

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

**TUESDAY, DECEMBER 13, 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	11	1
Alan Gabriel	P	11	1
James McCulla	P	11	1
Judith Hunt	A	10	2
Maria Freeman	A	11	1
Edward Curtis	P	10	2
Rochelle Golub	A	4	3
Catherine Maus	P	7	0
Steven Glassman	P	1	0

Planning Staff: **Greg Brewton Deputy Director and
Liaison to the Planning and Zoning Board
Michael Ciesielski, Planner II
James Cromar, Planner III
Don Morris, Zoning Administrator**

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 6:30 p.m., and proceeded to introduce the members of the Planning and Zoning Board. All rose for the Pledge of Allegiance.

Greg Brewton, Planning and Zoning, proceeded to introduce staff that was present this evening. He also announced that various members of the Fire Departments were also in attendance.

James McCulla entered the meeting at this time.

- 1. G.A. Markus/Croissant Park Townhomes Michael Ciesielski 61-R-05
Request:** Site Plan Level III Review/Five (5)
Cluster Dwellings (RD-15)**

Legal Description: The West 88.30 feet of the East 198.30 feet of Lot 2, Esmonda Terrace, according To the amended Plat, thereof, as recorded In P.B. 16, P. 14, of the Public Records of Broward County, Florida

Address: 610-612 S.W. 15 Street

General Location: South side of SW 15 Street West of SW 6 Avenue

Chair Alan Gabriel stated that there has been a request to have this item deferred until January, 2006.

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

4. City of Fort Lauderdale Don Morris/Maurice Murray 9-T-05
Request:* Amend ULDR Section 47-18, *Specific Use Requirements*, to provide for the regulation of Certain facilities that provide shopping carts

5. City of Fort Lauderdale Don Morris/Maurice Murray 10-T-05
Request:* Amend ULDR Section 47-19, *Accessory Buildings, Uses, and Structures*, Section 47-19.9., *Outdoor Uses*, to provide additional criteria for the regulation of outdoor sales and storage at garden centers

6. City of Fort Lauderdale Don Morris/Maurice Murray 11-T-05
Request:* Amend ULDR Section 47-34, *Enforcement and Penalties*, Section 47-34.4, *Prohibited Parking or Storage of Commercial Vehicles or Commercial Watercraft*, to expand the definition of commercial Vehicles by including vehicles of any size that Advertise or identify the business entity of the Vehicle's owner or the owner's employer and by Including vehicles with more than four wheels that Are used for a commercial purpose

Chair Alan Gabriel announced that there was a request to have Items 4, 5, and 6 deferred until January 19, 2006.

Motion made by Ed Curtis and seconded by Mary Fertig to defer Items 4, 5, and 6 until January 19, 2006 at 6:30 p.m. Board unanimously approved.

9. A1A Condominiums North Parcel James Cromar 2-ZPUD-05
Request:** * Rezoning from CB and RMH-60 to PUD Including Site Plan Approval

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Legal Description: Lots 90, 91 and 92, Block 1, Lauderdale Beach,
According to the plat thereof as recorded in
P.B. 4, P. 2, of the Public Records of Broward
County, Florida

Together with:

Lots 1 and 2, Block 23, Lauderdale Beach
Extension, Unit "B" according to the plat
Thereof as recorded in P.B. 29, P. 22, of
The Public Records of Broward County, Florida

Address: 2985 North Ocean Boulevard

General Location: South side of NE 30 Street between Ocean
Boulevard (State Road A-1-A) and NE 33 Avenue

Chair Alan Gabriel stated that this item had originally been listed by the name of Bayshore Condominiums, but the correct title of the Item is A1A Condominiums North Parcel, a/k/a Black Orchid. A request has been made to have this item deferred until January 19, 2006.

Motion made by James McCulla and seconded by Ed Curtis to defer this item until January 19, 2006 at 6:30 p.m. Board unanimously approved.

Chair Alan Gabriel announced that the next scheduled meeting for the Planning and Zoning Board would be held on Thursday, January 19, 2006 at 6:30 p.m.

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 which was the overall plan for the City. This Board was appointed to also act as the Local Planning Agency on behalf of the City. Certain matters, such as rezoning, were reviewed and then a decision made that the development request was consistent with the City's Comprehensive Plan.

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.

2. City of Fort Lauderdale/Fire Station Jim Koeth 126-R-05

Request: Site Plan Review/Public Purpose
Use/New 27,300 sq. ft. 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

Address: None, Vacant Lot

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

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

The Board had no disclosures to announce.

