

**Planning and Zoning Board
City of Fort Lauderdale
February 21, 2007 – 6:30 P.M.
City Hall Commission Chambers – 1st Floor
100 North Andrews Avenue
Fort Lauderdale, Florida**

<u>Board Members</u>	<u>Attendance</u>	Cumulative June 2006 – May 2007	
		<u>Present</u>	<u>Absent</u>
Pamela Adams	P	8	1
Edward Curtis, Vice Chair	A	7	2
Maria Freeman, Chair	P	8	1
Mary Fertig	P	9	0
Steve Glassman	P	9	0
Rochelle Golub	P	9	0
Mary Graham	P	9	0
Catherine Maus	P	8	1
Tom Welch	P	4	0

Staff

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

Guests

Gypsy Miller	Margaret Croxton
Bill Bigger	Jim Stephens
Frank Herhold	Dale Telfer
John-Henry Falk	Ari L. Sklar
Jerry Knight	Susan Engle
Sara Stuart	Bernard Zyscovich
Fred Stresau	Dale Telfer

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For the Good of the City

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Call to Order

Chair Freeman called the meeting to order at 6:35 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.

Chair Freeman announced that there was an error in the Board's packet regarding the property address and map for items 6 and 7, and asked the Board if any member wished to defer the item because of this. The Board agreed to hear the item.

Approval of Minutes

Motion made by Ms. Maus and seconded by Ms. Graham to approve the minutes of the January 24, 2007 Planning and Zoning Board meeting. Board unanimously approved.

Chair Freeman announced that a special meeting of the Planning and Zoning Board would take place on February 28, 2007; the next regular meeting of the Planning and zoning Board would take place on March 21, 2007.

Cases

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1. **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

Board members disclosed communications they had regarding this case.

Mr. Jerry Knight, representative of the applicant, distributed exhibit booklets to Board members. Mr. Knight explained that the request was for approval of a mixed-use development, consisting of 329 multi-family residential units, office, retail, a clubhouse and a new marina. Mr. Knight said the owner felt the inclusion of residential units would be an important element in the revitalization of State Road 84, and this would help

stimulate other development in this corridor. The development would include a variety of residential units targeting the middle-income market.

Mr. Knight noted that the owner intended to develop the entire property in a comprehensive development scheme. Mr. Knight explained that the City had met with the owner when the property was annexed to discuss his future development plans, and the owner believed that the development he was now planning would be allowed. The owner had begun designing the development two years ago, and plans had been sent back and forth between the City and the architect several times, with modifications made per input from City staff and the FAA.

Mr. Knight pointed out that the application addressed all criteria for mixed-use approval, and met all code requirements, aside from the neighborhood compatibility issues raised by staff.

Mr. Knight confirmed that the project was supported by the City's Marine Advisory Board; this support was based largely upon the inclusion of the marina component. The project was also supported by the Marina Mile Association and Marine Industries Association and area homeowner associations.

Mr. Bernard Zyscovich, architect, pointed out significant components of the project. First was the owner's agreement to create a basin to create an area for larger boats. Second was the creation of a multi-level parking structure. He noted that this allowed them to create more green space on the grounds. Mr. Zyscovich displayed renderings of the project depicting the site configuration. Mr. Zyscovich explained that the entire property was marine-oriented. He said they had determined that there was a demand for marine and aviation offices in the area and he had designed the office component accordingly. Mr. Zyscovich said they had oriented the massing and building types to create significant distance from adjacent properties, and to emphasize the river.

Mr. Zyscovich referred to diagrams of the site, and noted the amount of green space, and the configuration of the different uses on different floors of the building. Mr. Zyscovich asked the Board to keep in mind the difference in the ratio of land/water area and green space between this project and Marina Bay next door.

Mr. Zyscovich noted the project's use of "liner" buildings to disguise the parking structures, and louvers to block the view of the parking structure interiors.

Mr. Zyscovich stated the design resembled a "resort/residential community in the context of a water-oriented marina" that would become an exemplary project along the river.

Ms. Sara Stuart, planning consultant and project director, felt the project should not be compared to Marina Bay. Ms. Stuart stated that when the water area was taken into consideration, the two projects' densities were almost even. Yacht Haven's FAR was

2.68, and Marina Bay's was .53, but Yacht Haven's FAR took the parking structure into consideration. Ms. Stuart noted that Yacht Haven had 10 times the required green space.

