

**Planning and Zoning Board
EAR Workshop Meeting
City of Fort Lauderdale
Wednesday, August 16, 2006 – 5:30 P.M.
City Hall
City Commission Chambers – 1st Floor
100 North Andrews Avenue
Fort Lauderdale, Florida**

Board Members

1. Pamela Adams
2. Edward Curtis, Vice Chair
3. Maria Freeman, Chair
4. Mary Fertig
5. Steve Glassman
6. Rochelle Golub
7. Mary Graham
8. Judith Hunt
9. Catherine Maus

Attendance

A
P
P
P
P
P
P
A
P

Staff

Sharon Miller, Assistant City Attorney
Greg Brewton, Planning and Zoning Services Manager
Eric Silva, Principal Planner
Renee Cross, Planning Department
Sandra Goldberg, Recording Secretary

Call to Order

Chair Freeman called the meeting to order at 5:41 P.M.

Mr. Brewton introduced Ms. Cross and Mr. Silva to give a presentation on the Evaluation and Appraisal Report – based amendments to the Comprehensive Plan.

Mr. Silva gave a brief slideshow and explained that every seven years, local governments were required to assess their comprehensive plans. He continued that last year, City Staff and consultants had performed an analysis to determine where shortcomings might be, and prepared recommendations for changes to the Comprehensive Plan. Mr. Silva outlined the various elements where changes were recommended:

- ❖ Administration and Implementation
 - Procedures and Processes
- ❖ Future Land Use
 - Implement Master Plans
 - Support Mixed-Use at Strategic Locations
 - Continue to support marine industries
- ❖ Housing
 - Workforce housing study
 - South Andrews Avenue Master Plan
- ❖ Infrastructure
 - Ensure consistency with WaterWorks 2011
 - Include water supply/planning information
- ❖ Transportation
 - Proper allocation of transit funds
 - Encourage transit oriented/friendly development along transit corridors
- ❖ Coastal Management
 - Evaluate densities on the barrier island by 2012 [the next EAR date]
 - Coordinate with County evacuation plans
- ❖ Conservation
 - Increase multi-modal transit
 - Implement tree canopy study
- ❖ Intergovernmental
 - Coordinate with other agencies to identify funding
 - Work with School Board
 - Discuss interlocal agreements regarding land use/noise contours for FLL and FXE
- ❖ Capital Improvements
 - Update water/sewer level of service
 - Update budget tables
- ❖ Parks and Recreation
 - Incorporate Parks and Recreation Long-Range Master Plan recommendations into the Comprehensive Plan
 - Coordinate with County Greenways Project

❖ Historic Preservation

- Improve collaboration with State and Federal agencies
- Obtain additional financing

The Board wanted to know if mass transit and local traffic issues would be addressed. Ms. Cross informed them that mass transit was included in the comprehensive plan. Mr. Silva stated that there were no new traffic analyses planned as part of the EAR updates.

Ms. Graham asked if the historic tree survey had ever been completed. Mr. Silva was not sure, but agreed to report back to the Board.

Mr. Silva outlined the schedule for implementing the amendments over an 18-month period.

Ms. Golub wondered how much input the public, or even the Planning and Zoning Board, could have on the amendments, since they primarily concerned things already done, or things mandated by the State. Mr. Silva acknowledged that this was the result of analysis, and any request for changes would require backup.

Ms. Fertig asked for list of all of the recommendations they had made, and Mr. Silva agreed to provide this in advance of any more meetings, and prior to each meeting he would provide the specific language that had been created in response to their requests.

Mr. Silva explained that the State required additions to the Comprehensive Plan outside the EAR process. These additions included:

- ❖ The Fiscal Impact Analysis Model [FIAM]
 - Analysis of any large-scale land use plan amendments
 - Assess impacts vs. fees
- ❖ Traffic Proportionate Share
 - Include methodology for development to add to traffic/transit improvements
- ❖ Water Supply Planning
- ❖ Capital Improvements
 - Must update each year
- ❖ School Concurrency
 - For each project, capacity must pre-exist or be in place within 3 years of site plan approval

Mr. Silva informed Ms. Fertig that the City has the opportunity to provide input as the School Board and Broward County determine mitigation for the Education Element. Any ideas the Planning and Zoning Board had could be taken back to the working group prior to the County's drafting their Education Element.

