

**Planning and Zoning Board Meeting  
City of Fort Lauderdale  
Wednesday, September 20, 2006 – 6:30 P.M.  
City Hall City Commission Chambers – 1st Floor  
100 North Andrews Avenue  
Fort Lauderdale, Florida**

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

**Staff**

Sharon Miller, Assistant City Attorney  
Greg Brewton, Planning and Zoning Services Manager  
James Cromar, Planner III  
Yvonne Redding, Planner II  
Jenni Morejon, Planner III  
Anthony Fajardo, Planner II  
Sandra Goldberg, Recording Secretary  
Tim Welch, Engineering Department

**Guests**

Adrienne Ehle	Cherie Thompson
Bianca Bryant	Lonnie Bryant
Erik Levin	Joseph Kaller
Johanne Peck	Michael Levin
Eddie Alvarado	Leannel Burbe
Rosana Cordova	Bob Leonard
Aiton Yaari	Frank Herhold
Robert Petersen	Robert Lochrie
Donald Hall	David Zelch
Shirley Smith	James Gilgenbach

Pat Murphy  
Patty Hitchcock  
John Grepp  
Craig Parker  
Jim Parks  
Bill Osborne

Molly Hughes  
Peter DiMarco  
Dr. Shelton Passen  
Dennis LaRue  
Susan Engle

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For the Good of the City

Mr. Brewton announced that School Board Representative Mohammad Rasheduzzaman, non-voting P&Z Board member, was present.

## **Call to Order**

Chair Freeman called the meeting to order at 6:38 P.M., then proceeded to introduce the members of the Board and explain the procedures 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. Anyone wishing to testify on any matter was sworn in.

## **Approval of Minutes**

**Motion** made by Ms. Golub and seconded by Ms. Graham to approve the minutes of the August meeting. Board approved with Ms. Adams abstaining.

Chair Freeman announced that the Board's next meeting was scheduled for October 18 at 6:30.

## Cases

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### 1. Sherborn Development, LLC/Coral Harbor

Yvonne Redding

27-R-06

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

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 N.E. 14 Street

General Location: South of N.E. 14 Street and East of Bay View Drive

**DEFERRED FROM THE AUGUST 16, 2006 MEETING**

Board members disclosed communications they had regarding this case.

Mr. Robert Lochrie, representative of the owner, stated the building was within all parameters and requirements of the code, including height and setback, except for the swimming pool for which they were requesting the modification. Mr. Lochrie informed the Board that the setback on the east side of the site was 51 feet, almost twice the requirement; he felt this was a significant enhancement to this project.

Mr. Lochrie noted that they had been working with City Staff on this project for some time and had made several changes per City Staff requests. He presented renderings of the project's iterations.

Mr. Lochrie agreed with all Staff recommendations and presented letters of support from neighbors. Mr. Lochrie explained the building heights at various points to Ms. Golub, noting that the maximum was 76 feet at the top of the ornamental features capping the stair towers, which was 21 feet higher than the allowed building height.

Mr. Glassman said his packet lacked the exhibits. Mr. Redding admitted there was a Staff mix-up when the packets were mailed, but reminded the Board that these had been included in the Board's first packet they received. Mr. Brewton confirmed that the Board had been mailed all of the exhibits last month when the item was originally on their agenda and he assumed the Board had retained it.

Ms. Redding explained that the project was five stories on top of a submerged garage; it met the height restrictions, notwithstanding the architectural features; significant changes had been made to prevent interference with waterway uses with the single-family dwellings across the waterway; they had received letters of support from the neighbors across the water and next door. She presented the letters of support to the Board and read one aloud from someone who

supported the project but noted the neighbors' concern about preserving green space and restoring tree canopy to the site.

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.

Mr. Lochrie reiterated that the highest point of the roof was a very small portion of the structure. He noted that moving the pool to the side of the building had allowed them to enhance the landscaping on the seawall side of the property.

Mr. Lochrie confirmed for Mr. Brewton that Jim Clecker, another representative of the developer, had met with property owners to the west, east, south, and across the canal.

Ms. Graham noted that the mechanical and electrical room on the north elevation to the street side, which elongated the stair caps and made the street-side façade higher, which she felt was "becoming a problem." Mr. Eddie Alvarado, project architect, explained that this was done to make the building more interesting and break up the mass, and also to conceal the room access doors. Ms. Graham pointed out labels on the plans indicating that electrical and mechanical rooms would be located on the north façade, creating this massing. She remarked, "that's not to say that those rooms as they're labeled semantically now will stay that way down the road and unfortunately I know that." Mr. Alvarado said it would be possible to relocate the rooms.