Ms. Stuart also took issue with staff's comparative massing analysis, which lumped groups of buildings together. Ms. Stuart noted that good development required trade-offs, and she felt that "if you trade a floor to get rid of some concrete, I think it's good development."

Mr. Zyscovich felt density should be evaluated based on the project's land area, not the water area. He pointed out the detail in the architecture, the significant amount of open space, the mid-level price range, the enhanced use of the property from its current use, the support of the surrounding community and the owner's commitment to establishing a high-quality environment.

Mr. Knight reiterated that the staff report indicated the project complied with City codes, but felt the project was not compatible with the surrounding neighborhood. Mr. Knight noted the mixture of development and uses in the area, and said the owner wanted to establish a new character that would be beneficial for the area and stimulate economic development.

Mr. Knight explained for Chair Freeman that there would be 120 1-bedroom units; 156 2-bedroom units, and 53 3-bedroom units and prices would range from less than \$250,000 to \$750,000. Mr. Zyscovich clarified that this was "workforce housing," not "affordable housing."

Ms. Graham asked about a tree survey she could not locate in the package. Mr. Knight agreed to locate it.

Ms. Jenni Morejon, Planner III, explained that the Development Review Committee had reviewed the project in January 2005. The Marine Advisory Board had reviewed it in February 2006 and approved it subject to staff recommendations. The applicant had contacted nearby homeowner associations in August 2006 and letters and emails from these were included in the package.

Ms. Morejon stated that this project required 329 residential flexibility units, from Zone 56 where 799 are currently available. Ms. Morejon explained that mixed-use projects were permitted on commercial land use; if they included single-use residential buildings, these were only permitted on 40% of the project site. On this project, the residential buildings comprised 39.6%.

Ms. Morejon explained that staff review and analysis found the proposed project was not consistent with the criteria for Neighborhood Compatibility and Preservation, Section 47-25.3.A.3.e, and therefore did not meet the requirements necessary for a Conditional Use Permit, pursuant to Section 47-24.3.E.1. Regarding neighborhood compatibility,

she pointed out that the project was not compatible with the adjacent RS-8 residential neighborhood to the north or the Marina Bay development to the east. Regarding waterway use, Ms. Morejon said the project did not harmonize with the existing residential development patterns and would alter the area's character and reduce the scenic quality of the waterway.

Ms. Morejon continued that regarding the conditional use, based on the six criteria, staff found the project was not appropriate at this location, and it therefore did not meet the conditional use permit requirements. The staff had also outlined several elements of the Comprehensive Plan, and stated that based on these, the quality of housing in adjacent neighborhoods might be compromised due to the variance from development patterns in the neighborhood. Staff believed that the project significantly varied from the development pattern envisioned for the marina mile, and therefore failed to meet neighborhood compatibility requirements.

Ms. Morejon said the zoning analysis for the residential neighborhoods to the north had been included because the proposed development is directly adjacent to the neighborhoods and they are part of the existing development pattern. Ms. Morejon said they had calculated the density for this project and Marina Bay based on 40% of the site. The numbers used to calculate the FAR were based on 40% of the site for the residential component as well.

Ms. Morejon listed the following conditions for approval:

1. The proposal shall be subject to the conditions set forth by the Marine Advisory Board.
2. A vehicular and/or pedestrian connection should be provided from the Yacht Haven site to the adjacent Marina Bay development.
3. The applicant shall provide documentation of agreement with the Broward County School Board, regarding potential impacts for public school facility planning through a recorded restrictive covenant, prior to final site plan approval.

Ms. Morejon noted the neighborhood associations the applicant had contacted. Ms. Fertig asked if neighbors to the north were notified. Ms. Morejon said the project had no required mail notice because rezoning was not requested. The applicant had used signage to notify neighbors to the north. Ms. Morejon informed Ms. Fertig that the City's traffic engineer had concurred with the applicant's traffic study.

Ms. Fertig asked how the project was explained to the school board and if they were notified of the price per unit. Mr. Knight said the school board did not calculate generation rates based on cost, but on the number of units. Mr. Knight said the school board had approved their mitigation proposal.

