

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

**WEDNESDAY, MARCH 15, 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	3	0
Alan Gabriel	P	3	0
James McCulla	P	3	0
Judith Hunt	P	3	0
Maria Freeman	P	3	0
Edward Curtis	P	3	0
Rochelle Golub	P	3	0
Catherine Maus	P	3	0
Steve Glassman	P	3	0

**Planning Staff:** Greg Brewton, Deputy Planning & Zoning Director  
Jim Koeth, Principal Planner  
James Cromar, Planner III  
Ella Parker, Planner II  
Anthony Fajardo, Planner II  
Michael Ciesielski, Planner II

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

**Court Reporting Service:** Sandra Goldberg/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 6:30 p.m., and proceeded to introduce the members of the Planning and Zoning Board, and all rose for the Pledge of Allegiance.

Greg Brewton, Deputy Planning and Zoning Director, proceeded to introduce staff that was present this evening.

1. Peter Sordjan/One Condos Jenni Morejon/James Cromar 74-R-05

**Request:\*\* Site Plan Level III/Waterway Use/**

**Yard Modifications/RMM-25  
8 Multi-Family Units**

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, north of Las Olas Boulevard

Chair Alan Gabriel announced that this item has been withdrawn.

**4. G.A. Markus/Croissant Park Townhomes Mike 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

**5. Azurite Corporation, Ltd./Yacht Haven Jenni Morejon 23-R-05**

**Request:\*\* Site Plan Level III/Conditional Use For Mixed-Use Development/B-2 329 Multi-Family Units with Flex Allocation**

Legal Description: Tract A, Yacht Haven Plat, according to the plat thereof, as recorded in P.B. 157, P. 17 of the Public Records of Broward County, Florida

Address: 2323 West State Road 84

General Location: North of State Road 84, West of Interstate 95

**6. Prestige Builders II, Inc./The Harbours Ella Parker 110-R-05**

**Request:\*\* Site Plan Level III/Waterway Use RMM-25/24 Multi-Family Units**

Legal Description: Lots 5, 6 and 7 of Nurmi Isles Island

Description: No. 4, according to the plat thereof as  
Recorded in P.B. 24, P. 43 of the Public  
Records of Broward County, Florida

Address: 21 through 49 Isle of Venice Drive

General Location: West side of Isle of Venice Drive,  
approximately 400 feet North of East  
Las Olas Boulevard

Chair Alan Gabriel announced that Items 4, 5, and 6 were requesting to be deferred until April 19, 2006.

**Motion** made by Ed Curtis and seconded by Steve Glassman to defer Item Nos. 4, 5 and 6 to April 19, 2006.

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

### **Approval of Minutes**

**Motion** made by Steve Glassman and seconded by Rochelle Golub to approve the minutes of the February 19, 2006 Planning and Zoning Board Meeting. Board unanimously approved.

Chair Alan Gabriel announced that the Board's next regularly scheduled meeting would be held on April 19, 2006.

## **2. 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

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

The Board made the following disclosures: Steve Glassman stated that he had spoken with Courtney Crush. Rochelle Golub stated that she had received a call from Ms. Crush. Ed Curtis stated that he had spoken with Marvin Sanders. Maria Freeman stated that she had spoken with Ms. Crush. Mary Fertig stated that she had been to the site,

and had also spoken with Ms. Crush and Jackie Scott. She also received copies of some letters and other materials. Chair Alan Gabriel stated that he had received a package of information, along with some photographs.

Judith Hunt entered the meeting at approximately 6:40 p.m.

Judith Hunt stated that she had received a package of materials, along with some photographs. Chair Alan Gabriel added that he had spoken with Ms. Crush and had also been to the site.

Catherine Maus entered the meeting at approximately 6:41 p.m.

Courtney Crush, attorney representing the property owner, proceeded to introduce the associates on this project who were also in attendance at tonight's meeting.

Ms. Crush explained that Las Olas Lofts would consist of 30 units located at the northwest corner of 15<sup>th</sup> Avenue and Las Olas Boulevard. She stated that the Louie Louie Restaurant was currently at the site, and until recently a Subway Restaurant. She explained further that this project had been presented to this Board at their November, 2005 meeting, and based on comments received both from this Board and the public, modifications and changes had been made to the site plan. Ms. Crush proceeded to show a photograph of the proposed site that was marked as Exhibit 1. Originally, this project was proposed at 110' in height and consisted of 28 residential dwelling units, along with ground floor retail. She further explained that 124 parking spaces had also been provided. Staff found the project to be in compliance and consistent with the City's land use plan, and minimum code requirements had been met with the exception of neighborhood compatibility and preservation. She stated that some of the comments made at the November meeting addressed the height of the building.

Ms. Crush proceeded to show the site plan that was marked as Exhibit 2. She stated that four significant changes had been made to this project. She stated that comments originally were in relation to mass, scale and traffic. She explained that the project was reduced from 110' to 77' in height, and was now broken into three building forms instead of consisting of one massive building. At the far west, there would be a two-story building that would function as an entryway for the garage, as well as a Jacuzzi on the top of the building. She continued stating that Building A was to the east which was a 7-story building, including 5100 sq. ft. of retail, 1800 sq. ft. of restaurant, and more than half of the proposed condominium units. Also to the east was Building B that would consist of the remaining 4340 sq. ft. of retail.

Ms. Crush continued stating that there had been a great deal of discussion regarding traffic and how Southeast 15<sup>th</sup> Avenue functioned. She stated that the perception, and for most individuals the reality, was that there was a back-up in traffic especially during rush hour. Previously, the garage exited onto the alleyway and then onto SE 15<sup>th</sup> Avenue, and now after review by the traffic consultants the project would be accessed off of Las Olas Boulevard. She further stated that the project consisted of a sophisticated design that put all 123 parking spaces under ground consisting of two levels.

Ms. Crush further stated that the building separation allowed them to achieve a unique feature which was to add a pedestrian arcade which would be about 26' wide allowing outdoor restaurant seating, benches, open air, and recessed balconies. She added that

there would be about 2300 sq. ft. of open space between the two proposed towers. She continued stating that this building met all the dimensional requirements of the B-1 zoning district. Density would be 33 units per acre and the maximum permitted was 50 units per acre. She explained that there was no maximum structure length since this was a mixed-use project, and Building A would be 108' east to west, and Building B would be 72' east to west. She explained that the floor area minimum required was 400 sq. ft., and the smallest unit being proposed would be 1,462 square feet. She stated that open space would consist of 14,896 sq. ft. that was very significant for the area. She added that landscaping would exceed the minimum requirement, and there was a requirement for 118 parking spaces, and they would provide 123 spaces. She stated that all setback requirements were met. She stated that this project was before this Board tonight because of the use being proposed.

Ms. Crush explained that there were four ULDR provisions that governed the review of this project. She stated that she had just reviewed the B-1 zoning dimensional requirements. Another requirement was the permitted use. A mixed-use development could be placed on a commercial property by going through the conditional use permitting process which requests that impacts be reviewed in relation to abutting properties in accordance with the neighborhood compatibility requirements. She further stated that the conditional use requirement also includes a traffic analysis. She stated that this project would generate a fewer than 1,000 peak hour trips per day, and provides a 57% reduction in traffic. She explained that circulation at the site had also been improved, and access points limited to an entryway to the garage off Las Olas.

