

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

**THURSDAY, JANUARY 19, 2006  
6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>From 1/19/06</u>	
		(P)	(A)
Mary C. Fertig	P	1	0
Alan Gabriel	P	1	0
James McCulla	P	1	0
Judith Hunt	P	1	0
Maria Freeman	P	1	0
Edward Curtis	P	1	0
Rochelle Golub	P	1	0
Catherine Maus	P	1	0

**Planning Staff:** Greg Brewton, Deputy Director of Planning and Zoning  
Jim Koeth, Principal Planner  
Don Morris, Acting Zoning Administrator  
Liz Holt, Acting Principal Planner  
James Cromar, Planner III  
Michael Ciesielski, Planner II  
Ella Parker, Planner II  
Anthony Fajardo, Planner II

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

**Court Reporting Service:** Jamie Opperlee/Margaret Muhl

**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 proceeded to introduce the members of the Planning and Zoning Board. All rose for the Pledge of Allegiance.

Mary Fertig entered the meeting at this time.

Jim Koeth, Planning and Zoning, proceeded to introduce staff that was present this evening.

Chair Alan Gabriel stated that a request was made to defer Item #'s 2, 4, 5, 6, and 12 to February 15, 2006.

Courtney Crush, attorney, stated that there had been requests for a deferral of Item #1 due to additional information to be supplied. She explained that the applicant had met with staff and continues to do so, and is not denying the request made regarding deferral. She continued stating that due to the comments made by this Board in November, some additional clarification is needed from this Board as to what information is needed. She stated that comments had been made previously regarding the mass of the building and its height.

Chair Alan Gabriel referred Ms. Crush to the minutes of the Planning and Zoning Board meeting as to what further information was needed.

Ms. Crush stated that she had reviewed the minutes, but she felt the Board needed to make some further clarification.

Mary Fertig stated that if this matter was to be discussed this evening, they should proceed with the decision regarding Item #'s 2, 4, 5, 6 and 12.

Chair Alan Gabriel stated that there was also a request to defer Item #7 to March 15, 2006.

**2. One Condos/Peter Sordjan James Cromar 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

Address: 1 Isle of Venice

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

**4. City of Fort Lauderdale DonMorris/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, Violations 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.**

**12. Amend ULDR Section 47-13, Downtown Liz Holt 2-T-06  
**Regional Activity Center Districts and Section 47-24, Development Permits and Procedures to re-adopt an amendment to the procedure for City Commission request for review of development plan in the Downtown RAC zoning districts.****

**Motion** made by James McCulla and seconded by Ed Curtis to defer Item #'s 2, 4, 5, 6 and 12 to February 15, 2006. Board approved unanimously.

**7. A1A Condominiums North Parcel James Cromar ZPUD-05**

**Request: \*\* \* Rezoning from CB and RMH-60 To PUD including Site Plan Approval**

Legal Description: Lots 990, 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

**Motion** made by James McCulla and seconded by Ed Curtis to defer Item #7 to March 15, 2006. Board approved unanimously.

1. **Lucky 13, LLC/Lofts on Las Olas** **Ella Parker** **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

Courtney Crush stated that comments had been made by the Board, and therefore, changes had been made to the site plan. She reiterated that they were unclear as to what information is being requested by this Board.

Ms. Crush stated that originally the building was to be 110' in height, but had been reduced to 70'. She also stated that other architectural changes had been made.

Mary Fertig stated that the applicant had requested the deferral so some redesigning could occur. She further stated that request had been made before the Board had taken a vote on the project. She continued stating that the Board was not in the position of designing the project and was only reviewing it. She referred the applicant back to the minutes of that meeting.

Ms. Crush stated that the project had been redesigned, but it had not been re-submitted to this Board for their review.

Chair Alan Gabriel stated that the Board would review the project once it was submitted.

Ms. Crush further stated that in order to re-submit a re-designed plan, there would be additional cost to the applicant.

Chair Alan Gabriel further stated that costs may be involved, but the Board did not see projects until they were formally submitted.

Ms. Crush stated they had hoped to bring a conceptual plan before this Board as others have done in the past. She felt to make the applicant start over from the beginning would not be in the applicant's, nor the City's, best interest.

Jim Koeth stated that Planning and Zoning had not received the modified plans of this project in a timely fashion, and therefore, a report could not be prepared in connection with a presentation of such plans to this Board.

Chair Alan Gabriel clarified that this Board was being asked to accept something less than what was typically done. The Board was being requested to accept a concept plan.

Mr. Koeth confirmed. Chair Alan Gabriel asked if that fell under the purview of this Board to do so.

Sharon Miller, Assistant City Attorney, explained that the Board had adopted a policy for itself stating that they requested drawings and other information in order to review a project. She continued stating that since this Board set that policy, they could change it, but she felt the Board had been consistent of their policy in the past.

Chair Alan Gabriel stated that the request was not to submit a plan tonight, but to submit it in the future. He asked if the Board had the authority to accept such a plan.

Sharon Miller stated that Planning and Zoning knew what information was needed in order for this Board to make an intelligent decision.