Ms. Golub was concerned with the pool and the docks. She noted that a fence would be required around the pool area and she feared this would block views. Mr. Lochrie agreed a fence would be installed, and said they would agree not to install a wall, maintaining the view corridor. Mr. Lochrie said they were not requesting any changes to the dock limitations and would restrict the docks to non-live-aboards and building residents.

**Motion** made by Ms. Adams and seconded by Ms. Maus to approve. Board approved 5 – 3 with Ms. Graham, Mr. Glassman and Ms. Golub opposed.

## **2. Paul Allen/Park Lane Townhomes**

**Anthony Fajardo**

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**124-R-05**

**Request: \*\* Site Plan Level III / Conditional Use Approval for Mixed Use Development / 10 Multi-Family Units with Flex Allocation / RMM-25 Zoning / Employment Center Land Use**

**Legal Description:** All of Lot 19, Lot 20, and Lot 21, Block 26, "Everglade Land Sales Company's First Addition to Lauderdale, Florida" according to the plat thereof as recorded in P.B. 11, P. 15 of the Public Records of Broward County, Florida

Address: 708 S.E. 20 Street

General Location: Approximately 330 feet east of Federal Highway on the south side of S.E. 20 Street

Board members disclosed communications they had regarding this case.

Mr. Eric Levin, representative of Landmark Investments, informed the Board that they had met with neighbors in the Harbordale Civic Associations and made some revisions. He distributed copies of the revised façade to the Board. Mr. Levin then showed he Board several of Landmark Investments' other projects.

Regarding the project, Mr. Levin explained there would be five units on the street on three lots and five units located behind these in the alleyway they intended to pave. Mr. Levin said many changes had been made after consulting with the Harbordale Civic Association, including the garage arches, additional façade features, increased setbacks for two of the units, the addition of column features to separate the units, additional roof features and balconies, additional parking, and centralized garbage/recycling collection area. Mr. Levin informed the Board that the civic association had approved the project on September 6. Mr. Levin confirmed for Chair Freeman that the alley was one-way and would be paved from U.S. 1 to 20<sup>th</sup> Street.

Mr. Fajardo informed the Board that both of Mr. Levin's projects were subject to the flexibility requirements, mixed-use and conditioned-use development. Mr. Fajardo explained to Ms. Golub that the units on the site are not attached to the land use, which was employment center. Therefore existing units on the ground are not accounted for in employment center land use and are given no consideration in regards to new residential development.

Mr. Rasheduzzaman explained that the School Board had reviewed the project in June and requested the applicant provide mitigation due to overcrowding at Sunrise Middle School. He asked the Board to attach this as a condition of their approval this evening.

Chair Freeman opened the public hearing.

Ms. Jeannie Burke, Harbordale Civic Association, read their letter of support to the Board, and noted how Landmark had worked with them and incorporated their suggestions.

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

Mr. Rasheduzzaman informed Ms. Fertig that the School Board's review was based on the number of units and the bedroom mix, using the guidance of the Broward County Land Development code. He confirmed that their formula was currently undergoing revision.

**Motion** made by Ms. Hunt and seconded by Ms. Graham to approve, provided that: the project meet all applicable ULDR requirements and the applicant provide the agreed-upon mitigation for Sunrise Middle School. Board approved 8 - 0.

**3. Landmark Investments, LLC/Park Lane Townhomes**      **Anthony Fajardo**      [Index](#)  
**134-R-05**

**Request: \*\* Site Plan Level III / Conditional Use Approval for Mixed Use Development / 10 Multi-Family Units with Flex Allocation / RMM-25 Zoning / Employment Center Land Use**

**Legal Description:** Lot 10, Block 26, "Everglade Land Sales Company's First Addition" according to the plat thereof as recorded in P.B. 2, P. 15 of the Public Records of Dade County, Florida

**Address:** 605 S.E. 21 Street

**General Location:** Approximately 145 feet east of Federal Highway on the north side of S.E. 21 Street

Mr. Levin confirmed that the projects would be built at the same time.

**Motion** made by Ms. Adams and seconded by Ms. Fertig to approve, provided that: the project meet all applicable ULDR requirements and the applicant provide the agreed-upon mitigation for Sunrise Middle School. Board approved 8 - 0.

**4. Lauderdale Investment/South Andrews Office Building**      **Anthony Fajardo**      [Index](#)  
**24-R-06**

**Request: \*\* Site Plan Level III / Parking Reduction / CB Zoning**

**Legal Description:** Lots 12 through 15, Block 46 of Croissant Park according to the plat thereof recorded in P.B. 4, P. 28 of the Public Records of Broward County, Florida

**Address:** 1777 South Andrews Avenue

**General Location:** Southwest corner of South Andrews Avenue and Southwest 18<sup>th</sup> Street.

Mr. Brewton requested that the item be pulled.