Since these decisions had already been made and the South Florida Regional Planning Council had already signed off on the amendments, Mr. Curtis wondered why the Board was reviewing this. Mr. Silva said the Board should be sure suggestions they made last year were included.

Ms. Fertig said they wanted to see the whole thing, not just a summary of what policies were changed. She also requested minutes from their meetings and any letters submitted by Board members pursuant to this issue. Ms. Cross said this would be included in the EAR document.

There being no further business to come before the Board, the meeting was adjourned at 6:25 p.m.

Chair:

Attest:

Sandra Goldberg [for Jamie Opperee, Recording Secretary]

**Planning and Zoning Board Meeting
City of Fort Lauderdale
Wednesday, August 16, 2006 – 6:30 P.M.
City Hall
City Commission Chambers – 1st Floor
100 North Andrews Avenue
Fort Lauderdale, Florida**

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

Staff

Sharon Miller, Assistant City Attorney
Greg Brewton, Planning and Zoning Services Manager
Eric Silva, Principal Planner
Yvonne Redding, Planning & Zoning
Jenni Morejon, Planning & Zoning
Cate McCaffrey, Community Inspections Manager
Maurice Murray, Community Inspections Supervisor
Jeff Lucas, Fire Department
Don Morris, Zoning Manager
Sandra Goldberg, Recording Secretary

Guests

Lieutenant Jeff Lucas, Fort Lauderdale Fire Department	Dan Fee Robert Lockrie
Gus Carbonell	Craig Edewaard
Rhonda Cramer	Carla Carlson

Chris Carlson
Art Durance

Kim Holtzclaw

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Call to Order

Chair Freeman called the meeting to order at 6:40 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, the local planning board requirements, and the City's lobbying rules.

Approval of Minutes

Motion made by Ms. Golub and seconded by Mr. Glassman to approve the minutes of the July meeting. Board unanimously approved.

Chair Freeman announced that the Board's next scheduled meeting was Wednesday, September 20, 2006.

Cases

Ms. Cate McCaffrey, Community Inspections Manager, explained that these code changes were developed by the Code Advisory Committee, in conjunction with a code specialist attorney. All of the changes had been conceptually approved by the City Commission. Ms. McCaffrey added that the City Attorney had approved the amendments in their current forms.

- 1. City of Fort Lauderdale Cate McCaffrey 9-T-05**
Request: * **Amend ULDR Section 47-18, *Specific Use Requirements***
Provide for the regulation of certain facilities that provide shopping carts

[This item was heard out of order]

Motion made by Mr. Curtis and seconded by Mr. Glassman to approve the amendment.

Ms. McCaffrey explained that this was a new ordinance, the purpose of which was to require businesses with more than 25 shopping carts to implement a system to prevent their removal from the premises. Shopping carts must have a placard identifying the owner and use one of four physical methods of removal prevention. Ms. McCaffrey described the methods: physical barrier; "high arm" cart design; monetary deposits and an electronic barrier. The ordinance included a provision allowing businesses six months from the ordinance adoption date to comply.

Ms. McCaffrey confirmed that removing the carts was illegal. Ms. Fertig felt the individual removing the cart was at fault and this ordinance would punish the business owner for the theft. Mr. Murray said that currently, the Fort Lauderdale Public Works Department picked up the abandoned shopping carts all over town.

Mr. Murray explained to Ms. Fertig that they had performed outreach to larger stores like Publix and Target, and while those stores were not "happy" with the plan, they would go along with it. Ms. Miller informed Ms. Fertig that Code Enforcement would monitor the plans submitted by the stores. Ms. Fertig was interested to know if the cost of monitoring the plans would be more expensive to the taxpayer than the current costs to deal with the problem. Mr. Murray noted that after the plans were approved, the City had no more involvement, so the administrative costs would stop.