Frank Snedaker, Chief Architect for the City of Fort Lauderdale, stated this is the second fire station facility arising out of the City's fire bond program for which the site plan had been approved approximately five months ago. This station will replace two existing facilities that are Station #53 and Station #88, along with accommodating new EOC for the City. Basically, a request is being made for the Board to grant a public purpose use for three items. The first item is in regard to zoning because the Airport is zoned GAA and does not permit fire stations which are considered accessory uses. The second request is in regard to fencing and screening because since 9/11 the entire fencing around the Airport has been modified with barbed wire, and this facility is to be enclosed with the same type of material. The last request is in regard to hedge screening for the fence due to security reasons.

Jim Koeth, Planning and Zoning, stated this is a public purpose use and the Board's recommendation would be forwarded to City Commission where two public hearings would be held.

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.

Ed Curtis stated that in the back-up materials Part 77 of the FAA Regulations were listed as part of the requirements, but no further details were provided.

Mark Cervasio, Assistant Airport Manager, stated that FAA was not requiring security of general aviation airports, but they were considered recommended measures. He added that they had recently spent over \$2 Million in connection with fencing and gates around the Airport that meets the Federal specifications. He further stated that Part 77 referred to height and all requirements have been met. He added that the Station was reviewed

by the FAA and the City had filed a 7460 Form for a full review as a modification to the Airport Layout Plan. A letter was received from the FAA granting their approval.

Motion made by Ed Curtis and seconded by James McCulla to approve the application as submitted per staff's recommendations. Roll call showed: YEAS: Ed Curtis, Mary Fertig, Catherine Maus, James McCulla, Steve Glassman, and Alan Gabriel. NAYS: None. Motion carried 6-0.

**3. City of Fort Lauderdale Don Morris 8-T-05
Request:* **Amend ULDR Section 47-22.6**
 Temporary Signs and Advertising Displays**

Chair Alan Gabriel announced that this matter was an item for the Local Planning Agency.

Don Morris, Planning and Zoning, stated that staff was directed by the Commission to draft regulations regarding temporary signs. He explained that the proposed ordinance established standards for the placement and removal of temporary signs. He stated further that such standards included the filing of the application, posting a bond with the Building Department for each temporary sign, and adopting measures to ensure compliance with the requirements of the Code.

Don Morris stated that Sharon Miller, Assistant City Attorney, had prepared a memorandum that outlined questions that had come up at the Board's last meeting. He explained that some of the questions were in regard to the \$100 deposit requirement, whether a permit was required for a political sign, along with improper placement of signs and the ramifications connected therewith, and when the \$100 balance begins to decline monies need to be added to bring the balance back up to the \$100 mark.

Mary Fertig asked for further clarification of the intent of the placement of political signs and the fines attached thereto if not removed as directed. Sharon Miller, Assistant City Attorney, stated that the person or their representative placing the sign had to provide their name and address. Mary Fertig stated that the burden did not fall upon the supporter. Sharon Miller confirmed and stated the burden would fall on the candidate. Mary Fertig stated that she did not feel the words "each person" clearly defined the intent. She suggested that the words "each candidate, campaign or issue" be used instead.

Chair Alan Gabriel stated that most likely if the political signs were not removed, the candidate would lose their \$100 which was probably from their campaign fund.

Don Morris stated that he believed it was \$10 per sign pick-up fee. He reminded the Board that once the balance went below \$100, the candidate had to replenish the difference. He reiterated that the individuals had 30 days in which to remove their signs.

Chair Alan Gabriel asked if the City was going to bill the candidates for the signs that had to be removed. Sharon Miller stated that was the procedure at this time because there was no bond. Chair Alan Gabriel stated that possibly there should be a sliding scale depending on the number of signs involved.

Mary Fertig stated that in Item 2D it stated: "The City shall have the authority to remove such sign and may...", and she asked why the word "shall" was not being used instead of "may." Sharon Miller stated that the wording had been used previously, but the word "shall" could be substituted for "may."

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.

Chair Alan Gabriel asked if the Board was to recommend adoption regarding this item tonight. Sharon Miller stated that this was to be a finding regarding the consistency with the Comprehensive Plan. She further stated that the Board was to make a recommendation this evening.

Chair Alan Gabriel asked if staff would be making the changes suggested this evening to the ordinance. Sharon Miller stated that if the Board wanted the changes to be made, then staff would do so and explain the changes to the City Commission.

Motion made by Mary Fertig and seconded by James McCulla to approve the language presented including the following changes that were to be made: (1) In Section 2C each person should be clarified as each campaign; (2) in 2D the word "may" should be changed to "shall, and (3) that a scale be established for the dollar amount of the deposit.