**Motion** made by Ms. Hunt and seconded by Ms. Maus to defer this item. Board approved 8 - 0.

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**5. Port St. Lucie Projects, LLC/Aquavista Plat                      Yvonne Redding                      19-P-06**

**Request: \*\* Site Plan Level IV / Plat Approval / RMH-25 Zoning**

Legal Description: 8-49-42, Comm at N.W. Corner of N.W. ¼ SLY 1039.48, ELY 328, SLY 30 to POB, Con SLY 318.31, ELY 125, NLY 317.28, WLY 125 to POB

Address: 3050 N.W. 68 Street

General Location: South of N.W. 68 Street, West of N.W. 31 Avenue

The applicant was not present.

**Motion** made by Ms. Adams, seconded by Ms. Maus to defer this item. Board approved 8 - 0.

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**6. Rickel & Antweiler/Comfort Suites Hotel                      Yvonne Redding                      54-R-06**

**Request: \*\* Site Plan Level III / Waterway Use / 88-Room Hotel / B-1 Zoning**

Legal Description: Coral Ridge Properties 28-8 B, Lot 4 N1/3 of S1/2, Lot 4 S2/3 of N1/2

Address: 2201 North Federal Highway

General Location: West side of Federal Highway, south of Oakland Park Boulevard.  
The parcel is bordered on the west side by the Middle River

Board members disclosed communications they had regarding this case.

Mr. James Gilgenbach, architect and agent for the owner, explained that this would be a five-story structure located at the front setback and away from the residential neighborhood behind it. Mr. Gilgenbach noted that at 50 feet, the building would be compatible with other nearby structures, and well under the 150-foot maximum height. Mr. Gilgenbach presented a rendering of the project to the Board.

Mr. Gilgenbach explained to Mr. Glassman that Comfort Suites used “prototype” designs for their buildings. Mr. Gilgenbach confirmed for Ms. Graham that the first floor to second floor height was 10’4”, but the other floor-to-floor heights were all 9’ with ceiling heights of approximately 8’4”. In response to Ms. Graham’s question about a loading area, Mr. Gilgenbach explained that only breakfast-type food was delivered, and this was pre-packaged.

Ms. Redding explained that the project met the parking, inner district buffer yard and pedestrian/biking access and neighborhood compatibility requirements. Ms. Redding said the residential neighborhood across the waterway was out of the City’s jurisdiction, but the City

did recommend that commercial development project representatives meet with neighborhood residents.

Chair Freeman opened the public hearing.

Mr. Pat Murphy, Coral Shores Civic Association, requested a meeting with the developer prior to the Board's approval .

There being no other members of he 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. Graham to defer this item. Board approved 6 – 2 with Ms. Hunt and Ms. Adams opposed.

Mr. Brewton explained that there were no criteria for requesting that a developer meet with a civic association, but the agendas were sent to all civic associations and they did encourage developers to meet with the neighbors. The properties were also posted with notices.

Mr. Gilgenbach felt “major efforts” had already been taken to consider the neighbors, including the rear setback buffer wall and landscaping, and thought the building would be a good precedent for the Federal Highway corridor.

Mr. Glassman asked that the City's Planning Department notify the Wilton Manors Planning Department regarding the project and the meeting with the representative.

**7. Broward County / Palmdale**

**Jenni Morejon**

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**4-Z-05**

**Request: \*\* \***

**Site Plan Level IV / Rezoning from B-3 to Utility**

Legal Description:

Parcel “A”, 1-B Palmdale Plat, according to the plat thereof, as recorded in P.B. 112 P. 9, of the Public Records of Broward County, Florida

Address:

301 N.W. 66 Street

General Location:

South of McNab Road and east of the CSX Railroad Tracks

Board members disclosed communications they had regarding this case.

Ms. Rosana Cordova, representative for the applicant, explained that this was originally a wastewater treatment plant, then a water re-pump station, and the site had become non-conforming in 2000 when a small building on the property was demolished and rebuilt. Ms. Cordova explained that the small scale land use plan amendment was approved in January 2006. Ms. Cordova agreed to address the next item together with this one.



Ms. Cordova stated they were requesting the rezoning and public purpose use approval to obtain relief from some of the zoning requirements such as: setback requirements to accommodate the existing water and chlorine tank setbacks; reduction of the tree requirement from 203 to 140 because there was so little development on the site; exemption in one section from the 10' landscape strip adjacent to a residential development; exemption for the architectural features requirements, since there could be no fenestration on the water tank or chlorine building; exemption for the wall requirement at adjacent residential property because of existing trees and fencing.