Mr. Glassman felt that each of the proposed solutions was problematic and would result in additional costs to the residents either in the form of increased City costs or an increase in prices at the stores to cover the costs of the system. Mr. Murray noted that the City, and therefore the taxpayers were paying for it already, since Public Works was retrieving the carts. He pointed out that the aim of the ordinance was to keep the City clean of the abandoned carts.

Ms. Golub felt that stores with even a few carts should be required to use identification placards. She was not sure that any of the four the solutions offered would really address the problem. Ms. Graham felt that all carts should be required to have the placard as well.

Ms. Maus felt the Board should address this issue, as the stolen carts were a serious problem all over the City.

Ms. Fertig suggested requiring the placard on all carts and fining the stores when their carts were recovered; eventually, it would be more cost effective for the stores to implement their own retention methods than to pay the fines. She felt all of the proposed retention methods would prove expensive and/or inconvenient, and that the ordinance, as written, was "innately flawed and it needs to go back, be redrafted and brought back to us." Mr. Curtis agreed with Ms. Fertig.

Chair Freeman opened the public hearing.

Mr. Dan Fie, CDI Engineering and Planning, explained that the physical barrier system could never be utilized because it could not comply with Americans with Disabilities Act requirements.

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

Motion made by Ms. Golub and seconded by Ms. Graham to recommend that the ordinance be redrafted, and that the Board's discussions on the matter be consulted for direction. In a roll call vote, the motion was approved 7 – 0.

2. City of Fort Lauderdale

Cate McCaffrey

10-T-05

Request: * Amend ULDR Section 47-19, *Accessory Buildings, Uses, and Structures*, Section 47-19.9, *Outdoor Uses* Provide additional criteria for the regulation of outdoor sales and storage at garden centers

[This item was heard out of order]

Ms. McCaffrey explained that the change to this section would prevent business establishments from putting many different kinds of merchandise outside.

Ms. Fertig wondered what specific problem the change to this section was meant to address. Ms. McCaffrey stated that garden stores had not been consulted to determine what impact this change would have on their business; she did not know what, if any, outreach was ever done regarding the changes.

Chair Freeman was concerned about negative impacts this might have on long-standing, small garden centers. Mr. Brewton explained that any existing business would be grand fathered in and not required to comply. Any garden center located in the B-1 zoning district was now a non-conforming use, and would not be permitted to reopen at that location if it closed. Regarding Ms. Fertig's question about the problem this change was intended to address, Mr. Brewton said there was one particular business that operated as a garden center, but displayed outdoor furniture. Mr. Brewton felt the amendment would allow City Staff to make an interpretation about displayed merchandise. Ms. Fertig felt the change did not make sense, because all existing garden centers would be grand fathered in, and no new garden centers could open.

Mr. Maurice Murray, Code Inspections Supervisor, described the cases of two businesses that claimed to be garden centers in order to be allowed to display merchandise outside on the

property. This was the issue that the change was meant to address. Mr. Curtis agreed with Ms. Fertig that the change really did not seem able to address the problem for which it was designed.

Ms. Golub also felt that the change did not properly address the problem Mr. Brewton and Mr. Murray had identified. Ms. Maus felt the change would address the problem, and prevent shops that were not garden centers from displaying related garden merchandise.

Chair Freeman asked what the definition of a garden center was; Mr. Brewton said they did not have a definition of a garden center. He noted that defining every use controlled by the zoning code would be impossible.

Ms. Fertig felt this was a “meaningless change that could negatively impact somebody by interpretation.” She felt the current code could be enforced to solve the specific problems Mr. Brewton had described. Mr. Brewton felt the language change would enable Code Enforcement more latitude to control outside displays by non-garden center businesses.

Ms. Graham felt the language change would enable Code Enforcement to reduce outside storage. Mr. Glassman agreed, and felt that since a code specialist attorney had drafted the language, it must be appropriate. Ms. McCaffrey thought this might not be a “perfect fix” but it did replace the very broad term “related garden merchandise” with the more narrow “home garden supplies.”

