

**Planning and Zoning Board**  
**City of Fort Lauderdale**  
**Wednesday, January 3, 2006 – 6:30 P.M.**  
**City Hall City Commission Chambers – 1st Floor**  
**100 North Andrews Avenue**  
**Fort Lauderdale, Florida**

**Cumulative**  
**June 2006 – May 2007**

<b><u>Board Members</u></b>	<b><u>Attendance</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>
Pamela Adams [6:45]	P	6	1
Edward Curtis, Vice Chair	P	6	1
Maria Freeman, Chair	P	6	1
Mary Fertig [6:42]	P	7	0
Steve Glassman	P	7	0
Rochelle Golub	P	7	0
Mary Graham	P	7	0
Judith Hunt	A	2	5
Catherine Maus	P	6	1
Tom Welch	P	2	0

**Staff**

Sharon Miller, Assistant City Attorney  
 Greg Brewton, Planning and Zoning Services Manager  
 Yvonne Redding, Planner II  
 Eric Silva, Principal Planner  
 Michael Ciesielski, Planner II  
 Jim Koeth, Principal Planner  
 Jenni Morejon, Planner III  
 Wayne Jessup, Architect  
 Sandra Goldberg, Recording Secretary

**Guests**

Tom Keith	Birch Willey
Lindsay Acton	Arthur Bengochea
David Murray	Bill Hanser
Susan Peterson	Jay Abbate
Margaret Croxton	Bill Bigger
Mike Epstein	John-Henry Falk
Jeff Kuhlman	Peggy McCormick

Grant Smith  
 Buddy Lochrie  
 John Terrill  
 Veronica DePadoro  
 Gail Capp  
 Anthony Abbate  
 Manny Aguero  
 Jim Stork  
 Don Hall  
 Cathy Sweetapple  
 Bill Gundlock  
 Ervin Emory

Charles Jordan  
 Marty Taylor  
 Debbie Queenin  
 Ann Shumpert  
 Jerry Jordan  
 Bruce Wiede  
 Steve Buckley  
 Steven Tilbrook  
 Hugh Chappelle  
 Marvin Sanders  
 Ray Eubank

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**Call to Order**

Chair Freeman called the meeting to order at 6:30 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 procedures 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 Mr. Curtis and seconded by Ms. Golub to approve the minutes of the November 15, 2006 Planning and Zoning Board meeting. Board unanimously approved.

**Motion** made by Mr. Glassman, seconded by Ms. Graham, to approve the minutes of the November 15, 2006 South Andrews Area Workshop meeting. Board unanimously approved.

Chair Freeman announced that the next Planning and Zoning Board meeting was scheduled for January 24, 2007.

## Cases

### 1. Villaggio Di Las Olas Development, Inc. / Storks Las Olas

Yvonne Redding

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133-R-05

**Request: \*\*                      Site Plan Level III / Waterway Use / 3 Passenger Charter Boat Use /  
B-1**

Legal Description: Lots 3, 4, 5, 6, 13 and 14, together with that portion of that certain 10 foot abandoned alley, lying between said Lots 3 and 14, and between said Lots 4 and 13, Block 21, "Beverly Heights", according to the plat thereof, as recorded in P.B. 1, P. 30, of the Public Records of Broward County, Florida

Address: 1109 East Las Olas Boulevard

General Location: North of Las Olas Boulevard and west of SE 12 Avenue

### **DEFERRED FROM THE NOVEMBER 15, 2006 MEETING**

Board members disclosed communications they had regarding this case.

Mr. Jim Stork, applicant, explained that he wanted to conduct a gondola business. He felt this would enhance the image of the City. Mr. Stork said he had met with several neighborhood and business associations and received their support. He had gathered 275 petitions of support from people residing in Fort Lauderdale and elsewhere.

Ms. Yvonne Redding, planner, explained that this had been presented to the Marine Advisory Board and DRC, and had been approved with conditions regarding the gondolas' docking, maintenance and insurance. She informed the Board that the staff report explained how the project met conditional use, waterway use, and adequacy and neighborhood compatibility requirements.

Ms. Golub stated the Marine Advisory Board had listed a "litany" of limitations on the gondolas' operation. Ms. Redding stated that her report specified that the business must comply with the Marine Advisory Board's resolution.

Chair Freeman opened the public hearing.

Mr. John Terrill, Chair of the Marine Advisory Board, stated that the project was presented to the Marine Advisory Board in May 2006 and the Board had approved it unanimously. Mr. Terrill was also a member of the Riverwalk Trust, and noted that while they had not formally endorsed this project, as a rule the Trust encouraged public use of the waterways. Mr. Terrill was also a member of the Colee Hammock Civic Association and while that Board had not taken a formal vote, he noted that there was great support for the project in the neighborhood.

Mr. Jerry Jordan, Vice President of Colee Hammock Civic Association, explained that his association was never informed of the meeting on this project in November, even though they were directly impacted by it. Fifteen months ago, their association had met at Stork's and been asked about the gondola idea, and Mr. Jordan said, "We didn't care at that time." Mr. Jordan felt that Mr. Stork had taken this as tacit approval for the gondolas, and said he had begun running them without permit or insurance. Mr. Jordan had subsequently complained because the gondolas were running into boats and docks.

Mr. Jordan said he could not recall any formal vote of approval from the civic association. Mr. Jordan stated he was against this, and wanted to know that the insurance covered the applicant and Stork's. He noted that the actual gondola owners "have no money; they're entry-level employees. They don't care if there's a lawsuit if they damage our boats." Mr. Jordan added that there were manatees living in the canal and feared the gondolas presented a threat to them.

Mr. Jordan asked that the item be tabled so they could discuss it at their homeowners association meeting, and so Mr. Jordan could address the Marine Advisory Board on this issue. He also wanted to check on the insurance issue he had mentioned.

Mr. Glassman stated they had received an email from the President of the Colee Hammock Homeowners Association that a presentation was made in September.

Mr. Glassman asked about the insurance situation. Mr. Stork said Villaggio carried insurance on the building, Stork's had insurance on the restaurant, and he had another policy just for the gondola operation for \$1 or 2 million.