Chair Alan Gabriel reiterated that the information had to be sufficient enough for staff to review it and make comments to this Board so they could make a decision. Jim Koeth stated that there were requirements to be followed in connection with a Planning and Zoning Board application. If significant modifications had been made, the plans were usually forwarded to DRC, and then brought before this Board for their review knowing that it met all minimum code requirements.

Mary Fertig stated that she was uncomfortable continuing this discussion. She reiterated that a vote had not been taken, and therefore, further comments should not be made on this. She stated that the minutes contained a lot of information on the project. She stated that she did not feel that comments could be made on a conceptual plan when detailed information had not been provided.

**Motion** made by Mary Fertig and seconded by Ed Curtis to defer this item until February 15, 2006.

Ms. Crush stated that she preferred receiving further clarification from this Board and not a deferral.

Chair Alan Gabriel stated that the Board was going to have the item deferred.

Ms. Crush further stated that she did not know what she was deferring to.

Board unanimously approved.

**Motion** made by Rochelle Golub and seconded by Maria Freeman to approve the minutes of the November 16, 2005 and December 13, 2005 Planning and Zoning Board Meetings. Board unanimously approved.

Chair Alan Gabriel proceeded to explain the procedure that would be followed during tonight's meeting.

**3. G. A. Markus/Croissant Park Townhomes Michael Ciesielski 61-R-05**

**Request: \*\* Site Plan Level III Review/Five (5)  
Cluster Dwellings (RD-15 Zoning)**

Legal Description: 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

The Board made the following disclosures regarding this matter. Rochelle Golub stated that she had been to the site. Catherine Maus stated that she had been to the site, and had spoken with Robert Lochrie. James McCulla stated that he had spoken with Robert Lochrie. Steve Glassman stated that he had also spoken with Robert Lochrie. Mary Fertig stated that she had been to the site.

Robert Lochrie, attorney for the applicant, stated that this was a request for a five-unit cluster development in Croissant Park. He continued stating that the project met all land use requirements of the City's Code. He stated that this zoning district had the strictest height requirement of 35', and this project was 32'. He advised that this project was subject to neighborhood compatibility.

Mr. Lochrie stated that a portion of the building was at 32', and the portion of the project fronting on 15<sup>th</sup> Street was two units at a height of 21'. He reiterated that some parapet caps were at 22', but the central area was at 17'. He stated that to the south there were three units, and the maximum height of the units at the sides was 21' and 22' to the parapet caps. He proceeded to show the third unit on a drawing explaining that it joined with the other two units. He proceeded to show a rendering of the subject site. He stated that he would be happy to address any concerns that may be raised during tonight's meeting.

Michael Ciesielski, Planning and Zoning, stated that this project met all zoning and land use requirements. Since this was a cluster development, it had to meet adequacy and neighborhood compatibility requirements. He advised that the applicant had included a context plan with his application that compared elevations of the existing buildings along SW15<sup>th</sup> and SW 16<sup>th</sup> Streets with the proposed development, along with a site aerial which compared the footprint of the proposed project with footprints of existing buildings in the area. A narrative was also submitted by the applicant in connection with adequacy requirements.

Michael Ciesielski stated further that if the Board approved the project, the following conditions were recommended by staff:

1. Provisions satisfactory to the City Attorney shall be made for a 5' recordable easement.
2. The applicant must have a recorded Maintenance Agreement.
3. Final DRC approval.

Michael Ciesielski proceeded to show photographs of the site and the neighborhood that had been taken before the hurricane.

Catherine Maus asked if information had been submitted by the applicant addressing adverse impacts to the neighborhood, including lighting, massing, and shadows. She added that she was referring to Section 25.3.a.(3)(e)(i) (a) and (b).

Michael Ciesielski stated that he would review the file and report back to the Board.

Chair Alan Gabriel proceeded to open the public hearing.

Joe Russell stated that he was a boat captain who enjoyed his neighborhood. He felt this project was not compatible with the existing neighborhood. He stated that he did not feel the photographs shown were representative of the area because they were mostly of rental properties. He advised that the area consisted of mostly single-family homes. He felt this project did not comply with the ULDR requirements for cluster homes which stated that the property shared amenities such as a pool, spa, gazebo, grill and covered terrace. He stated that Webster's dictionary defined amenity as an attractive feature, a convenience, a pleasantness. In reviewing the proposed plan, the developer showed the shared convenience as a 15' walled-in area with air conditioning units and picnic tables. He did not feel this complied with the definition of an amenity.

Sandra McCarthy stated that the proposed project was not compatible with the neighborhood since there were no three-story homes in the area. She stated that the trees were removed and now the area was bare.

Randy Ives stated that he lived on 16<sup>th</sup> Street and also wanted to address the tree issue. He remarked that he had called Dave Gennaro who discovered that the developer was in violation for cutting down the trees. He advised that trees had also been removed from the swale. He felt the developer did not show concern or respect for the neighborhood, the County, or the City since he did not go through the proper process. He stated that developers were supposed to increase the value of a neighborhood and not destroy what existed.

Daniel Walsh stated that he lived behind the proposed development, and could not imagine having a 3-story complex behind his home. He felt this project would invade his privacy and add traffic to the neighborhood.