Motion made by Ms. Golub and seconded by Ms. Graham to approve the amendment as drafted. In a roll call vote, the motion was approved 5 – 2 with Ms. Fertig and Mr. Curtis opposed.

3. City of Fort Lauderdale

Cate McCaffrey

11-T-05

Request: * Amend ULDR Section 47-34, *Prohibited Parking or Storage of Commercial Vehicles or Commercial Watercraft*

Expand the definition of commercial vehicles by including vehicles of any size that advertise or identify the business entity of the vehicle’s owner of the owner’s employer and by including vehicles with more than four wheels that are used for a commercial purpose

Ms. McCaffrey explained that the change was to remove “having more than four wheels” because there were some very large commercial vehicles that had only four wheels. The drafters wanted to specifically include “taxicabs, ice cream trucks, tow trucks and cement trucks.” The ordinance specifically applied to RS-4 zoning and exempted Jet Skis.

Ms. Fertig confirmed with Ms. McCaffrey that any vehicle with a corporate logo on it, whether owned by the resident or a business, would now be prohibited. Ms. Golub noted that the ordinance said the vehicles could not park in a right of way or waterway. Mr. Murray said a

driveway was not a right-of way, but a swale in front of a residence was. There was another subsection that prohibited overnight parking of any commercial vehicle in a driveway. He explained that they had discussed the use of magnetic signs to display or conceal the company information. Ms. McCaffrey confirmed that no existing vehicles would be grand fathered in. Chair Freeman asked if this would include Police cars.

Ms. Graham felt this would cause other problems, as homeowners would want to erect tall fences or hedges in order to conceal their vehicles. This, in turn, would cause problems with homeowner association rules.

Ms. Golub asked, "Where are people who work for a living supposed to put their vehicles at the end of the day?" She felt the goal of neighborhood beautification should not impinge on a person's right to make a living. Mr. Curtis agreed, and noted that a van with equipment such as ladders attached would still be permitted as long as the company information was concealed.

Mr. Glassman thought that concealing the vehicle behind a hedge or fence was "how Joe the Plumber gets around it." Ms. Golub noted that it was impossible to screen or fence a driveway, if that was the only place available.

Ms. Graham noted that Coral Springs had a similar ordinance and owner/operators would park their vehicles in convenience store lots. This presented a problem if one was called out in the night for an emergency situation and the vehicle was not immediately available.

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

Motion made by Ms. Maus and seconded by Mr. Glassman to approve. In a roll call vote, the motion failed 2 – 5 with Mr. Curtis, Ms. Graham, Ms. Fertig, Ms. Golub and Chair Freeman opposed.

4. City of Fort Lauderdale

Don Morris

11-T-06

Request: * Amend ULDR Section 47-18, *Specific Use Requirements, Section 47-18.13, Flammable Liquids and Fuel Storage*

Properly reference the Florida Building Code and the Florida Fire Prevention Code, and to amend language and storage requirements to comply with the Florida Building Code and the Florida Fire Prevention Code;

Amend ULDR Section 47-19, *Accessory Buildings, Uses, and Structures, Section 47-19.2.S, Mechanical and Plumbing Equipment*

Include generators in the definition, and to clarify that such mechanical and plumbing equipment shall not be located in the required front yard;

Amend ULDR Section 47-19, Accessory Buildings, Uses, and structures, Section 47-19.2.II Aboveground tanks containing combustible liquids and propane, residential properties, and Section 47-19.2.JJ Aboveground tanks containing combustible liquids and propane, multifamily and nonresidential properties

Provide additional criteria for the placement of aboveground tanks.

Mr. Morris explained that this change would remove inconsistencies between the ULDR and the Florida Building code and Florida Fire Prevention Code, eliminate capacity limits that do not conform with code, and move language related to accessory buildings and structures to clarify where tanks may be located.

Regarding the generator language, Mr. Morris clarified that the “required front yards” referred to the front yard setbacks. There was already a requirement in the code that aboveground tanks must be enclosed or concealed.

Mr. Curtis was concerned that someone would want to use a generator in lieu of electric service, not just during an emergency. Mr. Morris confirmed that noise ordinances applied to generators and said they could include the word “emergency” in the language.