Regarding the traffic, Ms. Fertig said she had visited the site and found it "almost impossible to get out into the traffic," and asked how this would be handled. Ms. Stuart

said their entrance would be located a bit farther down than it currently was, making the entrance easier. Ms Fertig felt the afternoon egress from the offices must be considered. Mr. Knight said they were constrained by DOT concerning access.

Ms. Stuart said they were vested for 120 boat slips, and the project only included 48 because there was a dispute with a neighbor regarding a dock area. They did have sufficient parking for 120 slips, should they be made available.

Ms. Stuart stated they did not have the tree survey this evening, but promised to get it to Board members. She explained that 90% of trees currently on the site would remain in place or be moved to another location on the site.

Ms. Stuart confirmed for Mr. Glassman that they had not sold anything as yet.

Mr. Zyscovich informed Ms. Golub that they could have provided surface parking instead of the pedestal parking, but they would have needed to create more, lower buildings on the entire site, and much more of the landscape area would be devoted to parking lots. Mr. Zyscovich explained that parking for the shorter buildings was one level on the ground floor, covered with residential "liners."

Mr. Zyscovich explained to Ms. Graham that their open space calculation included the proposed bay, and the 30% green space was their "absolute best attempt to try to compress the buildings from the standpoint of the amount of land that they occupy and go through the process of building the parking structure in order to generate this much green space." He noted that since these plans were created, there were better ways to create paved areas that were pervious, and they would create pervious areas that would include significant parts of the roadway.

Ms. Golub referred to the FAA height restrictions, and Ms. Stuart stated that there was a separate height specification for each building.

Chair Freeman opened the public hearing.

Ms. Margaret Croxton, executive director of the Marina Mile 84 Association, stated she represented 63 corporations and 30,000 employees. Ms. Croxton said the surrounding neighbors did not object to the project, but City staff objected, based on neighborhood compatibility. She read a letter written to the City Manager regarding the Planning and Zoning Board and how City staff treated marine projects. The letter said there appeared to be "no advocate for marine issues at a staff level" and asked that the City Manager and City Commission "give some direction as to what the role of plan review is."

Ms. Croxton reiterated that no one objected to the project, and this was a "gorgeous piece of property that is garbage in the scheme of what it could be today." She noted that the diesel mechanics had no place for their families to live, and could well afford the \$225,000 units.

Ms. Croxton said she had been a lobbyist for 35 years and this was the “worst situation” she had ever seen. She felt the job of staff plan review and the Planning and Zoning Board was to ensure projects did not negatively affect a neighbor and did not cause traffic problems. Ms. Croxton felt it was “baloney” that projects were being turned down by staff based on neighborhood compatibility issues.

Mr. Gypsy Miller, president of Flamingo Park Civic Association, said they approved the project. Mr. Miller said the mixed-use/residential was compatible with nearby development.

Mr. John Falk, a local yacht broker, said they needed more boat slips in the City because the Planning and Zoning Board had “given up a lot of boat yards in this town.” He approved of the project, and noted how heavily treed the site was. Ms. Fertig asked Mr. Falk what projects the Planning and Zoning Board had approved that had reduced dock space in the City. Mr. Falk said the Symphony site, and Ms. Fertig noted that the Symphony project was approved in the 1990s under a different code. Mr. Falk said some of this owner’s property rights were taken away when the property was annexed by the City in 1986.

Mr. Bill Bigger, president of the Marina Mile Association, said they were in favor of the project, and they were “very disturbed that you’re not working with us and trying to develop the project and held it up for two and a half years.” Ms. Golub asked Mr. Bigger to name a project the Board had held up, and Mr. Bigger said, “... you fought over the Presbyterian church trying to get a couple of parking spaces for four hours...”

Mr. Frank Herhold, executive director of the Marine Industries Association, said their interest in the development was related to the marine use. He noted the huge economic impact the marine industry had in south Florida, and how fragile it was. He said this project would allow them to maintain dockage in the City, and would also provide a destination. He pointed out how important it was that the dock space would be open to the public.

Ms. Fertig asked if the boat slips were the most important impact to the marine industry. Mr. Herhold said they would have a basin for large boats, and this was market-driven. The real potential was in the disputed dockage, and the possibility of dry stack space in the future.