Ms. Crush stated that the project also had to be consistent with the City's Comprehensive Plan. She explained that the proposed project would be a residential mixed-use project on commercial property. In November, staff had made a finding that the project then complied with the City's Comprehensive Plan, and residential uses were permitted. She added that this project would require an allocation of 28 residential dwelling units, and also met the criteria listed in Subsection 9B regarding retail uses.

Ms. Crush explained that they were also required to review off-site conditions that might reduce any impact of permitting the use of the structure. She stated that no impacts on or off-site have been identified, and the project was designed to not create any type of impact. She stated that there are mixed-use projects on the subject corridor that also had residential units. Further to the north were two residential zoning districts that would abut the subject site. She added that there would be no adverse impacts to the use that would affect the health, safety or welfare of adjacent properties.

Ms. Crush further stated that in order to put mixed-use projects on commercial property, they had to assure the availability of flex units. Staff stated in their November report there was an excess of 1,000 flex units that could be allocated to the site.

Ms. Crush stated that other requirements that had to be met were in regard to adequacy and neighborhood compatibility. She explained that the City's Code defined abutting as a property that shared a common border or property line. She stated that the subject property had one abutting neighbor to the west, and along the north, east and south were right-of-ways. She stated that they had also reviewed other properties in the area that did not abut the subject site.

Ms. Crush stated that there were several requirements in the City's code regarding neighborhood compatibility in Section 47-25.3. She stated there were adequacy requirements that were normally addressed in the platting stage, such as drainage, fire protection, environmental sensitive areas, and parks and open space requirements. Staff believed that all adequacy requirements had been met in this project. According to Code the following neighborhood compatibility requirements were to be met, such as noise, smoke, odor and emissions of particular matter and noise. Documentation was provided showing that no such impacts would affect the neighborhood. Design and performance standards addressed lighting and control of appearance. All equipment has been shielded and the loading area would be north of the site. She added that all setback requirements have been met, along with requirements regarding landscaping, parking, and dumpsters. She further stated that there was no predominant architectural style on Las Olas.

Ms. Crush further stated that staff ultimately concluded that the project did not meet the conditional use requirements, nor did it meet the neighborhood compatibility requirements with respect to mass, scale and length. She stated that to date there has been no adverse impacts identified as a result of mass, scale or length. Therefore, since there was a lack of direction from the City's Code, they reviewed all surrounding properties. She explained that in reviewing neighborhood compatibility, the Code asked for adverse impacts to be identified, and on or off-site improvements were to be incorporated into the site either on-site or off-site in order to mitigate. She added that no adverse impacts had been identified. She added that "neighborhood" was not defined in the City's Code, at least with respect to neighborhood compatibility.

Ms. Crush identified the surrounding properties in the neighborhood. She reiterated that the height of the project was comparable to what already existed in the area.

James McCulla entered the meeting at approximately 7:07 p.m. Mr. McCulla stated that he had received two e-mails regarding this matter. One was from Brian Shiffer and the other from Mr. Anthony Abate.

Jennifer Briley, architect, proceeded to show photographs of the original project, and the project being presented this evening. She explained that the proposed project now consisted of 7 stories and was narrower in width. She stated that they made an effort to be more compatible with the area, and reiterated the expansive area of open space that would be provided. She added that the materials for the building would consist of glass and stone and there would be no stucco on the façade.

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 site with the allocation of 30 residential flexibility units. She stated that tonight's agenda had stated 28 units, but the correct number was actually 30 units. The applicant had made revisions to the original proposal and as part of the changes; the applicant is now proposing 30 units. She said even though modifications and changes had been made to the project, it still did not meet neighborhood compatibility requirements in regard to height, mass, and scale in relation to the established character along Las Olas Boulevard, which is comprised of mostly individual lower scale one and two-story buildings.

Ms. Parker stated that as part of the conditional use review, the criteria for review are the impacts on abutting properties as evaluated under the neighborhood compatibility requirements. The Code states that all developments subject to neighborhood compatibility must be compatible with and preserve the character and integrity of adjacent neighborhoods, and should mitigate such impacts as traffic, noise, shadow, scale, and visual nuisances. The development pattern along Las Olas offers a unique experience and has proven to be a successful and sustainable lower scale urban environment. She proceeded to show photographs of Las Olas Boulevard going east and west that were marked as Exhibit A. She explained that the individual low-rise shops, restaurants, sidewalk cafes and offices along Las Olas have small variations in height and collectively create an interesting and cohesive pedestrian environment, unique to this area.

Ms. Parker proceeded to show Exhibit B, which portrayed the applicant's proposal. She explained that the more massive buildings proposed by the applicant are not consistent with the existing building pattern along Las Olas, and would change its character. She stated that the two buildings appear as one continuous mass, and are an abrupt change from the adjacent buildings. In addition the project was not compatible with the surrounding neighborhoods, and does not promote a gradual transition from neighboring properties. She further explained that the properties to the rear of the subject site were zoned RM-15 and RC-15 and that both of these districts limit buildings to a height of 35', with a maximum density of 15 units per net acre and include buildings of a lower mass and scale. She then proceeded to show photographs of the rear of the property looking east and west that were marked as Exhibit C and added that the proposed development has a density of 33 units per gross acre and 52 units per net acre.

Ms. Parker announced that staff had received approximately 40 letters opposing the proposed project, and 2 letters in support.

Mary Fertig stated that retail for the project had been increased at about 1,000 square feet. Ms. Crush confirmed. Ms. Fertig asked what was the specialty retail that would be located in this project. Ms. Crush stated that they did not know as of this time, but it was not intended to be a restaurant. She added that if the site was permitted for retail, then a restaurant would not be permitted unless the proposal was brought again before this Board due to parking requirements.

Ms. Fertig asked for further clarification regarding the total trips projected for the proposed project, along with the additional trips in connection with the retail and restaurant uses.

Molly Hughes, Traffic Consultant, explained that the type of retail was characterized differently. She explained that fast food and lower-priced restaurants attracted more individuals in a 60-minute period, and quality restaurants on the other hand tended to seat people on an hourly basis. During peak hours, they would normally pick up either an inbound trip or an outbound trip, but not two trips. Yet in regard to fast food, one could possibly pick up 3 different uses.

Ms. Fertig stated that in November there appeared to be more open space on the east side of the project. Ms. Briley explained that there was more open space at that time on the east, but that had been distributed throughout the site, including the widening of the pedestrian plaza.

Steve Glassman asked about the shadow study because he was concerned about the shadows that would occur during the winter months on the properties to the north.

Maria Freeman asked how ingress and egress was being addressed. Ms. Crush explained that originally there had been an exit to the alleyway located at the northern end of the property, but the present proposal had the garage existing directly onto Las Olas. Maria Freeman asked what was staff's position in that regard.

Tim Welch, Engineering, stated that the City believed the exit onto Las Olas would be more functionable.

Rochelle Golub asked where the loading dock would be located for servicing the retail and restaurant uses.

Ms. Briley stated that the loading would occur in the alley to the north, and trash removal and servicing would occur off the alleyway also. She proceeded to point out the loading area on the map.

Chair Alan Gabriel proceeded to open the public hearing.