Ms. Morejon presented an aerial photo of the site and a land use map and stated that the surrounding area was employment center. Ms. Morejon stated that these requests did not include any structural site development. She noted that when the property was annexed into the City, the land use designation was changed to employment center, with B3 zoning, and when the County had replaced the chlorine building, the site had becoming non-conforming and the City had required the land use change to office park. The rezoning and public purpose approval were the next step in bringing the site into conformance. The rezoning is reviewed under the following criteria: the proposed zoning district was consistent with the comprehensive plan; there were no substantial changes on the development site; the character of the area was suitable for the uses permitted.

For the Public Purpose approval, Ms. Morejon reiterated the requirements from which the applicant was requesting relief that Ms. Cordova had listed. Ms. Morejon announced that the project met all requirements for the rezoning and public purpose use.

Ms. Hunt questioned whether the applicant has met with the neighborhood association. Ms. Morejon confirmed that there had been numerous meetings with the adjacent mobile home park residents, as part of the land use change in 2003. Ms. Hunt was concerned about allowing the plastic strip chain link fence facing the mobile home property, and Mr. Brewton informed Ms. Hunt that if the Board wanted the applicant to initiate another meeting with the adjacent residents, they could request it.

Mr. Fertig wanted to ensure they were consistent about the developers' meeting with neighbors prior to obtaining the Board's approval. Ms. Hunt wanted to defer this item and the next to allow the developer to meet again with the mobile home park residents.

**Motion** made by Ms. Hunt and seconded by Ms. Adams to defer this item and item 8. Board approved 5 – 3 with Ms. Graham, Mr. Glassman and Ms. Golub opposed.

8. Broward County / Palmdale

Jenni Morejon

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88-R-05

**Request: \*\* \* Site Plan Level IV / Public Purpose Use Approval**

Legal Description: Parcel "A", 1-B Palmdale Plat, according to the plat

thereof, as recorded in P.B. 112 P. 9, of the Public Records  
of Broward County, Florida

Address: 301 N.W. 66 Street

General Location: South of McNab Road and east of the CSX Railroad Tracks

[See above vote]

The Board took a 15-minute break.

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**9. Lauderdale Marine Center Plat**

**Anthony Fajardo**

**3-P-06**

**Request: \*\*                      Site Plan Level IV / Plat Approval / Industrial Zoning**

Legal Description:              Portions of the southwest quarter (SW ¼) of Section 16, Township 50  
south, Range 42 east, Fort Lauderdale, Broward County, Florida

Address:                              1601 S.W. 20 Street

General Location:              Approximately 150 feet west of SW 15 Avenue on the north side of  
SW 20 Street

**10. Lauderdale Marine Center Annex**

**James Cromar**

**76-R-05**

**Request: \*\*                      *Site Plan Level III / Waterway Use / Conditional Use Approval for a  
Marina Facility with 67,700 SF of Commercial / Storage Use with 29  
Boat Slips and 45 Dry Storage Spaces / Industrial Zoning***

Legal Description:              Portions of the southwest quarter (SW ¼) of Section 16, Township 50  
south, Range 42 east, Fort Lauderdale, Broward County, Florida

Address:                              1601 S.W. 20 Street

General Location:              Approximately 150 feet west of SW 15 Avenue on the north side of SW  
20 Street

Board members disclosed communications they had regarding this case.

Mr. Donald Hall, attorney for the applicant, noted that marine operations were disappearing and were an important part of the Broward County economy and heritage. Mr. Hall presented a rendering of the site plan and explained that the site would be configured so that there would be no operations closer than 200 feet to the property line, which had been a concern to the neighbors. He also drew the Board's attention to the landscaped areas of the site.

Mr. Hall stated that per the Staff report, the project met adequacy and neighborhood compatibility requirements, specifically regarding the traffic study.

Mr. Hall said there had been several meetings with the River Oaks Civic Association, and in August the membership had voted 51 to 5 to recommend approval of the site plan. Mr. Hall said that it had been confirmed after this meeting that more than 50% of those voting to approve were residents of the neighborhood association boundaries.

Mr. Hall said they had addressed specific neighborhood concerns:

- The applicant agreed to provide \$75,000 to the City for traffic-calming measures on Southwest 20<sup>th</sup> Street
- 5-foot sidewalk along Southwest 20<sup>th</sup> Street with wall/landscape buffer
- Environmental concerns
  - Boats would not be serviced or stored closer than 200 feet from property line
  - Accessway for travel lift would reduce heavy equipment on 20<sup>th</sup> Street
- Broward County Best Management Practices for marine facilities followed
- After-hours work activity
  - Agreed that security would patrol after hours and stop any work taking place
- Buildings and landscaping
  - Building 250 feet back from property line
  - 200-foot buffer
  - Large landscaped area
- Lighting spillage
  - Photometric survey-recommended modification

Mr. Hall said they had compiled a list of neighbors' complaints for violations of environmental regulations, of which there were 14, and noted that 13 of the 14 were found not to be violations. One had been worthy of a warning, which was issued and the practice discontinued.

