding the character of Las Olas Boulevard, but asked if they were saying that the community did not want buildings of such heights in the area.

Mr. Jessup explained that staff felt such buildings should not be constructed in the area because they would be radical changes to the character of the area.

Ed Curtis asked if they were also saying that parking garages should not be located in that area. Mr. Jessup confirmed. Ed Curtis asked how the River Side Hotel Addition had gotten approved. Mr. Jessup stated that hotel was in an RAC that different criteria.

Mary Fertig asked if staff distinguished between the blocks that began one block to the east of the project to River Side, and from River Side through the remaining portion of Las Olas and the Downtown area. Mr. Jessup confirmed, and explained there was also a sub-distinguishing between the Himmarshee Canal and further east to what was happening further west of Las Olas. He reminded everyone that the western portion of Las Olas to Federal Highway was an RAC District. He explained that it was a transitional area that allowed higher density development.

Rochelle Golub asked how many stores would be located in the retail portion of this project. Mr. Carmen, applicant, replied that there was about 8,000 square feet. Rochelle Golub asked if the traffic study would be affected by the type of retail that would be located within the project. Mr. Carmen stated that it was based on square footage and not the type of businesses located at the site. He reiterated that only one restaurant would be located on the site. Rochelle Golub asked for some further clarification regarding the location of the restaurant and the public area. Mr. Carmen explained that there were public areas located on the east side of the building, along with one in the middle of the project, and another located to the west of the building.

Ms. Briley proceeded to explain the location of the public areas on the rendering.

Chair Alan Gabriel proceeded to open the public hearing.

Gerry Jordan, resident of Colee Hammock, stated that he had been involved with the development along Las Olas. He stated that this area of Las Olas was different from the other part of Las Olas. Certain areas were denser that were located closer to the Downtown area. He stated that this area was surrounded by low-rise buildings and single family homes. He remarked that the area was changing due to the businesses coming in. He stated that traffic needed to be slowed down in the area so everyone could enjoy the atmosphere. He further stated that in regard to compatibility, he felt this project was too large in comparison to the homes in the area. He felt the project was too dense. He added that there was a traffic problem in the area with traffic entering onto 15th Avenue. He explained that there was 25,000 sq. ft. of land with a 125,000 sq. ft. building. He stated that the project was too big for the neighborhood. He stated they

were the shepherds or stewards of the neighborhood, and they had been fighting tall buildings for the area for many years.

James Mastus stated that he was concerned about the accountability regarding the construction. He felt it did not have enough green space and would be replacing properties that had soil that would absorb rain water. He stated that corner had a history of flooding. He further stated that he got upset when developers pointed to diagrams regarding green space that involved trees on public land, and they should not take credit for green space that was not located on their property. He stated that he was concerned about the shadows that would be created by this building. He asked when the traffic study had been done.

Pat Ribera, resident of Colee Hammock and member of the Board for the Homeowners Association, stated that she was concerned about traffic in the area. She remarked that the corner of Las Olas and SE 15th Avenue had a traffic problem already, and added that the exit and entrance of this building was adjacent to 15th Avenue.

Chair Alan Gabriel asked if Ms. Ribera was speaking on behalf of the Homeowners Association. Ms. Ribera replied that she was speaking as a resident.

Tom Maus stated that he owned a business on Las Olas. He stated that he was opposed to the mass, length and breadth of this project. He felt it appeared to be a high-rise warehouse development. He stated that he was proud of City staff and how they maintained the Las Olas area because it was a very special place. He stated that it was under development for 75 years.

John Brown, SE 2nd Court, stated that he thanked everyone for their hard work on the Board. He stated that the area did not need any additional traffic. He added that certain areas had flooding problems. He stated that it would be a mistake to allow this project to be constructed. He stated that this was a quaint place and worth preserving.

Lawrence Wald stated that he owned a business on Las Olas at the corner of 13th Avenue, and added that at one time most homes in the Colee Hammock area were one-story structures. He stated there was a change made and now three-story townhomes were located in the area. He added that Colee Hammock only wanted parking for their residences at the expense of the businesses located in the area. He stated that this building met all requirements. He stated that the City could not take away people's rights. He added that he was in support of this project.