Jacquelyn Scott, 1626 SE 1<sup>st</sup> St, stated that she had been active in the Colee Hammock neighborhood since 1984. She stated that it was absurd, in her opinion, for any developer to appear before this Board or the neighborhood thinking that this project would be feasible in a neighborhood that already was "bombarded" with traffic problems. She stated there were master plans and many studies done on the area, but nothing had been implemented. She stated that she had been part of the group regarding the zoning rewrite, and many workshops were held regarding the vision for this area. She continued stating that community business appeared logical, but the business owners did not agree. When the Burt-Harris Act arose, the City did not attempt to rezone or downzone that area. She thought they would be protected since they did not have the footprint, and therefore, keep the height under control. She further stated that a clear message had to be sent to the community who had property rights also besides the developers, but there needed to be a meeting of the minds. She urged the City Commission to implement the plan that had been voted on and approved previously.

Maggie Naylor, 13<sup>th</sup> Avenue and 2<sup>nd</sup> Court, stated that she was thrilled to see what had occurred over the last 10 years to the Las Olas neighborhood. She stated that this has become a City where one could live, work and play. She stated these types of projects should be encouraged in the area and progress was a wonderful thing.

Scott Belding stated that his property abutted the proposed project and he and his partner were in favor of it. He reiterated that responsible development was needed, and he believed the applicant had attempted to address all the issues raised regarding the project. He proceeded to submit a letter from various neighbors in support of the project.

Peter Langone stated that he lived in Colee Hammock, and he felt the new building was beautiful and would only enhance the neighborhood. He reiterated that progress was important for the City, and he was in support of the proposed project.



Veronica DePadro stated that she resided in Colee Hammock, and she felt it was a tragedy that Ms. Crush did not know what neighborhood compatibility was since they had met in May of last year with the owner and stated what their vision was for the neighborhood. She explained they wanted the area to be pedestrian friendly and did not want trees in the middle of the sidewalk.

James McCulla asked if Ms. DePadro's objections to the project were in relation to the sidewalks and landscaping only. Ms. DePadro reiterated that she felt the project was not neighborhood compatible, and they were opposed to the height of the project. Mr. McCulla asked if the neighborhood had an opinion as to what would be a compatible height for commercial development along Las Olas Boulevard. Ms. DePadro stated that in their neighborhood, which was 12<sup>th</sup> Avenue to 17<sup>th</sup> Avenue, they felt 50' should be the maximum height permitted. She further stated that a seven-story building would cast shadows on surrounding buildings.

Molly Taylor, 1620 SW 2<sup>nd</sup> Street, stated that she was on the Board of their Homeowners Association, and they had taken a vote and decided that 50' would be a compatible height for the neighborhood. She added that sidewalks should be a minimum of 7' and landscaping should be on the developer's property and not just on City property. She stated that the scale of the drawings have always been skewed to show that the project did not appear to be as large as it is. She felt that since the building had a large glass wall that there would be light spillage occurring south. She asked about ventilation for the garage since it was going to be underground.

Ms. Fertig asked if their group had addressed the width of the building. Ms. Taylor stated that they had requested that the building not be longer than 200'.

Gerry Jordan, 1109 SE 4<sup>th</sup> Street, stated that the 888 Building was the first large structure in the area. He added that tall buildings were constructed prior to the determination that was made regarding density for the area. He stated that the parking survey that had been done was flawed. He reiterated that they had been fighting the construction of tall buildings in their area for many years. He believed the proposed building was too tall for the neighborhood and not compatible with the existing structures. He added that the proposed building appeared to be very modern, and the existing structures in the area were more Spanish, Old Florida, and Mediterranean. He reiterated that parking has always been a problem in the area, and workers parked along the residential streets that hampered trash removal.

Debbie Queenin, 1620 SE 2<sup>nd</sup> Court, stated that she opposed this project and wanted to stress the impacts that traffic would have on the area. She stated that this project would increase and divert traffic onto 16<sup>th</sup> Avenue.

John Ciullo stated that he lived in Victoria Park and was in support of the proposed project and believed that it would enhance the neighborhood. He reiterated that progress was what Fort Lauderdale was all about.

Deborah Houston, 410 S. E. 16<sup>th</sup> Avenue, stated that she was in support of this project and felt it was architecturally beautiful.

Russell Adler, 2425 Del Mar Place in Seven Isles, stated that he was in support of the project, and everyone needed to look at Las Olas Boulevard as a whole. He felt this was

an important traffic point since it was the entryway to the Isles. He believed that a mixed-use was a very good idea.

Ms. Fertig asked what was Mr. Adler's definition of the Downtown area. Mr. Adler stated that he worked in the Bank of America tower and lived in the Isles. He reiterated that it needed to be looked at as a whole, and he understood the concerns of the Colee Hammock residents, but this was the heart of Fort Lauderdale. He did not feel the structure was incompatible and not too tall for the area. Ms. Fertig asked if Mr. Adler felt it would be appropriate to build to this height along the entire length of Las Olas Boulevard. Mr. Adler replied that he did not think that would be appropriate.

Steve Glassman asked if Mr. Adler would object if this building was located near the entrance to the Isles. Mr. Adler stated that he would because that area was one consistent area, but on reaching 15<sup>th</sup> Avenue, residential and commercial uses were mixed.

Molly Potter Thayer, 420 Isle of Capri, stated that voters were catalyzed by Charlotte Rodstrom's platform of slow growth policy for the Downtown area and in Fort Lauderdale in general, and that was probably the reason she beat Jon Albee since he had the platform whereby everyone should embrace development because it was inevitable. She felt the voters were at the point where they wanted to say "enough," and let's examine the existing infrastructure in comparison to the growth in the area. She believed it was now time for this City to adopt a vision. She stated Miami had a "hodge podge" of structures, but Boca Raton had enforced strict rules and regulations. She reiterated that she was opposed to this project.

Ed Curtis asked if Ms. Thayer considered this site to be part of her neighborhood. Ms. Thayer confirmed and said it was within walking distance.

Pat Ribera, 1315 SE 2<sup>nd</sup> Street, stated that she was a member of the Homeowners Association and was a current Board Member. She stated that her objections to this project remain the same as stated at a previous meeting. She stated that she gave credit to the developer in their addressing the traffic issue and moving it to Las Olas. She remarked that traffic was a serious issue for the neighborhood. She stated that 8 years ago they were told that a median would be placed on Las Olas, but that had never occurred. Supposedly, the City is still contemplating that as a traffic calming device. She stated that they appear to be reviewing this project on an individual basis. She reiterated that she was opposed to this project.

Mike Ribera, 1315 SE 2<sup>nd</sup> Street, stated that the proposed building does not resemble anything existing in the neighborhood. He reiterated that drainage is a problem in the area also. He stated that he was opposed to this project.

Steven Chapman, NE 51<sup>st</sup> Street, stated that he was a continual visitor to Las Olas Boulevard. It appeared the developer jumped through hoops to address concerns that had been raised by staff and the citizens of the City. He believed it was a beautiful building and would be an enhancement to the neighborhood. He stated that he was in favor of this project, and did not feel there would be any adverse impacts to pedestrian traffic.

Tom Welch, Colee Hammock resident, stated that he wanted to applaud the applicant for the design of this project, along with their commitment, compromises, and energy towards this project. He stated that the principle objections appear to remain the same which was scale, mass, height, traffic, and parking. He asked if the applicant could address visitor parking for the building.

Ann Shumpert, 1620 S.E. 4<sup>th</sup> Street, stated that Las Olas was unique, but Colee Hammock was also a unique residential neighborhood, and they want the feeling to transfer into the Las Olas area because it was the entrance to their neighborhood. She reiterated that the area could not handle any additional traffic. She stated the neighborhood is striving to set parameters for construction, and they preferred buildings of 50' in height or less. She urged this Board to vote against the proposed project.