Linda Brown stated that this Board should not approve the proposed project because recently the Board approved a flex unit transfer from Flex Zone #56 to the South Andrews Business Corridor. She stated that she believed 456 units had been taken from Flex Zone #56, and the Croissant Park neighborhood fell within that zone. She stated that removal of those units would keep residents from redeveloping their property. By allowing cluster homes in the area, they would be using up additional flex units preventing redevelopment in the area.

Charles Jordan stated that he lived in Sailboat Bend, but was running for District Commissioner in the subject district. He continued stating that he had dealt over the years with how the City did development, and how townhouses were being integrated into the fabric of communities that were not compatible with such a use. He explained that the cluster element of the code was a privilege, and he believed this Board needed to hold the proposed project to the higher standards applied to cluster homes. He urged the Board to review the compatibility requirements. The neighborhood had been built out in 50' increments, and the proposed project had a larger front face with a greater mass

than should be placed on the site. He felt the neighborhood would be adversely affected. He felt this project should not be granted special exceptions, and he urged the Board not to approve the project.

Marty Geary stated that he lived at 801 SW 16<sup>th</sup> Court and owned two lots, #s 25 and 26. He continued stating that he could not believe that a home could be demolished and five units replace it, and expect such a structure to be compatible with the existing neighborhood. He felt the Board needed to show responsibility and not approve the proposed project. He felt someone should be "horse-whipped" if the project was approved. He stated that structures should not be allowed to continue to stack up because this was not a Lego operation.

Mary Fertig asked about the size of the lots that Mr. Geary owned. Mr. Geary stated that he lived at the corner of SW 8<sup>th</sup> Avenue and SW 16<sup>th</sup> Court, and owned Lot #s 25 and 26 with 10' west. He stated that he had one home at the site. He advised that his property was approximately 132' x 110.

Bo Davis stated that the photographs shown of the neighborhood illustrate its charm and uniqueness. He added that a motion picture had even been filmed in the area this past Spring. He felt the proposed project would not be compatible with the neighborhood.

Marcie Koulberger stated that her house, which was a single-family home, backed the proposed development. She stated that the project density was not compatible with the neighborhood. She felt the project would have adverse impacts on the neighborhood and everyone's property values. She also felt that her privacy would be invaded. She stated that she would like to see some major changes made to the project. She continued stating that she would be in favor of a development with less density.

Berta Walther, 613 19<sup>th</sup> Street, stated that she loved the neighborhood, and was not in favor of the proposed development. She stated that they would lose their privacy.

James McCulla asked if Ms. Walther was aware of the zoning of her property when she purchased it. Ms. Walther stated that she had not been aware of the type of zoning for her property, but she noticed that the neighborhood consisted of single-family homes.

Mike Sims stated that he lived on 15<sup>th</sup> Street. He stated that everyone from the neighborhood was stating that the proposed project was not compatible with their community. He stated that the photographs of the project appear very nice, but he did not know how the structures would fit on the subject property. He felt the project might be appropriate in another part of the City. He also stated that if this project was approved, then more of them would begin to appear in the neighborhood.

Jeanne Raphorst, 621 SW 16<sup>th</sup> Court, stated that she has lived in the area for over 20 years and saw it evolve into a pleasant place to live with great tree canopy. She stated further that many homes in the area had been rehabilitated, but all the structures were compatible. She advised that there were many construction sites in the area, and the projects took up the entire area with no room left for vegetation. She felt the drawings shown of the proposed project were not accurate because the property was not large enough to contain everything shown on the renderings. She stated that she had contacted the City about trash and debris at the construction sites, but no response had been received.



Dennis Hearing, 515 SW 16<sup>th</sup> Street, proceeded to show photographs of the existing neighborhood. He believed that the proposed project would not be compatible with the existing community.

Ed Curtis asked if Mr. Hearing was against the structures being proposed or the density of the project. Mr. Hearing stated that he objected to the project due to its density and the structures being proposed. Ed Curtis stated that photographs were being shown of two and three-story structures in the area. Mr. Hearing confirmed. He stated further that he wanted to read something from an individual who had to leave the meeting. He read as follows:

“I lived in New York City, I moved. I lived in Inverrary where there is one development after another with parking lots instead of green space, and the only thing you can see out of your window is another cement wall a few feet away. Guess what? I moved. Our neighborhood is exactly that, a neighborhood with modest Florida homes and nice green space. Over development means the end of green space. Filling up as much of the lot as possible is what developers are doing so they can make as much money as they can. Over development means the end of privacy because the new townhouses are two and three stories high. Yet, I can only build my privacy fence 6’ high. The developers make them as high as they can so they can make as much money as they can, but we are the ones who live in this neighborhood and we are the ones who will have no privacy, and we will have more noise, more traffic. For each lot now with one house, you have two cars. If the developers have their way, there would be 6-10 cars per lot. So, while they make their money and run, they aren’t improving the neighborhood, they are over developing and running, ruining the quality of life that we residents of Croissant Park have come here for. I saw the architectural drawings for the project in question, I actually think they are very nice, and I think they would be a nice addition to our neighborhood, but they need to be scaled down to fit the neighborhood so as not to intrude on the surrounding neighbors. The Board should not feel sorry for the developers who can’t put as many units as they would like to on a lot. Why should we give anyone special privilege because they aren’t going to be able to make the profit that they would like, while at the same time they are changing the neighborhood and the landscape for the worst. Their actions today will affect many residents now and in the future. If you allow these developers this special privilege, then you are setting a precedent. You’re opening the door to anyone who has enough money to come into our neighborhood and do the same. Most of the neighbors I have spoken to think the quality of life here in our neighborhood is more important than the property values increasing. You cannot stop progress, but you can stop over development and this is the start of it.”