Mr. Fajardo said the project met Section 47-24.5 subdivision regulations. Mr. Fajardo read from a note included with the plat:

"This plat is restricted to 18.3 acres of boat assembly including 29 wet boat slips and 45 dry storage slips, 45,000 square feet of boat assembly building, 18,000 square feet of contractors bays, 4,700 square feet of toilet/shower/fire sprinkler/dead storage building. Banks, commercial/retail uses and stand-alone office uses are not permitted without the approval of the Board of County Commissioners who shall review and address these uses for increased impacts."

He informed the Board that any changes to the plat restriction must come before the Board for approval. He confirmed for Ms. Golub that the plat and site plan restriction inconsistencies noted at a previous hearing had been rectified. Chair Freeman asked Mr. Cromar to present his Staff report for the next case, since the cases were connected.

Mr. Cromar informed the Board that the Marine Advisory Board had reviewed the project on July 13, 2006 and recommended approval of the site plan and plat with conditions. Mr. Cromar had advised the applicant at that hearing that staff and the District Commissioner asked the applicant to address the concerns of the residents, and to explain how each concern was addressed, or if it was not, the reason(s) why. Mr. Cromar stated that the applicant had provided a document in their packet documenting the applicant's responses.

Mr. Cromar recommended the Board include with their approval the following conditions:

1. The recommended conditions from the Marine Advisory Board (per the attached narrative).
2. Valid site plan approval must be obtained per ULDR Sec. 47-24.1.M.
3. Final DRC approval must be obtained.

Mr. Cromar stated, "If the Planning and Zoning Board determines that the proposed development or use meets the standards and requirements of the ULDR and criteria for site plan level III review, the Planning and Zoning Board shall approve or approve with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed development or use, the issuance of the site plan level III permit. If the Planning and Zoning Board determines that the proposed development or use does not meet the standards and requirements of the ULDR and criteria for the proposed development or use, the Planning and Zoning Board shall deny the site plan level III approval."

Chair Freeman opened the public hearing.

Ms. Johanne Peck, River Oaks Civic Association, said she had been involved in the process from the beginning and said changes had been made, resulting in approval. Ms. Peck said there were areas about which they had "verbal agreement to keep on talking", including façade changes she felt necessary for neighborhood compatibility. Ms. Peck said Dr. Passen had agreed to make some of these changes. Ms. Peck said talks would also continue on the lighting plan. She asked the Board to include the condition in their approval that these discussions continue, and agreements be reached on the façade and lighting plan.

Ms. Peck confirmed that 56 people had attended the meeting where the vote was taken; she explained to Ms. Fertig that 40 new members had attended that meeting. She said the \$75,000 Mr. Hall had mentioned was for "sidewalks or some speed humps...on S.W. 15<sup>th</sup> Avenue, which is a dreadful problem."

Mr. Glassman thought the \$75,000 was for a study; Mr. Hall clarified, "it is exactly as Johnnie [Ms. Peck] says it is." Mr. Glassman wondered why the civic association had not waited for the façade and lighting issues to be addressed, and admitted he had difficulty approving something without knowing what it would look like. Ms. Peck said, "There are two reasons. Probably... they're political. You heard the count. You must understand that we are a boating community and we're pleased to be a boating community. And nobody has ever objected to the fact of the marine center being there, per se. The objections have been practices and the objections have

been to the original site plan. Many of the people in the marine center also are in the community and I think Mr. Hall used the word, 'the meeting was hijacked', the fact of the matter is that there was overlap and we have no reason to believe that, should there be another issue, we wouldn't be under the same pressure as a homeowners association because we are, in large part, the boating industry. So, we're trying to work with the boating industry as best we can."

Mr. Glassman wasn't sure how this explanation answered his question. Ms. Peck said, "You gotta look at the votes...there are concerns; there are legitimate concerns, but the vote's the vote. And I don't have any reason to believe that the votes would be any different." Mr. Glassman asked if no one at the meeting had requested waiting a month to see what the building would look like. Ms. Peck said, "There was a presentation, and then the call for a vote for approval came. It was very overwhelming."