Mr. Steven Tilbrook, member of the Riverwalk Board of Trustees and the Marine Advisory Board, said he favored the project and felt it had been fully vetted by the Marine Advisory Board and the Riverwalk Trust.

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

**Motion** made by Mr. Glassman, seconded by Ms. Maus, to approve, subject to all staff conditions. Motion passed 8 – 1 with Ms. Graham opposed.

Mr. Stork explained to Ms. Graham that the gondolas were 32' x 4' with a 1-foot draught and four seats. Hours of operation would be the same as the restaurant. He confirmed that they complied with all of the Marine Advisory Board's safety requirements.

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**2. First Presbyterian Church of Fort Lauderdale Wayne Jessup 3-ZPUD-05**

**Request: \*\* \* Rezoning / 253,000 SF Church Facility, Retail and Office Use with 388 Space Parking Garage / to PUD**

Legal Description: All of Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, Block 34, less the north 10 feet of said Lot 7, Block 34; All of Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 38, together with that certain 10 foot vacated alley in Block 38; all of Lots 9, 10, 11 and west 33 feet of Lot 12, Block 39, Colee Hammock, according to the plat thereof as recorded in P.B. 1, P. 17 of the Public Records of Broward County, Florida

Address: 1224 East Las Olas Boulevard

General Location: SE Corner of East Las Olas Boulevard/Tarpon Drive to NW corner SE 15 Street/4 Avenue

**3. First Presbyterian Church of Fort Lauderdale Michael Ciesielski 1-P-06**

**Request: \*\* Alley Vacation / B-1 and RS-8**

Legal Description: All of the 10' alley lying between Lots 6 through 11 and Lots 13 through 15, Block 34, Colee Hammock, according to the plat thereof, as recorded in P.B. 1, P. 17, of the Public Records of Broward County, Florida.

Address: 1224 East Las Olas Boulevard

General Location: East-West Alley immediately east of Tarpon Drive between East Las Olas Boulevard and SE 4 Street

Board members disclosed communications they had regarding this case.

Ms. Miller informed Chair Freeman that it was permissible to hear items 2 and 3 together, as they were for the same project.

Chair Freeman said the applicant had requested one hour to make the presentation. The Board agreed to allow 30 minutes. Mr. Hall stated this was a complicated project, but he would try to present it within the time frame allowed.

Mr. Don Hall, representative of the project applicant, explained that they were requesting rezoning of the site and vacation of a portion of an alley. Mr. Hall had presented letters of support from two of the three commercial property owners along the alley.

Mr. Hall referred to a rendering of the rezoning request, and said he felt there was a misunderstanding about the nature of the Colee Hammock neighborhood, and this accounted for the difference between their analysis of the situation and some statements made in the staff report. Mr. Hall stated that there were two distinct land use components. One section was a residential component east of 16<sup>th</sup> Avenue that was primarily residential. The other section was largely devoted to commercial and community facility uses. Mr. Hall thought that this essentially created two neighborhoods. Mr. Hall described these delineations on the rendering, and then showed a timeline depicting meetings that had taken place over the years with the Colee Hammock Homeowners Association.

Mr. Hall stated the original plan called for development east of 15<sup>th</sup> Avenue, but the church had agreed with the neighborhood request to confine the project to the area west of 15<sup>th</sup> Avenue, which was the current plan. The church had acquired additional property west of 15<sup>th</sup> Avenue to comply with this request.

Mr. Hall said there were five components to the project, and he felt the scale and massing were consistent with existing uses in the surrounding commercial/retail component of the neighborhood.

Mr. Hall said they had requested the rezoning to Planned Use Development because it had been necessary to redesign the project to cover a larger area than originally conceived, and the PUD was the only way to accomplish this and accommodate both the Church and City's desires in this larger area. Mr. Hall did not believe that this rezoning would create a precedent for any subsequent requests.

Mr. Hall said the staff report indicated that the applicant had not shown that there had been "a substantial change in a character development in or near the project which we are proposing" but Mr. Hall felt staff had failed to consider the nearby Himmarshee Landing project, which was rezoned in 1998, and was now mixed use office/retail/restaurant/residential. This project consisted of five lots, one of which was zoned B1, while the others were zoned RS-8. Mr. Hall felt the test the Board must apply was whether there had been a substantial change in the character of development in or near the area proposed for rezoning, and he thought the Himmarshee Landing project was a perfect example.

Mr. Hall said staff had been concerned about one of the garage's entrances from Las Olas Boulevard and its impact on pedestrian traffic. Mr. Hall said this situation was not uncommon on Las Olas and presented depictions of other parking garages. Mr. Hall thought this should not be a concern, because this was not in the urban core; it was a secondary access point and the garage's main use would be confined to Sunday mornings.

Regarding the staff's concerns with the project's consistency with the City's land use plan, the flexibility rules, and County land use plan policy 13.01.10, requiring a compatibility review when commercial parcels were rezoned residential or vice versa, Mr. Hall said the question was whether the flexibility rules applied. Mr. Hall had consulted with Henry Sniezek, Director of the Broward Planning Council, who informed him that parking for a permitted use was allowed only if it was ancillary to a primary use. Mr. Sniezek had indicated that if the parking lot was for commercial use, then compatibility would be a requirement, but since only 29 of the 388 parking spaces were allocated to commercial use, Mr. Hall felt this did not apply. Mr. Hall said if the garage were located east of Northeast 15<sup>th</sup> Avenue, this would clearly require another analysis.

Mr. Hall took issue with the staff report language stating that the project "varies significantly from existing development patterns and existing development standards in the adjacent neighborhood and along Las Olas." Mr. Hall felt that if they considered Northern Trust, Himmarshee Landing, Kindred Hospital and the 1700 Las Olas building, this project was consistent with the character.

Mr. Hall showed another view of the area depicting the project's relationship with the surrounding area, and drew the Board's attention to a strip of church-owner property zoned RS-8 that provided an additional buffer between the residential component and this project. Mr. Hall reiterated his belief that the project was compatible and consistent with area development patterns and the City's criteria.

Mr. Bill Hanser, project architect, explained the evolution of the site plan in response to neighborhood input. The three most significant changes were the relocation of the garage west of Southeast 15<sup>th</sup> Avenue, the "D" building designation introducing retail/office on Las Olas, which was done at the request of the Planning Department, and designation of the northwest corner representing active use, which was also included at the request of the Planning Department.