Motion made by Mr. Curtis and seconded by Ms. Fertig to approve. In a roll call vote, the motion passed 7 - 0.

Mr. Morris clarified for Ms. Golub and Ms. Maus that the generators meant to be addressed by this were those used in an emergency situation.

Chair Freeman opened the public hearing.

Lieutenant Jeff Lucas of the Fort Lauderdale Fire Department, said it was not cheaper to run a generator instead of using electric service. He felt it was not necessary to add the qualifier “emergency” to the language.

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

5. City of Fort Lauderdale Liz Holt

3-T-06

Request: * Student Station Cost Factor Fee

Create new regulations in Section 47 to require payment of an education mitigation fee at the time of building permit for all new development that includes residential units in the Downtown Regional Activity Center Zoning Districts and in the South RAC land use designated area.

Mr. Eric Silva, Planning and Zoning Department, explained that Broward County had required the City to require the collection of these mitigation fees when the land use plan amendments came before the City Commission.

Chair Freeman asked if this was in addition to the student impact fees. Mr. Silva stated that the one-time student stations fees were paid instead of the impact fees.

Mr. Silva explained that the fee was based on the generation rate formula adopted at the time of the land use plan amendment application. Ms. Miller stated that the rate had been based on a high rise unit; if a builder wanted to build another type of structure, they would pay based on how the formula applied at the time of the permit application.

Mr. Silva explained to Chair Freeman that affordable housing units could qualify for a reduced fee. Ms. Fertig pointed out that affordable housing generated more students, and this had been acknowledged by the School Board.

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

Motion made by Mr. Glassman and seconded by Ms. Maus to approve the. In a roll call vote, the motion was approved 7 - 0.

The Board took a break from 8:15 to 8:25.

6. Sherborn Development, LLC/Coral Harbor Yvonne Redding 27-R-06

Request: ** Site Plan Review//Waterway Use / Modification of Rear Yard Setback Requirement / Eighteen (18) Multi-Family Units/RMM-25

Legal Description: Lots 3, 4, and 5, Beach Way Heights, Unit "B", according to the plat thereof, as recorded in P.B. 25, P. 27, of the Public Records of Broward County, Florida

Address: 2756 NE 14 Street

General Location: South of NE 14 Street and East of BayView Drive

[This item was taken out of order]

Mr. Robert Lockrie, representative for Sherborn Development, requested a deferral to the Board's next meeting to allow additional time to consult with city staff.

Motion made by Ms. Maus and seconded by Ms. Graham to defer. In a voice vote, the motion was approved with Ms. Golub opposed.

Mr. Brewton was not sure the item would fit on the Board's September agenda or would need to be scheduled for October.

7. Habitat for Humanity of Broward, Inc. Yvonne Redding 17-P-06

Request: ** Plat Approval

Legal Description: Lot 3, less the west 10' thereof, Block 1, Arrowhead Estates, according to the plat thereof as recorded in P.B. 21, P. 27 of the Public Records of Broward County, Florida

Address: 2224 NW 26 Street

General Location: South of NW 26 Street and East of NW 21 Avenue

Chair Freeman 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. Dan Fee, CDI Engineering and Planning, presented the plat and explained they had complied with the County zoning requirements which were still in place.

Ms. Yvonne Redding, Planning & Zoning, confirmed that the plat was consistent with County requirements and the City's future land development. Ms. Redding read from an email sent by Board member Pamela Adams, stating her belief that duplexes were a source of "discontent" for the northwest community and other areas of the City. Ms. Adams stated in her email that "these units are typically poorly maintained and the source of multiple Code violations." Ms. Adams wanted the Board to seek amendments to the current Code as it applied to duplexes and similar residential development.

Mr. Fee said he did not have any floor plans for the duplex units yet. Chair Freeman noted that rental duplexes in this area were frequently drug locations. She wanted to see a site plan prior to making any decision. Ms. Graham wanted to see site plans as well. Ms. Miller confirmed that typically a site plan was not part of the paperwork submitted to the Planning and Zoning board for plat approval.