Sharon Miller explained that the language for banners specified dollar amounts for the deposit. She remarked that such information was listed on page 390 of the ULDR.

Roll call showed: YEAS: Mary Fertig, Catherine Maus, James McCulla, Steve Glassman, Ed Curtis, and Alan Gabriel. NAYS: None. Motion carried 6-0.

7. Anthony Family, LTD/Paseo Del Mar James Cromar 90-R-05
Request: Site Plan Level III/Conditional Use**
For Mixed Use Development/B-1
210 Multi-Family Units with Flex
Allocation

Legal Description: Acreage in Progresso, Blocks 228, 229 and 230, P. B. 2, P. 18, as recorded in The Public Records of Miami-Dade County, Florida

Address: 1600 East Sunrise Boulevard

General Location: Southside of East Sunrise Boulevard
Between N.E. 16 Avenue and the Alley East of N.E. 17 Avenue

Chair Alan Gabriel stated that this matter was quasi-judicial.

The following disclosures were made by the Board: Catherine Maus stated that through her Neighborhood Association she had numerous conversations with the development team during the past year. James McCulla stated that he had spoken with Robert Lochrie regarding this matter. Mary Fertig stated that she had visited the site and also spoke with Robert Lochrie. Steve Glassman stated that he also had visited the site and spoke with Robert Lochrie. Ed Curtis stated that he had visited the site and also spoke with Robert Lochrie. Alan Gabriel stated that he also had been to the site and spoke with Robert Lochrie.

Robert Lochrie, attorney for the applicant, stated that he had been working on this project for the last two years, and had been working with the neighborhood associations. He stated that the property has been known as the Auto Toy Store/Alpine Jaguar site on Sunrise Boulevard. He proceeded to show photographs of the existing buildings at the site. He continued, stating that the property was unique in that two streets split the property that had been vacated previously by the Commission.

Mr. Lochrie stated that the proposal is a request for a mixed-use project consisting of retail and townhouses. He continued stating that height requirements for the area are 150', and setbacks are 5' in the front, 15' on the rear, 0' on one side, and 10' on the other side. The overall density permitted for the site is 50 units per acre, and this project would consist of 40 units per acre. He explained they would construct three independent buildings with retail on the ground floor and outdoor dining areas, along with public plaza areas. There would also be a parking garage that would consist of four stories, and at staff's request there would be openings between the buildings which would provide vehicular access to the garage, and pedestrian and bicycle traffic onto the site. The plaza on the west would consist of sod, landscaping and shade trees with the plaza on the east consisting of paver blocks and shade trees. He stated there would also be pedestrian access from the plazas into the neighborhood.

Mr. Lochrie continued stating that the general concept was to construct three buildings with the center one being the tallest of the structures. He remarked that they attempted not to create a "canyon effect" along Sunrise Boulevard. He continued to explain that the building on the east would consist of 5 stories with retail on the ground floor. He proceeded to show the site plan for the project. He further stated that there would be a garden where the balcony would be located that would tie into the bridge which would consist of a glass walkway. There would also be an open space in the middle of the walkway.

Mr. Lochrie explained that a 10-story building would be in the center of the project which would be broken into three components but consisting of glass. The component on the east would consist of stucco, and the component in the center would be made of brushed aluminum giving a steel appearance. Stone would be used on the western portion of the building. The building from the center going westward would be supported by columns. He explained that the building to the east would consist of 6 stories and be comprised of stone. He proceeded to show various graphics of the project.

Mr. Lochrie further stated that code requirements for this project regarding open space was 31,500 sq. ft., and 65,103 sq. ft. would be provided. He explained that 40% of the 31,500 sq. ft. was required at grade and 65,103 sq. ft. would be provided at grade. He

further stated that 6,000 sq. ft. of landscaping is required, and 50,300 sq. ft. would be provided at grade.

Mr. Lochrie stated that they had met with Victoria Park and Lake Ridge Homeowner Associations and letters of support were provided.

James Cromar, Planning and Zoning, stated that this project had been a team effort. He proceeded to show a diagram regarding the location of the project. He stated that the project would be located on Sunrise Boulevard between 16th and 17th Avenues. He stated the project was subject to Site Plan Level III approval, including the approval for conditional use for a mixed-use development in a B-1 district, along with the allocation of 210 residential flex units. He announced that this project was subject to 30-day Commission call-up.

Chair Alan Gabriel proceeded to open the public hearing.