Ms. Maus was concerned that once the Board approved, even with the condition that the applicant meet with the residents, this would not guarantee that everyone would be pleased with the result. Ms. Maus confirmed that this was a City Commission call-up item and the civic association could choose that route if they were unhappy.

Ms. Graham drew Ms. Peck's attention to sheet E2, which had the lighting specifications. Ms. Graham noted the security lighting and wondered if it would be left on at night, even though no work would be conducted on the property at night.

Ms. Peck told Ms. Fertig that they typically had 15-30 people attend their meetings. She admitted she was concerned that another meeting on this issue would result in another abnormally high turnout.

Ms. Bianca Bryant, resident, described the traffic patterns in the area of the Marina, from SR 84 along S.W. 20<sup>th</sup> Street and said, "the traffic and the speed is unbearable." She said she had attended the meetings of the civic association on this issue and as of August, they had not come to any conclusions. On August 17<sup>th</sup> "the Lauderdale Marine Canter showed up with their contractors and employees and they became members that night without ever participating in any of our neighborhood compatibility discussions."

Ms. Bryant described traffic issues on 20<sup>th</sup> street, and noted her suggestion that the marina utilize an "interior road" on the property to alleviate traffic issues. She had been informed by City Staff that this was not possible. Ms. Bryant explained that boat body work was conducted "right in front of the house." Ms. Bryant said she had testimonials from neighborhood individuals "who are getting sick...including myself and my husband." Ms. Bryant submitted a petition signed by 50 residents from 20<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> Streets, saying they did not agree with the August civic association vote, and wanted written solutions presented prior to approving the project.

Ms. Bryant felt the proposed traffic mitigation measures would be ineffective. Ms. Fertig confirmed that Ms. Bryant had the same concerns as Ms. Peck, and was also still concerned with traffic issues.

Ms. Cherie Thompson, resident, said she was concerned with being “run over.” She felt that promises made were often not honored, and commented that the existing lighting was “obnoxious” at night and the traffic was “insane.” Ms. Thompson said she wanted the Board to consider the quality of life of her community.

Mr. Lon Bryant, resident, said his family had been involved with the marina since World War II. He felt the situation had become “intolerable”, specifically in regard to the lighting, and nighttime work on the property. He had health/environmental concerns about the paint and fiberglass work done at the marina. Mr. Bryant was very worried about the potential traffic increase as well.

Mr. Robert Peterson, marina contractor, said it was one of his employees who had been responsible for the one warning at the property, and this was due to his working against procedures. Mr. Peterson acknowledged the neighbors’ concerns, and said the marina would “operate in good faith.” Mr. Peterson thought that the existing buildings were approximately the same height as the proposed building would be.

Mr. Dennis LaRue, marina employee, acknowledged the residents’ concern over environmental issues, but said he thought the this hearing was to address “the zoning and planning aspect of it and not so much to nit pick whether or not the yard is EPA compliant or whether or not best management practices are being practiced at the marina.” He noted the strict policy the marina had for shutting down work being done that was not EPA compliant. Mr. LaRue thought that most of the traffic issues in the areas were caused by residential developments and the railroad project. Mr. LaRue said he wanted the neighbors to be more “open-minded as to the amount of revenue and benefit that they can receive from this sort of an industry in their neighborhood.”

Mr. Craig Parker, resident, said he returned home from work at 3:00 a.m. and the lights were very bright from the marina. He said “heavy traffic” began at 7:00 a.m., including large trucks. Mr. Parker stated that painting work was done outside of the required enclosed space at the marina. Mr. Parker felt the marina should get “100% cooperation” from the neighbors. Ms. Golub asked Mr. Parker if he hoped to get some relief from these existing issues at the marina through the site plan approval process for the new construction, or if he feared that the new construction at the marina would exacerbate the existing issues. Mr. Parker said, “If they don’t comply with the conditions now, what makes you think they’re going to comply when the site is developed?”

Dr. Shelton Passen said he purchased the west yard in 1997 and operated the marina as a real estate venture, allowing the contractors to ply their trades there. Dr. Passen promised to produce a lighting plan and building façade that were satisfactory to and compatible with the

community and agreed to abide by any restrictions the Board saw fit. Dr. Passen explained that this development would enable them to service 150' boats, whereas they were now limited to 120'.

Ms. Fertig noted the agreement among residents on the three biggest issues at the marina: the lighting, the façade and the traffic, and also their agreement on the importance of the marine industry in south Florida. Ms. Fertig asked about the "internal street" Ms. Bryant had mentioned, and Dr. Passen said this would present a major safety issue because of the heavy equipment that moved about inside the marina during operating hours. Dr. Passen said they were 98% in compliance with the EPA management best practices. Dr. Passen said much of the truck traffic was caused by the railroad bridge project and should cease in approximately one year.