Ms. Graham asked how there could be a dispute about 72 slips. Ms. Stuart explained that there were docks located along private waterway, and the dispute involved “who owns to what point in water.” This area was therefore not included in the site plan. Ms. Stuart agreed that the marina was an important component of the project. If the additional space became available, they would ask for a modification. They may also request modification for a dry stack.

Mr. John Stevens stated his support for the project. He worked at Lewis Marine Supply, and said it was difficult to find middle managers because of the lack of nearby housing.

Chair Freeman asked if the developer would commit to a set number of attainable housing units. Mr. Knight said the County definition of "workforce housing" was less than 120% of median income, recently set at \$229,000. He believed the owner would agree to set a certain number of units for workforce housing. Chair Freeman wanted this commitment included in any motion. Mr. Zyscovich felt they could commit to 10% of the units being identified as workforce housing, subject to agreement by the owner.

Ms. Dale Telfer, Yacht Haven employee, explained that prior to annexation, Yacht Haven was required to post a bond to mitigate future traffic issues and this bond was still available. Ms. Telfer noted that if this project were not approved, other commercial development could take place on the site, and she thought the neighbors would prefer this development. Ms. Telfer explained that the proposed linear dockage would accommodate larger boats.

Ms. Fertig said she had been trying to clarify that there were three components to the project: the office component; the residential component with the flex unit request, and the marine industry component.

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

Ms. Golub stated there were a number of unknowns about the project: the dredging, the disputed dock space, the dry stacks and the building details on the site plan, and she wondered where the project would go if the Planning and Zoning Board approved or opposed the project. Mr. Knight said if the City did not approve the project, it would not be built. If the City approved, they would pursue the other approvals they needed. If the marina were denied by another agency, they would come before the Planning and Zoning Board again with a new plan.

Ms. Golub felt the Board was being asked to approve the site plan with or without the marina component, since that component might be denied by another agency in the future. Mr. Knight felt the design was an integrated comprehensive plan that stood on its own and would be an asset to Marina Mile. They believed they would obtain the other permissions to build the project.

Ms. Miller suggested that the Board could specify that all permits must be in place before any building permit was issued, to ensure the entire project would be built as presented. Any modifications to the plan would need to be presented to the Board again.

Ms. Stuart said this would be almost impossible because the site plan would expire prior to obtaining approval for the dredging. Mr. Brewton reminded her that they could

request an extension. Mr. Knight said they could submit an application that did not require site level III review for just the office buildings, since this was a permitted use in that zone. Mr. Brewton said restricting the project to the office buildings would require waterway use approval from the Planning and Zoning Board, since the property was located on the water. Mr. Knight felt they would not be required to submit to site level III review for the office buildings only.

Mr. Zyscovich confirmed for Ms. Graham that the Florida Building code defined a building over 75 feet as a high rise, so this qualified as high rise. Ms. Graham questioned measurements on some of the diagrams. Mr. Zyscovich stated these numbers referred to "the height above the ground."

Mr. Fertig asked what differentiated this project as a "full service marina" from what existed on the property presently. Mr. Zyscovich said the facility would provide power, utilities, and use of the clubhouse. The atmosphere would create an environment "that a mega yacht would expect to see which does not exist today." He admitted that the facility would not provide fueling, that was usually a component of a full service marina.

Motion made by Ms. Maus, seconded by Ms. Adams, to approve, subject to all staff conditions, the Marina Advisory Board recommendations, and the conditions that all required permits be obtained prior to the issuance of a building permit, and the project dedicate 10% of the residences to County-defined workforce housing. Motion also includes the Board's recommendation that the site plan approval period be extended for 12 months. Motion passed 5 – 3 with Ms. Graham, Ms. Golub, and Mr. Glassman opposed.

Mr. Knight asked that some work be permitted in advance of the dredging, since the dredging would not affect the rest of the site plan. Mr. Knight confirmed for Ms. Maus that he was requesting the Board's approval of the site plan regardless of whether the Army Corps of Engineers approved the dredging. He noted that the existing docking facilities would remain on the site.

Ms. Graham reminded the Board that they would establish a precedent with their caveats for approval that future applicants would use in argument.

Ms. Golub felt that the applicant's representatives had indicated that if the yacht basin were not approved, they did not want this project. Ms. Golub stated that without the marina, "what we've got is...eight high-rise buildings and two 4-story buildings on this narrow plot, and I'm just not sure that this is really where we want to be on the river."