Marvin Sanders, resident of Colee Hammock, stated that he wanted to present some historical perspectives. He continued stating that the #1 issue is neighborhood compatibility, and the concept was created during the zoning rewrite, which had replaced many of the controlled zoning districts. Due to the Burt Harris Act, it was decided to have all commercial districts at 50' in height, and determinations would be made by this Board and staff in connection with the proposed projects being presented. He believed that staff had done an excellent job in substantiating neighborhood compatibility. He stated that the other issue was the comparison of this neighborhood to the central business district and the Beach that was beyond comprehension. He explained that this area has been a separate neighborhood with separate issues and consisted of low-scale buildings.

Mr. Sanders further stated that based on the drawings approved for Himmarshee Landing, the 4-story portion was to be the last of the larger buildings west of the Himmarshee Canal and that had been set at 57', and a five-story building to the east which would be at 70'. He reiterated that one could not compare the beach and the Downtown to this neighborhood that was predominantly residential. He stated that other issues more specific to the plan itself were that there would be 3 levels of underground parking which would require ventilation fans with great velocity and noise, in addition to pumps that would be needed since this was at a low water table.

Mr. Sanders also stated that the traffic study was seriously flawed because there were 22 existing parking spaces at the site currently, and the applicant was proposing 123 parking spaces. Therefore, there would be five times the number of cars coming to the subject site. He stated that 200' was a reasonable number for the length of the building, along with the 50' in height requirement. He further stated that the architectural character was a matter of opinion, and he did not feel that it reflected the older character of the structures in the area. He stated that loading was another problem, and requested staff require a truck turning analysis to be done. He reiterated that a lot more work needed to be done in order to make this project viable.

Ed Curtis asked what were the boundaries of the Colee Hammock neighborhood. Mr. Sanders explained that the neighborhood ran from the Rio Navarro Canal west of 12<sup>th</sup> to the Himmarshee Canal, including a cul-de-sac west of Himmarshee Landing. He explained this was the boundary of the Colee Hammock Neighborhood Association. He added that the Colee Hammock plat that had been created by Ms. Brickell ran from Federal Highway to Broward Boulevard to the River to the Rio Navarro Canal. Mr. Curtis stated if they were to address neighborhood compatibility should they also consider the

neighborhood further to the west as well. Mr. Sanders stated that they were referring to their specific area between the two canals. Mr. Curtis further asked what should be considered in relation to the concept of neighborhood compatibility. Mr. Sanders stated that it was a matter of degrees, and there were significant geographical boundaries for the neighborhood. He stated that as one got closer to the redevelopment and development sites, the neighborhood compatibility level of review should be increased by virtue of the adjacent properties. Mr. Curtis asked if the Cheesecake Factory and properties to the west, along with the high-rises in the Downtown area, be considered in relation to neighborhood compatibility. Mr. Sanders stated that he did not think they should be considered. Mr. Curtis stated that he was torn as to what the neighborhood consisted of.

Steve Glassman asked about the actual boundaries of the neighborhood. Mr. Sanders stated that Colee Hammock's boundaries ran from Broward Boulevard to the River, and from the Rio Navarro Canal to the Himmarshee Canal. He reiterated that was the official boundary of the area that had been in place for over 25 years.

Mr. Sanders proceeded to submit a report of the Las Olas transportation plan that had not been implemented due to a lack of funds. Sharon Miller, Assistant City Attorney, stated that such report would be marked as an exhibit.

Bernard McCormick, 111 SE 17<sup>th</sup> Avenue, stated that he was against this project and did not understand why developers wanted to destroy the quality of a neighborhood.

Carl Carmen, developer of this site, stated that he lived in Broward County for 34 years, and in this city for about 25 years. He stated that he lived in Seven Isles, and there was already a building that existed across from Seven Isles that consisted of six stories. He proceeded to list various buildings located around the area. He stated that property values in Seven Isles have not decreased due to the existence of such buildings, and had increased in value. He continued stating that they had been working on this building for about two years, and during that time he had met with the City and the Colee Hammock Homeowners Association, including the general members and the Board of Directors. He stated that normally 25-28 people have attended those meetings, but yet there were about 400 homes in the neighborhood. He explained that about 10-12 individuals were generating opposition to this project. He reiterated that he was not attempting to destroy a neighborhood, and fear, along with misinformation, was generating the opposition.

Mr. Carmen stated that traffic problems existed in the area for a long time, along with drainage issues and parking, and were not being caused by this building. He explained that there would be sufficient parking at the proposed site for all commercial uses. He reiterated that there was only to be one restaurant at the site. He stated that they had listened to the concerns of the residents and issues had been addressed and changes made. He remarked that he had never heard from Ms. Scott until this evening even though she supposedly opposed this project, and therefore, he did not think she was aware of the attempts by him to modify the project. He reiterated that delivery vehicles would access from the alley and that area would be cleaned-up by this project.

Steve Glassman asked again about the shadow study. Ms. Crush explained that such study had been submitted with the original project and proceeded to show diagrams to the Board. She stated that this study was not required by staff as part of the second

submittal since the project had been reduced in height. Mr. Carmen reiterated that the shadows would be reduced since the building was now lower in height.

Rochelle Golub asked for further clarification regarding landscaping. Ms. Parker explained that the landscaping met the percentage requirements and went beyond, and the landscaping would not interfere with the right-of-way.

Mr. Carmen further stated that that he wanted to read a letter from Mr. Tony Abate supporting the project. Chair Alan Gabriel remarked that the Board had received copies of that letter and it was considered part of the record.

Ms. Crush clarified that the record was comprised of the application as filed, DRC comments, and staff reports. Ms. Miller explained that everything contained in the planning file would be part of the record.

Ms. Crush further stated that concerns have been raised about existing problems in the neighborhood, and this project would not make those conditions go away 100%. She stated that they are improving the situation regarding traffic. She reiterated that the neighborhood did want this type of project, but this building was permitted by Code which granted certain rights and boundaries for the project. She explained that zoning districts had been created to regulate height and bulk of structures. She stated that this was a district that was intended as a corridor and this law was in effect today, including a bundle of entitlements. She explained again that under the Code a conditional use had to apply neighborhood compatibility to an abutting property. As a responsible developer, they had discussed areas this evening, and they feel this project was suitable.

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 proceeded to commend the developer in his efforts to rework the project, and complimented the architect on the design of the building, but he believed that the problem was the location of the building. He did not think that the traffic corridor should be further impacted. He stated that he was also concerned about the ingress and egress onto Las Olas. He stated that the Riverside Hotel should not be used as an example of compatibility. He stated that it was important to respect the neighborhood's feelings, and many letters had been received against the project. He reiterated that the building was too high for the area, and the mass too great. He did not feel that the separation between the buildings could be counted because the underground garage was continuous providing the actual length of the building. He did not think the building met the criteria for neighborhood compatibility.