Mr. Hanser explained that this project comprised five separate structures, and was an "urban village" design plan, with covered walkways connecting the components. Mr. Hanser pointed out the component structures on a rendering: a family life building; a retail office building; a church offices building; a fellowship hall building and a parking structure.

Mr. Hanser continued that the design met two criteria for the PUD request: the diversification and integration of structures, and the more efficient land use through compact building forms. Mr. Hanser said the height of the buildings had been analyzed in great detail and he had sited them in compatible locations that provided transitions to the surrounding buildings. Mr. Hanser said they had paid particular attention to the design of the parking garage, incorporating residential design treatments, in response to neighborhood requests. They had also promised to maintain significant landscape buffering.

Mr. Hanser pointed out the colonnade that wrapped around the base of the parking garage, which brought the building down to pedestrian scale and provided a link to the neighborhood to the east.

Mr. Hanser presented a graphic of enhanced pedestrian linkages and park areas that corresponded to three PUD planning initiatives. Mr. Hansen felt the most important element of the pedestrian linkage was an open-air element that was accessible to the public and provided an alternate church access and a Las Olas/Colee Hammock Park connection.

Mr. Hanser said this was a very important element to the project, and they had created an entranceway on Las Olas that was an urban park 2,400 square feet in area that directed pedestrians onto the walkway and into the project. They had included a fountain at the Planning department's request, as well as seating and landscaping.

Mr. Hanser pointed out another urban park they had designed at the Las Olas and Tarpon intersection, which was 1,200 square feet and included an existing specimen tree. Mr. Hanser noted that contrary to the planning report, that referred to the building façade adjacent to the walkway along Tarpon from Las Olas to Colee Hammock Park as a blank wall, there were many trellises at eye level, and glass on the second and third levels. There were also areas for oak trees included in the 20.5' space between the curb and building face.

Mr. Hanser showed a rendering of another urban park included in the project at the intersection of Tarpon and 4<sup>th</sup> that was 9' X 30' and included mature palms. The wall adjacent to this park was only 11' feet tall, which Mr. Hanser described as very pedestrian in scale.

Dr. David Berry, the church's minister, gave a brief history of the church and noted that the services the church provided to the community had grown significantly over the years, while the church had not added a building in over 50 years. Dr. Barry listed many organizations that utilized the church's facilities for their activities, and described the activities they hosted.

Dr. Berry explained that they had begun the planning process six years ago and had worked with the neighborhood association from the beginning and made several changes to the project to honor their requests. Dr. Barry said he was sorry that the communication had broken down recently, but stated that the church's expansion was needed in order for them to continue to provide services to the community. He felt the project would be a tremendous asset to the City, specifically to Las Olas and the Colee Hammock neighborhood.

Mr. Wayne Jessup, planner, noted that the map supplied with the staff report erroneously indicated that blocks 38 and 39 were part of the application.



Mr. Jessup reported that the applicant had met several times with the staff, and staff had performed extensive review of the project. Mr. Jessup read the staff summary, "... although the proposed project addresses the standards of adequacy, it does not meet the criteria required for rezoning, neighborhood compatibility, or for a PUD. In addition, the proposed project is not consistent with the City's Comprehensive Plan."

In response to Chair Freeman's question regarding why the PUD designation was required for this particular project, Mr. Jessup said staff had wondered about this as well, and had asked the applicant. The applicant had provided a narrative indicating that in CF zoning, for example, they could not build the project as designed within the proper setbacks, and they would be unable to include the arcade components.

Ms. Maus asked Mr. Jessup's opinion of Mr. Sniezek's letter. Mr. Jessup said he had first seen the email this evening. He noted that the inquiry from the applicant had indicated that all of the uses were church-related, and staff was concerned that this did not "reflect the reality of the situation." He referred to two retail elements and an office element that were commercial uses, not accessory to the church, noting that the parking related to these uses was commercial as well. The parking for this was located in a residential land use, which was not allowed without changing the zoning and then flexing it.

Ms. Maus asked how this could be resolved if the Board granted the rezoning. Ms. Miller said the Board could make resolution of this issue a condition of their approval, giving the City time to confer with Broward County. If Broward County concurred that flex review was necessary, the applicants must come back; if not, the project would be presented to the City Commission with the resolution.

Ms. Fertig asked what percentage of each of the three existing zones was west of 15<sup>th</sup> Avenue. Mr. Jessup estimated that RO-8 was approximately 25% of the site, RS-8 was approximately 35% and the remainder was B-1. Mr. Jessup confirmed that the two portions in the church's original plan, which they were not developing, were zoned RS8.

Mr. Michael Ciesielski, Planner, summarized the planning report for the alley vacation. Mr. Ciesielski said the applicant intended to provide an access easement at the west end of the alley because the vacation would create a dead end at the west end of the alley. Mr. Ciesielski then proceeded to show a diagram that showed this easement located mid-block on East Las Olas Boulevard. Mr. Ciesielski reported that the Property and Right-of-Way Committee had approved the vacation request by a vote of 4 – 2, subject to that access easement being granted to route traffic from East Las Olas and with the provision that the PUD and land use issues were first resolved. The Right-of-Way Committee was also concerned with traffic issues at the new access point, and wanted the DRC to consider truck access issues.

Mr. Ciesielski said the applicant had obtained letters from the utilities regarding the vacation and had provided a narrative describing how they felt the request complied with the criteria for the vacation. The Board's package also included 26 letters or emails opposed to the request.

Mr. Ciesielski presented a photo depicting the alley, and described businesses that currently used the alley. Mr. Ciesielski said staff was concerned that the alternate access the applicant proposed was in an area that experienced heavy pedestrian traffic at times that would probably coincide with the applicant's heavy vehicular traffic, creating pedestrian/vehicular conflict.

