

**Planning and Zoning Board  
City of Fort Lauderdale  
December 19, 2007 – 6:30 P.M.  
City Hall Commission Chambers – 1<sup>st</sup> Floor  
100 North Andrews Avenue  
Fort Lauderdale, Florida**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative</b>	
		<b>June 2007 – May 2008</b>	<b>Present</b>
Edward Curtis, Chair	P	7	0
Rochelle Golub	P	7	0
Steve Glassman	P	6	1
Mary Graham	P	6	1
Catherine Maus, Vice Chair	P	6	1
Pamela Adams	P	5	2
Mary Fertig	P	5	2
Tom Welch	P	5	2
Maria Freeman	A	4	3

**Staff**

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Greg Brewton, Planning and Zoning Director  
Jim Koeth, Principal Planner  
Ella Parker, Planner III  
Anthony Fajardo, Planner III  
Yvonne Davidson, Planner II  
Terry Burgess, Acting Zoning Administrator  
Adrienne Elhe, Planner II  
Sharon Miller, Assistant City Attorney  
Don Morris, Beach CRA Manager  
Elizabeth Rivera, Recording Secretary, Prototype, Inc.

**Guests**

Alan Tinter	Jeff Lis
Linda Strutt	Phillip Bogdal
Birch Willey	Buddy Lochrie
Ron Centamore	Richard Mancuso
Dennis Girisgen	Keith Simmel
Angelo Carusi	Suzanna Danielsen

Juan Ortega  
Elizabeth Hays  
Valerie Aman  
Matthew Kraft  
Eric Grainger  
Kevin Knight  
Michael Keryl  
Bill Perry  
Ann Hochter  
Mike Vonder Meulen  
Robert Huebner  
Steven Botek  
Rudy Hermann

April Lewis-Parks  
Scot Distefano  
David Beyer  
Andrew Bie  
Jason Feldman  
Craig Benson  
Merry Schwartz  
Milo Kingsly  
Scott Richards  
Gabriel Ocasio  
Beth Ann Krimsky  
Robert Lochrie  
George Camps

**Index**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>	<b><u>Page</u></b>
1.	101-R-07	Wool Family, LTD.	<a href="#"><u>3</u></a>
2.	78-R-07	The Las Olas Company/Riverside Hotel Addition	<a href="#"><u>5</u></a>
3.	12-P-07	The Las Olas Company/Riverside Hotel Addition	<a href="#"><u>10</u></a>
4.	15-P-07	Sovereign Development Group IX, Inc./Value Place LLC	<a href="#"><u>10</u></a>
5.	7-T-07	City of Fort Lauderdale	<a href="#"><u>18</u></a>
6.	14-Z-07	City of Fort Lauderdale/Riverland Road Rezoning	<a href="#"><u>20</u></a>
7.	15-Z-07	City of Fort Lauderdale/Melrose Park Rezoning	<a href="#"><u>21</u></a>
		For the Good of the City	<a href="#"><u>22</u></a>

**Call to Order**

Chair Curtis called the meeting to order at 6:30 P.M., followed by the Pledge of Allegiance.

**Approval of Minutes**

Chair Curtis introduced the members of the Board and explained 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.

Mr. Glassman noted a correction for the November 28, 2007 minutes on Page 6, the next to the last paragraph, should read "east of Dolphin Isles," as opposed to "west."

**Motion** made by Ms. Graham and seconded by Ms. Adams. to approve the minutes, with corrections, of the November 28, 2007 Planning and Zoning Board meeting. In a voice vote, the motion was approved unanimously.

**Cases**

[Index](#)

**1. Wool Family, LTD.**

**Yvonne  
Davidson**

**101-R-07**

**Request: \*\* Conditional Use Approval Cell Tower Site Plan / B-3 /  
Commercial Land Use**

Legal Description: Buell No 2 34-2, Lot 5 and Lot 6 less beg at SW Cor, E  
39.86, NW 30.01 to E R/W/L FEC RR, SW ALG E R/W/L  
26.10 to POB

Address: 1315 NE 12 Ave

General Location: North of NE 13 Street and West of NE 12 Avenue

Anyone wishing to testify on the matter was sworn in by Assistant City Attorney Miller.