Ms. Fertig asked why they were voting to allocate the flex units. Mr. Brewton explained that this was required in order to build residential units as part of a mixed-use project in a commercial zone.

Ms. Miller pointed out that there had been instances in which a developer obtained foundation permits and would rip these out if other approvals were not subsequently obtained. She said some flexibility could be built in.

Chair Freeman said they would hear items 6 and 7 next.

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2. City of Fort Lauderdale / Konover Annexation Site Renee Cross 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

Board members disclosed communications they had regarding this case.

Ms. Cross explained that there were four annexation cases. The Board asked that all four be presented at once, but said they would vote on each individually.

Ms. Cross described the Konover site on the north side of Broward Boulevard, west of I-95 at Northwest 25th Avenue and measured 3.19 acres. The City's land use would be consistent with the County's commercial land use.

The Cypress Creek location was Cypress Creek Road and I-95, and was 3.16 acres. The land use would be changed from County Industrial to City Commercial because the current use was not allowed under County Industrial.

The Rock Island annexation site was bounded by Northwest 31st Avenue on the west, I-95 on the east, Northwest 26th Street on the north and Northwest 19th street on the south. The site was 320.32 acres and various County land uses would be matched with their equivalent City land use.

The Twin Lakes North annexation site was bounded by Northwest 15th Avenue on the west, Powerline Road on the east, Commercial Boulevard on the north and Prospect Road on the south. The site was 67.22 acres and various County land uses would be matched with their equivalent City land use.

Ms. Cross noted that no greater intensity was anticipated for any of the sites.

Ms. Cross confirmed for Ms. Fertig that the change in land use of the Cypress Creek site would not result in the loss of any of the owner's current property rights. She explained that the current use was non-conforming. Industrial land use was not appropriate because this would allow trucks and heavy industrial uses. There was also

a lot of pedestrian and vehicular traffic in the area from the Tri-Rail park and ride lot. Ms. Cross confirmed that the current owner had been notified of the change.

[Ms. Adams left the room.]

Chair Freeman opened the public hearing. As no one present wished to speak on the item, Chair Freeman closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus, seconded by Ms. Fertig, to approve, subject to staff conditions. Board approved 7 – 0.

[Ms. Adams returned.]

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3. **City of Fort Lauderdale / Cypress Creek Annexation Site** Renee Cross 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 P.B. 125, P. 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 P.B. 44, P. 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

Motion made by Ms. Golub, seconded by Ms. Graham, to approve, subject to staff conditions. Board approved 8 – 0.

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4. **City of Fort Lauderdale / Rock Island Annexation Area** Renee Cross 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

Motion made by Ms. Maus, seconded by Mr. Glassman, to approve, subject to staff conditions. Board approved 8 – 0.

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5. City of Fort Lauderdale / Twin Lakes Annexation Area Renee Cross 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

Motion made by Ms. Maus, seconded by Mr. Glassman, to approve, subject to staff conditions. Board approved 8 – 0.

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6. Riverland Development Ltd. / Riverland Village Jenni Morejon 3-Z-06

Request: ** * Rezoning / RMM-25 to B-2 / Commercial Land Use

Legal Description: Lot 3, Block 85, "Westwood Heights," according to the Plat thereof, as recorded in P.B. 6, P. 34

Address: 921 SW 27 Avenue

General Location: West side of SW 27 Avenue, between SW 9 Street and SW 10 Street

[Items 6 and 7 were heard together.]

Board members disclosed communications they had regarding this case.

Mr. Ari Sklar, architect, explained that this was a residential/retail mixed-use project for which they were requesting 16 flex units. A small portion of the site needed to be rezoned from RMM-25 to B-2.

The Board agreed to see Mr. Sklar's presentation for both items and then they would make separate motions.

Mr. Sklar described the surrounding area's schools, park and a fire station, and said this was the first private development in the area. The project was for Mediterranean Revival style 3-story residential units over retail space and included a paver-lined pedestrian plaza. Mr. Sklar presented renderings of the project, noting it was compatible with the neighborhood and development being promoted along Riverland Road. Mr. Sklar said they had worked with staff to meet all requirements for scale and size, mixed use and parking.