Mr. Ciesielski listed the following conditions, should the Board recommend approval of the vacation:

- If any relocations were required, the full cost shall be borne by the applicant and the relocation plan shall be reviewed and approved by the Engineering Department
- To avoid having the alley dead-ending, the applicant shall dedicate an alternate access easement through Lot 6, Block 34 and this shall be in done in accordance with City Engineering standards.
- The applicant shall contribute to the costs of the resurfacing of that portion of the alley from the proposed alternate access easement (Lot 6, Block 34) east to SE 15th Avenue and this shall be done in accordance with City Engineering standards.
- Final DRC approval.

In response to Ms. Fertig's questions, Mr. Hall confirmed that there were 388 parking spaces, and Mr. Hanser clarified that the 8% landscaping included small portions of the urban parks.

Mr. Hanser explained that the parking garage was one unit, but one section had church offices as well as parking. Mr. Hall reiterated that 29 of the parking spaces would be devoted to office and retail use; the remaining spaces were for church use.

Mr. Hanser explained to Ms. Golub that the original plan had not included the office/retail development on Las Olas, but in early meetings, staff had suggested including this to activate the sidewalks.

Mr. Hanser did not know if the fitness center would be for public use or church members only. Dr. Berry confirmed that they would continue to allow other organizations to utilize the new kitchen facilities, but would not lease them to outside groups. Dr. Berry estimated that 20 - 30 organizations currently were allowed use of their facilities.

Ms. Maus noted what she felt was an inaccuracy in Mr. Hall's characterization of the neighborhood divisions, noting that part of what Mr. Hall included in the commercial/community facility portion was actually residential. Mr. Hall said that he had used the word "predominantly" to describe the area, and felt this was accurate.

Mr. Curtis determined that of those in attendance who supported the project, only four people were not members of the church and also lived in the neighborhood.

Mr. Hall clarified for Mr. Curtis that in CF zoning, they could not meet the setback requirements with their current design. Mr. Hanser interjected that the vertical circulation requirements in a parking facility were very unforgiving, and there was just enough room to accommodate the current design. If the CF setbacks were honored, they could not have built the parking facilities.

Mr. Curtis asked if the Church would agree not to rent the non-retail parking spaces to the public. Mr. Hugh Chappelle said the City's request for a retail component to the project had necessitated the non-church parking spaces. He said the church had suggested to the City that when the Church experienced a slow period, the additional spaces could be made available to the public for a fee. Mr. Chappelle agreed to work something out with the neighborhood to ensure that the lot would not be used for a regular commercial parking facility.

Mr. Hanser said there were discrepancies with dimensions in the staff report, such as:

- the building length along 4<sup>th</sup> was exaggerated by 40';
- the amount of the building that engaged the sidewalk on Las Olas was off by over 25%;
- the reference to the wall lacking 50% ornamentation was not true.

Mr. Hanser explained that the staff's measurement of the building length included a portion of the building that was set back more than 60 feet. Mr. Jessup stated that the building length dimension noted in the staff report was taken from the applicant's DRC submittal. Regarding the amount of the building that engaged sidewalk on Las Olas, Mr. Jessup felt this could be an instance of the amount being calculated in different ways.

Mr. Glassman asked if the existing 166 parking spaces would be kept in addition to the 388 parking facility spaces. Ms. Cathy Sweetapple, transportation consultant for the applicant, explained that the church currently had 105 spaces in one lot across the street and 51 spaces in a lot that served Kindred hospital; these were only available to the church on Sunday. Parking on a small dirt area would be incorporated into the project. Ms. Sweetapple confirmed that the church would have approximately 500 spaces. She stated that code required 333 spaces for the fellowship hall; they had added spaces to accommodate their Sunday services. Mr. Glassman asked if granting the PUD would allow them to reduce the required parking. Mr. Hall said it would.

Ms. Graham asked about the project timetable for the three phases. Mr. Hall said they hoped to develop in one phase.

Ms. Graham asked Mr. Hasner about the photometrics of the parking garage. Mr. Jessup stated that staff had approved the parking garage photometrics.

Mr. Hasner confirmed that the classrooms were for Sunday school use only. Dr. Berry said they planned to move their adult classrooms to the new building, where they would be utilized mostly on Sundays, but there may be occasional other uses.

Dr. Berry told Ms. Graham that the recreation and game room was exclusively for their youth ministry, and would provide a place for the community's youth to hang out; there would be no school use.

Mr. Welch asked Mr. Hasner why they had not considered adding the office/retail space at the beginning of the project, and also asked him to describe how the project connected with Las Olas, which was known for restaurants, shopping and entertainment. He felt the project had not originally been approached comprehensively. Mr. Hasner replied that the original project was designed strictly to meet the church's needs and the Planning Department staff had suggested the retail/commercial component. He added that the pedestrian street was included at the beginning, because the church had instructed Mr. Hasner "that they did not want this facility to turn its back on the community." This was why the design of the entrance from Las Olas was so pedestrian-friendly.

Ms. Maus thought she had seen a 2016 completion date in the package somewhere. Mr. Hall indicated that if the project were approved today, as a 3-phase project, it could have a 10-year site plan approval period, instead of the usual 18-month period. Mr. Brewton did not agree that in a PUD the 18-month site plan approval period was no longer applicable.

Ms. Maus and Mr. Hall differed in their opinion of whether a discontinuation of the parking lot's use was required for the property's increase in value to cause the parking lot to lose its legal non-conforming status. Mr. Brewton did not agree with Mr. Hall that the parking lot use must cease for 180 days to lose the non-conforming status. There were other aspects of 147-3 pertaining to the property value increase that could lead to a loss of non-conforming status.

Ms. Maus asked if the church would be willing to develop the residential-zoned property it owned east of 15th according to existing zoning if this project were approved. Mr. Hall said the church had already agreed that if the project were approved it would record a restrictive covenant to accomplish this for 25 years. The neighborhood association wanted the covenant to be perpetual, but the church was not prepared to do this. Mr. Hall noted the property might not always be owned by a church, and a perpetual covenant would prevent the City from making land use changes in the future.

Mr. Jessup agreed with Ms. Fertig that the building was at least 300 feet long. Mr. Hall informed Ms. Fertig that he felt the landscaping was compatible with the community facility

component of the surrounding area. He admitted it was not compatible with the single-family component to the east. Mr. Hasner said it was possible to increase the landscape to perhaps 18%; this would require using grass in some of the areas they currently planned to use pavers.