Scott Belding, Co-Owner of Boulevard Café on SE 13th Avenue and Las Olas, stated that the area was a diverse commercial area that was constantly growing. He added that he was in support of the project, and felt that the architect had used sensitivity and understood the growing needs of the area. He stated that he did not feel the needs of the adjacent neighborhoods had been compromised. He urged the Board to support the project.

Buddy Lochrie, 1701 Brickell Drive, stated that he was a member of the Colee Hammock Association and Board. He continued stating that they need to be proud of the City's staff who indicated that this project was not neighborhood compatible. He stated one

needed to know the neighborhood to understand that. He stated they were actually discussing the part of Las Olas between the Himmarshee Canal and the Sisparo Canal which was a unique and old historic neighborhood. He remarked that Mary Brickell had made Henry Flagler move the railroad west so this neighborhood could be protected. He added that times changed and the neighborhood had changed, but there was no reason to create bad things for Las Olas. He stated they needed to continue to protect the historic parts of the City, and commended staff for their support.

Maggie Naylor, resident of Colee Hammock, stated that she was in favor of the project because she did not think Las Olas should be divided. She reiterated that it was one area. She felt the project was in the name of progress and would add value to everyone's property in the area.

Mary Fertig asked if Ms. Naylor felt that the beach portion of Las Olas was the same as the area containing the family residences. Ms. Naylor felt that it was going to end up as one Las Olas. Mary Fertig asked if the character of the area around the parking lot at the beach was the same as the character of the subject area. Ms. Naylor reiterated that it was one united area which was designed to bring people in, and the project was located on the Boulevard and not in one specific neighborhood.

Anna Marie Brown, resident of Colee Hammock for 34 years, stated that many changes have occurred on Las Olas. She felt this project had pros and cons. She stated that she was a realtor and this project would add value to the area. She stated further that more business would also be brought to the area because of the project. She reiterated that she was in favor of the project.

Mary Fertig asked which properties in the area would benefit by added value from this project. Ms. Brown stated that from the 7-11 area on down going west, and after that it was residential.

Mike Reilly, 1280 SE 2nd Court, stated that he was in support of this project. He felt it would be an improvement to the area and a step forward. He urged the Board to approve the project.

Molly Potter Thayer, resident of Isle of Capri, stated that they had a responsibility to maintain the existing charm of the area. She stated that Las Olas was changing, but she did not feel it was for the better. She stated that if they wanted to live in a "canyon," they would have moved to Miami. She stated further that she lived here for 25 years and enjoyed the charm and character, along with the green space, that Las Olas offered. She felt that was being swallowed by unit-by-unit.

Ann Shumpert, 1620 SE 4th Street, stated that in looking at this project the design was not compatible with the neighborhood. She stated it appeared massive for the site. She also stated that no mention had been made in the presentation regarding ingress or egress, and the traffic that would be caused by the facility. She added that there were 111 parking spaces and 28 lofts. She stated that 55 spaces were remaining for customers. She added that there was a restaurant in the area that did serve breakfast, lunch and dinner, and she felt the remarks made about the additional traffic flow were short-sighted. She stated that the traffic would affect the entire area. She further stated

that because errors were made in the past did not mean they should continue making them in the future. She asked for the Board to turn this project down.

Maria Freeman asked if the project had been presented to the Homeowners Association. Ms. Shumpert confirmed and stated the view of the Association dealt with the remarks she had just made to the Board. Maria Freeman asked if the project had been presented more than once to the Association. Ms. Shumpert stated that she had been out-of-town and would defer to the President of the Association. She added that they had a long discussion about the garage and the traffic flow for the area. She further stated that since retail would be part of the project, customers would expect to shop and park in the area.

Maria Freeman asked for the President of the Association to address those issues, and asked how the applicant was planning on mitigating the 15th Avenue exit and entrance issues.

John Terrill, 212 S. Victoria Park Road, stated that he drove on 15th Avenue to Las Olas every day and was concerned about the traffic that would be generated by this project, along with the scale of the building. He stated that the building was not compatible with the neighborhood.

Peter Langone, resident of Colee Hammock, stated that everyone had to realize they were evolving and progress was taking place. He felt the building was part of bringing in new professionals, along with more tax dollars. He stated that the building was beautiful and would only help to raise Las Olas to the future. He stated further that time was moving forward and younger people were moving into the area. He reiterated that he was in support of the project.

