

**Planning and Zoning Board
City of Fort Lauderdale
November 28, 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 2007 – May 2008	
		<u>Present</u>	<u>Absent</u>
Edward Curtis, Chair	P	6	0
Rochelle Golub	P	6	0
Steve Glassman	P	5	1
Mary Graham	P	5	1
Catherine Maus, Vice Chair	P	5	1
Pamela Adams	A	4	2
Maria Freeman	P	4	2
Mary Fertig	P	4	2
Tom Welch	P	4	2

Staff

Sharon Miller, Assistant City Attorney
Greg Brewton, Deputy Director of Planning and Zoning
Thomas Lodge, Planner I
Anthony Fajardo, Planner III
Dave Gennaro, Chief Landscape Plans Examiner
Ella Parker, Planer III
Jenni Morejon, Planner III
Jim Koeth, Principal Planner
Adrienne Ehle, Planner II
Elizabeth Rivera, Recording Secretary, Prototype, Inc.

Guests

Barbara Hall	Robert Lochrie
Frank Evans	Luke Payne
John Nalepa	Thomas Lund
Gus Carbonell	Edward Houston
E. Trad	Dale Meux
Marguerite McKeeever	Gary Kalb
Tom Stawartz	Tina Demarco
Fred Stresau	Mark Zelser
Ray Detman	Sam Mucello
Eric Levine	Paula Perrera
Tony Capadonna	Rochelle Saldana

Index

	<u>Case Number</u>	<u>Applicant</u>	<u>Page</u>
1.	2-T-07	City of Fort Lauderdale	2
2.	56-R-07	Marguerite McKeever	4
3.	6-ZR-06	Waterplay II, Inc. / Waterplay II	7
4.	75-R-07	Bed Bath & Beyond Ft. Lauderdale LLC	12
5.	11-P-07	City of Ft. Lauderdale – Fire Station No. 3	14
6.	169-R-04	Park Blvd. Developers, LLC / Victoria Park on Broward	14
		For the Good of the City	17

Call to Order

Chair Curtis called the meeting to order at 6:32 p.m., followed by the Pledge of Allegiance.

Approval of Minutes

Motion made by Ms. Golub, seconded by Ms. Maus, to approve the minutes of the October 17, 2007 Planning and Zoning Board meeting. In a voice vote, the motion passed unanimously.

Chair Curtis introduced the members of the Board and explained the procedures that would be followed during tonight's meeting.

Cases

[Index](#)

1. **City of Fort Lauderdale** Dave Gennaro 2-T-07

Request: * Amendment to Sec. 47-21 Landscape and Tree Preservation and Sec. 9-52 Landscape and Tree Removal Permit Fees Ordinances

Legal Description: N/A

Address: N/A

General Location: City Wide

Mr. Gennaro, City Planning Department, announced a number of proposed changes to the landscape and tree preservation ordinance.

- Increase the tree removal fee from \$15.12 to \$25.00 in order to align fees with other cities' fees.
- Increase the tree and palm requirement for one-family residences, due to numerous complaints through the years about the current requirement being minimal.
- Increase the native tree requirement. Currently there is no native tree requirement, although the Code states 50% of the trees are to be recognized drought-tolerant species.
- Make the requirement for tree removal on developed, single-family property more stringent. The current rule allows for eighteen inch trees to be removed with no permit. The proposed rule would lower that requirement to twelve inches in order to preserve more of the City's canopy.
- Add additional invasive exotic trees to the list of trees not requiring a permit.
- Change the guarantee period for relocated trees and palms from 90 days to one year.
- Remove reference to the "Builder and Developer's Manual," which is no longer in print. This would make requirements for protective barricades more stringent.
- Clarify the definition of "net lot" area as it relates to the landscape area requirements. There has been some concern regarding calculations for minimum requirements.
- Add shade tree requirements for landscaping areas. Currently there is no requirement for shade trees. Adding shade trees to the list would increase the tree canopy.

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

Ms. Golub asked how the requirement for single-family lots had been determined, as the requirement did not seem to be tied to the size of the lot. Mr. Gennaro explained a section in the ordinance to allow changes for yard size restrictions, overhead power lines, and other reasons a property could not meet the requirement.