Mr. Chappelle explained that they had last met with the Colee Hammock Neighborhood Association in March 2006 with the current project. In April, they had met with a special committee of Colee Hammock representatives, and Mr. Chappelle had met a few times after that with Bill Gundlock and had come up with several changes. Mr. Chappelle said they had improved the landscaping along Tarpon, increased landscaping on the east side of the garage and had agreed to preserve the oak trees. Mr. Chappelle confirmed that they could install landscaping instead of pavers to increase the landscape percentage, but noted that this would reduce the seating areas.

Ms. Golub asked if the church had any concerns about the alley as the church grew. She was also concerned that the finished project gave the appearance of a compound rather than a collection of smaller buildings. She thought the Board must consider if this was the right place to put this massive structure.

Mr. Hall reminded Ms. Golub that the City had determined that the adequacy requirements were satisfied and they had not required a traffic study. Mr. Hall said he felt this was the proper place for the City to encourage a church to grow. Ms. Golub clarified that she was not questioning the church's right to grow, but the location of an 800' x 500' x 5-story building. Mr. Hall felt there might be a good deal of misunderstanding about the building and its components, but said it did not present as a single structure.

Mr. Hanser said Ms. Golub was describing a Wal-Mart, and this structure was not a Wal-Mart. He asked Ms. Golub to consider this as a series of connected buildings that shared an architectural style. He added that this was a two and three-story structure, not a five-story structure.

Ms. Golub referred again to the construction timetable and asked Mr. Hanser's opinion. Mr. Hanser said the phasing and timetable was dependent upon the church's ability to fund the project. Ms. Golub stated that once they received the PUD designation, the developers could do whatever they wanted to do. Mr. Hall stated this was not true, and explained that the PUD Master Plan became a zoning district, and any changes required an amendment to the zoning plan. They could not apply for a variance, a special exception or a conditional use.

Ms. Sweetapple explained that the uses for which the new buildings would be constructed were already taking place on the property. Ms. Sweetapple took issue with the idea that vacation of the west side of the alley would create more traffic incursion on Las Olas. Ms. Sweetapple said, "you virtually have to be driving on Las Olas already to access the alley." Businesses along the

alley that needed the alley for access would retain it. She said there would be “no new trips going to Las Olas because of the vacation of the alley.”

Ms. Fertig noted that the two retail establishments that would be taken away would be replaced with two new ones. Ms. Sweetapple agreed, and stated that these would be parked inside the new parking structure. Ms. Fertig said many letters they received were from residents concerned that without an alley behind the new businesses, trucks might be stopping on Las Olas to make deliveries. Ms. Sweetapple pointed out a small service area behind the new businesses for this purpose.

[The Board took a break from 9:30 to 9:50]

Chair Freeman suggested they defer items 4,5,6,7 and 8 to the February meeting.

**Motion** made by Mr. Curtis, seconded by Ms. Maus, to defer items 4,5,6,7 and 8 to the February 21, 2007 meeting.

Chair Freeman opened the public hearing.

Mr. David Murray, resident, remembered the uproar caused by the construction of the Galleria Mall, which he originally opposed but now appreciated. Mr. Murray said both he and his daughter had gotten a lot out of the church, and for the kids' sake, he favored the project.

Mr. Birch Willey, resident, said he had been a church member for over 50 years, and remarked that the church always encouraged church members to work within the community. Mr. Willey said the church had worked to create a place where family members could worship and know each other, and to be good neighbors. They had also created a place where they could move the ministry into the community and the world to help those who needed it. To continue doing this, Mr. Willey said this project was necessary, and asked the Board to approve the project.

Susan Peterson, resident, felt it was important to preserve a sense of place and proportion in the City, and asked the Board to oppose the project. Ms. Peterson remarked on the potential negative environmental and health effects of the parking garage due the exhaust fumes. Ms. Peterson did not like the design, stating it looked like a “monolith fortress.” She had not seen any attention to green design or environmental enhancement in the project either. Ms. Peterson suggested the church try to redesign the project and do more with less.

Marvin Sanders, resident of Colee Hammock and land planner, presented a zoning map of the church from 1998 indicating it was all zoned R-1 [now called RS-8]. He explained that the Community Facility District zoning was set up with a maximum of 10,000 square feet for the church and 10,000 for the school. Churches that wanted to grow large could take advantage of B1 zoning elsewhere. For this reason, Mr. Sanders felt the section in the PUD ordinance stating,

"...otherwise permitted under traditional zoning districts..." indicated that this could occur in B1.

The church and school were now zoned CF-HS. Mr. Sanders referred to a letter the church had sent the City discussing the 10,000 square foot maximum in 1997-1998. Mr. Sanders reminded the Board that today, one might be permitted to exceed the 10,000 maximum via level III site plan review. Mr. Sanders presented copies of his documentation, including the letter from Charles Richey for the church.

Mr. Sanders reported that in 2001, there had been discussions with the church regarding the closing of Tarpon, not this project. Mr. Sanders pointed out that in the adjacent zoning district, the maximum building length was 200 feet, and this structure's total length was approximately 720 feet. Mr. Sanders thought the scale and mass of the project was huge and said, "As far as I'm concerned, it also tramples over all of the other provisions put into the zoning code, such as neighborhood compatibility." He pointed out that the small section of RO-8 zoning district in the area was applied in order to protect the adjacent [RS-1] RS-8 district.

Mr. Sanders' opinion was that the PUD zoning was defective, "and certainly could be challengeable, because every other PUD ordinance I've ever met has a requirement that you provide "X" amount of open space in exchange for relaxing your criteria." Fort Lauderdale's PUD zoning did not do this, and Mr. Sanders said this was effectively a "blanket variance" to the entire zoning code. Mr. Sanders felt the PUD zoning also flouted the time limits on site plans.

Mr. Curtis asked Mr. Sanders about the creation of CF zoning. Mr. Sanders explained that it was created to address the issues that arose from church parking in residential zoning districts. Churches' scale, size and activities were considered similar to schools, and residential neighborhoods suffered similar degradation. Mr. Sanders explained the distinction between CF-SH, that was for houses of worship and CF-HS, that was for a house of worship and a school, which is the designation this church currently had on the sanctuary site. Mr. Sanders said they requested the same designation for the lots east of 15<sup>th</sup> Avenue, but the City had refused.