Ms. Hunt felt the case must be deferred until the neighbors were presented with lighting, sidewalk, facade and traffic plans. Dr. Passen was frustrated over the delay, but Ms. Hunt felt these were issues that must be addressed.

Mr. Dave Zelch, architect, said the photometric tests were included in the Board's packet and the lighting exceeded the City's requirements, and the marine center had agreed to change the existing fixtures to improve on the glare problem. Mr. Zelch said they had presented the civic association with perhaps 10 sketches for the façade, but the association had wanted "phony windows and phony balconies" that Mr. Zelch found appalling. They had subsequently developed more designs for the façade. Mr. Zelch noted the work Dr. Passen had done when he purchased the property to remediate many code and environmental issues. Mr. Hall confirmed that conversations were continuing regarding the lighting and façade; they had done all they could regarding the traffic.

Ms. Graham asked if the photometric plan would be revised to show the existing lights that they intended to swap out because of the glare. Mr. Zelch said they would not; this approval was for the new project components only.

Mr. Peter DiMarco, resident, said that because of homeland security measures, this was the only facility that would accommodate larger boats. Mr. DiMarco called this "the most magnificent yard on the whole east coast." Mr. DiMarco felt the majority of neighbors were in favor of the project.

Mr. Jim Parks, operations manager for the marine center, said he enforced the contractor compliance in the yard. He said they had implement several improvements in the past two years and the yard and operations had received an A+ rating recently from the state DEP. He confirmed that their rules were built on Broward County Best Management Practices.

Ms. Golub noted a discrepancy in the number of employees, and felt the proposed additional parking would be insufficient. Mr. Parks said there were approximately 20 contractors at the

site performing boat repairs, and the new property would house six new contractor sites. There were also two office buildings existing on the site.

Mr. Frank Herhold, Executive Director of the Marine Industries Association of South Florida, noted how good it was to see a developer keep a marine facility as a marine facility. He remarked on the loss of boat yards to other types of development in the past 5 years. Mr. Herhold explained that this marina accommodated mega-yachts, and each mega-yacht visit had over \$400,000 in economic impact. Mr. Herhold asked the Board to approve the site plan because "we need this facility; we need this expansion."

Ms. Susan Engle, President of Enviro-Care and past President of the Marine Industries Association of South Florida and the Broward's Fine Commissioner, Florida Inland Navigational District, said she had worked with the two previous owners to clean this property up. She said Dr. Passen had cleaned up the property under the supervision of the DEP and the EPA. Ms. Engle said many of the environmental issues about which the neighbors were concerned were not occurring at the Marine Center.

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.

Mr. Tim Welch, engineering Department, confirmed that they had reviewed the photometrics and the design did conform to the City's requirements. He explained that the foot-candle readings were to be at a certain level for parking at night, and the City code did not differentiate between sites that were open at night and those that were not. If there were parking spaces, they must be lighted at night.

Ms. Graham wondered why there was such strong lighting on a secure site at night; Mr. Welch remarked that "if you had a boat there, you might like it to be up around five or six foot-candles because you would like it well-lit to protect your boat or your investment."

Mr. Hall asked the Board, "if you decide to vote to approve, that it be on the condition that if before the time by which a Commissioner must call up this item...if we don't present to whomever you choose a joint agreement of the negotiating committee of the association that we have successfully resolved the lighting and the facade issue, that we will request...before the time period expires, that the Commission call up the item, and at that hearing, and this is up to the Board, part of our request would be to call it up and automatically send it back to you, that would be fine, or just leave it to their decision at that time." Mr. Hall noted they were "down to two issues" and he felt they were both "easy."

Ms. Fertig said she would be more comfortable deferring the item for 30 days, to see if and how the remaining items could or would be addressed. Mr. Hall wanted clarification on what was expected; if it was the lighting and the facade, he wanted this stated in the motion. Ms. Fertig said they wanted to know exactly what they were voting on. Mr. Hall pressed her to be



specific, and Ms. Fertig said, "There has been reference to the fact that the increased traffic on that street is due to the construction of the railroad bridge...if that's the case, I would like to actually see something in writing on that, as opposed to having one speaker refer to it."

**Motion** made by Ms. Fertig and seconded by Ms. Graham to defer item 9 to the Board's October meeting. Board approved unanimously.

**Motion** made by Ms. Fertig and seconded by Ms. Graham to defer item 10 to the Board's October meeting. Board approved unanimously.