Mr. Fee said Habitat had decided on duplexes due to the cost of the land. All of the development costs had been based on building duplexes. Mr. Fee said they had not consulted with the neighborhood association.

A few Board members were concerned about the neighborhood compatibility of the duplexes; Ms. Miller informed them that compatibility was not a criterion for which they could deny the application. They should determine if the plat met the requirements of the ULDR. Mr. Glassman said he didn't see how they could "hold Habitat for Humanity hostage" on the project. He did want to consider some of the Board members' concerns regarding the duplexes at some point though.

Ms. Redding explained the impact fees for the project and Mr. Fee said Habitat had submitted the school impact fee waiver request because the project was low-income/affordable housing. The School Board had approved the waiver, and Mr. Fee said the County would waive the Park and Transit fees as well. He explained the program Habitat used to qualify buyers, and explained there were deed restrictions to prevent buyers from flipping the property.

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

Motion made by Ms. Maus and seconded by Mr. Curtis to approve. In a roll call vote, the motion passed 4 – 3 with Ms. Graham, Ms. Golub and Chair Freeman opposed.

Motion made by Ms. Fertig and seconded by Ms. Graham to reconsider. Ms. Fertig later withdrew the motion.

Mr. Fee requested that if the Board voted against the plat approval they would cite the specific code sections used as the basis for their denial. Ms. Fertig wanted to defer the request until the neighborhood could provide some input. Ms. Graham wanted more information on parking, setbacks, landscaping and vehicular access for the project. She felt they must have worked this out in at least some rudimentary form prior to purchasing the property to ensure project viability. Mr. Glassman understood Board members' concerns, but said this was not the Board's charge. He remarked that no one from the neighborhood had appeared for this hearing in response to the notice posting.

Ms. Maus stated that the site plan was not before the Board and the Building Department would take care of these issues at the appropriate time. Mr. Curtis agreed, and felt they should not be considering neighborhood compatibility during plat approval.

8. Edewaard Development Co. / Croissant Village Jenni Morejon 70-R-06

Request: ** Site Plan Level III / 6 Cluster Dwellings / RD-15

Legal Description: Lots 6 and 7 of Block 1, Esmonda Gardens, according to the plat thereof as recorded in P.B. 22, P. 20, of the Public Records of Broward County, Florida

Address: 711 – 721 SW 14 Court

General Location: On the north side of SW 14 Court, between SW 9 and 4 Avenues

Chair Freeman 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. Gus Carbonell, architect explained that they had met with the neighborhood several times for input and said one of their goals was neighborhood compatibility. Mr. Carbonell described the position of the buildings on the site and parking access for the units. Mr. Carbonell noted that the project exceeded the requirements for cluster development regarding compatibility.

Mr. Craig Edewaard, developer, said they had internalized the car movement, increased the setbacks and altered the building lines for a more interesting design.

Ms. Jenni Morejon, Planning and Zoning, described the project as a six-unit cluster development located within the Croissant Park Civic Association; a neighborhood comprising mostly low-rise single-family and duplex residences. She explained that the property was zoned RD-15 which permitted cluster home developments subject to Site Plan Level III approval of the Planning and Zoning Board.

Ms. Morejon informed the Board that the president of the neighborhood association had provided a letter stating that they felt the project is well-suited to the neighborhood, provided it was only two stories and that there was sufficient landscaping.

Ms. Morejon said the applicant had provided photos of nearby properties, context plans, and illustrated elevations to demonstrate the project's compatibility. Staff had proposed two conditions, if the Board approved the site plan: provisions for a five-foot easement along the front and rear property lines, and a recorded maintenance contract for the common area.

Mr. Carbonell explained to Ms. Golub that the "official" height of the project was 28 feet 2 inches. He stated that the stairwell covers, at a maximum 34 feet 6 inches, were exempt from the height limit. Mr. Carbonell stated that these towers helped give the building a unique look and added that they were located away from the edges of the buildings.