Mr. Hearing stated that the letter had been written by his wife.

Katherine Allen stated that she lived on 14<sup>th</sup> Court, and her street consisted of single-family dwellings and duplexes. She stated further that she would look forward to some of the duplexes turning into townhouses. She stated that people liked to live in the area since they did not have a long commute to work. She stated further that the City wanted higher density in their area so as to increase property values. She continued stating that she objected to the height of this project and its density. She felt the overpowering structures had a definite psychological effect on the surrounding neighbors.

David Allen stated that he lived on 14<sup>th</sup> Court, and he felt traffic density was an important issue. He stated that five units would add at least 10 cars to the neighborhood, along with service vehicles. He believed that pedestrians in the area would be greatly affected by the increase in traffic. He believed this project would drastically diminish the quality of life for the residents in the area.

Dick Cressen stated that he lived on 13<sup>th</sup> Street. He continued stating that there is compatibility in regard to the money going into the developers' pockets. He stated that such projects were adversely affecting their neighborhoods. He felt taxes would increase and then individuals would rent the properties. Traffic was hampering emergency vehicles in the area. He stated that he had been advocating speed bumps for the area, but nothing has been done. He stated that the developers used cheap labor that was adversely affecting the neighborhoods. He reiterated that he was outraged by such developments.

Michelle Frails stated that she lived on 16<sup>th</sup> Street and 8<sup>th</sup> Avenue. She added that she had purchased her property about 10 years ago, but the neighborhood had changed. She had chosen this area due to its quaintness and the view, and if this project was approved her view would be blocked. She believed the project was not compatible with the neighborhood. She stated that when individuals bought homes, they did not check on the zoning for the neighborhood. She felt such a factor should not stop the residents from preventing this type of development in their community.

Virginia Russell stated that she lived on SW 16<sup>th</sup> Street. She advised that a letter had been sent to the Chair of the Planning and Zoning Board dated December 16, 2005, from the Croissant Park Civic Association. She read as follows:

"Dear Mr. Gabriel: Homeowners within Croissant Park are becoming increasingly concerned, if not alarmed, by the increasing height, bulk and density of redevelopment projects within the neighborhood. In particular, cluster home projects threaten the neighborhood's character and quality of life. At the November 29, 2005 of the Croissant Park Civic Association, a motion was approved opposing all cluster house development applications within Croissant Park. Sincerely, Heather Conniff, President, Croissant Park Civic Association."

Steve Glassman asked about the background of the existing structure on the subject property.

Ms. Russell stated that the existing structure was probably the oldest in the neighborhood that was of a Spanish style architecture made of stucco, and probably built in the 1930's. She stated they should have gone a different route in attempting to save the structure.

Catherine Maus stated that previously she had asked about the narrative in the information distributed to the Board in regard to neighborhood compatibility under Section 25.3.A(3)(e)(i)(a) and (b) which talked about what the applicant would do to address adverse impacts relating to height, mass, and shadow.

Michael Ciesielski stated that he did not find specific information that addressed those issues in his file, that the architect could explain that Section to the Board. Mr. Ciesielski

then stated that a document had been submitted to the Planning and Zoning Department. He proceeded to read a document prepared by the architect, as follows:

“This site is in Croissant Park and is surrounded by single-family Mission style homes and multi-family. We have designed a Mission style building that compliments the adjacent homes and minimizes the impact on the site. The units will have three bedrooms with 2.5 or 3.5 bathrooms, and a two-car garage. All units will have a 20' semi-private yard. The exterior would be complimented by a simple crème/white color with a variegated clay terra cotta roof accents in pre-cast windowsills and trim. We met with the Croissant Park Homeowners Association and the project was very well received. We look forward to building this project.”

Michael Ciesielski explained that this letter had been written about three months ago.

Steve Glassman stated that in the future he would appreciate some discussion of the site plan in terms of the history of the proposed site. He stated that such information would assist in creating a picture of the subject neighborhood.

Michael Ciesielski clarified that Mr. Glassman was requesting additional information regarding the character of the neighborhood or information regarding the proposed site. Mr. Glassman explained that he was requesting further information regarding the history of the proposed site.

Ed Curtis asked if the letter complied with the section of the ULDR that had been cited. He felt it did not address any of the items mentioned. Michael Ciesielski agreed. Ed Curtis confirmed that the developer had not complied with that portion of the ULDR. Michael Ciesielski stated that if that section addressed shadows and the proposed building would cast shadows on neighboring properties, then there could be a problem. He stated such information should have been supplied. Ed Curtis stated that either they did not have to comply with that part of the Code cited, or they did not comply with it. Michael Ciesielski stated that there was a requirement regarding shadows, but if a 32' building was set back 25', the shadow cast would not be significant.