Veronica De Padro, President of Colee Hammock Homeowners Association, stated that she agreed with everything that Wayne Jessup had stated. She stated that it was a shame that Mr. Carmen had spent his time and money on this project because it was not compatible with the neighborhood. She felt that was a fault of the City's because they had been blind to the requests and needs of the citizens. She stated there was a parking lot in the area because the citizens voted against a high-rise for that site. She remarked that she was raised on Las Olas, and felt it was a tragedy that the City did not have a Master Plan or vision for the area. She stated that Delray Beach had criteria and height restrictions for Atlantic Avenue, and the area was booming. She appreciated everyone's comments regarding new professionals, but she did not feel that a 109' building was needed to accomplish that feat. She felt it was a tragedy that the citizens had to continue fighting every single project, and the City was not coming forward with a vision for the entire area.

Maria Freeman asked if the project had been presented more than once to the Homeowners Association.

Ms. De Padro explained that the project had been presented to the Board Members. She stated that she had passed on the Board's comments to Mr. Carmen stating that they were opposed to the project due to the height of the building and the design. She stated that it was a beautiful building for another location, but not for Las Olas Boulevard. She

further stated that the project had been presented to the general membership, and Mr. Carmen had the opportunity to present the project again in September. She stated that she did not remember anyone speaking in favor of the project.

Maria Freeman asked how many stories did the residents want a building to consist of for that area. Ms. De Padro stated that the members of the Association were in dispute over that issue. She added that some wanted nothing more than two stories, and she felt that was no longer going to be the case. She felt there was not a majority on the issue.

Mischka Thomas stated that she lived and worked in the neighborhood. She stated that she liked the building, but it was too tall for the area. She added there was no place to park. She stated that if the building was five stories it would be an asset to the neighborhood.

Peggy McCormick, resident of Colee Hammock, stated that she liked the uniqueness, charm and character of the area, and felt it should remain as such. She added that she was not in favor of the project.

Tracy Beck Clark stated that she lived and worked on Las Olas and was in favor of the project. She stated that she understood the concerns of the residents of Colee Hammock, and felt that it was important to maintain diversity. She stated that she wanted to see different types of architecture on Las Olas so they could move forward into the future. She felt the building was beautiful and during the last hurricane a lot of the older architecture had been damaged. She believed the building would be able to stand up to hurricanes in the future. She did believe that traffic had to be addressed for the area. She stated that she was a realtor and was in favor of the project.

Mary Fertig asked if Ms. Clark had spoken with the applicant during an Association meeting. Ms. Clark stated that it was not and that she had met with him and had viewed the plans. Mary Fertig asked where Ms. Clark's business was located on Las Olas. Ms. Clark explained that she was with Premier Estate Properties, 2424 E. Las Olas.

Charlotte Rodstrom asked how Ms. Clark could be for the project while she still had so many questions that were still not addressed. She asked if Ms. Clark would be in favor of the project if it consisted of only five stories. Ms. Clark explained that she liked the look of the building, and adding a building to the street that had a different appeal. She added that she would still be in support of the project.

Tom Welch, Colee Hammock Board of Directors, stated that they had met with Mr. Carmen in May, and the nine members of the Board had voted against the project due to the mass and style of the project. He further stated that Mr. Carmen had presented the project to the general membership in September, but no vote had been taken. He stated the neighborhood was changing, and he felt a master plan was long over due for the neighborhoods in the City.

Zachary Finn, resident of Colee Hammock, stated that his Association constantly discussed the issues of parking and traffic. He stated that he was a real estate broker. He stated that it was his understanding that a 150' building would be permitted in the neighborhood that could house offices, but he felt that would not be conducive to the

area. He stated that he had met Mr. Carmen at the Association meeting, and he felt that a lot of time, passion and money had been put into this project. He felt that should be encouraged and rewarded. He urged the Board to grant the flex units. He stated that he was 100% in favor of the project.