Motion made by Ms. Freeman, seconded by Ms. Graham, to approve the proposed changes. The motion passed unanimously by a vote of 8-0.

[Index](#)

2. Marguerite McKeever

**Jenni
Morejon**

**56-R-
07**

Request: ** Site Plan Level III/ Three (3) Unit Cluster Dwelling / RD-15 Zoning / Residential Medium Land Use

Legal Description: Lot 9, Block 7, LAUDERDALE BEACH EXTENSION, according to the plat thereof, as recorded in P.B. 27, P. 48 of the Public Records of Broward County, Florida

Address: 1923 NE 33 Avenue

General Location: One block east of A/A Boulevard, between NE 19 and 21 Streets

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 the matter was sworn in, and disclosures were made.

Mr. Dale Meux, an architect for API Group, Boca Raton, provided presentation materials to the Board. Mr. Meux gave a brief history of the case, explaining that Ms. McKeever, the applicant, wanted to build "cluster homes" on her property; one to be retained for Ms. McKeever's residence, the other two to be sold.

Mr. Meux reported the development has been going on for about a year, with all requirements of the zoning code being met. Using maps, Mr. Meux described the location, zoning, and traffic patterns of the area. Mr. Meux felt the zoning classification allowed for a transition between high density dwellings and lower density, single-family dwellings, and encourages the medium density cluster homes being discussed.

Mr. Meux presented elevations and drawings to show the buildings next to the surrounding neighborhood structures. Mr. Meux stated set backs, walkways, and parking are all within the zone requirements. He also noted a number of multiple-family dwellings in the area, including high rise apartments, town homes, duplexes, and single-family residences.

Mr. Meux emphasized the proposed development is compatible with the neighborhood in terms of scale, character, and use intensity, and requested approval of the project.

Ms. Morejon explained the applicant is proposing to construct a three-unit cluster development on the Barrier Island, in the Dolphin Isles neighborhood, located on Northeast 33rd Avenue, between 19th and 30th Streets. The property is zoned RD15,

which permits cluster developments with a Site Plan Level III, or Planning and Zoning Board approval. Ms. Morejon noted the dwelling size, land use designation, and building height are all within requirements for the zone.

Ms. Morejon stated the Development Review Committee had reviewed the project on May 22, 2007, and the applicant has provided documentation of meeting with adjacent Homeowners' Associations in Dolphin Isles and the Central Beach Alliance. Ms. Morejon read from one of the form letters received which recommended denial of the project.

Ms. Golub asked if the site plan allowed for five foot easements for walkways. Ms. Morejon confirmed the site plan met that criteria, and noted the yards required in this district are 25' in the front, 15' in the rear, and 5' on the sides, and the easement is located within those parameters. Ms. Golub stated the requirement was for a walkway. Ms. Morejon, stating the easement had to be open and clear to provide access, but did not necessarily need to be a pathway or a sidewalk.

Ms. Golub requested clarification on the required amenity. Ms. Morejon stated the applicant has provided a barbecue grill/common area in the rear of the property, which is indicated on the site plan.

Mr. Glassman noted RD15 allows for cluster homes with the Board's approval, and asked what could be built on the site without approval from the Board. Ms. Morejon explained Site Plan Level II which does not require Planning and Zoning Board approval would include single-family homes, duplexes, townhouses, and zero lot line developments.

Chair Curtis opened the public hearing.

Mr. Gary Kalb, President of Dolphin Isles Homeowners' Association, stated the Dolphin Isles Homeowners' Association held a meeting and received the same presentation the Board was seeing. Thirty-eight homeowners attended, and were 100% opposed to the project. Mr. Kalb stated no one is opposed to a duplex, but this project is located right next to single-family dwellings, and does not fit the neighborhood. Mr. Kalb cited the trash cans, extra traffic, and five foot setbacks as some of the concerns voiced by homeowners.

Mr. Greg Brewton, Planning and Zoning Services Manager, clarified the permitted uses in the zone are single-family, duplex, cluster and zero lot line, but not townhomes. Mr. Brewton continued by stating zero lot line and cluster require a Site Plan Level III review.