Mr. Sklar pointed out to Ms. Maus the retail section of the project, which had parking hidden behind. There were spaces for retail patrons and reserved spaces for residents. Mr. Sklar said the decision to provide gated parking was being left to the condominium association to decide, but if the Board required a gate, they would include one. Mr. Sklar said they had met with neighborhood groups, who expressed no objections. Ms. Adams asked about the neighborhood associations who had seen presentations on the project. Mr. Sklar said they had made two presentations, one for an older version of the project and one more recently.

Mr. Sklar stated the town homes were priced at \$250,000 to \$300,000. Chair Freeman asked about allocations for affordable/attainable housing; Mr. Sklar said they had not been provided with any such requirement.

Ms. Morejon stated item 6 was a request for rezoning a portion of the site. Item 7 was a 4-story mixed-use development including 16 residential flex units. The school board had required no mitigation, and the applicant had provided the required parking, with 43 on-site spaces and 5 on-street spaces. Ms. Morejon said mixed use was permitted here, subject to flex availability and neighborhood compatibility.

Chair Freeman opened the public hearing. As no one present wished to speak on the item, Chair Freeman closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus, seconded by Ms. Fertig, to approve, subject to staff conditions. Board approved 8 – 0.

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7. Riverland Development Ltd. / Riverland Village Jenni Morejon 122-R-06

Request: ** * Site Plan Level III / Conditional Use Permit / Mixed-Use Development with Flex Allocation / 16 Multifamily Units with 2,444 SF Retail / B-2

Legal Description: Lots 1, 2, and 3, less the East 14 feet of Lot 1 for right-of-way purposes, Block 85, "Westwood Heights," according to the Plat thereof, as recorded in P.B. 6, P. 34, together with Lots 1 and 2 and an alley between Lots 2 and 3, "Maryfield," according to the Plat thereof, as recorded in P.B. 46, P. 44, of the Public Records of Broward County, Florida

Address: 921 SW 27 Avenue

General Location: West side of SW 27 Avenue, between SW 9 Street and SW 10 Street

Motion made by Ms. Maus, seconded by Ms. Fertig, to approve, subject to staff conditions. Board approved 8 – 0.

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The Board discussed the hearing items scheduled for February 28 and felt that some rescheduling might be in order due to the contentious nature of more than one of the cases. Mr. Brewton agreed to check the availability of the room to possibly schedule another special meeting.

Ms. Graham asked if they could strictly enforce the presentation time limits. Ms. Fertig noted that the applicants should be accommodated to ensure that there was never a question that applicants had been granted a fair hearing.

Ms. Fertig referred to the letter Ms. Croxton had sent to the City Manager that was critical of the Board and of City staff. Ms. Fertig wanted to send communication to the City Manager in response to this, commending the staff for their due diligence, and explaining the Board's due diligence. The Board allowed applicants a fair amount of time and expected the courtesy of the applicants' response to their questions so the appropriate testimony was on the record.

Ms. Fertig said Ms. Croxton's letter could give the impression that something was happening that Ms. Fertig felt was not happening. She noted it was the Board's responsibility to ask questions and get testimony on the record, not to rubber-stamp the projects that were presented. While most applicants were courteous and forthcoming in responding to the Board's questions, Ms. Fertig had not had that feeling this evening.

Mr. Brewton agreed that more than one applicant this evening had the opinion that the Board should not be asking questions, even though this was the Board's responsibility. One applicant had also complained that the project had taken years to go through the process, and Mr. Brewton explained that it was not staff who had held the project up. He assured the Board that nothing ever took three years to make it through staff approval. Sometimes, the applicant must respond to staff comments, or other approvals were required, and this could delay approval.

Ms. Golub said the lobbyists this evening had been rude, and if they were rated, these lobbyists "should get a little demerit."

Ms. Miller said the Board always took its independent role seriously, whether anyone showed up to support or object to a project. The Board's vision was broader than any one project, and they kept the Comprehensive Plan and the City's future in mind.

Ms. Fertig felt they should get their opinions to the City Commission, since the Commissioners appointed them. She remarked on the "tremendous change in the quality of the reports that we're getting from the staff, and I for one appreciate that, and that's the message I want to send to the Commission." The Board agreed.

There being no further business to come before the Board, the meeting was adjourned at 10:17 p.m.

Chair:

Attest:

Sandra Goldberg [for Jamie Opperlee, Recording Secretary]