Marvin Sanders, resident of Colee Hammock, stated that this was the only section remaining in Colee Hammock that still had oak hammock. He stated that the height, mass and scale of the building was a problem. He reiterated that they were attempting to put an elephant on a dime. He stated that one of the issues was congestion in the area. He proceeded to show photographs of other buildings brought forward over the years for approval. He stated that in Section 47-620, it stated: "Dimensional regulations may be subject to additional requirements. See Section 47-23 – Specific Location Requirements and Section 47-25 – Development Review Criteria." He stated that contrary to what was represented on the applicant's presentation was that the height and setbacks were not a matter of right because they were subject to other sections of the Code, such as compatibility. He stated that it was his opinion that the building had no residential character or one that matched the buildings in the area. He felt it was inappropriate to attempt to compare this particular section of Las Olas to the Beach or any other area. He hoped that this Board would deny the application.

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

Mr. Carmen stated that he wanted to address some issues mentioned by the speakers this evening. He continued stating that he loved Las Olas and Fort Lauderdale. He agreed there was traffic on 15th Avenue, but it was not caused by this project. He said that problems existed and should be resolved by the City. He stated that traffic would increase whether this building was constructed or not, and that flooding would probably continue unless the City took some corrective action. He stated that was not in the purview of tonight's discussion or presentation.

Mr. Carmen advised that they had worked on this project for the last year and a half. He stated that the City endorsed a mixed-use project, and at every step of the process they met with staff to make sure that the building complied with all zoning requirements. He stated that the setbacks exceeded what was required, and the height was within the 150' envelope that was permitted for the area. He added that 117 parking spaces would be provided, and they were the only self-parking building in the area that was residential. He stated that if the parking levels were reduced, then parking would go to the streets and variances would have to be requested. Then, the residents of Colee Hammock would object. Therefore, parking had to be installed.

Mr. Carmen reiterated that a ficus vine would shield the cars and lights from the parking lot because it was designed as a vertical garden. He stated that staff did not like the height and mass of the project. He explained that the Code did not define mass, but talked about it. He stated that height was addressed in the Code. He reiterated that the building was only about 2/3 of the height permitted. He reiterated that this building was designed to fit within the footprint allowed by Code. He stated that for the first time tonight, they heard that this project would affect the pedestrian experience. He further stated that was not true and there would be no adverse affects. He stated that staff did

not approve of the design, and that was a personal matter. He reiterated that there was nothing in the Code to make them design the building so some people would like it. He stated that he drove through Colee Hammock for years and some of the houses were modern, some were Florida types, and some were Mediterranean. He stated that the area was a mixture and that was good. He stated that there were over 400 homes in Colee Hammock, and yet only 10 people spoke against the project tonight.

Mr. Carmen stated further that the Code required neighborhood compatibility, but it did not require community acceptability. He stated that it was their job to design the building within the Code requirements, and not to make everyone happy because that was an impossibility. He stated that he had asked staff what height and length of building would be acceptable for the area, and if it were economically feasible he would make the necessary modifications. He stated that staff could not answer him. He stated this was not a game and was serious business. He explained that they were property owners with a massive investment. He stated that did not mean that the project should be approved, but if staff wanted the project limited, they should advise him so he could see if the criteria could be met. Such criteria was not in the zoning code. This building met all current requirements. He continued stating that if staff had suggestions, he wanted to hear them now so possibly he could redesign the building. He added that if staff did not answer his questions, then how could a possible redesign take place.

Mary Fertig stated that since the applicant was aware of the traffic problems in the area, how could he justify the placement of the parking garage. Mr. Carmen stated that the building, as designed, would generate 1,000 trips per day which existed. He stated that the 7,000 sq. ft. restaurant served breakfast on Saturdays and Sundays, and lunch and dinner 7 days per week. He stated that the traffic would be reduced with the construction of this building. He further stated that the building initially was designed to have the ingress and egress off the alley on the north side of the building. He stated that staff wanted the ingress and egress off of 15th Avenue. He added that the Homeowners Association did not like the parking garage exiting onto 15th Avenue.

Mary Fertig further stated that she realized Mr. Carmen was very frustrated because he had the alley at one location that staff did not approve, and asked if that design could have been presented to this Board. Mr. Carmen stated that he did not think they had the right to present that design once staff disapproved it.

Jim Koeth stated that he was not familiar with that issue.