James McCulla stated that the building was pleasantly designed. He stated further that the neighborhood encompassing Las Olas Boulevard had not been represented which consisted of retailers, restaurants, and offices, but the neighborhood of Colee Hammock had been represented. Therefore, to suggest that a 7-story building would not be compatible with a commercial building immediately to the east was taking one side of the coin. He reiterated that he was sympathetic to the traffic and infrastructure issues raised regarding Colee Hammock, however, there was no Las Olas Boulevard answer to those problems. The answer was to address ingress, egress, circulation, and parking restrictions within their neighborhood, but not to stretch them to Las Olas Boulevard because there was a zoning line making Las Olas commercial. He stated that in dealing

with a building in a transitional zone, a building of this height could be considered transitional. He encouraged the neighborhood to press staff and elected officials to implement or refine and address infrastructure issues for their area because trying to halt development along Las Olas was not a battle that could be won in the long term.

Ed Curtis stated that he was torn by the concept of neighborhood and he did not feel it was restricted only to Colee Hammock. He felt the policymakers established that by the zoning which was adopted. He further stated that compatibility was a problem because it does not just mean that someone doesn't like what was being proposed. He stated that a vision had to be set. He stated further that Las Olas was not intended to be compatible with residential districts since it had been zoned business.

Mary Fertig stated that the issue of neighborhood had been clearly defined by the associations and should not be confused with the Downtown. She reiterated that Colee Hammock was bounded on 3 sides by water and was a unique community. She further stated that traffic was a significant problem in that area for everyone, and no discussion had been held how to mitigate the problem.

James McCulla stated that the question was not whether Colee Hammock was a neighborhood because it was, but the question was whether Colee Hammock was "the" neighborhood and he did not think that was clear.

**Motion** made by James McCulla and seconded by Maria Freeman to approve the application per staff's recommendations and conditions.

Rochelle Golub urged this Board not to consider whether this project was compatible with the Colee Hammock area, but to determine whether it was compatible with this portion of Las Olas, and whether or not the flex units should be granted in a conditional use for this building at this site. She agreed that the building was beautiful, but it was still too big for the site even though it had been reduced in size and mass.

Roll call showed: YEAS: Judith Hunt, James McCulla, Maria Freeman, Ed Curtis, and Alan Gabriel. NAYS: Mary Fertig, Rochelle Golub, Steve Glassman, and Catherine Maus. Motion carried 5-4.

Chair Alan Gabriel stated that the applicant had made a lot of great enhancements to the property, and addressed comments raised.

**MEETING RECESSED  
MEETING RECONVENED**

**3.      A1A Condominiums North Parcel                      James Cromar                      2-ZPUD-05**

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

Legal                      Lots 90, 91 and 92, Block 1, Lauderdale  
Description:              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 announced that this was a quasi-judicial and Local Planning Agency matter.

Chair Alan Gabriel announced that various items being brought before the Board were considered quasi-judicial, and some were brought before the Board to review in their capacity as the Local Planning Agency.

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, Assistant City Attorney, explained that quasi-judicial matters were treated similar to a Court hearing. Individuals were sworn in and could be cross-examined. All evidence presented would be part of the record, along with the case file from the planners and City staff. She further stated that such information would be used as the basis for the Planning and Zoning Board to decide whether the application met the criteria according to the ULDR.

Sharon Miller continued stating that the State of Florida Legislature stated that every City was to have a body that would review certain applications to make sure they complied with the City's Land Use Plan, the Comprehensive Plan 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.

The Board made the following disclosures in connection with this matter: James McCulla stated that he had spoken with Robert Lochrie. Catherine Maus stated that she had spoken to Robert Lochrie. Mary Fertig stated that she had also spoken with Robert Lochrie and had been to the site. Steve Glassman stated that he had been to the site and had spoken with Robert Lochrie. Rochelle Golub stated that she had been to the site. Maria Freeman stated that she had spoken with Robert Lochrie. Alan Gabriel stated that he had been to the site and had also spoken with Robert Lochrie.

Robert Lochrie, attorney, stated that this was a family-owned company and they were also working on another project in the area known as The Fountains. He continued stating that tonight he was also joined by Vernon Pierce and Mario Rumiano, the architects on the project, along with Kevin Hart, Civil Engineer, and Tracy Sweetapple, Traffic Engineer.

Mr. Lochrie explained that this was a request for a PUD rezoning and site plan approval for a portion of property generally in the Bridgeside Square area that was located south of Oakland Park Boulevard, and east of Fort Lauderdale Beach Boulevard. He stated that this location was just south of NE 30<sup>th</sup> Street and east of NE 33<sup>rd</sup> Avenue. He proceeded to show an aerial of the site.

Mr. Lochrie explained that there were two City-recognized civic associations directly surrounding the subject property. The first was to the east that was the Lauderdale Beach Homeowners Association, and on A1A south and to the west of the proposed project was the Dolphin Isles Homeowners Association. He stated this area was also being defined as the newly reformed North Beach Alliance Area. He further stated that the site was also north of the Vantage View Condominiums, south of Berkeley South Condominiums, and to the east of what was formerly known as Bridgeside Square, that was now known as the Tides Condominiums.

Mr. Lochrie further stated that the site was unique in that it was on the cusp of two different land use categories and zoning categories. The area to the south was zoned RMH-60 which was the City's most intense residential zoning category consisting of high-rise residential. He explained that to the north was CB zoning that was Community Business, to the east of the site was RMM-25 consisting of mid-rise residential serving as a buffer between the community business, RMH-60, and the single-family area at the beach. He continued stating that this site had been commonly referred to as the Black Orchid site because of the restaurant, and formerly the Shuck 'n Dive. He proceeded to show various views from the site. He stated that the proposed site had a split zoning of RMH-60 on the south consisting of about one-half acre, and the remaining property was zoned CB consisting of about 1.8 acres.

Mr. Lochrie continued stating that as a result of the split of land use and zoning, they are left with a zoning pattern that makes redevelopment of the site very difficult. Not only would it make for a very impractical building, but the results would not be what was being presented this evening. He explained that the CB zoning district had a setback on the streets of 5' for the first 9' and then down to 0'. In order to develop this site, a building would have to be pushed hard onto the street. In looking at this site from an overall perspective, they reviewed what would make more sense and what considerations had to be given. The first thing involved underlying density and they did not want to increase the number of units, nor were they requesting additional density for the RMH-60. He explained they want to develop this as one site with one continuous pattern. They did not want to be taller than existing buildings. The Code requires a maximum height in the CB District of 120', and the maximum height for the RMH-60 District was 120', but could go as high as 240' with City Commission approval. He explained they were requesting a new zoning cap on this property of 94'. He explained that the residential portion of the building would be set back from the streets so it would exceed the half-the-height setback of the building normally followed in the RMH-60 zoning districts, but not required in the CB District.

Mr. Lochrie proceeded to show various diagrams and a model of the proposed project. He explained that they wanted to design a project where the higher portions of the project would front on the streets. He explained further that facing A1A, the building would set back approximately 50'. At the rear of the building they would set back 74', and the vertical portion of the building would sit back 50' from the street. This would provide for a far superior building than if they were just meeting the intent of the CB



zoning district. He added that this would also provide better views for the residents of this project.

Mr. Lochrie stated that the project would be comprised of 57 residential units, and the overall density was 25 units per gross acre on the front, and 48 on the back. The overall density of the site was about 40 units per acre. He explained that there would also be a number of townhouse style units on the site. The building would be nine stories tall with seven of those stories being residential units. Along A1A, they have incorporated a bus detail stop, a reflecting pond, and a public plaza.

