

**Planning and Zoning Board Meeting  
City of Fort Lauderdale  
Wednesday, May 17, 2006 – 6:30 P.M.  
City Hall  
City Commission Chambers – 1<sup>st</sup> Floor  
100 North Andrews Avenue  
Fort Lauderdale, Florida**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative 2006</u>	
		<u>P</u>	<u>A</u>
1. Pamela Adams	P	1	0
2. Edward Curtis	P	5	0
3. Maria Freeman, Vice Chair	P	5	0
4. Mary Fertig	P	4	1
5. Steve Glassman	P	5	0
6. Rochelle Golub	P	5	0
7. Judith Hunt	P	5	0
8. Catherine Maus	P	5	0
9. Alan Gabriel, Chair	A	5	0

**Staff**

Greg Brewton, Planning and Zoning Services Manager  
Jim Koeth, Principal Planner  
Ella Parker, Planner III  
Jenni Morejon, Planner III  
Mike Ciesielski, Planner II  
Yvonne Redding, Planner I  
Sharon Miller, Assistant City Attorney  
Bill Pinnix, Engineering  
Sandra Goldberg, Recording Secretary

**Guests**

Joe Russell	John Stockamore
Linda Brown	Matt Morrall
Mike Sims	Clay Shaw
Fred Ramirez	Robert Lochrie

Bunney Brenneman  
Charles Anderson  
Stella Ueng  
John Wilkes  
Larry Kopanos

Thomas Shoop  
John Seiler  
Albert Cassaretto  
Mark Goldman  
Bob Tuttle

**Index**

<b><u>Case Number</u></b>	<b><u>Applicant</u></b>	<b><u>Page</u></b>
32-P-05	Lakeridge Development LLC	<a href="#">2</a>
40-R-06	Cordova Chateau LLC	<a href="#">3</a>
61-R-05	G.A. Markus, Croissant Park Townhomes	<a href="#">6</a>
1-NC-06	Midwest Bridge Management Corporation	<a href="#">8</a>
94-R-05	PC-JRS.LLP /Pine Crest Stor-All	<a href="#">10</a>

**Call to Order**

Chair Gabriel called the meeting to order at 6:30 P.M., then proceeded to introduce the members of the Board and explain the procedure that would be followed during tonight’s meeting. Assistant City Attorney Miller explained the procedure for quasi-judicial cases.

**Approval of Minutes**

**Motion** made by Mr. Curtis and seconded by Ms. Golub to approve the minutes of the April, 2006 Planning and Zoning Board Meeting. Board unanimously approved.

- 1. Lakeridge Development, LLC/Aqua Vista Yvonne Redding 32-P-05**  
**Request: Alley Vacation/RML-25**  
**Legal Description:** A portion of Everglades Sales Company’s First Addition to Lauderdale, Florida, according to the plat thereof, as recorded in P.B. 2, P. 15 of the Public Records of Dade County, Florida  
**General Location:** Alley east of South Miami Road between S.E. 12 Street and S.E. 12 Court

**Continued from the April 19, 2006 meeting**

Mr. Robert Lochrie, attorney for the applicant, presented a photo of the alley, explaining that it was only on paper as of now. Mr. Lochrie explained that the alley was not improved and there were significant obstructions in it, ranging from overgrowth to portions of structures. Mr. Lochrie noted that the alley did not continue north or south of this section. The applicant proposed to maintain the alley as a utility easement, and to open the alley to pedestrian and vehicular traffic as part of their development.

Ms. Yvonne Redding, City Planner, explained that the City had received four letters regarding the utility easement and access to the alley, and she confirmed that the utility easement would remain intact and the alley would be useable by the public. Ms. Redding informed the Board that the City supported the vacation, remarking that this alley had already been approved for vacation, but this had never been recorded.

Ms. Redding replied to a question from Ms. Golub that the applicant would maintain the alley after the vacation.

Chair Gabriel opened the public hearing.

Mr. Tom Shoop, owner of an adjoining property, said he supported the vacation.