Mr. Edward Houston, a Dolphin Isles homeowner, asked if the proposed plan included the right to build a two-unit duplex, and moving up to three units for a cluster home. Mr. Houston noted that the unit on 19th Street and 33rd Avenue used as an example was actually a single-family dwelling. Mr. Houston emphasized Dolphin Isles is essentially a single-family community. Mr. Houston voiced concerns about exacerbating the already difficult traffic situation with multi-family dwellings, and emphasizing the proposed construction is not compatible with the existing neighborhood.

Tom Stawartz, a homeowner, gave a brief description of his history in the area, and the demographics of the neighborhood. Mr. Stawartz cited several examples of multi-family dwellings in the area bringing more garbage cans, more cars, and more noise into the neighborhood.

Mark Zelser, a homeowner, agreed the multi-family dwelling built on a single lot would increase trash cans, cars, traffic, and noise, which will lower property values for all of the other homeowners.

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

Mr. Meux explained Ms. McKeever's desire to build three units instead of two as economic; if she were able to successfully sell two units, she would be able to pay for her home.

Mr. Meux noted the proposed building would not be inside the Dolphin Isles neighborhood boundaries, and traffic would be limited to 33rd Avenue and would not be going into the Dolphin Isles neighborhoods. Mr. Meux felt additional garbage was a small issue, as the garbage is put out twice a week and picked up within hours.

Mr. Meux noted proposals for large high-rise apartments, which would more significantly impact the infrastructure than this proposed project. Mr. Meux reminded the Board of several examples of comparable buildings already existing in the neighborhood. He also pointed out that some single-family dwellings and duplexes were of a greater mass than the building he is proposing.

Mr. Glassman clarified this project did come before the Central Beach Alliance Board of Directors at their meeting, but not before the full membership for voting. Mr. Glassman noted the property is technically west of Dolphin Isles, on the border.

Mr. Glassman informed the Board that during disclosures he should have mentioned he had a conversation with Gary Kalb, President of the Dolphin Isles Homeowners' Association regarding the project. Mr. Glassman noted the Central Beach Alliance

wanted to defer to the Dolphin Isles Homeowners' Association, as the property is located in what is commonly thought of as the Dolphin Isles neighborhood.

Mr. Glassman apprised the Board the Central Beach Alliance Board shared the concerns cited this evening, in particular this could potentially lead to a line of cluster homes along 33rd Avenue. Mr. Glassman argued the photos used in the presentation were a bit deceptive compared to actually viewing the site. Mr. Glassman emphasized the property would be a huge change from what is currently in the neighborhood.

Ms. Graham commented the current neighborhood is a real gem, and questioned the architect's familiarity with that area. Ms. Graham appreciated Ms. McKeever's desire to remain in the neighborhood, but felt this construction would cause changes which would not be in the best interest of the community.

Ms. Golub conveyed she had spent time in the neighborhood, and found them to be small, single-family homes. She agreed the unit density and massing of cluster homes does not belong in this neighborhood.

Ms. Golub reminded the Board that when other cluster home proposals are considered, the Board looks for a common amenity, and the purpose of cluster homes is not to "jam pack" the maximum number of units on a small lot in a single-family neighborhood. Ms. Golub stated a barbecue grill does not meet the definition of a shared amenity to warrant an approval of a cluster home.

Mr. Meux believed the project is compatible in mass and there would be no increase in traffic.

Chair Curtis closed the public hearing.

Motion made by Ms. Freeman, seconded by Ms. Maus, to approve, as noted. In a roll call vote, the motion failed unanimously (0 – 8).

[Index](#)

3. Waterplay II, Inc. / Waterplay II

**Ella Parker 6-ZR-
06**

Request: ** * Rezoning / RMM-25 to B-1 with Flex Allocation, including Site Plan Level III Review / Employment Center Land Use

Legal Description: Lot 14, less the west 25 feet for State Road right-of-way, and all of Lots 15, 16, 17 and 18, Block 26, CORRECTED PLAT OF EVERGLADE LAND SALES COMPANY'S

FIRST ADDITION TO LAUDERDALE, FLORIDA, a subdivision, as shown on the plat recorded in P.B. 2, P. 15, of the Public Records of Broward County, Florida

Address: 2000 South Federal Highway

General Location: South-east corner of South Federal Highway and SE 20 Street

Anyone wishing to testify on the matter was sworn in, and disclosures were made.