Mr. Lochrie thanked the City for letting this matter be deferred because there appeared to be significant opposition to the project in January. Modifications were made and meetings held with the homeowners associations in order to produce a better project. He stated they removed a chunk out of the middle of the building that shortened its length, while lowering the height of the building approximately 10'. He proceeded to show a model of the design of the building. He stated the building was of a contemporary design comprised of glass, steel, stucco, and had a stone façade. He explained that they also attempted to preserve the views for residents in the surrounding buildings.

Mr. Lochrie further stated that they attempted to enhance the plaza feature and beautify the bus stop at the site. He reiterated that the rezoning was actually a down-zoning and was the only solution for the development due to the split zoning. He added that traffic would be significantly reduced with having 57 units.

James Cromar, Planning and Zoning, stated that this was a Site Plan Level IV project and would also proceed to the City Commission for their approval. The request was for a rezoning along with 57 residential units and 32 of those being flex units. He explained that the ULDR sections requiring response from the applicant were 47-37 regarding Planned Unit Development, and Section 47-24.4 regarding Rezoning, along with Adequacy Requirements in Section 47-25.2 and Neighborhood Compatibility in Section 47-25.3. He explained that in staff's report, the setbacks had been listed that would have been required under the existing zoning. Staff's report also discussed density and its allocation. He advised that 208 letters had been received in opposition to the project and 4 were in favor. He further stated that if this project was approved, staff requested the condition that the applicant enter into an agreement with the School Board addressing the number of students that would be generated by this project.

Rochelle Golub asked if those letters were in response to the final configuration after all the meetings. James Cromar explained that they had received over 200 letters after the first configuration. After the reconfiguration, they had received four letters in favor and four in opposition.

Chair Alan Gabriel proceeded to open the public hearing.

Martin Torpey stated that he resided at The Tides, and felt the developer had made great effort in speaking with the surrounding residents so the project would be more compatibility with the area. He advised that he was in favor of the project.

Joe Mannix, resident of Berkeley South, stated that he was opposed to the rezoning because there was nothing wrong with the current zoning for the properties, and he did not feel there was any justifiable reason to approve this request. He continued stating

that the properties had originally be zoned as RMH-60, and one property was later rezoned to CB in order to accommodate a developer who wanted to construct a retail establishment. He stated that a rezoning would permit higher density in the area. He stated that the intent and purpose of a PUD was to allow development and planning initiatives that would achieve unique and innovative development not normally permitted under traditional zoning. He further stated that the PUD conditions were not being met in spirit or in fact by this project. He added that the project did not include affordable housing. He further stated that he was opposed to the size and bulk of the project. There was too much development on the Barrier Island and less open space.

Robert Sears, President of the Berkeley South Homeowners Association, stated that their condominiums had not taken an official position regarding this project. He believed the decision for or against the project was a personal one based on one's intelligence, knowledge and contact with reality. He further stated that the Board had a "knee jerk" reaction to the project when it was first presented and had sent a letter opposing the project. He explained that after further meetings with the developers, six or seven residents who had signed the original letter had changed their minds. He proceeded to read as follows:

"We, the undersigned members, as individuals of the Berkeley South Condominium Board of Directors, after being presented with the revised plans for the proposed building and townhouses at NE 30<sup>th</sup> Street and A1A, do hereby rescind our previous objection to the project, and now fully support it. The construction team has taken into consideration the concerns and suggestions of our community and done their best to cooperate and address those concerns and suggestions."

Mr. Sears stated that their neighborhood consisted of a large Hess Gas Station and express market, a public City garage, numerous bars and restaurants, along with three large condominium developments. He reiterated that this project could be an improvement over what other developments could occur at the site. He believed the project was beautifully designed and innovative, and would be an asset to the neighborhood.

Sharon Balkin, member of the Vantage View Board of Directors, reiterated that the developer had met with their association on various occasions and addressed everyone's concerns. She stated that the project was innovative and elegant and would be an asset to the community.

Jay Koenigsberg stated that he owned a business to the north of the site, and he believed that the applicant had taken a great approach to meet the desires and concerns of the neighborhood.

Paul Meltzer, resident of the Tides, stated that he opposed this project. He believed the area was already too congested, traffic would increase, and the project did not meet compatibility requirements or capture the feel of the beach side of A1A. He stated that their condominium group had submitted about 80-90 letters opposing the project when it was first presented. To his knowledge, none of those letters had been rescinded due to the reconfiguration. He further stated that many realtors lived in the area and wanted to take advantage of the opportunities that would be provided by this project. He also stated that the view from the pool side at the Tides did not appear correct.

James McCulla asked how many stories above ground was the pool area at The Tides. Mr. Meltzer replied that it was 5-6 floors above the ground, and their building consisted of nine stories. Presently, from the pool area there was an unobstructed view of the ocean.

Ronald Guzas, resident of The Tides, stated that they appreciated the concessions made by the developer, but it was the question of compatibility with the area and not other buildings that existed in the neighborhood. He stated that he chose Bridgeside Square because of its unique features. He asked if Fort Lauderdale should become all high-rise condominiums.

Barry Levinson, resident of The Tides and a realtor, stated that his initial reaction was to oppose this project, but after seeing the concessions made by the developer he changed his opinion. He further stated that he was tired of looking at an unpolished entrance to their neighborhood at the corner of A1A and 30<sup>th</sup> Street. He felt that new projects would enhance the properties in the neighborhood. He further stated that it was vital to create a more upward momentum in the market. He added that the project would provide additional revenue to the City.

Richard Schuster, Berkeley South resident, stated that development has become out-of-hand in the area. He added that the project was too large for the subject site. He believed there would be more congestion in the area.

Eugene Potter, Berkeley South resident, stated that he appreciated the concessions made by the developer, but the project was not compatible with the neighborhood. He stated that he was concerned about the rezoning that was being proposed, and how it might cause a ripple effect throughout other vacant properties in the City. He added that the letter that was submitted to this Board appeared to be coming from the Board and not from individuals. He added that he did not agree with that letter.

Gillian Denamy, resident of Berkeley South, stated that she was opposed to the project because it was too large for the site and the surrounding area. She urged the Board not to approve the project.

Tim Donnelly, 3015 North Ocean Boulevard, stated that he was opposed to both aspects of this item. He felt the North Beach area was becoming very dense, and the proposed building was too large for the proposed site. If this site should be designated for residential use, then the land use and zoning should revert back to RMH-60. He stated that PUD zoning was becoming very frequent. The purpose of such zoning was to provide locations where development could incorporate planning initiatives achieving unique or innovative development not permitted under traditional zoning. He urged the Board not to approve this project, and to suspend future PUD projects until the criteria for such zoning districts was better defined.

Jim Ellis, President of Fort Lauderdale Beach Homeowners Association, stated that their neighborhood consisted of single-family homes and was located to the east of the proposed project. He explained that he was acting as a messenger of the association because since he was involved in development in the City, he did not vote on any projects that came before the Board. He announced that their Board was in favor of this

project. He further stated that this project would have less impact on the area than a commercial use.

Thomas Carr, 2411 NE 32<sup>nd</sup> Avenue, stated that he was President of Dolphin Isles Homeowners Association. He explained their neighborhood was located to the south and west of the proposed project. He stated that the developers had presented the project to their Association and no one opposed the project.

Joe Holland, past President of the Dolphin Isles Homeowners Association, stated that the North Beach Alliance was in the process of merging with the Central Beach Alliance. He stated that they worked closely with the property owners and feel that this project would have less of an impact on the area. He stated that the building was beautifully designed. He reiterated that he was in favor of the project.