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**11. L & A Holdings, LLC.**

**James Cromar**

**127-R-06**

**Request: \*\*** *Site Plan Level IV / 5,482 sf Restaurant / Parking Reduction / Planned Resort District (PRD) Zoning*

**Legal Description:** Lot 7, Block 3 of the Amended Plat of Las Olas by the Sea, according to the plat thereof, as recorded in P.B. 1, P. 6, of the Public Records of Broward County, Florida, and re-amended plat of Las Olas by the Sea, according to the plat thereof, as recorded in P. B. 1, P. 18 of the Public Records of Broward County, Florida.

**Address:** 225 South Ocean Boulevard

**General Location:** Mid-block on the west side of South Ocean Boulevard (A-1-A) between East Las Olas Boulevard and Poinsettia Street

Board members disclosed communications they had regarding this case.

Ms. Courtney Crush, attorney for the owner, explained that owner wanted to change this to an up-scale restaurant to help redevelop this block of the beach. Ms. Crush presented a current photo of the block to the Board. Ms. Crush explained that in order to request the parking reduction, they must show the Board why they should not be required to provide the full number of parking spaces that a newly-constructed building on a vacant lot would. She noted that a new restaurant with 54 tables required 136 parking spaces. They had conducted a parking study on two sunny Fridays and Sundays during peak hours and found that at no time were there fewer than 123 available parking spaces after assuming that every patron came with a car and parked in the lots.

Ms. Crush stated the first criterion for parking reduction required that the site be unique; she felt being in the beach CRA was unique. She added that this was also a mixed-use area to which people might walk. According to the study, with which the City's consultant concurred, there was plenty of parking available. Ms. Crush stated that as a condition of approval, City staff recommended that they record the parking reduction in public records.

Ms. Crush informed the Board that the City Staff report found they complied with the comprehensive plan. They had also included a narrative on neighborhood adequacy and compatibility.

Ms. Maus noted that Staff had requested some additional information regarding their traffic and parking statistics. Ms. Crush said they had submitted the trip capacity information, and said according to their research, they did not believe there were any other pending or active parking reductions.

Mr. Cromar explained that the list of permitted uses for the Planned Resort District did not include restaurant, but did include "other uses catering to tourists as approved by the Planning and Zoning Board." If the Board approved this, then a Site Plan Review Level IV by the City Commission was required. As to the parking reduction, Mr. Cromar remarked that the parking study was conducted requiring 122 spaces, not 136. Mr. Cromar distributed copies of a map depicting other parking reduction requests in the study area.

Mr. Welch said they had evaluated the criteria the applicant's consultant had utilized to justify the reduction. Mr. Welch agreed the site was "somewhat unique" compared to some of the surrounding uses, but felt the applicant had not validly supported this, and so had not agreed that the applicant complied in this respect. Mr. Welch said he and the City's consultant had reviewed the report and agreed they needed additional information from the applicant's consultant to justify the request.

Mr. Welch explained that code did not allow them to use the public parking spaces in the central beach district.

Mr. Glassman remarked on the decline of the area in the past few years. He felt the reduction should be granted because many people lived in this vicinity and could therefore walk to the restaurant, and there was also public transit available in the area.

Ms. Graham noted that the existing parking was not even enough for the restaurant staff. She was concerned that if they approved this, they would be setting a precedent. Mr. Bill Osborne, architect, said they had not made a decision regarding employee parking yet.

Chair Freeman opened the public hearing.

Ms. Shirley Smith, Central Beach Alliance, said Mr. Yaari had presented his project to the CBA and they had welcomed it as a much-needed improvement at the beach. She agreed that residents could walk to the restaurant. Mr. Yaari had also presented the project to the Beach Redevelopment Board, which had unanimously supported it as well.

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.

Ms. Fertig noted that judging by the map Mr. Cromar had distributed, there was parking and walking traffic for this project. Mr. Welch reminded the Board that since this was in the central beach area, public parking could not be counted.

**Motion** made by Ms. Hunt and seconded by Ms. Adams to approve the parking reduction. Board approved unanimously.

**Motion** made by Ms. Hunt and seconded by Ms. Adams to approve the restaurant use. Board approved unanimously.

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Mr. Glassman asked about their recommendation last month that the City Commission review the portions of the ULDR that related to duplexes, two-family and cluster development. Mr. Brewton explained that Staff wanted to clarify with the Board exactly what they should present to the Commission and to create some possible alternatives to what the Board had recommended. Mr. Brewton felt the Board should be aware of the number of duplexes before requesting that they be presented to the Board, so they could gauge the effect this would have their agenda. Staff was compiling this information for the Board now.

Mr. Brewton distributed information for next month's EAR workshop.

There being no further business to come before the Board, the meeting was adjourned at 12:13 a.m.

Chair:

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Attest:

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Sandra Goldberg [for Jamie Opperee, Recording Secretary]