Tim Welch, Engineering, asked for further clarification of the question. Mary Fertig stated it was her understanding that a project was presented to Engineering with the ingress and egress off the alleyway, but staff suggested that changes be made. She continued stating that the present design also posed a problem because the entrance and exit was off SE 15th Street that had a traffic issue. She asked if there was anything prohibiting the applicant from bringing plans before this Board even though staff had objected to it showing a different parking configuration. Mr. Welch stated that when they reviewed the plans, ingress and egress was reviewed and it was noticed that three access points had been reduced to one. He stated that 15th Street was a side street, and normally staff preferred ingress and egress from a side street instead of a traffic way such as Las Olas. However, if the access was proposed from Las Olas, it might have worked better than

the present option. He stated that they did not direct the applicant regarding the access, other than to look at spacing. He stated there was a minimum 50' of spacing from one intersection to an access point that they have in excess of 60', and 16' to 18' from the alley and a site triangle was required at that location for the proposed access. He stated that he had noticed on the plans that the alley was close to the access, and he wondered why the applicant had not placed access off the alley. He reiterated that Engineering did not direct the applicant to place the access off 15th Street.

Mr. Welch further stated that they would not be opposed to access off the alley, nor would they be opposed to access off Las Olas, as long as all spacing requirements were met regarding the intersection. He stated that it was up to the applicant to design this, and then staff would review the plans. If it conflicts with access management or suggested spacing requirements in an urban roadway corridor that they had available to them, then staff would offer suggestions. He stated that staff had to rely on the design professionals to design their projects. He stated that staff then reviewed the designs, and attempted to determine any complications resulting from the plans regarding safety, access, and spacing. He emphasized that Engineering did not tell the applicant that they had to take access somewhere other than Las Olas.

Mary Fertig clarified that Engineering did not prevent the applicant from bringing forward a plan that had the entrance on either the alley or Las Olas. Mr. Welch stated that if an access was proposed that was 45' west of 15th Avenue on Las Olas, then he would prevent it because it would be too close to 15th Avenue. Mary Fertig stated that the point was not which street it was on, but the distance. Mr. Welch confirmed.

Molly Hughes clarified that the problem with access being on the alley was that it was only 10' wide that made it a substandard driveway. She further stated that if the Board wanted them to pursue that, they could work with the City in an attempt to have the alley widened, but it was only a one-way alley. She stated that there was a traffic problem on 15th Avenue, but the interesting thing about this project was that it would reduce the amount of traffic generated by the site by 60%. She felt the one thing that would help the traffic problem was for the applicant to produce a project that would generate fewer trips than the project that currently existed at the site. She felt if this was approved that the queuing on SW 15th would be less than in the past.

Charlotte Rodstrom asked if the developer would have to go through another process in order to get the alleyway. She asked if it was City property. Ms. Hughes stated that they could connect to an alleyway just as they would connect to a street. She reiterated that there was a process that had to be followed. Charlotte Rodstrom asked if the developer could give some of his property for the widening of the alley. Ms. Hughes confirmed, but stated that such an operation would be more convoluted than could be imagined.

Charlotte Rodstrom asked if the building was dropped and the residential element was reduced, there could still be parking on the site, but the building would be shorter. Mr. Carmen stated that economically he could drop the size of the building by eliminating some of the units at the top and still have a feasible project. He stated that there were three floors of residences since they were 2 stories in height. Charlotte Rodstrom stated that would change the interior design of the units. Mr. Carmen confirmed.

Charlotte Rodstrom stated that the height, mass and scale of a building did relate to neighborhood compatibility. She stated that the applicant wanted to place this building close to one-story residential dwellings in the area. Mr. Carmen stated that in terms of SE 2nd Court that statement would be true, but the Code required when one was adjacent to residential properties that for every foot over 40', they had to set back 1'. He continued stating that there were five residential properties behind this project. He reiterated that three of those owners were in support of this project. He stated that he owned the 4th property, and he did not know the position of the fifth owner. Charlotte Rodstrom stated that she agreed with staff regarding this building.