Ms. Hochter, RGP Tower Group, presented information to the Board regarding a cell tower to be placed at 1321 NE 12<sup>th</sup> Avenue, on the Wool Family, LTD property. Ms. Hochter emphasized there were no towers within one mile of the area, nor any large buildings to accommodate antennas, and the proposed tower would greatly enhance coverage in the area.

Ms. Hochter explained the proposed tower will be an 100 foot pole. The proposed tower would be located on the western edge of the property, adjacent to the railroad, behind the main warehouse property. Ms. Hochter provided maps of the area, and photographs of the proposed tower.

Ms. Hochter stated the tower and the equipment would occupy 1,156 square feet, and would be enclosed by an eight foot high chain link fence, topped by barbed wire. The tower could accommodate four carriers, lessening the need for other towers or cables in the area.

Ms. Davidson stated the proposed tower would be placed in a B3 zone, allowed with a conditional use permit. Ms. Davidson noted the property does abut residential property to the south; however, this property is owned by the Wool family, and was not currently being used for residential. Ms. Davidson stated the applicant requested a modification to the zoning to allow for a conditional use permit.

Chair Curtis opened the public hearing.

Mike Vonder Muelen, President of the Poinsettia Heights Civic Association, informed the Board the Civic Association had met with the applicant. Mr. Vonder Muelen read a letter to Ms. Davidson drafted by the Civic Association Board requesting the City reject the application for the tower. Mr. Vonder Muelen noted an existing tower, located six blocks away from the proposed property could be rebuilt to meet the need. Mr. Vonder Muelen continued the property owners had not been maintaining the property, and should not be awarded the construction project.

Ms. Maus asked if any consideration had been given to building a cell tower resembling a tree. Ms. Hochter answered the towers Ms. Maus referred to were possible, but most of the existing towers looked "ridiculous." Ms. Hochter emphasized the proposed tower would be a very unobtrusive pole.

Ms. Graham requested further information on the information provided in the packet, referring to sheet C1. Ms. Graham noted the height appeared to be above grade. Mr. Richards, RGT Tower Group, explained the pole would be 100 feet above the grade, with a six to eight foot girth. Ms. Graham asked if there would be antennas attached to the tower. Mr. Richards confirmed antennas, cables, and conduits would be attached, but would be encased inside the stealth, and would not be seen from the outside of the tower.

Ms. Graham asked if the tower could be disguised in some way, i.e., in a bell tower. Mr. Richards stated RGT was willing to take any recommendations from the City, but most areas preferred the single pole style.

Mr. Glassman asked if there had been communications with Middle River Terrace or Lake Ridge. Ms. Davidson admitted they had not received communication with any Homeowner's Associations except Poinsettia Heights, who had provided the letter read earlier.

Mr. Richards noted the tower referenced in Mr. Vonder Meulen's letter was outside the coverage area, and the height would not be adequate to improve coverage. Mr. Glassman asked about the property not being properly maintained. Mr. Richards felt he was unable to address the issue since the Wool family owned the property, and Mr. Richards was not familiar with the property's history in the area. Ms. Hochter also noted there had been no code violations on the property in the past.

Ms. Graham asked about the Altman Company allowing the equipment on their existing building. Mr. Richards stated the Altman Company is not interested in becoming involved in the cell tower project.

Ms. Graham asked if there would be blinking lights on the top of the tower. Mr. Richards stated there would not be, as the FCC regulation only applies to towers over 190 feet tall.

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

**Motion** made by Ms. Maus, seconded by Ms. Adams to approve with staff conditions. In a roll call vote, the motion passed 5 – 3, as follows: Mr. Welch, yes; Ms. Fertig, yes; Ms. Graham, no; Ms. Golub, yes; Ms. Adams, yes; Mr. Glassman, no; Ms. Maus, no; Mr. Curtis, yes.