Ed Curtis stated that the applicant was to comply with the cited section of the code, and the letter read did not address that portion of the Code. He once again asked if the applicant had to comply with that part of the Code. Michael Ciesielski stated that the applicant should have addressed that in his narrative, and it could have been an oversight by staff and should have been included.

Greg Brewton, Deputy Planning and Zoning Director, stated that frequently the question of neighborhood compatibility arose, and whether the applicant had addressed sufficiently whether the proposed project met neighborhood compatibility or not. He explained that the Code required that the applicant was to provide a narrative stating how he felt the project met neighborhood compatibility requirements. He further stated that it was at the discretion of this Board to determine whether or not that such compliance had occurred. He reiterated that neighborhood compatibility was an issue that was debated from time to time, and certain aspects encompassed shadows and other items listed in that section of the Code. He stated that each applicant had their own way of addressing the issue. He explained that the applicant had to make an attempt to convince the Board that they had done sufficient design to meet the requirements of neighborhood compatibility. If the Board did not feel that such narrative was adequate,

then they could request additional information or state that such requirements had not been met.

Rochelle Golub stated that the three-story portion of the project was located at the rear of the property. Michael Ciesielski confirmed. Rochelle Golub stated that there was to be a 15' setback at that part of the site. Michael Ciesielski explained that the rear setback for RD-15 was 15', but when one went above 22', then the additional setback was 1 to 1. Rochelle Golub asked if the applicant was meeting such requirement. Michael Ciesielski stated that the applicant was complying with that requirement.

Mary Fertig stated that only one narrative had been submitted by the applicant entitled "neighborhood compatibility." Michael Ciesielski explained that the Board should have received copies of narratives regarding neighborhood compatibility, adequacy, and cluster dwellings. Mary Fertig stated that no other additional information had been submitted. Michael Ciesielski confirmed.

Judith Hunt stated that she had been to the site, spoke with Mr. Lochrie and Commissioner Hutchinson, as well as having conversations with various neighbors in the area.

Chair Alan Gabriel stated that there appeared to be questions regarding the proposed cluster development versus other types of development at the proposed site. He asked what types of structures were permitted in this district.

Greg Brewton explained that he wanted to enlighten the Board as to how they reached the decision to propose a cluster development. He stated the property was currently zoned RD-15 which permitted single-family homes or duplexes. In 1997, cluster developments were added to the district in order to offer a variety of development to the zoning district which had been R-2. Concerns had been raised by neighborhoods that "shotgun duplexes" were being built on R-2 properties. He stated that a new category had been added as a permitted use and certain criteria had to be met. He explained that cluster developments required public review, and then the Board would decide whether such use was compatible to a neighborhood and should be a permitted use.

Chair Alan Gabriel asked if townhouses were permitted uses. Greg Brewton replied they were not permitted. Therefore, only cluster homes under certain circumstances, duplexes or single-family homes were permitted uses.

Maria Freeman clarified that a 2-3 story duplex was a permitted use for the area. Greg Brewton confirmed. He reiterated that single-family dwellings were also permitted.

James McCulla asked if staff could explain the difference between a townhouse and cluster homes.

Greg Brewton explained that townhouses were governed by specific regulations in connection with yards and how the front of the townhouse was to occur. Cluster developments were an alternative to a townhouse. He further explained that townhouses were not limited in number, but cluster developments were limited to four.

James McCulla asked what else distinguished a cluster development from a townhouse development. Greg Brewton stated that cluster developments had a common area with

amenities that were to be shared by its residents. James McCulla stated that public comment was made that the only amenities being provided in the proposed development were two picnic tables next to air conditioning units. He asked further if that qualified as an amenity. Greg Brewton further stated that if the Board did not feel that type of amenity fit the project, then alternatives could be suggested. He reiterated that possibly a table and grill could be classified as an amenity.

Maria Freeman asked if the area presently had any cluster developments.

Joe Russell stated that there was a property on 4<sup>th</sup> Avenue at 13<sup>th</sup> Street that might be classified as a cluster development. Otherwise, the proposed project would be the first of such type of development.

Maria Freeman asked what pro-active steps were being taken by the neighborhood to prevent more of such developments. Mr. Russell explained that they were going to attempt to have the zoning changed for the area. Maria Freeman stated that it appeared the neighborhood was against the density of the project. Mr. Russell further stated that density and height was a problem for the residents. He stated that most residents were not aware of the 35' height limit for the area. He reiterated that they were not sure what could be done, but they were going to try to turn things around so subjective things such as shared amenities and compliments to the neighborhood would be more clearly defined. He stated that this was a tough decision for this Board.

Maria Freeman asked if the applicant could meet again with the neighborhood.

Robert Lochrie stated there appeared to be two large issues regarding the project that was density and height. He stated that the zoning code permitted buildings to be 35' in height, and most people did not realize what that could encompass. He explained that a study had been conducted which showed there were six projects being constructed on 16<sup>th</sup> Street and the height of those buildings ranged from 32' to 34', including single-family homes at roof peak. He continued stating that the second issue was in regard to density. He explained that this project was 15 units per acre that was consistent with the underlying density as proposed. He reiterated that they were not requesting flex units, nor were they requesting any additional residential units. He explained that only a small portion of the development was to consist of 3 stories comprising the 5<sup>th</sup> unit. He explained further that such unit could be eliminated, and the applicant was willing to do that in order to reduce the density of the project and reduce the height of the building to 22'. He proceeded to explain the portion of the project he had just described.