Mr. Sanders informed Ms. Fertig that in his opinion, the project was not compatible with the landscape and open space of the surrounding area, which was one criterion for PUD.

Jeff Kuhlman, resident, reminded everyone of the social and neighborhood services the church provided, and noted that they were operating out of "a little room." He said they could not go on as they had operating out of such a small space.

Ms. Peggy McCormick thought the church did a "marvelous job in its ministry" but felt the issue was that the scope and size of the project could not work in Colee Hammock. Ms.

McCormick thought the zoning change would have a huge negative impact on the surrounding area.

Mr. Grant Smith, attorney representing Michael and Jacqueline Eagan, the church's adjacent neighbors and members of the church, stated that this request was "extraordinary." Mr. Smith said the church must prove a community benefit would result from the vacation and PUD classification. Mr. Smith felt there was no compelling public purpose to grant the rezoning. He pointed out that the City had recently denied a smaller project immediately across the street from this one because it was deemed incompatible with the neighborhood.

Mr. Smith felt this project was about more than the immediate neighborhood; it was also about the impact it would have on traffic on Las Olas and the surrounding area. Mr. Smith said the Board must protect the neighbors' interests.

Mr. Charles Jordan, resident, said the project would "alter that part of Las Olas in a way that we will never recover again." Mr. Jordan was a member of the church, but strongly opposed the project, and felt the church leadership was insensitive to the neighborhood. He urged the Board to deny the project.

Ms. Lindsay Acton, resident and church member, said the church needed more space to provide the family and kids' activities and said she approved of the project.

Mr. Art Bengochea, resident and member of the City's Master Planning Committee, explained that as an architect, he had designed homes near the church in Colee Hammock, and that he felt a responsibility to ensure that the project was built in an appropriate manner. Mr. Bengochea said the church had tried to work with the neighborhood over the last year, and had made changes pursuant to the neighborhood's input. Mr. Bengochea noted that even though the building was large, it was designed at a human scale, and was designed in components so he felt it would not be perceived as "one big monolithic structure." Mr. Bengochea mentioned the urban plazas in the project, and stated that, "Fort Lauderdale should go a little bit more toward an urban setting instead of a suburban mentality."

Ms. Fertig asked Mr. Bengochea if he believed that Colee Hammock's trees were an example of suburban landscaping. Mr. Bengochea said no, but he felt that this end of Colee Hammock had become more urban, unlike the area east of 15<sup>th</sup> Avenue, where there was a canopy.

Mr. Tom Keith, resident, described some of the activities that the church provided, and said he was "passionate for the development and expansion" of the church. Mr. Keith explained the church's scholarship program. He stated that the church's growing youth program needed a family youth center to replace the current cramped quarters.



Mr. Buddy Lochrie stated that the issue this evening was not the church or its works, but the zoning code criteria and the inappropriateness of the PUD zoning on Las Olas Boulevard. He reminded the Board that staff had determined that this did not meet the criteria. Mr. Lochrie pointed out that the alley was very important to the commercial development of Las Olas and it was not fair to give the alley to a private developer. Mr. Lochrie reminded the Board that this was a private developer that just happened to be a church, and remarked, "If this was Target, we would have been out of here hours ago." Mr. Lochrie asked the Board to deny the vacation of the alley and the PUD designation.

Mr. Bill Gundlock, resident, said he was part of the negotiating team from the church and neighborhood. Mr. Gundlock agreed that the church did great things in the community, but pointed out that this was not the issue. The issue was whether the project was proper in this location regarding its height, massing and potential traffic generation. Mr. Gundlock said they had opposed the alley vacation because the pedestrian traffic would be endangered by the commercial use of the alley. They had felt the alley should remain as it was, or have an entrance from somewhere other than Las Olas.

Regarding the new parking spaces, Mr. Gundlock said the church currently used approximately 250 spaces and intended to increase to 500 spaces; he did not feel the church needed all of this parking. He stated the neighbors had requested that the church put in a restrictive codes promising not to build east of 15<sup>th</sup> Avenue, and the church had offered to promise this for only 25 years. The neighborhood had requested that as long as there was a church on the property, they would not use the lot across the street for anything but parking, and the church had not agreed to this either. Mr. Gundlock remarked on the length of the building, calling it huge. He also thought the reason the church wanted PUD instead of CF designation was because of the lower landscape requirement. Mr. Gundlock said the "height, the mass, the setbacks are just unacceptable to our neighborhood; it is not compatible with the neighborhood."

Ms. Maus asked Mr. Gundlock to list all of the points with which the Colee Hammock Neighborhood Association had a problem. Mr. Gundlock said the parking garage was the first issue. They had asked what the church intended to do with the additional spaces, and Mr. Gundlock had a letter from the church stating their intent to rent the parking spaces "to raise money to cover the cost." Mr. Gundlock believed the church intended to charge for valet parking in the garage.

Mr. Gundlock said they had also been concerned about additional traffic in the neighborhood, and asked that if the project were approved, a traffic light at Tarpon and Las Olas would be required. The neighbors also worried that the PUD would lift restrictions imposed by other zoning designations such as parking requirements and setback requirements. Mr. Gundlock asked the Board again to reject the request.

Ms. Molly Taylor, Colee Hammock resident and recording secretary for the Colee Hammock Homeowners Association, clarified that the association had voted on this item at their December meeting, and the members voted "almost unanimously opposed to the project..." Ms. Taylor said she supported the church, but objected to the size of the buildings, the incompatibility of the landscaping and the garage structure.

Mr. Patrick Kerney, Colee Hammock resident, pointed out that almost all of the people Mr. Hall had asked to stand in support of the project were not residents of Colee Hammock and would therefore not be affected by the additional traffic or the "decrease in property value that I'm going to have on my house if this monstrosity gets built." He insisted the project did not belong in the neighborhood.

Mr. John Terrill, resident, said he could find no indication that this project was unique, and therefore had no compelling argument for a PUD.