John Cherry stated that he resided across A1A from the subject property and was concerned about the density, mass and traffic in the area. He added that his property was a duplex. He felt if the height could be reduced, there would be less of a shadow on his property. He stated that he was opposed to this project.

James McCulla asked Mr. Cherry if the building adjacent to his did not already cast a shadow on the property. Mr. Cherry advised that there was a separation between the buildings.

Ann Goldberg, resident of The Tides, stated that she was concerned about the loss of the view with the construction of this project, but she did believe the project would enhance the entrance to the area.

Maria Freeman asked for further clarification regarding the entrance to the townhouses. Robert Lochrie explained that there were no automobile entrances for the townhouses off of the roadway. Access would be gained through the garage off 33<sup>rd</sup> Avenue and there would be parking spaces located across from the individual units. He explained that the curb cuts along A1A would be removed. He reiterated that this project would have less impact on the area than the use that existed today. Maria Freeman clarified that the project would only consist of residential units. Mr. Lochrie confirmed and stated that if the PUD was approved, the zoning would be for only 57 units and all commercial uses would be stripped from the project. He stated that the underlying land use for this site under the Broward County Land Use Plan approved commercial for the front half and residential in the rear. He proceeded to show the shadow study that had been prepared.

James McCulla asked what might be considered a creative use for a PUD. He stated that it appeared to deal with urban uses. Mr. Lochrie stated that the Code required that a PUD had to be on a bus line which this project was. He continued stating that he did not find anything in the PUD ordinance that spoke specifically to being in a Downtown area. He stated that possibly it would be appropriate to have a PUD in the Sailboat Bend District. He believed the proposed site was more appropriate for a PUD. He stated that through the flexibility of the PUD, the applicant was able to create an innovative design for this building.

Steve Glassman clarified that there was a 12 foot setback between the subject property and Vantage View. Mr. Lochrie stated that it was his understanding there was 15 feet to

the parking structure, and then 20 feet to the tower. Steve Glassman asked if the Vantage View was in support of the project. Mr. Lochrie stated that Vantage View had a meeting in July and a Board vote had been taken. He explained that their original concern had been in regard to the setback, and therefore, they moved the building back, and also moved the building on the west from 30 feet to 70 feet.

Steve Glassman asked if the building could be moved further north and the townhouses eliminated. Mr. Lochrie stated that it appeared to make more sense to have the building at the present location that provided the best view for The Tides and protected the views from Vantage View. He explained that the townhouses did not affect anyone except for the entrances and the individuals on the street. Steve Glassman added that the landscaping was stark and lacking around the building, and he asked if the applicant could add to it. He further stated that the City had recently moved forward with the 33<sup>rd</sup> Avenue streetscape improvement program, and it was his understanding that there could be an assessment of \$1500 per owner along 33<sup>rd</sup> Avenue from Oakland Park Boulevard to NE 20<sup>th</sup> Street. He asked if the applicant was making any contribution to help lower the price for the homeowners along 33<sup>rd</sup> Avenue. Mr. Lochrie stated the applicant would agree to contribute to that fund. He further stated that many improvements had been made in Bridgeside Square that did not go out to A1A, and they had agreed to make streetscape improvements on their side of the street, and also in the right-of-way across the street.

Steve Glassman further stated that this applicant was a model as to how the process should occur along the Beach. He felt the consideration given by the applicant to the concerns raised by area residents helped to make this a better project.

Ed Curtis asked what was the innovative design in this project. Mr. Lochrie stated that the building was creatively designed. Ed Curtis asked if that met the requirements of the Code. Mr. Lochrie confirmed and stated that the PUD ordinance had the intent to create a more innovative design that could not occur under existing zoning. Ed Curtis asked if the change in zoning made the design more innovative. Mr. Lochrie stated that they were able to produce a superior design, while they met the technical requirements of the PUD by integrating a pedestrian element, and they had to be located on a bus stop that they proceeded to enhance.

Chair Alan Gabriel asked if the intent of the PUD was in regard to an innovative design for a building or a project.

Greg Brewton stated that both were considered, but the PUD was not a way to get around a Code requirement.

Chair Alan Gabriel asked for some further clarification regarding the comments made in connection with the rezoning. Mr. Lochrie stated that the underlying land use for the CB portion of the building was for commercial use, and the underlying land use for the portion zoned RMH-60 was residential-high. Therefore, they could not rezone the residential portion to CB because it would be inconsistent with the land use unless they applied commercial flex, but then they would not be able to add residential flex on top of it. There would then be a problem with the City's land use plan. He explained that they could not apply residential flex to the CB portion and rezone it to RMH-60 because that would also be a violation of the land use plan. He stated they did not increase the density with this project.

Mr. Lochrie added there were four letters of support from residents at Berkeley South, an e-mail from a resident along with a letter from Vantage View which had not been distributed, but supported the project. He reiterated that the PUD zoning had been used in the City previously, and had not been abused.

Chair Alan Gabriel asked who would be maintaining the bus stop. Mr. Lochrie explained that the applicant and the homeowners association would do the maintenance. He reiterated that the area would be open to the public. Mr. Lochrie explained further that an easement could be provided as was done along the Riverwalk.

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 Maria Freeman to approve the application as submitted per staff's recommendations, along with an added requirement for the easement for the public area.

Steve Glassman asked if an amendment could be made to the motion that would include that the applicant was to make a contribution to the fund for the landscaping plan.

The motion then read as follows:

**Motion** made by Maria Freeman and seconded by Steve Glassman to approve the application as submitted per staff's recommendations, along with an added requirement for the easement for the public area. Also there would be the condition that the applicant was to make a contribution to the fund for the landscaping plan. Roll call showed: YEAS: Mary Fertig, Rochelle Golub, James McCulla, Steve Glassman, Catherine Maus, Maria Freeman, and Ed Curtis. NAYS: Alan Gabriel. Motion carried 8-1.

**7.      John and Sara Jolly/Jolly Fields                      Mike Ciesielski              21-P-05**

**Request: \*\*    Plat Review/RS-8**

Legal                      The West 225 feet of the east 225 feet of  
Description:              Lot 46 of the Subdivision of Section 9,  
                                    Township 50 South, Range 42 East,  
                                    According to the plat of said Subdivision  
                                    Made by W.C. Valentine, surveyor  
                                    Recorded in P.B. "B", P. 29 of the Public  
                                    Records of Dade County, Florida

Address:                      1131 S.W. 9 Avenue

General                      West side of SW 9 Avenue approximately  
Location:                      one block north of Davie Boulevard

Chair Alan Gabriel announced that this item was quasi-judicial. The Board made the following disclosures: Ed Curtis stated that he had been to the site. Mary Fertig stated that she had been to the site.

John Jolly stated that his house was located at the corner of Davie Boulevard and 9<sup>th</sup> Avenue. He stated that he wanted to split the lot into three different plats for single-family residences. He explained that there was an agreement until 1977 that access to the site could be via a private driveway. Another easement was granted providing the same access, but was marked as a utility easement. He stated that the survey showed a 25' utility easement along the front of the houses, but the utilities were actually located in the rear. Therefore, he does not know whether the easement was a right-of-way or utility easement.