Ms. Barbara Hall, an attorney representing Waterplay II, explained the site is located on 17th Street and Federal Highway. The existing B-1 property contains the Waterplay building, and is proposed for rezoning. Ms. Hall noted the property is zoned RMM-25, but the land use for the entire area is employment center with non-residential land use.

Ms. Hall stated the property and the surrounding areas had been partially developed with single-family apartments, but the use of the entire area is changing. Ms. Hall provided presentation materials showing the area proposed for rezoning, and noted the rezoning would raise the overall parcel to the same B-1 rating as the adjoining parcels.

Ms. Hall explained the existing 12,000 square foot building has only four parking spaces, which is inadequate. The rezoning would allow for the following improvements:

- Addition of 27 additional parking spaces
- Constructing a new sidewalk
- Constructing a five foot masonry wall
- Adding a twelve foot landscaping area
- Removing three aged, unattractive apartment buildings

Ms. Hall cited examples of similar successful rezonings to accommodate reasonable development parcels on properties with frontage on Federal Highway brought before the Board. Ms. Hall stated flex was being used to rezone the property so any future changes to the Site Plan would have to come back to the Board for a Site Plan Level III approval.

Ms. Ella Parker, Planning and Zoning, provided copies of a letter from the Harbordale Civic Association and stated that the applicant proposes to demolish the multi-family units on the RMM-25 portion of the site and rezone it to B-1 with commercial flex

allocation to provide surface parking for the existing Waterplay retail - warehouse building, and is also proposing landscaping and sidewalk improvements along the perimeters of the site. The Planning and Zoning Board shall forward its recommendations to the City Commission for consideration.

Ms. Freeman asked why B-1 zoning with flex was being requested instead of XP zoning. Ms. Parker explained the criteria in the Code does not permit rezoning to an X District since the underlying land use is employment center. Ms. Freeman noted the Harbordale Civic Association was requesting a Site Plan. Ms. Parker explained if the future site were to change, the plan would come back before the Board. Ms. Parker noted the site is in Flex Zone 55. 13,500 square feet of commercial flex would be allocated, and 2.45 acres would remain if the rezoning is approved.

Ms. Golub noted that 40 parking spaces were required for the property, and asked how the criteria would be met with only 27 spaces being added. Ms. Parker agreed the site is a non-conforming structure, but it would be brought up to code.

Ms. Golub stated the Site Plan was difficult to locate on the existing building, and asked about a sign stating there would be a residential apartment complex built on the site. Ms. Golub asked for clarification on where the proposed site ends and the new apartment development begins. Ms. Parker referred the Board to an attached map outlining the site.

Ms. Golub remarked there was a "Retail Space for Rent" sign on Waterplay's building, and asked if renting the space was in their future plans. Ms. Hall stated the parking demand cannot be increased if the site does not meet the parking requirements, so the site will have to remain retail and warehouse, in the same proportions. Ms. Hall noted on-street parking cannot be counted into the site parking numbers.

Ms. Golub asked if there was a future plan to subdivide the site into multiple retail stores. Ms. Hall stated there is not. Ms. Golub asked about the setbacks and walls for the already approved large residential project. Ms. Hall informed the Board the developer of the residential project was in attendance at the meeting to support the Waterplay project.

Mr. Glassman cited the letter from the Harbordale Civic Association, and asked why a site-specific Site Plan condition could not be imposed on this project, as it had been on others. Ms. Parker explained the applicant did not agree.

Chair Freeman opened the public hearing.

Ms. Paula Perrera, owner of one of the apartment complexes slated for demolition, explained while she is happy to see the area improved, she had concerns about the future use of the site. Ms. Perrera noted the community did not want an Embassy Suites or an adult facility built in the area, and would like to see the plan be site specific.

Ms. Maus thought the zoning code had changed and an adult use business could not be located on that site. Mr. Brewton admitted he was unsure and agreed to look into the adult use regulations.

Mr. Eric Levine, Park Lane Developers, stated his project is located three lots to the east and south of the site. Mr. Levine emphasized Park Lane Developers is anxious to see the three older buildings removed. Park Lane Developers is approved to build twenty town homes on their site, and he is in favor of the landscaped parking lot proposed by Waterplay.