Ms. Stella Ueng, adjacent property motel operator, said she did not object to the vacation, but was concerned that it would affect her properties in the future because it cut through them. Ms. Redding explained that Ms. Ueng would not lose use of the alley.

There being no more members of the public wishing to speak on the item, Chair Gabriel closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Glassman and seconded by Ms. Fertig to approve the request subject to City Staff's recommendations. In a roll call vote, the motion was approved 9 – 0.

<b>2.</b>	<b><u>Cordova Chateau, LLC/Hemingway Landings</u></b>	<b>Jenni Morejon 40-R-06</b>
<b>Request:</b>	<b>Site Plan Level III / Waterway Use</b> <b>RML-25 / 21 Multi-Family Units</b>	
<b>Legal Description:</b>	<u>Parcel 1:</u> Lots 1 and 2, Block 1, Samarkind Isles, according to the plat thereof, as recorded in P.B. 24, P. 17, of the Public Records of Broward County, Florida <u>Parcel 2:</u> East 25 feet of Lot 4 and all of Lots 5 and 6, Block 10, of Section A Lauderdale Harbors, according to the plat thereof as recorded in P.B. 9, P. 1, of the Public Records of Broward County, Florida <u>Parcel 3:</u> Lot 3 and west ½ of Lot 4, Block 10, of Section A Lauderdale Harbors, according to the plat thereof, as recorded in P.B. 9, P. 1, of the Public Records of Broward County, Florida	
<b>Address:</b>	1412-1506 S.E. 12 Street	
<b>General Location:</b>	Southeast 12 Street and Cordova Road	

Chair Gabriel announced that this was a quasi-judicial hearing and Board members disclosed communications they had regarding this case.

All individuals wishing to speak on the item were sworn in.

Mr. Robert Lochrie, attorney for the applicant, explained that this request, in a slightly different form, had come before the Planning Department and the Planning and Zoning Board in 2005. They had pulled this application and purchased additional property to the east. This had allowed them to spread the units out on the site, breaking the two large buildings into three buildings with more open space. Mr. Lochrie assured the Board that the developer was not requesting any variance; the plans met or exceeded all code requirements, including landscape and open space. All three buildings were also well under the building length limitation.

Mr. Lochrie continued that the building would fit in well with neighboring properties. Mr. Lochrie explained that they had met with the Lauderdale Harbors Association, and one of their concerns had been that there would be no live-aboards and that docks would not be rented out; Mr. Lochrie had agreed to put these conditions in writing. They had also met with the Rio Vista Civic Association, and were in the process of coordinating design and landscape enhancements with them.

Ms. Jenni Morejon, City Planner, described the project. She stated that three sections of the ULDR would be reviewed by the Board this evening: 47-23.8: Applicability and requirements of waterway use; 47-25.3 and 47-25.2: Adequacy and Neighborhood Compatibility. Ms. Morejon remarked that the development was consistent with the City's Comprehensive Plan, and it met all code requirements. She informed the Board that the City Dock Supervisor would be required to sign off on the project prior to the issuance of a building permit, and she noted that the docks on the plan would be covered by a separate permit.

Chair Gabriel asked Ms. Morejon about the walkway that protruded into the landscape buffer yard adjacent the waterway; Ms. Morejon stated that a minimum amount of paved area was permitted within the 20' landscape buffer yard adjacent to the waterway; the exact amount was not specified, but could be addressed by the Board. Chair Gabriel then asked about a poolside patio area that was wider than the landscape area. Mr. Morejon said that because the pool was pushed back outside the buffer yard and the site was so wide, Staff had not addressed this in their review.

Mr. Lochrie said the pool had been sited here so there would be no need for setback modifications. They had kept the patio area linking the water to the pool area. Mr. Lochrie remarked that in many areas, they exceeded the 20' required landscape buffer. Mr. Lochrie realized there might be some concern about the large patio, and said they would agree to cut into the patio, adding green area separating the patio from the docks, increasing the buffer area.

Ms. Fertig noted that the Staff report stated that upper portions of the parking garage extended 12' above the roof, for a total of 45'. Mr. Lochrie confirmed that the peaks were approximately 43'. Ms.