Ms. Debbie Queenin, Colee Hammock resident, thought the project was inconsistent with existing land use, scale, zoning, and short and long-term plans for the area. She noted that the alley provided alternative access for the merchants on Las Olas and vacation would divert traffic onto Las Olas and neighborhood streets, which already suffered capacity issues. She asked the Board to deny the church's requests for the zoning change and the alley vacation.

Ms. Jay Abbate, Colee Hammock resident and homeowners association board member and Master Plan facilitator, explained that their Master Plan should be complete in less than six months. She stated that the current draft of their Master Plan called for no vacations of alleyways or zoning changes throughout the neighborhood. Ms. Abbate felt these criteria were essential to maintain the fabric of the neighborhood. She said their architect, Alan Shulmin, felt the church could meet its objectives without the PUD or alley vacation. Mr. Sulmin had asked Ms. Abbate to propose to the Board that if they were unsure how to rule after tonight's presentation, that they wait until their Master Plan process was complete.

Ms. Veronica DePadoro, president of the Colee Hammock Homeowners Association and church member, said she was opposed to the plan. She had been working to improve landscaping and traffic issues on Las Olas, and was concerned about the traffic impact of the parking garage entrance on Las Olas. Ms. DePadoro asked the Board to deny the request, and hoped the church would return with a better project.

Ms. Ann Shumpert, Colee Hammock resident, said she had participated in early meetings with the church, and the neighbors had always been emphatic that they did not want a parking garage. Ms. Shumpert presented a flier distributed by the church when they presented the project to the association, remarking that it illustrated the incompatibility of the parking garage. Mr. Shumpert said there was no reason for the zoning change, the parking garage or the alley closure.

Ms. Gail Capp, Colee Hammock resident, felt this project would detract from Las Olas' image. She noted the setbacks and landscaping were inadequate. She asked the Board to reject the zoning change and the alley vacation.

Mr. Ray Eubank, resident, described problems the neighbors experienced with the Himmarshee Landings building, and said this building had been allowed because it had a residential/town home component facing the residential side. The church project did not do this. Mr. Eubank described another nearby church's recent project, and how their promises to provide screening and landscaping had failed. He also thought that First Presbyterian would be allowed commercial parking in this project, which he thought was unfair to the other church. Mr. Eubank was very concerned that the parking garage lights would be a problem.

Mr. Jerry Jordan, Colee Hammock resident, said the project was too big and too massive. Mr. Jordan remembered the Planning and Zoning Board's attempt to reduce the size of the Himmarshee Landings project, which was ultimately unsuccessful. Mr. Jordan described the various problems with the Himmarshee Landings and Riverside Hotel development projects. He pointed out that this project was not on Las Olas, but was in a residential neighborhood. Mr. Jordan said the neighbors used the alley and the Board did not have the right to authorize the alley's vacation when residents opposed it.

Mr. Jordan said he believed in helping the poor, but did "not want a soup kitchen in his backyard." He felt the church could continue its mission in another neighborhood. Mr. Jordan said he would do whatever it took to keep his neighborhood residential.

Mr. Anthony Abbate, resident, said he was disturbed with the "us versus them" atmosphere. He did not object to the church's social and community services, but with the project design. Mr. Abbate objected to the multi-building complex's location in a small, historic neighborhood. He remarked on the small size of Colee Hammock and noted that it had been awarded a County grant to create a neighborhood Master Plan.

Mr. Abbate knew that this project would have long-term impact and life quality implications. In his opinion, there would be no public benefit to closing the alley, and there was no need for the PUD. Mr. Abbate believed that only a complete Master Plan could describe the full impact of this project, and asked the Board to deny the application.

Mr. Bruce Wiede, resident, remembered a high-rise project the Board had considered when he was a member, and a remark Milton Jones had made that "it would be like putting an elephant on a dime." Mr. Wiede thought this project was consistent with the desire for development to "not go higher" and was in character with the neighborhood. He noted the positive aspects of the church's services and projects, and wanted the church to be able to expand them.

Mr. Ervin Emory, resident, felt the project was too massive for the neighborhood and asked the Board to deny the PUD and alley vacation request.

Ms. Pat Rubera, Colee Hammock resident and member of the Master Plan Committee, said she was in favor of the project, but did not feel it was ready yet. She wanted the item to be tabled so the church and its neighbors could continue talking.

Mr. Steve Buckley, resident, agreed with those who believed that the project was too massive. Mr. Buckley reminded Mr. Hall that homeowners did live west of 15<sup>th</sup> Avenue, and his family was one. He said these homeowners wanted to be able to keep the spirit of their residential neighborhood. Mr. Buckley disagreed with those who claimed that vacation of the alley would not create additional traffic. He asked the Board to vote against the project.

Mr. Manny Agüero, Colee Hammock property owner, said he owned lots in Colee Hammock and intended to build and move his family there, but if this project were approved, he would probably change his plans because he was uncomfortable with the project's size and scope in this neighborhood. He asked the Board to reject the requests for PUD and alley vacation.

Mr. Bernard McCormick, Colee Hammock resident, remarked on the ratio of pro and con public speakers, and the fact that most people opposed to the project lived in the neighborhood, while most of those in favor did not, and asked the Board to "go with our neighborhood, protect it, it deserves it."

Mr. Richard Anderson, Plantation resident and church staff member, remarked on the growth in Fort Lauderdale and the church, and said the church did not serve just Colee Hammock, but the larger community. Mr. Anderson felt the church could not be successful if it moved a portion of its operation to another location; he thought they must develop a campus ministry. Mr. Anderson thought the church was sensitive to the community and cared about it.

Chair Freeman closed the public hearing and brought the discussion back to the Board.

Mr. Hall felt there was misinformation about the project that its opponents believed. He invited the Board's questions.

Mr. Jessup said the new information that the garage may be used for general public parking strengthened the staff's position that the project was in violation of the land use plan without the application of commercial flexibility.

Mr. Hall said they were willing to remove a half floor of parking [56 spaces] which would reduce the height of the parking structure. He also offered to create a covenant that the church-owned land east of 15<sup>th</sup> Avenue would not be built upon as long as the church owned it.