Ms. Golub asked if there were concerns about traffic and lights for his development. Mr. Levine assured the Board there are no traffic concerns, and assuming the lights are to code, there would be no problem.

Mr. Ray Detman, President of Harbordale Civic Association, showed the Board a Vision Plan which had been voted on and approved by the Association members. Mr. Detman pointed out the zoning goals, which agreed with the plan to increase the depth along Federal Highway and 17th Street to 200 feet to encourage redevelopment. Mr. Detman noted the Association wished to limit height to seven stories. Mr. Detman referenced 150 townhomes had already been approved south of 17th Street to 84, and felt the direction of the area was headed toward residential.

Mr. Detman expressed concern with traffic along Miami Road and cut-through access to businesses along Federal Highway. Mr. Detman stated the Waterplay owner had originally proposed a 15-story building on the property, and if a B-1 zoning is given, there were concerns about what would happen next. Mr. Detman requested a restriction of seven stories be attached to the zoning change, to fit the Vision Plan of the neighborhood.

Ms. Fertig asked what the height increase would be if the B-1 zoning were approved. Mr. Brewton explained the B-1 zoning would permit, subject to several issues, up to 150 feet. Ms. Fertig asked what currently could be built on the property. Mr. Brewton stated the RMM-25 allowed for a residential development, from a single-family up to multi-family, with a height limitation of 55 feet.

Mr. Brewton gave additional information on the earlier adult use question, noting there is a restriction for adult use being located within 500 feet of residential zoned property.

Since this property abuts residential property, an adult use would not be permitted at this location.

Ms. Tina Demarco, Harbordale Civic Association Board member, relayed the Board's feelings that the Waterplay proposal would be good for the neighborhood, but re-emphasized the concerns on building heights in the area. Ms. Demarco provided a map showing very little B-1 zoning in the area.

Mr. Glassman requested clarification from staff regarding the demolition of the existing multi-family units, as well as additional surface parking with the current zoning. Ms. Hall explained commercial parking could not be put on a residentially zoned property, and the only way to get additional parking is to change the zoning. Mr. Brewton added the land use could also be changed to allow for additional parking. Ms. Hall stated the land use is for an employment center.

Ms. Fertig summarized the issue before the Board tonight; the issue is coming to the Board to change zoning to B-1, and allows for a building of up to 150 feet. Ms. Graham felt the site was far too valuable to leave the zoning as it is currently.

Ms. Hall showed the Board the zoning patterns in the area. Ms. Hall explained the B-1 zoning would line up exactly with the property across the street, with a landscape buffer. Ms. Hall stated the applicant is willing to guarantee any building at the rear of the property would never exceed seven stories. Any future redevelopment would have to come back through the Board for Site Plan Level III approval.

Ms. Maus requested a written restricted covenant in regard to the applicant's promise not to exceed seven stories on any new buildings. Ms. Miller informed the Board the promise could not be made a condition of zoning, because the zoning districts could not be rewritten. Ms. Miller stated the applicant could voluntarily amend his application to include the restrictive covenant for the benefit of the neighborhood association, and agree to record the covenant on the public record.

Ms. Hall informed the Board that the applicant was amending his application to include the restrictive covenant. Ms. Miller emphasized the neighborhood would be responsible for enforcement of the restrictive covenant. Chair Curtis asked the Homeowners' Association if the restrictive covenant was acceptable; Mr. Detman concurred.

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

Motion made by Ms. Maus, seconded by Mr. Welch, to approve the amended application. In a roll call vote, the motion passed 7-1 (with Ms. Golub dissenting).

[Index](#)

4. Bed Bath & Beyond Ft Lauderdale, LLC

**Thomas
Lodge**

**75-R-
07**

Request: ** **Site Plan Level III / Waterway Use / 9,707 SF Expansion of Existing Store / B-1 Zoning / Commercial Land Use**

Legal Description: PARCEL 1 – Lot 8 of Coral Ridge Properties, according to the plat thereof, as recorded in P.B. 28, P. 8, of the Public Records of Broward County, Florida, together with all that portion of Tract B of said plat lying east of a line 80 feet of the west line of said Tract B and south of the north line extended of said Lot 8

PARCEL 2 – Lots 2, 3, 4, 5 and 6 of Crossroads Shopping Center, according to the plat thereof, recorded in P.B. 32, P. 22, of the Public Records of Broward County, Florida

Address: 2701 and 2651 North Federal Highway

General Location: West side of North Federal Hwy between NE 26 Street and Oakland Park Boulevard

Anyone wishing to testify on the matter was sworn in, and disclosures were made.