Fertig asked about a school impact study; Mr. Lochrie explained that the school impact was not analyzed as it would be when density was being increased, but they were still required to pay impact fees.

Ms. Morejon confirmed for Mr. Glassman that Staff had not received any letters from the neighborhood, but Mr. Lochrie had received a letter from Ralph Nazario, President of Lauderdale Harbors Association, stating that the project was well received at their January meeting. She stated that the project had been presented to the Rio Vista Civic Association on January 16, but Staff had received no letters pursuant to that meeting.

Chair Gabriel opened the public hearing.

Mr. Mark Goldman, whose home was located across the canal from this development, said he was concerned about the additional height. Mr. Goldman said that from the waterway, the 45' parapets covered 75% of the length of the buildings. Mr. Goldman said that information about the parapet height was not included in the Lauderdale Harbors presentation.

Mr. Greg Brewton, Planning and Zoning Services Manager, explained that building height was limited to 35', but parapet walls, chimneys, and other design elements were not included in the height measurement of the building. These elements were needed to shield from view equipment that was located on the top of the building. This additional height was therefore allowed. Mr. Lochrie confirmed that the taller portions were set back. Mr. Goldman felt the building did not fit in with other buildings on the street, none of which was that tall, even with their parapets and equipment enclosures.

Mr. Goldman wanted to see what the view of the parking area would be from the canal. Mr. Lochrie said the parking was entirely hidden on that elevation. Mr. Brewton confirmed that there was no official limit to the parapet height, but the function of the design would limit the height.

Mr. John Wilkes, Rio Vista resident, said he was appointed by the Rio Vista Board to address the neighborhood compatibility issues and preservation issues. Mr. Wilkes stated that the plan had been approved at the Rio Vista meeting at which it was presented. Mr. Wilkes stated that this was a drastic improvement over the previous development on the site. They liked the orientation of the buildings, the side, rear and front buffer yards and landscaping, and the ingress/egress plans. Mr. Wilkes noted that they had already addressed the issue of preserving the median across the street.

Mr. Larry Kopanos, neighbor, was concerned with the height of the parapets. Mr. Kopanos asked how height was measured. Mr. Brewton explained that height could be measured from several points that determined grade. Mr. Brewton was not certain how it was measured in this project. Mr. Bob Tuthill, project architect, explained that this project's height was based on a FEMA elevation; he noted that 90% of his projects were done this way. Mr. Brewton noted that many new developments were required to be built at a higher level. Mr. Tuthill added that they had "bermed-up" the front yard to elevate the grade perhaps 4-4 ½ feet.

Mr. Lochrie reiterated that only the highest peak portion of the building reached 43 feet. The overall height was 35 feet. Mr. Lochrie pointed out that this project not only preserved, but broadened the view of the waterway.

Ms. Freeman asked if the builder would be willing to do the alternate landscaping design; Mr. Lochrie said he would submit the alternate with the additional landscaping as part of the package.

Mr. Glassman said he had a problem with the 135-foot building having the tallest parapet feature. He asked if they had considered scaling this building with the other two and increasing the common area. Mr. Lochrie noted that the longest building was actually 126 feet, and this was still significantly shorter than the 200-foot limitation. He reminded Mr. Glassman that they had acquired the additional piece of property and not increased the density, giving the project additional room and open space.

There being no more members of the public wishing to speak on the item, Chair Gabriel closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Freeman and seconded by Ms. Hunt to approve the request subject to City Staff's recommendations and including the alternate landscape plan. In a roll call vote, the motion was approved 8 – 1 with Mr. Glassman opposed.

<b>3.</b>	<b><u>G.A. Markus/Croissant Park Townhomes</u></b>	<b>Michael Ciesielski 61-R-05</b>
<b>Request:</b>	<b>Site Plan Level III/ 4 Cluster Dwellings/RD-15</b>	
<b>Legal Description:</b>	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	
<b>Address:</b>	610-612 S.W. 15 Street	
<b>General Location:</b>	South side of SW 15 Street west of SW 6 Avenue	

Chair Gabriel announced that this was a quasi-judicial hearing and Board members disclosed communications they had regarding this case.