Ed Curtis asked if a project could be redesigned at this meeting. He thought the Board had decided this could not be done during a meeting. He stated that it appeared the applicant was requesting a deferral of this matter.

Mr. Lochrie stated that it was his understanding that this Board could approve something less than what was being requested by the applicant with the applicant's consent. He stated that essentially the Board would be deciding not to approve a 3-story building, but would approve it at 22'. He added that the matter could be deferred.

Chair Alan Gabriel stated that he did not know if the public would accept the modifications being proposed.

Mr. Lochrie stated that they were willing to meet with the neighborhood regarding the proposed modifications to the project.

Mary Fertig stated that redrawing the project without plans was not fair in asking this Board to make a decision. She further stated that it was her understanding that the Board's policy was that the new design would be presented to the Board at another meeting.

Steve Glassman stated that he did not think it would be fair to the neighborhood, if the Board attempted to approve the project this evening. He preferred that new site plans be drawn and a meeting be held between the applicant and the neighborhood.

**Motion** made by James McCulla and seconded by Judith Hunt to defer this matter until March 15, 2006. Board unanimously approved.

9. Las Olas & Andrews, LLC/One Ella Parker 17-P-04  
West Las Olas Plat

**Request: \*\* Plat Approval/Regional Activity Center  
City Center District (RAC-CC Zoning)**

Legal: East 75.00 feet of Lot 20 and the East 75.00 feet  
Description: of the North 20.00 feet of Lot 19, Block, 26, Town  
Of Fort Lauderdale, according to the plat thereof  
As recorded in P.B. B, P. 40, of the Public Records  
Of Dade County, Florida, less the East 14.40 feet  
Thereof.

Together with:

East 99.50 feet of the South 10.00 feet of Lot 21 and  
The North 2.00 feet of the West 24.50 feet of the East  
99.50 feet of Lot 20, Block 26, less the East 14.40 feet  
thereof, Town of Fort Lauderdale, according to the plat  
thereof as recorded in P.B. B, 40, of the Public Records  
of Dade County, Florida.

Address: 1 West Las Olas Boulevard

General Northwest corner of South Andrews Avenue  
Location: and West Las Olas Boulevard

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

The Board made the following disclosures: Judith Hunt stated that she had been to the site. Mary Fertig stated that she had been to the site. Steve Glassman stated that he had been to the site. Rochelle Golub stated that she had been to the site. Ed Curtis stated that he had also been to the site.

Gerry McLaughlin, engineer representing the applicant, stated that they were requesting this Board to approve a plat on vacant land at the northwest corner of Wall Street and

South Andrews Avenue. He explained that the plat was restricted to 45,000 sq. ft. of commercial use. All DRC comments had been addressed, and the applicant agreed with staff's recommendations.

Ella Parker, Planning and Zoning, stated that this was a request to plat 5,142 sq. ft. of land at the NW corner of South Andrews Avenue and West Las Olas Boulevard for the purpose of constructing a 45,000 square foot office building. DRC reviewed this item on October 12, 2004. All comments have been addressed. She further advised that the plat conformed to the requirements of the Subdivision Regulations of the ULDR, Section 47-24.5.

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

**Motion** made by Ed Curtis and seconded by James McCulla to approve the application as submitted. Roll call showed: YEAS: Judith Hunt, Mary Fertig, Rochelle Golub, Steve Glassman, Catherine Maus, James McCulla, Maria Freeman, Ed Curtis, and Alan Gabriel. NAYS: None. Motion carried 9-0.

**10. Summit Montessori of Fort Lauderdale/ James Cromar 1-P-04**

**Request: Right-of-Way Vacation  
(CF-H Zoning)**

Legal Description: A portion of SW 18<sup>th</sup> Avenue between SW 11 Court and Davie Boulevard, Riverside Park Addition, P.B. 10, P. 37.

Address: Vacant

General: North of Davie Boulevard, South of 11 Court, East of I-95.

Chris Perera, Executive Director of Just-For-Kids Academy, stated that this was a 501 C-3 organization dealing with at-risk children from birth to 13 years of age. She further stated that there had been continuity of ownership until the '80's where there was a church school on one site, and a private school at 1725. She proceeded to show a map of the site. She stated they were requesting to vacate the right-of-way at SW 18<sup>th</sup> Avenue because they occupied both properties, and it made it difficult for them to have the children walk back and forth safely. She explained they were the largest agency in the County dealing with such children.

James Cromar, Planning and Zoning, stated the applicant was requesting a right-of-way vacation for a portion of SW 18<sup>th</sup> Avenue between SW 11<sup>th</sup> Court and Davie Boulevard, east of I-95. He proceeded to show a map of the site. The applicant made this request about two years ago, but within the gap between the submission of the application and its approval, there had been a change in City administration, along with a change in the approaches as to how they dealt with right-of-ways. The City has taken the position to be more stringent in reviewing right-of-way vacations. Two concerns were raised regarding this matter. One concern was in regard to the fact that even though this street was

presently blocked-off leading into the Riverside Park neighborhood, there could be a possibility in the future that the street would have to be re-opened. He explained that a section of the Code addressed possible future public purpose in connection with use of the subject street. The second concern was in connection with the creation of a single large parcel. The current use might be acceptable to everyone at this time, but a future owner may want the large parcel rezoned and redeveloped to a different scale than what was presently permitted.