Mr. Glassman said he was "stuck" on the adequacy and neighborhood compatibility aspects of the project. He did not like the Mediterranean Revival style for the neighborhood or the structure's height. Mr. Carbonell said there were some Mission style structures nearby, and he felt his architecture was compatible with this. He remarked that other structures in the area had "no style."

Ms. Maus said she agreed with Mr. Glassman regarding the neighborhood compatibility. She felt this project's massing was significantly greater than nearby structures. Mr. Edewaard said this project's massing was toward the center of the buildings. He also felt that his designs had more of an "architectural feel" than similar buildings in the area.

Ms. Graham asked about landscaping, and Mr. Carbonell explained that the specific landscaping was not shown, because this would block a clear picture of the buildings. He noted that some of their recent projects had received "Building of the Year" awards.

Ms. Golub felt that the “miniscule” barbeques and multiple pools did not comply with the common area requirements for cluster homes. She felt this was another instance of a developer’s attempt to put six townhouses on one piece of property under the guise of cluster housing. She did not feel the project met the requirements for cluster housing, nor was it neighborhood compatible.

Mr. Edewaard said they were trying to offer the neighborhood “something better” with these units instead of the typical duplexes they could have built without the Board’s review.

Ms. Graham said “the massing and the scale is something that doesn’t seem to have gotten addressed in your attempt for the variation in the height down those interior elevations on the motor court.” She was concerned about the massing and scale to the property lines. She was also concerned about whether two parking spaces would be enough for such “luxurious” units.

Ms. Morejon informed the Board that neighborhood compatibility was not a requirement for duplexes in this district. She added that duplexes did go through another review process.

Ms. Maus asked Mr. Edewaard to consider the issues raised by the Board. Mr. Edewaard said the neighbors did not object to the project. Mr. Carbonell described changes and redevelopment in the immediate area.

Chair Freeman opened the public hearing.

Ms. Rhonda Cramer, neighbor, said she appreciated the developer’s soliciting the neighbor’s input and felt the project would enhance the neighborhood. She noted the unattractive, three-story duplexes that were going up in the area. Mr. Glassman felt the neighbors should encourage their commissioners to make changes to the zoning code that permitted the three-story duplexes. Ms. Cramer said that when City Staff attended the neighborhood association meeting prior to Mr. Edewaard’s presentation, the residents were left feeling that before any changes could be made, “they’re all going to be built.” They therefore felt they must work with the developers to build things they could live with.

Ms. Cramer explained that the association did not meet in the summer, so when Mr. Edewaard called asking to present his plan for a second time, he could not be scheduled before this meeting. Mr. Glassman remembered another project that had been reduced in size after the developer met with the association and felt this had made a big difference in massing and scale. He did not want to accept the project based on the threat of a worse alternative.

Ms. Carla Carlson, neighbor, said she was looking forward to the project and felt it would “bring up the neighborhood.” Mr. Curtis asked other neighbors in attendance if they agreed, and they indicated they did. Mr. Chris Carlson, neighbor, said he appreciated the increased setbacks and architectural details.

Ms. Golub said she understood what the neighbors were saying, but she felt that the Board's decision could establish a compatibility norm for Croissant Park.

Mr. Art Durance said he preferred this design to others in Croissant Park.

Ms. Fertig felt all the Board could do was be consistent regarding compatibility. Ms. Fertig said she would have preferred a vote from the neighborhood association on this project. Ms. Graham noted that these issues were coming up across the City, and the Board must consider the precedents they were setting.

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

Mr. Carbonell felt they had developed a good design solution for cluster housing. He reiterated that the small elements that protruded from the building added architectural interest. Chair Freeman wondered if the elements could be shortened; Mr. Carbonell said they could be brought down perhaps two or three feet.

Motion made by Ms. Maus and seconded by Mr. Curtis to approve, with the condition that the towers be shortened by three feet. In a roll call vote, the motion failed 3 – 4 with Ms. Graham, Ms. Fertig, Mr. Glassman and Ms. Golub opposed.

Mr. Glassman said he would prefer to have the architect draw up the change and bring it back to the Board. Ms. Golub was not concerned with the height of the towers. She did not feel the project met the criteria for cluster housing.