All individuals wishing to speak on the item were sworn in.

Mr. Lochrie said the project had been heard several months ago, and had faced serious neighborhood opposition. They had since met with the neighbors and made changes pursuant to the suggestions made by the Board and the neighbors. Mr. Lochrie produced a rendering of the old site plan and the new one. The new plan was "significantly reduced," with one fewer unit, and the three-story component removed. The east side setback had been increased from 5 feet to 10 feet, and the west side setback had been increased from 5 feet to 21 feet. They had then added

landscaping and an amenity area on the west side. The units had more room, and the maximum height was just over 20 feet, consistent with many properties in the area.

Mr. Mike Ciesielski, City Planner, explained that this was a site plan level three cluster development. The applicant had provided three narratives in the packet, addressing the requirements of cluster development, specifically 47-18.9 on Cluster Development, 47-25.2 on the Adequacy Requirements, and 47-25.3 Neighborhood Compatibility. Mr. Ciesielski stated that the proposed plan was consistent with the City's Comprehensive Plan and met ULDR requirements.

Chair Gabriel opened the public hearing.

Mr. Joe Russell, neighbor, said he had been "vigorously opposed" to the original plan, and "reluctantly endorsed" the new plan for a less dense, lower-elevation property. They felt they were not likely to get any better plan than the one offered this evening.

Mr. Mike Sims, neighbor, asked what allowable density was. Mr. Ciesielski said 15 units per acre. This site was roughly 1/3 acre, so 5 units would be allowed, but they were building 4. Mr. Sims wondered why they were here this evening if the plan was allowed by code. Chair Gabriel explained that the developer must still seek the Planning and Zoning Board's approval. Mr. Sims said he was "not crazy about it still, but it's better than what it was."

Ms. Linda Brown, resident of the Tarpon River neighborhood just north of Croissant Park, congratulated the Board, the developer, and the Croissant Park neighbors for working together for an acceptable solution. Ms. Brown admitted she was still concerned about the single-family home that was now on the lot. She had asked the developer after the last meeting to work with her to move the house to another location. At the time, the developer did not think the condition of the house warranted preservation. When the tenants left the house, Ms. Brown had performed an "informal survey" and felt the house was "very moveable." She noted it was made entirely of Dade County Pine, and was set on a cinderblock foundation and houses like this were moved all the time.

Ms. Brown had spoken with the developer today, and he said he would "possibly be willing to work with me on trying to get a survey done to see if that house could be moved." Ms. Brown wondered if the plan could be approved with a contingency allowing a survey to be done to determine if the house could be moved. Ms. Brown explained to Ms. Freeman that whoever moved the house to their property would pay the expenses. She noted that this would save the developer the demolition fees.

Mr. Glassman asked if Ms. Brown had contacted the Broward Trust for Historic Preservation; Ms. Brown said she had not. She had spoken with people who were interested in owning the home.

Mr. Lochrie assured Ms. Brown that the developer would continue to work with her to see if the house could be moved.

There being no more members of the public wishing to speak on the item, Chair Gabriel closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Adams and seconded by Ms. Hunt to approve the request subject to City Staff's recommendations. In a roll call vote, the motion was approved 8 – 1 with Ms. Fertig opposed.

Ms. Golub stated she felt cluster homes "need to be looked at in the zoning code. I still think that shared amenities are not well defined and we are required to permit shared amenities that look like the shared amenity here, and so I feel that I have a legal obligation to say yes, but I have also a legal obligation to explain that I think we need to look at this more carefully in the future."

<b>4. <u>Midwest Bridge Management Corporation</u></b>	<b>Ella Parker</b>	<b>1-NC-06</b>
<b>Request:</b>	<b>Appeal of Department's Decision to Deny Continuation of Non-Conforming Use</b>	
Legal Description:	Lots 7 and 8, Block 26, Colee Hammock, according to the plat thereof, as recorded in P.B. 1, P. 17, of the Public Records of Broward County, Florida	
Address:	226-228 S.E. 12 Avenue	
General Location:	East of S.E. 12 Avenue, north of Las Olas Boulevard, west of S.E. 13 Avenue and south of S.E. 2 Court	

Chair Gabriel announced that this was a quasi-judicial hearing and Board members disclosed communications they had regarding this case.