Maria Freeman asked if the property could be un-vacated at a future time.

Greg Brewton explained that right-of-ways occur through dedication in the platting process. The Board could possibly place a condition on the vacation in connection with a particular owner. He further stated that once the property was vacated, it was considered private property, and the only way to get it back would be through the platting process where it would be re-dedicated. There was no process to un-vacate.

Sharon Miller stated that general a vacation was a statement from the City explaining that the property was no longer needed and it would become private property. If the City needed it again, the property would have to be condemned through eminent domain or obtained through a future re-dedication. She reiterated that there was no guarantee that would ever occur.

Maria Freeman asked if property could be temporarily vacated. Sharon Miller stated that situation did not exist.

Rochelle Golub asked if there could be an easement. Sharon Miller explained that the right-of-way could be vacated as a right-of-way, and require a re-dedication of an easement if engineering found the situation to be safe. She explained that had been done in the past.

Mary Fertig asked if a condition could be placed on the vacation stating that the vacation would be in effect as long as the property was used for child-care educational purposes. Sharon Miller stated that vacations were generally if they were needed or not, and there was no in-between area. Mary Fertig further stated that there were many streets in the area that had been closed or were dead-ends, and therefore, she asked if a street had to be re-opened could they re-open one that had been previously closed. She asked if a plan existed to re-open some of those streets in the area.

James Cromar stated that he had been with the City for about four years, and many of the streets had been given temporary street closures due to safety reasons. Some had become permanent vacations or more permanent closures installed such as concrete planters making the re-opening of certain streets more costly. In theory, some streets could possibly be re-opened due to changing conditions in the area.

Chair Alan Gabriel stated that would be a temporary closure as opposed to a vacation.

Mary Fertig stated that if the rationale for not approving this request was because it might have to be re-opened, weren't there other streets that could be re-opened rather than the subject street.

Greg Brewton stated that this street was the only one leading to the subject property.



Chair Alan Gabriel stated that an easement could be an alternative. Greg Brewton stated that there could be an ingress/egress easement.

Chair Alan Gabriel proceeded to open the public hearing.

Greg Mire, 1120 SW 19<sup>th</sup> Avenue, stated that many streets had been closed in the area due to charettes held by the homeowners associations in order to provide advantages to the neighborhood. This street had remained opened as an emergency access. He stated that this was a very diverse neighborhood, and was a heavily used pedestrian roadway. He suggested that a trip study regarding pedestrians could be done to verify the traffic in the area.

Martha Smolter stated that she lived on SW 11<sup>th</sup> Court, and this area was used in order to gain access to the bus route. She stated that if the street was vacated individuals would have to walk one mile out of their way to get to their destinations. She stated that she never noticed the children at this site going from one playground to another. She stated the vehicular traffic in the area was due to the school. She stated that the residents in the area felt the closure of this road would be unfair to them.

Russell Smolter stated that if this road was vacated, then his son's property would become a thoroughfare. He stated that this was the only egress in case of an emergency in the area.

Ricky Taylor stated that the roadway had been closed for over 15 years.

Ms. Perera stated that they did not intend to have the roadway closed to pedestrian traffic. She explained that they wanted to have bar-gates placed on the property in order to prevent the entrance of vehicles. She added that children were walked from one playground to another.

Rochelle Golub stated that in the parking lot to the west there were many buses, and she asked if the street was to remain opened to school traffic. Ms. Perera stated that certain times during the day they wanted to close-off the road. Rochelle Golub reiterated that the purpose for the vacation was to create one contiguous parcel of land for the school. Ms. Perera confirmed. She stated that the school had been in existence since the '40's. She reiterated that they were looking for a safety mechanism.

Ed Curtis stated that the change would be that they would obtain the deed to the property. Ms. Perera confirmed. Ed Curtis stated that in that case, the City would have no control over the property. Ms. Perera stated the property was presently being utilized by the school, and for licensing and safety purposes they wanted to have control of the site. She reiterated that they were not looking to further develop the property or close off pedestrian traffic.

Judith Hunt stated that if they applied for a license, a larger area was required for each child, but if the properties were combined, only half the amount of property would be needed per child. Ms. Perera confirmed. Judith Hunt asked what would prevent them from going to the north end of the site and crossing the children from one area to another. Ms. Perera stated that there was no access at that portion of 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 Catherine Maus and seconded by Rochelle Golub to approve the application as submitted. Roll call showed: YEAS: None. NAYS: Mary Fertig, Rochelle Golub, James McCulla, Steve Glassman, Catherine Maus, Maria Freeman, Ed Curtis, Judith Hunt, and Alan Gabriel. Motion failed 0-9.