Barbara Johnson, Developer, stated that she liked the design of this project, but she was concerned about the pedestrian gate and neighborhood security. Mr. Lochrie explained that the gates could be closed at night and 24-hour security would be available, along with a concierge.

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.

Steve Glassman asked if they had received any commitments regarding the retail portion of the project. Mr. Lochrie stated that no commitments had yet been made. Steve Glassman further asked about how many retail establishment would be located at the site. Mr. Lochrie stated they were not sure how the stores would break down and it would probably depend on demand, but they assumed there would be at least five different bays. Steve Glassman proceeded to ask about the price of the units. Mr. Lochrie explained that the price range has not yet been determined for the units. He further stated that a significant number of the units would consist of two-bedrooms, and therefore, they anticipated keeping the price points reasonable. Steve Glassman asked if any of the units would be considered attainable housing. Mr. Lochrie clarified that this was to be marketed as a luxury apartment building, that in most cases convert to condominiums, and therefore, they would probably be priced in the low \$300,000 range.

Steve Glassman asked about the traffic study and number of trips being added to the area. Mr. Lochrie explained that an extensive study had been done and it had been determined that the street could contain the traffic. Steve Glassman asked if staff agreed with the traffic study.

Tim Welch, Engineering, stated that staff did concur with the traffic study findings.

Chair Alan Gabriel asked if vehicles would be able to enter and exit between the buildings. Mr. Lochrie confirmed and explained that traffic would enter and exit from several locations. He stated there were going to be two right-in/and right-outs from Sunrise Boulevard, and the project could be entered from the street bordering on the west side of the project.

James McCulla asked if the retail would be contained in an arcade. Mr. Lochrie replied that portions of it would be located in an arcade. James McCulla further asked if there were going to be signs for the project. Mr. Lochrie explained that they would be located under the arcade in the window areas of the building themselves.

Jennifer Briley, architect, explained that signs would hang from the soffit in the lower areas outside of the arcade, and blade signs or signs designed to work in the module of the glass above the doors of the establishments would be used for those outside of the arcade.

Mr. Lochrie stated that possibly monument signs would be signed.

Mr. Brewton explained that the project had not yet been reviewed regarding signage as of this time.

James McCulla asked if B-1 zoning would accommodate retail signage. Mr. Brewton confirmed and stated that it would depend on the proposed location of the signs.

Chair Alan Gabriel asked about the building location in relation to the highway. Mr. Lochrie explained that in regard to the Jaguar building there had been two bays of parking, plus a travel aisle, with a typical bay length being 60' but in this case the area was 47'. Chair Alan Gabriel asked what was the closest point to the highway. Mr. Lochrie stated that the closest point was 22' to the curb that was the building to the west. Chair Alan Gabriel asked for further information regarding the sidewalks. Mr. Lochrie stated there was a 7' sidewalk with a 10' easement, along with the pedestrian area. Chair Alan Gabriel further asked if there would be any special treatment of the sidewalks. Mr. Lochrie stated that FDOT was being consulted regarding such issues because they consider the sidewalk part of their street, and they are very protective. He stated that in some areas license agreements were permitted so improvements could be made.

Chair Alan Gabriel asked if there had been any discussions with the School Board. Mr. Lochrie stated that they had a letter from the School Board because the project would result in additional students. He explained the letter was based on 260 units, but the project would now consist of 210 units and mitigation would have to be done in regard to Sunrise Middle School. Therefore, the developer would pay impact fees and mitigation fees to the School Board in that regard.

Mr. Lochrie stated that they had made a commitment to the School Board, and therefore, would repeat such to this Board.

Motion made by James McCulla and seconded by Catherine Maus to approve the application as submitted per staff's recommendations with the caveat that mitigation and impact fees be paid to the School Board. Roll call showed: YEAS: Catherine Maus, James McCulla, Ed Curtis, Mary Fertig, Steve Glassman, and Alan Gabriel. NAYS: None. Motion carried 6-0.

Request: Site Plan Review Level IV/Yard
Modifications/8 Multi-Family Units/
NBRA**

Legal Description: Lot 6, Block 15 of Birch Ocean Front
Subdivision No. 2, according to the plat
Thereof, as recorded in P.B. 21, P. 22, of
The Public Records of Broward County,
Florida

Address: 740 Bayshore Drive

General Location: N.E. Corner of Bayshore Drive and
Vistamar Street

Chair Alan Gabriel announced that this was a quasi-judicial matter. The Board made the following disclosures: Steve Glassman stated that he had been to the site and received a call from Jeff Falkanger. Ed Curtis stated that he had been to the site. Mary Fertig advised that she had been to the site. Alan Gabriel stated that he had spoken with Jeff Falkanger.