Mr. John Seiler, representative of the prospective buyer, explained that this was an appeal of the Department's decision not to continue non-conforming use of the property as an office. Mr. Seiler explained that the property was leased and used as an office from May 2002 to September 2005. In December 2005, Mr. Shaw had put together a deal for Mr. Seiler's client to purchase the property. Mr. Seiler referred to a letter from the management company stating that the property was leased as an office. Office tenants were present this evening, and Mr. Seiler read the names of several businesses who leased office space at the property. Mr. Seiler felt the problem may have arisen because these businesses had other offices in the area, and had not applied for occupational licenses at this address. Mr. Seiler confirmed that the buyer, Dr. Cassaretto, intended to use the building for a medical office.

Ms. Ella Parker, City Planner, stated that per City Code, there was presumption of discontinuance of a non-conforming use if a Certificate of Occupancy was not issued on the site for a continuous period of 180 days. An occupational license for an office use at the property had expired on September 30, 2002. Ms. Parker continued that the information provided by the applicant was not



sufficient to grant continuation of the use. Affidavits and lists and were not considered adequate forms of evidence on which the Department could base a decision.

Ms. Parker explained that proof of lease deposits, such as cancelled checks, were acceptable forms of evidence of continued use. Ms. Golub asked if it mattered what the prior use was; Ms. Parker said that the application did not reference a medical use and that medical offices had different requirements than other offices. Mr. Brewton said that any new use that would entail different parking requirements or any operational impact would be considered.

Mr. Seiler confirmed that in 1982, the building was constructed as a doctor's office and the zoning had subsequently changed.

Mr. Curtis asked if Staff had based its refusal on anything other than the lapsed occupational license. Mr. Brewton explained that this was the only information Staff had, and they felt this was not sufficient information on which to base a decision. Mr. Brewton said the applicant was here to present whatever information he had to the Board, and the Board could make its own determination. The Board could find that there had been continued non-conforming use.

Mr. Clay Shaw, real estate broker, explained to Mr. Seiler that he had leased the property out since 2002, and had recently put the property under contract for sale. Mr. Shaw testified that the property had "unquestionably" been occupied since the lapse of the occupational license. Mr. Shaw confirmed that he was approached by a buyer regarding the property in March or April 2002. The property was then leased by Himarshee Landing Construction. Mr. Shaw said he had kept track of the property because he was promised that he would be involved in any sale of the property. Mr. Shaw confirmed that from 2002 to 2005 the building was occupied as an office. The property was put under contract for sale, with tenants, in 2005. Mr. Shaw had a current contract for sale with Dr. Cassaretto.

Mr. Matt Morrall responded to a question from Mr. Seiler that he was hired in December 2005 by Dr. Cassaretto to perform the closing for the property's sale. At that time, they negotiated with the existing tenants regarding their leases. Mr. Morrall confirmed that the mail Mr. Seiler had presented was current and the tenants had left at the end of April 2006.

Pursuant to the property's sale, Mr. Morrall had received information from the property manger regarding rent payments, but did not have copies of cancelled checks. Mr. Morrall stated that the rent roll was consistent from 2003 to 2006. The property manager also provided utility bills to prove the cost of operating the property and its occupancy. The utility bills dated from 2001 forward. When the property was being sold, the new owner had requested an increase in the rent payments that the existing tenants did not want to pay the new rate, so they had vacated.

Chair Gabriel opened the public hearing.

Mr. Seiler summarized that the building had been used as a professional office since 1982 and the new owner intended to continue this use. The owners were out of state and had no knowledge of the tenants' occupational license status, but could prove the building was occupied. Mr. Seiler did not want Dr. Cassaretto to be penalized for the tenants' failure to obtain occupational licenses.

Ms. Parker said Staff had received one phone call from a neighbor of the property regarding possible parking changes. Mr. Brewton confirmed that the parking would be grandfathered in with the office use.