Mr. Curtis felt some of the Board members' negativity was misplaced. He felt the Board should be very careful applying their own standard of compatibility when the neighborhood felt the project was compatible. Mr. Curtis felt that the evidence before the Board was in favor of the project.

Ms. Fertig admitted it was difficult to vote in opposition to the neighbors' wishes, but she felt the Board was becoming increasingly consistent in determining compatibility based upon evidence.

Mr. Glassman agreed, and felt perhaps the project could be reduced by one unit, and could include more shared amenities.

Mr. Edewaard indicated he did not wish to re-present the project, and confirmed with Ms. Miller that he could appeal the Board's decision to the City Commission.

Request: ** Plat Approval

Legal Description: That part of the South One-Half (S¹/₂), of the North One-Half (N¹/₂), of the Southeast One-Quarter (SE¹/₄), of the Northeast One-Quarter (NE ¹/₄), of Section 12, Township 49 South, Range 42 East, Broward County, Florida, lying West of State Road No. 5 (US Highway No. 1), less the North 88.00 feet thereof; together with that part of the North One-Half (N¹/₂), of the South One-Half (S¹/₂), of the Southeast One-Quarter (SE¹/₄), of the Northeast One-Quarter (NE ¹/₄), of Section 12, Township 49 South, Range 42 East, Broward County, Florida, lying West of State Road No. 5 (US Highway No. 1), less the 100.00 feet thereof, as measured on the West Right-of-Way line of North Federal Highway (US Highway No. 1)

Address: 6301 North Federal Highway

General Location: West side of Federal Highway, between Bay View Drive and the City's Northern Corporate Limits

Chair Freeman 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 Lockrie, representative of the applicant, explained that the area in question was currently used as an auxiliary parking area and had never been platted. They had met with the neighborhood association's executive committee on July 13 and had addressed their concerns. They intended to proceed with site plan approval for a medical office building.

Ms. Jenni Morejon said the site plan was currently being reviewed and would not come before the Board. She noted that the uses were consistent with permitted land use and the comprehensive plan.

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

Motion made by Mr. Glassman and seconded by Ms. Maus to approve. In a roll call vote, the motion was approved unanimously.

Mr. Lockrie showed the Board the site plan for the project.

For the Good of the City

Ms. Golub asked if there really was nothing they could do to address the cluster homes and duplexes. Mr. Brewton explained that the cluster home use was introduced into the code as an

alternative to duplexes, which did not require Board review. Mr. Brewton said the projects were presented to the Board so they could address the issues of architectural style, amenities and neighborhood compatibility.

Mr. Brewton acknowledged that without a code amendment for duplexes, the threat existed that a developer could resort to building a duplex and that project would not be subject to the Board's review. Ms. Maus felt the Board should initiate a review of the duplex zoning to prevent this from being an "out" for a developer to avoid their review.

Ms. Graham thought Mr. Edewaard was taking the Board's comments and criticisms too personally. She noted that the Board was considering whether the current proposal met the existing fabric and context, not the future direction, of the neighborhood. Ms. Graham was also very concerned about the parking situation, believing that units of this size and design would require more parking.

Mr. Curtis felt the Board all recognized that the code needed amending. He remarked that cluster homes were "God-awful" and had not corrected the problems duplexes presented.

Mr. Glassman agreed that they should all contact their commissioners to urge them to expedite these code amendments at a conference meeting. Ms. Fertig agreed, and felt the Board should act together to make this recommendation to the City Commission.

Motion made by Mr. Curtis and seconded by Ms. Golub to recommend a review of those portions of the ULDR that relate to duplexes, two-family and cluster home development. In a roll call vote, the motion was approved unanimously.

The Board agreed that these changes were needed: make duplexes subject to the same level of review as cluster housing; to include neighborhood compatibility in the list of criteria.

There being no further business to come before the Board, the meeting was adjourned at 10:55 p.m.

Chair:

Attest:

Sandra Goldberg [for Jamie Opperlee, Recording Secretary]