Michael Ciesielski, Planning and Zoning, stated that this was a request to replat a 47,000 sq. ft. parcel of land for the purpose of adding two lots for future single-family residences. He stated that the applicant had responded to the adequacy requirements, as well as subdivision regulations, and the documents were submitted to this Board and should be considered in connection with this request. He stated that the proposed subdivision did not comport with the provisions of Section 47-24.6.D.3.g – Street Frontage – which required that every lot abut upon and have permanent access to a public street. If this is replatted, then the two new lots (#2 and #3) would have access to and comply and comport with the above-mentioned section of the Code, but Lot #1 would not comply with the code requirement.

Mr. Ciesielski further stated that pursuant to Section 47-24.6.D.3.h, the Planning and Zoning Board may approve the applicant's request to plat if the Board found that the conformance with the subdivision regulation was unreasonable or impractical, and the requirements could be varied so as to carry out the spirit and purpose of the subdivision regulations. He continued stating that if the Board approved this request, staff recommended the following conditions:

1. Prior to submittal to the City Commission, the applicant shall revise the plat title to properly include the City of Fort Lauderdale, adding a graphic scale.
2. The applicant must pay a fee of \$2,520 towards the park and open space impact fee to the City of Fort Lauderdale's Park and Recreation Department.

Catherine Maus asked how the residence currently accessed the site. Mr. Ciesielski explained that the home was accessed via the private road. He explained further that the private roadway was located along the south side of the property, but it did not meet the subdivision regulations since it was not a public street. Catherine Maus asked who owned the roadway. Mr. Ciesielski advised that the adjacent homeowners owned the road. Catherine Maus asked if anyone had the legal right to access the private roadway.

Sharon Miller recommended that the street be added to the plat and dedicated to the public. Chair Alan Gabriel reiterated that the applicant did not own the roadway. Greg Brewton explained that the applicant was addressing the roadway that abutted his property, and therefore, the private roadway was not included on the plat, and the agreement had expired. Therefore, there was no legal access to the homes according to the ULDR. Sharon Miller further stated that she questioned whether this matter should have been brought before this Board at this time.

Chair Alan Gabriel asked if the case should be continued. Sharon Miller confirmed.

Greg Brewton stated that the current situation was non-conforming in regard to all aspects of the ULDR. The applicant is proposing to request a replatting of his portion of what existed as a non-conforming situation and create one that would not be consistent with the City's current platting requirements. This would not solve the entire matter, but the applicant was not attempting to do so, but only requesting a waiver from this Board regarding certain Code requirements in order to replat his portion of the property. Staff does not feel that is appropriate, but the applicant has the right to make such a request.

Ed Curtis stated that since the City Attorney expressed a concern regarding this matter, then possibly the matter should be deferred until a later date and more information could be provided.

**Motion** made by Ed Curtis and seconded by Maria Freeman to continue this matter until April 19, 2006, so further review could be conducted by staff and the Legal Department.

James McCulla clarified that the issue in this matter was that the larger parcel did not have access to the roadway. Greg Brewton stated the issue is not only the larger parcel, but the property extending down the roadway to the west. James McCulla asked if the applicant gave Lot #1 an easement through Lot Nos. 2 and 3 to SW 9<sup>th</sup> Avenue could the problem then not be resolved. Greg Brewton stated the problem could potentially be resolved in that manner. He stated the question was whether it should be an easement or a right-of-way, but if they determined it was a right-of-way other issues could develop in regard to lot sizes. He stated they had not yet entertained that aspect of the situation. Minimum lot sizes were 7500 square feet, and the applicant's property measured 9000 sq. ft. if one included the easement area. He stated that they would have to consult with the Traffic Engineer regarding the size of the right-of-way.

Rochelle Golub asked if the easement was still in effect. Michael Ciesielski advised that the easement was created in 1957, but expired in 1977. The 1963 utilities easement had no expiration date.

The Board approved the motion unanimously.

**8. Fort Lauderdale Housing Authority/ Anthony Fajardo 33-P-05  
HACFL Plat #1**

**Request: \*\* Plat Approval/RMM-25**

Legal Description: Block 2, Dixie Court Housing Project,  
according to the plat thereof, as recorded  
In P.B. 15, P. 59 of the Public Records of  
Broward County, Florida

Address: 308 East Dixie Court

General Location: South side of N.W. 4 Street, between  
N.W. 9 Avenue and N.W. 11 Avenue

Chair Alan Gabriel announced that this matter was quasi-judicial. The Board made the following disclosures: Rochelle Golub stated that she had been to the site.



Dan Fee, CDI Engineering and Planning, stated that this was a request to replat Block 2 of the Dixie Court Housing Project because they are going through a rehabilitation. He advised that Block 2 consisted of 6.1 acres, and since this was a pre-1953 plat and over 5 acres, it had not met the County's specific delineated rules. Due to the County's platting requirement, they could not meet one of the exemptions, and therefore, in order to redevelop the platting requirement had to be met. He explained they would be constructing 150 affordable housing units. He stated there was some discussion to impose a park impact fee waiver for low-income housing, and he encouraged the Board to expedite the waiver of such fees. He stated that the County has waived such fees for affordable housing projects.

Mary Fertig stated that this site was across from Walker Elementary School, and asked what was the projection regarding school age children. Mr. Fee stated that the initial impact would be 42 students.

Chair Alan Gabriel asked if mitigation would be required. Mr. Fee explained that the School Board had approved waiver of impact fees because they believe the majority of the residents would be elderly.

James McCulla asked if it was within this Board's purview to make a recommendation directly to the City Commission that park impact fees be waived. Sharon Miller stated that the City Commission did not presently have the authority to waive such fees, but the new fees were to be discussed at the next Commission meeting. James McCulla asked if the City Commission could adopt an ordinance to change this, but they could not waive such fees. Sharon Miller stated that they could pass an ordinance waiving it.

Mr. Fee reiterated that he just wanted to encourage the waiving of the fees. Sharon Miller stated that there are ways to accomplish that, but it was not through a waiver. Possibly, it could be done through a deferral.

Anthony Fajardo, Planning and Zoning, stated that the plat restriction would be for 150 units.

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 James McCulla to approve the application as submitted. James McCulla stated that he was seconding the motion with the encouragement for the City Commission to develop a way to waive the park impact fees for such developments. Maria Freeman concurred. Roll call showed: YEAS: Rochelle Golub, James McCulla, Steve Glassman, Catherine Maus, Maria Freeman, Ed Curtis, and Alan Gabriel. NAYS: None. Motion to approve carried 8-0. (Ms. Hunt was not present for the vote and had left the meeting.)

**"For the Good of the City"**

Mary Fertig stated that many of the items are being deferred because the applicants had not submitted all materials within the required timeframe. She asked to see what information was not being submitted within the required time period, and when they had been notified regarding the due dates.

James McCulla stated that Greg Brewton and his staff should take the time that would be required to draft such information to review another case to be submitted to this Board.

Mary Fertig stated that she wanted the information to be given to the applicant, and then that could be part of the back-up materials for the Board.

Rochelle Golub thanked staff for their reports which she felt were informative and complete. She continued stating that the quoting of the Code and regulations helped to clarify issues for the Board.

**Motion** made by James McCulla and seconded by Steve Glassman to adjourn the meeting.

There being no further business to come before the Board, the meeting adjourned at approximately 11:00 p.m.

CHAIRMAN

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Alan Gabriel

ATTEST:

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Sandra Goldberg For Margaret A. Muhl