There being no members of the public wishing to speak on the item, Chair Gabriel closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Hunt and seconded by Ms. Fertig to approve the request. In a roll call vote, the motion was approved 8 – 1 with Chair Gabriel opposed.

<b>5.     <u>PC-JRS.LLP /Pine Crest Stor-All</u></b>	<b>Ella Parker   94-R-05</b>
<b>Request:</b>	<b>Site Plan Level III/Conditional Use For 72,887 SF Self Storage Facility/I</b>
Legal Description:	Lot 1, Block 2, Coral Ridge Isles, according to the plat thereof, as recorded in P.B. 45, P. 47, of the Public Records of Broward County, Florida
Address:	1390 N.E. 62 Street
General Location:	South of N.E. 62 Street, east of Dixie Highway, west of N.E. 14 Avenue and north of N.E. 56 Street

Chair Gabriel announced that this was a quasi-judicial hearing and Board members disclosed communications they had regarding this case.

Mr. Lochrie described the property and the area zoning and explained that the facility was designed with a buffer around the perimeter of the property. Mr. Lochrie stressed that care was taken to design the building to be consistent with neighborhood compatibility. Mr. Lochrie said they had referred to the design of the Pine Crest Parking Garage down the street and felt they had mimicked and improved on that design. Mr. Lochrie informed the Board that the project had been presented to the neighborhood association and noted that their representatives were present this evening.

Mr. Lochrie noted that there were currently Australian Pines on the site about which the District Commissioner had expressed concern. They had agreed to prune out the Pines and work with the City Forester to provide better buffer and landscape enhancements. This was provided on the landscape plan.

Ms. Ella Parker, City Planner, explained the project, including site access and parking requirements, and stated the applicant had supplied adequacy and neighborhood compatibility requirements with the application.

Chair Gabriel opened the public hearing.

Mr. Fred Ramirez, neighbor, said he approved the development.

Ms. Bunney Brenneman, president of Coral Ridge Isles Homeowners Association, explained that they considered the railroad tracks the dividing line between industrial and residential. Ms. Brenneman said they had been very concerned initially, but City Staff and the developers had worked with them to create a plan the neighbors now welcomed. Ms. Brenneman said they were still concerned about additional traffic the business would generate. They had requested a right turn only exit from the facility going south toward Northeast 56<sup>th</sup> Street. She asked the Board to require this as part of their approval.

Ms. Parker said Staff had discussed this with the developer and it was included on the site plan. Mr. Lochrie clarified that the request was that only a right turn south could be made at the 14<sup>th</sup> Avenue exit. They had no objection to this and would include curbing to ensure it.

Mr. Curtis was concerned about the bank of the canal eroding; Mr. Lochrie said that planting Sea Grapes would help and they would commit to work with City Staff to find ways to stabilize the bank. Mr. Lochrie presented a letter from the neighbor across the canal to the west regarding the project.

Ms. Hunt left the meeting at 8:40 p.m.

There being no more members of the public wishing to speak on the item, Chair Gabriel closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Freeman and seconded by Ms. Fertig to approve the request, subject to Staff's recommendations regarding the canal bank mitigation and landscaping, and the right turn requirement. In a roll call vote, the motion was approved 8 – 0.

## 6. For the Good of the City

Ms. Fertig remarked on what a pleasure Chair Gabriel had been to serve with and how he had helped her learn the process. She thanked him for his service.

Mr. Brewton stated that City Staff appreciated Chair Gabriel's service and would miss him.

Chair Gabriel said it had been an honor to serve on the Planning and Zoning Board. He remarked that City Staff had always acted professionally and cooperatively with Board members.

Mr. Brewton asked if the Board wished to hold a special meeting to hear the presentation of the EAR in July, which would require approximately 1 ½ - 2 hours. The Board agreed to decide in June.

There being no further business to come before the Board, the meeting was adjourned at approximately 8:50 p.m.

Chair

---

ATTEST:

---

Sandra Goldberg For Jamie Opperlee,  
Recording Secretary

A digital recording was made of these proceedings, of which these minutes are a part, and is on file in the Planning & Zoning Offices for a period of two (2) years.

---