Ms. Fertig asked about the traffic light Mr. Gundlock had requested. Mr. Hall said they agreed this was necessary and said they would submit a warrant study pursuant to this. Mr. Hall did not recall ever discussing moving the parking garage to Tarpon. Mr. Chappelle said the garage would not fit on tarpon and would be better camouflaged in its planned location. Regarding restricting the parking garage to the public, Mr. Chappelle said if they did open it, they must charge, and thought they should continue to work on this.

Ms. Fertig wondered if there a possibility for coming to an agreement and asked if the church would work on the project to make it more acceptable to the neighborhood. Mr. Chappelle said the objections had become too non-specific, making it more difficult. He asked the Board to address specifics.

Ms. Golub remarked on how much land in Colee Hammock the church owned, and thought they might consider using some of this for expanding their operation. Mr. Hall said this plan was the result of the church's responding to the community's request that they not to develop east of 15<sup>th</sup> Avenue.

Mr. Hall asked if the Board wished to continue the hearing while the church continued negotiations with the neighborhood.

Ms. Adams thought this was a terrific project but was dismayed by the apparent lack of communication and wanted to see communication continue. Mr. Hall said there had been ongoing communication. Ms. Adams said this was not clear to her.

Regarding Ms. Golub's suggestion that the church could consider building part of the project on land they owned east of 15<sup>th</sup> Avenue, Ms. Maus noted that this land was zoned residential, so that was not possible. Since the developer and the neighborhood had been working on this for two years and still not managed to come to some agreement, Ms. Maus felt a deferral would not benefit anyone.

Mr. Glassman agreed, and noted that they were really considering the rezoning and the alley vacation, not the actual project.

Mr. Welch suggested the plan be more comprehensive and better fit the look of the Las Olas corridor, and that it be less intense and more green.

Ms. Fertig hoped that now there was better understanding of what the issues were, both for the church representatives and the neighbors.

Chair Freeman asked Mr. Hall if he preferred a deferral to a vote this evening and Mr. Hall said he preferred a deferral.

Mr. Chappelle wanted to know that someone would continue meeting with church representatives.

Mr. Hall requested a 60-day continuance and agreed to request a meeting with the full membership of the homeowners association.

**Motion** made by Mr. Glassman, seconded by Ms. Maus, to deny the rezoning request. In a roll call vote, motion passed unanimously.

**Motion** made by Ms. Fertig to defer the item. Motion died for lack of a second.

Ms. Graham felt deferment now was not the correct course. She felt the discussions this evening would give the church direction about changes that might be made.

**Motion** made by Ms. Golub, seconded by Ms. Graham, to deny the alley vacation. In a roll call vote, motion passed unanimously.

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

**Request: \*\* Site Plan Level III / Waterway Use / Conditional Use Permit / Mixed Use Development with Flex Allocation / 75,486 SF Office, 329 Multifamily Units, 5,266 SF Clubhouse, 48 Slip Marina / B-2**

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

Address: 2323 West State Road 84

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

Deferred to February 21, 2007.

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5. **City of Fort Lauderdale / Konover Annexation Site** **Eric Silva** **10-T-06**

**Request: \*\* Land Use Map Amendment / Annexed Area Designate Commercial Land Use**

Legal Description: A portion of the Southeast quarter of Section 5, Township 50 South, Range 42 East, Broward County, Florida.

Address: 2400 block of West Broward Boulevard

General Location: North side of West Broward Boulevard west of I-95

Deferred to February 21, 2007.

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6. City of Fort Lauderdale / Cypress Creek Annexation Site Eric Silva 9-T-06

**Request: \*\* \* Land Use Map Amendment / Annexed Area County Industrial to City Commercial Land Use**

Legal Description: Parcel "A", Cypress Financial Center as recorded in Plat Book 125, Page 48 of the Public Records of Broward County, Florida Together with Lot 1, Block 2, North Andrews Industrial and Commercial Center No. 1, as recorded in Plat Book 44, Page 49 of the Public Records of Broward County, Florida.

Address: N/A

General Location: Cypress Creek Road and I-95 south of the Park 'N Ride Lot

Deferred to February 21, 2007.

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7. City of Fort Lauderdale / Rock Island Annexation Area Eric Silva 8-T-06

**Request: \*\* \* Land Use Map Amendment / Designate Various Land Uses**

Legal Description: A portion of Sections 28 and 29, Township 49 South, Range 42 East, Broward County, Florida.

Address: N/A

General Location: Between NW 19 Street and NW 26 Street and between NW 31 Avenue and NW 21 Avenue

Deferred to February 21, 2007.

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8. City of Fort Lauderdale / Twin Lakes Annexation Area Eric Silva 7-T-06

**Request: \*\* \* Land Use Map Amendment / Designate Various Land Uses**

Legal Description: A portion of Section 16, Township 49 South, Range 42 East, Broward County, Florida

Address: N/A

General Location: Area generally bounded by NW 15 Avenue on the west, Powerline Road on the east, Commercial Boulevard on the north and Prospect Road on the south

Deferred to February 21, 2007.

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9. City of Fort Lauderdale / Fire Station #3 Eric Silva 15-T-06

**Request: \*\* Land Use Map Amendment / From Conservation to Community**

**Facilities**

Legal Description: The north 250.00 feet of the east 260.00 feet, both as measured at right angles, of the following parcel: The west one-half (W ½) of the southeast one-quarter (SE ¼) of the northwest one-quarter (NW ¼) of Section 22, Township 50 South, Range 42 East; less the north 30, the east 40 feet and the south 207 feet thereof

Address: **2801 SW 4th Avenue**

General Location: The site is located southwest of the intersection of SW 28 Street and SW 4 Avenue

Deferred to February 21, 2007.

Mr. Silva presented a request to change the land use map from Conservation to Community Facilities. He explained that the existing fire station was located adjacent to Snyder Park. This change would allow the fire station to be redeveloped as a two-story structure.

Board members disclosed communications they had regarding this case.

Chair Freeman opened the public hearing. There being no 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. Curtis and seconded by Ms. Fertig to approve the change. Motion passed 9 – 0.

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**For the Good of the City**

Mr. Brewton advised the Board to retain their packages because of the five items that had been deferred.

There being no further business to come before the Board, the meeting was adjourned at 12:00 midnight.

Chair:

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Attest:

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Sandra Goldberg [for Jamie Opperlee, Recording Secretary]