Ed Curtis stated that there had been a lot of discussion regarding traffic, mass and height of the building. He asked if the developer would be willing to readdress those issues with the community in an attempt to resolve the matter. Mr. Carmen stated that his first meeting with the Board of Directors of the Homeowners Association was in May. He added that he presented the project to the general membership in September and about 22 individuals were present. He stated that they had commented that this project would "kill their community" and ruin their neighborhood. He advised that he had recently met with Tim Welch in an attempt to resolve these issues. He asked staff what they would accept, and Mr. Welch stated that they would prefer a 2-3 story building. Mr. Carmen stated that this was not enough for parking for the retail space and would not work. He was informed that to compromise a vote would be needed from the Homeowners Board of Directors. He added that no response was given to him from the membership. He felt some of the people were "hardliners," and were against anything new from taking place on Las Olas.

Mr. Carmen reiterated that community compatibility was at stake, not community acceptability. He stated that this was not to be a vote by the applause meter, but in accordance with the zoning regulations.

Rochelle Golub asked for a description of the concerned flex zone area.

Ella Parker stated that it was Flex Zone 49, but she did not know the boundaries involved. She remarked that there were several Flex Zones in the City. She stated that such information could be provided to the Board.

Chair Alan Gabriel stated that he was concerned about the height of the building, along with traffic circulation. He stated that he was not satisfied with the explanations offered by the applicant. He reiterated that the building was too high. He stated that if he voted on the project tonight as it presently existed, he would not vote in favor of it. He asked if the applicant wanted to reconsider and redesign the project. He added that he liked the design of the building. He also stated that he was concerned about the traffic flow.

Mr. Carmen asked if he could have a moment to discuss this matter with his team that was present at tonight's meeting.

**SHORT RECESS WAS TAKEN
MEETING RECONVENED**

Mr. Carmen stated that after some discussion with his team members, they decided to have this matter deferred so some redesigning could occur. He stated they would also meet again with the Homeowners Association.

Motion made by Mary Fertig and seconded by Maria Freeman to defer this matter until January 19, 2006 at 6:30 p.m. Board unanimously approved.

“For the Good of the City”

Sharon Miller stated that in July this Board made a motion to move the December meeting to December 13th. She stated that the applications to be heard would have to be re-advertised.

Motion made by Mary Fertig and seconded by Maria Freeman to have the December Planning and Zoning Board Meeting on the 13th. The Board unanimously approved, except for Rochelle Golub who opposed.

Chair Alan Gabriel thanked Ms. SeJour for attending the meeting this evening.

Mary Fertig stated that Ms. SeJour was going to supply the generation formula to the Board at a later date.

Catherine Maus stated that at the last meeting there had been a discussion regarding multi-family zoning districts, and she felt such sections of the Code were not being followed as originally intended. She asked if this Board wanted to continue such discussions at a future meeting.

Mary Fertig stated that such a discussion should take place because she felt that the speakers from the neighborhoods did not really see this happening in their neighborhoods, unless someone took some affirmative action and moved ahead and discussed what could be done.

Sharon Miller stated that such requests would need to go before the City Commission before any workshops or other discussions could occur. She added that staff would also have to analyze the issues and the priorities that might be involved.

Mary Fertig stated that this had been done in the past in regard to parking. She felt whatever steps needed to be taken to accomplish this that they should move forward.

Rochelle Golub asked if there were any plans to draw up a master plan for the Las Olas area. Mary Fertig stated that no such plan existed.

Jim Koeth stated that such a request would have to come from another level so appropriate resources could be allocated for such work.

Chair Alan Gabriel stated that Catherine Maus asked if multi-family zoning districts could be reviewed and discussed.

Jim Koeth stated that he would pass this request on to Marc LaFerrier and the issue would also be reflected in the minutes of tonight's meeting.

Chair Alan Gabriel remarked that a lot of studies were being done in the City, and this Board did not have such jurisdiction.

Sharon Miller stated that in some cases the business associations had collected the funds and sponsors, and had such studies done in the past.

Chair Alan Gabriel added that everyone appeared to be in support of such studies to provide direction, but this Board was not in the position to make such things happen.

Chair Alan Gabriel stated that Sharon Miller had distributed a memo to the Board Members regarding school mitigation.

Motion made by Maria Freeman and seconded by Catherine Maus to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at approximately 9:15 p.m.

CHAIRMAN

Alan Gabriel

ATTEST:

Margaret A. Muhl (D'Alessio)