Mr. Robert Lochrie, Bed Bath and Beyond, gave a brief description of the location of the site, and explained the request before the Board was to add areas for storage, staging, and a loading dock facility. Mr. Lochrie provided the Board with photographs of the existing site, and stated the additions would be made to the north and south sides of the existing building.

Mr. Lochrie detailed the following changes to be made as a result of the Federal Highway Plan:

- Existing sidewalk, currently against Federal Highway, to be pushed back three feet, and landscaping added between the sidewalk and the street.
- Traffic lights and a fire hydrant to be moved to accommodate the new sidewalk.
- Incorporation of significant additional landscaping along the front of the property, including four new trees, hedge lines, ponds, and entrance features.

- Change pedestrian access at Federal Highway and at the entrance to the building.
- Additional landscaping at the facility, and upkeep to current landscaping.
- Modification of the rear (west side) of the building, including landscaping, updating the face of the building, removal of part of the parking lot and lighting.
- Additional parking to the south of the facility.
- Interconnecting driveways and walkways, including cut-throughs to adjoining facilities.

Mr. Lochrie stated Bed Bath & Beyond had met with the Coral Shores Homeowners' Association, and provided a letter from the Wilton Manors Homeowners' Association regarding meetings with neighboring homeowners' associations.

Mr. Tom Lodge, City Planning and Zoning, corrected the existing use on the staff report to show Bed Bath & Beyond, not residential use. Mr. Lodge further explained the current location in a B-1 zoning district, and the desired additions and changes. He added that the Development Review Committee had reviewed the project on July 10, 2007, and the East Neighborhood Association at Wilton Manors in August of 2007.

Mr. Lodge stated the proposed project is compatible with the City's plan, and meets all applicable code sections.

Chair Freeman opened the public hearing.

Mr. Tony Capadonna, owner of an adjoining building, voiced concern with the cut-through plan and the increased traffic this would cause in his parking lot.

Mr. Lochrie confirmed that Bed Bath & Beyond had purchased the title company building. Ms. Golub asked if the Board had any further requirements to add the building to the original parcel. Mr. Lochrie stated the building had been made part of the parcel through the approval of the Site Plan. He noted the parking lot would be available to other retailers during Bed Bath & Beyond's closed hours.

Ms. Graham asked about the new restrooms being added into the storage areas. Mr. Lochrie confirmed the plan included a reconfiguration of the overall facility, and required the additional restrooms.

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

Motion made by Ms. Fertig, seconded by Ms. Maus, to approve. In a roll call vote, the motion passed unanimously (8–0).

[Ms. Fertig left the room - 8:24 p.m.]

[Index](#)

5. City of Fort Lauderdale – Fire Station No. 3 Anthony Fajardo 11-P-07

Request: ** **Plat Review**

Legal Description: 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, said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida

Address: 2801 SW 4 Avenue

General Location: Southwest corner of SW 28 Street and SW 4 Avenue

Anyone wishing to testify on the matter was sworn in, and disclosures were made.

Ms. Rochelle Saldana, representing the City, provided a brief description of the plat size and location. Ms. Saldana stated the firefighters would like to increase services, firefighter technologies, and staff. The increase would be to a 16,000 square foot fire station. Ms. Saldana pointed out one outstanding issue related to the access point, with the City requesting the access point be on the southwest side, along Fourth Avenue, with the fire station proposing the access point be to the north side. Upon finalization of the Site Plan, negotiations will be held between the City and the County to resolve that access point issue.

Mr. Anthony Fajardo, Planning and Zoning, read the plat note restrictions for the Board.

Ms. Golub asked what would happen if the negotiations between the City and the County were unsuccessful. Mr. Fajardo explained the Site Plan is currently under review by the City, and the resolution would be worked out through the Site Plan approval.