**11. ULDR Amendment to Section 47-22.3.C Liz Holt 1-T-06  
Banner Signs – Extending the Permitted Display  
Period for Banner Signs**

Liz Holt, Planning and Zoning, stated that the City Commission requested that the ULDR be amended in connection with banner signs in order to accommodate a prestigious event that would be taking place in the City, which was the King Tut Exhibit. The 14-day limit regarding display of signs is inadequate, and the change being proposed would allow a longer period of time for the signs to be displayed subject to City Commission's approval. She further stated that the City Commission had approved this on first reading yesterday with a vote of 5-0. One question arose from Commissioner Hutchinson in regard to the process only.

Mary Fertig stated that she had a problem with there being an extra step involved when someone wanted to request additional time for the display of signs.

Ms. Holt stated that this was not an extra process because at the present time the signs could not be displayed more than 14 days, and this would provide a longer display period.

Mary Fertig stated that she did not want to be misunderstood and believed in this case 14 days would be a good thing. Ms. Holt reiterated that the matter still had to go before the City Commission for second reading, and therefore, a recommendation could be made by this Board.

Rochelle Golub asked if someone could request more than 14 days once approval was granted for the event.

Chair Alan Gabriel confirmed, but stated that they could not use a banner sign.

Ms. Holt explained that two separate requests were involved, and that there were other criteria involved regarding banner signs, but only the section they proposed to change was being presented to the Board. She explained that the other limitation was that only events that were being co-sponsored by the City could display banner signs.

Rochelle Golub stated that since this was a unique situation she thought the Code could combine the two requests.

Ms. Holt asked for further clarification of Ms. Golub's recommendation. Rochelle Golub stated that if the City was the co-sponsor of an event and knew that banners would be displayed for more than 14 days, could that not be part of the application regarding the event instead of being dealt with separately.

Sharon Miller, Assistant City Attorney, explained that was how this would work since the event had to go before the City Commission for approval.

James McCulla asked if this amendment would only address City-sponsored or co-sponsored events. Ms. Holt explained that according to the current ULDR regulations, only City co-sponsored events were permitted to display banner signs.

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 Maria Freeman and seconded by Rochelle Golub to approve the request as submitted. Roll call showed: YEAS: Rochelle Golub, James McCulla, Steve Glassman, Catherine Maus, Maria Freeman, Ed Curtis, Mary Fertig, and Alan Gabriel. NAYS: Judith Hunt. Motion approved 8-1.

**8.      Sixth Street Corporation                      Yvonne Redding                      14-P-05**

**Request:      Vacation of a 10' Right-of-Way (B-2 Zoning)**

Legal Description:      A portion of Lots 2 and 3 and the north 5' of the abutting vacated 10' alley, Block "A" of "Subdivision For Fort Lauderdale Land & Development Company. Block 6, Fort Lauderdale, P.B. 1, P. 57 of the Public Records of Dade County, Florida.

Address:              Vacant.

General Location:      10' portion of N.W. 7 Avenue, East of 399 N.W./ 7 Avenue, South of N.W. 4 Street, and North Of N.W. 3 Street.

Chair Alan Gabriel asked if the applicant was present.

Greg Brewton stated that staff requested the applicant to come before this Board to vacate the right-of-way because at the time of the site plan and DRC review, the City asked for the land to be dedicated. He continued stating that possibly the applicant did not understand that he needed to be present. Staff later discovered that the land was not needed and the land would be given back to the applicant.

Chair Alan Gabriel asked if the City could have been the applicant, as well.

Greg Brewton explained that the City had encouraged the applicant to move forward in this matter.

Chair Alan Gabriel asked if this matter could be heard without the applicant being present.

Tim Welch, City Engineer, stated that he would represent the applicant in this matter. He explained that in 1996 the City had taken right-of-way for the traffic way plan satisfying

the width for 7<sup>th</sup> Avenue. At that time there had been a 7<sup>th</sup> to 9<sup>th</sup> Avenue Connector project taking place.

Chair Alan Gabriel asked if staff could represent the applicant.

Sharon Miller stated that if the person was authorized to represent the applicant, it was permissible.

Tim Welch continued stating that he wanted to represent this matter to the Board. Sharon Miller stated that the applicant did not have to be present.

Tim Welch stated that when they originally reviewed the site plan application, there had been a 10' additional dedication required for the western portion of 7<sup>th</sup> Avenue, south of NW 4<sup>th</sup> Street. The City had the inter-connection project taking place at that time which required coordination with FDOT and additional funding. It now appeared such project would not occur. Therefore, the City is now in a position to return the right-of-way to the owner and vacated properly. The owner has requested the vacation. All documents had been reviewed, and the City felt the ultimate right-of-way to be donated by the property owner was to fulfill the traffic ways plan. Therefore, the 10' reverting back to the property owner still would fulfill the requirements of the plan.

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 Ed Curtis and seconded by Judith Hunt to approve the application as submitted. Roll call showed: YEAS: Judith Hunt, Mary Fertig, Rochelle Golub, James McCulla, Steve Glassman, Catherine Maus, Maria Freeman, Ed Curtis, and Alan Gabriel. NAYS: None. Motion carried 9-0.

**“For the Good of the City”**

No report.

**Motion** made by Ed Curtis and seconded by Maria Freeman to adjourn the meeting.

There being no further business to come before the Board, the meeting was adjourned at approximately 8:55 p.m.

CHAIRMAN

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Alan Gabriel

ATTEST:

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Margaret A. Muhl