[Index](#)

**2. The Las Olas Company/Riverside Hotel Addition Ella Parker 78-R-07**

**Request: \*\* Site Plan Level III Review / 245, 661 SF Addition; Hotel, Office, Restaurant, and Retail Use / RAC-EMU**

Legal Description: A parcel of land being a portion of Lots 1, 2, 3, 4, 5 and 6, Block 1, and Lots 10, 11 and 12, Block 11, COLLEE HAMMOCK, as recorded in P.B. 1, P. 17, of the Public Records of Broward County, Florida and being a portion of the unnumbered lots lying south of East Las Olas Boulevard, lying east of the east right-of-way line of Federal Highway (U.S. 1), lying north of the New River, and lying west of the west line of Blocks 1 and 11, of said COLLEE HAMMOCK, said unnumbered Lots as per the Re-Subdivision of Block "A" EDGEWATER as recorded in P.B. 2, P. 6, of the Public Records of Broward County, Florida

Address: 610 East Las Olas Boulevard

General Location: South side of Las Olas Boulevard, North of the New River, between SE 6 Avenue and SE 8 Avenue

Anyone wishing to testify on the matter was sworn in by Assistant City Attorney Miller, and disclosures were made.

Mr. Huebner, Las Olas Company, introduced other members of the company and provided a brief history of the Las Olas Company. Mr. Huebner described the scope of the hotel addition project, and emphasized the project is in compliance with all codes.

Mr. Jeff Lis, representing Stiles Development Company, provided a PowerPoint presentation, with hard copies given to the Board members. Mr. Lis gave a brief description of the site, and explained the proposed changes to the existing hotel.

Ms. Parker, Planning and Zoning, stated the applicant planned to redevelop the existing, single-story retail shops and restaurants along East Las Olas Boulevard between the existing hotel and SE 8<sup>th</sup> Avenue, the parking area adjacent to SE 8<sup>th</sup> Avenue, and existing structures along the River east of the hotel. Ms. Parker explained the proposal would consist of a four-story wing, approximately 60 feet high along Las Olas Boulevard with individual restaurant and retail shops at the ground level and hotel rooms above. A new entry to the hotel along SE 8<sup>th</sup> Avenue, with a four-story, approximately 60 foot high office building with retail at the ground level, at the corner of 8<sup>th</sup> and SE 4<sup>th</sup> Street, and a new conference wing along the River with a public access riverfront promenade. Two pedestrian overpass bridges are also part of the redevelopment proposal.

Ms. Parker continued to state that the application is subject to downtown regional activity center and neighborhood compatibility criteria, which indicate that consideration should be given to recommendations of adopted neighborhood master plans. The property is located within the downtown master plan in the near downtown character area, which encourages strong framing of the street with active ground floor uses. The applicant has addressed these principles by framing the streets along the perimeters with active retail and restaurant uses and by creating a more inviting pedestrian environment with wider sidewalks and shade trees, and continuing the existing pattern of individual building types along Las Olas. In addition a public access Riverfront Promenade is proposed along the River and an improved connection is provided from the river to the Las Olas corridor.

Ms. Maus asked for more information regarding the two air bridges. Ms. Parker confirmed one of the bridges is attached on the face of the existing garage, and the second bridge is proposed across Sagamore Road connecting the hotel to the conference center.

Chair Curtis opened the public hearing.

Mr. Centamore, President of the Downtown Civic Association, stated the Downtown Civic Association had reviewed the proposal, and the general membership had no objections to the project.

Mr. Lochrie, a resident of the Collee Hammock subdivision, felt the Las Olas project was a unique opportunity for the City. Mr. Lochrie noted the sidewalk portion of the project would be especially beneficial.

Mr. Willey, a resident on 4<sup>th</sup> Street, expressed his excitement for the proposed improvements, including increase safety for the citizens, and the pedestrian bridges.

Mr. Huebner provided the Board copies of a letter from a resident in favor of the project.

Ms. Golub asked if there were formal endorsements or criticisms from the neighboring Homeowner's Associations. Mr. Huebner stated he had met with Beverly Heights, Rio Vista, Collee Hammock, Victoria Park, the Downtown Association, the marine industry, the Riverwalk Trust, the Rivercrest Apartments, and the Riverview Gardens. Mr. Huebner confirmed there had been no objections to the project.

Mr. Glassman asked if there were any members of the architectural team with expertise in historical preservation to deal with the 1936 hotel. Mr. Carusi, a representative of Cooper Carry, admitted the firm does not have a historical preservation specialty, but they had been engaged in projects tied to historic projects in Charleston, Savannah, and Atlanta, and had experience in dealing with new projects associated with historic structures.