Jeff Falkanger, architect, explained that the project would contain 8 condominium units comprising 5 stories in height. Ground level parking would be provided and all code requirements are being met. All parking would back out onto the street. He advised that the project would be 700' from the Bonnet House, and the project would not have any adverse affects on that property. This project had been presented to the Historic Preservation Board. He proceeded to read the following comment from the City's Historical Consultant: "The change to the Bonnet House setting is minimal, and there are no visual elements associated with this project that would diminish the integrity of the Bonnet House. Therefore, we find that there is no adverse affect to the Bonnet House." He proceeded to read the following letter that was received from the Bonnet House: "Ladies and Gentlemen our firm has the pleasure of representing the Bonnet House, Inc., and in that regard to we are writing to you in support of the approval of the site plan for the Bayshore Condominium Project. Bonnet House supports the site plan including the requested yard modification and the 5-story height. We think that this type of development on Bonnet House's immediate perimeter is compatible with the Bonnet House and will help us preserve the legacy from Mrs. Bartlett. Thank you for all your efforts in regard to this project."

Mr. Falkanger further stated that they were in agreement with the five conditions proposed by City staff.

Michael Ciesielski, Planning and Zoning, stated that he wanted to clarify that the project was not in full compliance with Code requirements. He explained that they were not in compliance with the setback requirement for the north side of the project, which was half-the-height of the building or 25'. Subsequently, this project was a Site Plan Level IV because of that issue and would be presented to the City Commission. He explained that the project was requesting a setback reduction of 10' which is a concern to staff because of it's potential impact to the Bonnet House. He further stated that

neighborhood compatibility and adequacy information was submitted by the applicant. He stated that Exhibit "L" discussed the architecture and how the project was attempting to meet the criteria.

Mr. Ciesielski further stated that the project had been reviewed by DRC, along with the Historic Preservation Board due to its proximity to the Bonnet House. He stated that the applicant has met the minimum code requirements regarding parking, architectural features, density, height, and landscaping, but did not meet the setback requirements and was requesting the maximum side yard modifications from 25' to 10'. He stated that should the Board approve this application, then staff recommends that such approval include the 5 conditions included in the staff report.

Steve Glassman stated that he had two major concerns, and one was in regard to the 10' setback at the north side of the building. He asked if this was considered open space and asked for some further clarification. Mr. Ciesielski explained that this was considered open space and the Zoning Administrator had made such an interpretation. Steve Glassman further stated that he did not feel 10' was enough of a setback abutting the Bonnet House. He further stated that at the DRC level, the applicant was encouraged to contact the Central Beach Alliance, along with the neighboring property owners, but to the best of his knowledge that had not occurred.

Mary Fertig asked about the setback on the north side for the existing building. Mr. Ciesielski stated that it was as close as 11.6' and as far away as 14.9'. He added that this setback was a one-story building.

Chair Alan Gabriel proceeded to open the public hearing.

Don Hall stated that he lived in the building abutting the proposed project. He continued stating that the existing property consisted of a flophouse and he felt the Covenant House was a poisonous influence on the neighborhood. He stated that this project was a clever design approach for the site and would not have a negative impact on the Bonnet House. He referred the Board to the Janus Report that had been submitted. He believed the project was a well-thought out design. He continued to recommend approval of this project.

Mr. Falkanger stated that DRC had signed off on the project on August 1st, except for planning. Plans have been submitted to the neighboring building, and a presentation would be made to the CBA.

Chair Alan Gabriel asked how was the 10' setback necessary. Mr. Falkanger stated that it would add 400 sq. ft. to the four residential floors of the building. He further advised that if they went higher it would be self-defeating and the present plan was more appropriate for the site.

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 and seconded by Catherine Maus to approve the application as submitted per staff's recommendations. Roll call showed: YEAS: James

McCulla, Ed Curtis, Mary Fertig, Catherine Maus, and Alan Gabriel. NAYS: Steve Glassman. Motion carried 5-1.

“For the Good of the City”

James McCulla stated that if GAA zoning did not provide for fire stations, the zoning code should be amended.

Mr. Brewton stated that they recognized that, and further research was being done in connection with modification of the code.

James McCulla asked further if there was a firehouse plan for any of the Airport expansion at the Main Airport. Mr. Brewton stated that he was not sure, but he did not believe it would come under their purview.

Motion made by James McCulla and seconded by Steve Glassman to adjourn the meeting. Board unanimously approved.

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

CHAIRMAN

Alan Gabriel

ATTEST:

Margaret A. Muhl