Ms. Graham noted the stations had been downsized in September and October, and expressed her supported for the Plan before the Board.

Chair Freeman opened the public hearing.

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

Motion made by Ms. Freeman, seconded by Ms. Golub, to approve. In a roll call vote, the motion passed unanimously (7–0) (Board Member Fertig was not in attendance).

[Index](#)

6. Park Blvd. Developers, LLC / Victoria Park on Broward Anthony Fajardo 169-R-04

Request: ** **Request to Extend Site Plan Approval for Previously Approved Site Plan Level III with Allocation of Flexibility Units / RO Zoning / Commercial Land Use**

Legal Description: Frank Stranahan's Subdivision, Block B, Lots 5 and 6, P.B. 2, P. 63 (D)

Address: 1121 East Broward Boulevard

General Location: Northwest corner of East Broward Boulevard and NE 12 Avenue

Anyone wishing to testify on the matter was sworn in, and disclosures were made.

Mr. Gus Carbonell, architect, described the project as four multiple-family townhouses, and gave a brief description of the plan and location. Mr. Carbonell provided renderings of the site to the Board.

Mr. Carbonell stated the Plan had to go through the School District and the County, both of which had approved. Permits were applied for in January, 2007, and went through the Building Department review process. The plans are currently in the second review stage. An extension is being requested to allow time for the approval process to be completed.

Ms. Freeman asked how much time was being applied for, and Mr. Carbonell stated the application was for eighteen months.

Mr. Curtis requested information on the standards which should be applied for extensions. Mr. Fajardo answered the extension was subject to Section 4724-1 (M),

which dictates time extension requests. Since the issue was not called up before the City Commission, the extension needed to be heard by Planning and Zoning. Ms. Miller added the standard would be “good cause.”

Ms. Graham asked for clarification on the original approval date. Mr. Carbonell stated the approval meeting date was October 19, 2005. Ms. Graham questioned the support the issue would receive at the City Commission, as similar issues are currently being denied. Mr. Carbonell explained the Board is the only body to hear the issue, and it would not be called up before the City Commission.

Ms. Golub asked for clarification of the “good cause” for the extension. Mr. Carbonell explained only the Site Plan package was originally brought before the Board in October of 2005. The building permit was applied for in January, 2007, with a 24 month period to receive the permit. Mr. Carbonell is asking for an extension to allow time to receive the building permit.

Ms. Graham stated the 24 months is the maximum, but that much time is not necessarily required. Mr. Carbonell stated the building permit had been applied for January 3, 2007. On April 5, 2007, the City completed their first review. Redesign was required inside the units, as well as in the parking area to meet handicapped accessibility codes, which required changes to landscaping and engineering. Mr. Carbonell asserted the Building Permit Department works slowly, and the permits had not yet been granted.

Ms. Graham argued that Mr. Carbonell was a very experienced and talented architect, and the explanations do not really add up to justify the delays. Mr. Carbonell admitted his firm and consultants were busy, and the redesign had been extensive.

Mr. Carbonell verified that the project had been allowed for five units, but the developer had chosen to do four. Chair Curtis asked if government inaction had caused the delays. Mr. Carbonell stated the delay was caused by several issues, including the consultants, architects within his own office leaving, the Building Department, and the Fair Housing Authority.

Mr. Glassman asked for clarification on whether the original approval had been for five units or four units. Mr. Carbonell stated the plan had always been for four units.

Ms. Graham asked what the minimum extension could be to gain the permits needed. Mr. Carbonell stated he would push on completing the City requirements, and could work with a twelve month extension. Mr. Carbonell explained he was asking for eighteen months to provide a cushion to avoid having to come back with a new Site Plan.

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. Freeman, seconded by Ms. Maus, to approve. In a roll call vote, the motion passed 6–1 (with Ms. Golub dissenting).

For the Good of the City

[Index](#)

Mr. Brewton commended the City Planning Staff for their hard work, and wanted to recognize staff members who had not appeared before the Board, Adrian Ely, Jim Koeth.

There being no further business to come before the Board, the meeting was adjourned at 8:56 p.m.

Chair:

Attest:

Elizabeth Rivera, Recording Secretary

[Minutes prepared by K. Bierbaum, Prototype, Inc.]