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

Mr. Welch stated he had attended meetings regarding the project, and had noted concerns over parking in the neighborhood. Mr. Welch asked if efforts had been made to resolve the concerns expressed by the neighbors. Mr. Lis advised the developers were meeting with Cheesecake Factory to resolve the parking issue, and provided a letter sent to the neighboring Homeowner's Associations addressing their concerns.

Ms. Graham asked for clarification on the 500 series drawings provided by the developer. Mr. Lis explained there are nine different store fronts on the site, and since the developers do not know who the tenants will be, the store front part of the plan had been intentionally left open-ended to allow for flexibility with the new tenants.

Ms. Graham asked if the trees presently on the site would be relocated. Mr. Lis stated the firm is dedicated to preserving all the trees that can be saved. Mr. Lis described the tree relocation program covered in the landscaping plan.

Mr. Glassman expressed concern with the Riverside Hotel not being a locally designated historic structure. Mr. Glassman felt the property should have been granted a historic designation, and the development should be watched over by experts in the historic preservation field. Mr. Glassman felt the project looked like any other suburban project, and did not respect the historic character of Las Olas.

Ms. Maus acknowledged there was "a lot to like" about the project, but felt the façade, the railings, and the windows did not add character to the building fronts. Mr. Lis

confirmed for Ms. Maus that the courtyard would have a water feature. Ms. Maus asked what steps were being taken in the new areas to keep it from becoming as run down as the current area.

Mr. Lis assured Ms. Maus these issues had been taken into consideration, and provided the following examples of steps being taken by the developer:

- Moving a commissary for large bulk deliveries off-site to control major deliveries to the hotel. This commissary would be located across the river at 5<sup>th</sup> and Flagler.
- Two new loading docks would be gated and screened with a full decorative drape.
- The existing two loading zones would be rearranged to be off the main street to decrease visibility.

Ms. Maus asked about landscaping being done on the south side of 4<sup>th</sup> Avenue. Mr. Lis noted the following:

- The parking ramp will be screened with a solid wall.
- The wall would be lined with landscaping and palm trees.
- Decorative louvered doors would support the central plant, and would be landscaped with hedge material.
- There will be three stories of landscaping, including a tree canopy with palm trees.

Ms. Maus asked if the air bridge could be moved further west. Mr. Lis explained the existing classic hotel was not being changed in any way. The air bridge will touch up against the east face of the sixth story, allowing pedestrians access to both the hotel and the proposed conference area.

Mr. Carusi provided pictures of the proposed railings for the store fronts. Mr. Carusi explained it was difficult to show detail in renderings, and provided examples of detailed railings in past projects.

Ms. Fertig asked how the historic part of the structure would be impacted. Mr. Lis stated the structure would only be touched in two places, and the Indigo is being expanded, with new construction added to the east.



Ms. Graham asked about rooftop equipment that would be visible from the ground. Mr. Lis stated there would be rooftop equipment on the administration building, and would be screened and not visible.

Ms. Graham asked what would be done to mitigate the bad lighting and odors from the loading dock areas. Mr. Lis stated these were operational issues and would be addressed by the site management. Mr. Lis noted the project would actually reduce the square footage of restaurants.

Mr. Glassman asked for clarification on the present first floor, façade of the structure, and the entrance way.

Mr. Lis explained the current front doors would be closed off with non-operable doors to maintain the façade. The new entrance would improve operations. Mr. Lis stated the rear door would still be operable, but would be relocated further down the building. Mr. Lis stated the south side of the building would have no exterior modifications, but the lobby would be reconfigured. Additional elevators would also be added, and restrooms, plumbing and electrical will be upgraded.

Ms. Golub asked for clarification on drawing A5.8. Mr. Lis explained the drawing represented a pre-function building between the current hotel and the proposed administration building. Mr. Lis explained this “pre-function” area would be used to reach either the grand staircase or the pedestrian bridge. The upper floors would be office areas.

Ms. Graham noted the elevations are mislabeled, and really showed the north elevation and the east elevation. Mr. Lis admitted there was an error in the elevations, and clarified the correct labeling.

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

**Motion** made by Ms. Maus, seconded by Ms. Adams, to approve with staff conditions.

Mr. Glassman asked Ms. Miller if a condition could be added to require a consultant with expertise in historic preservation and integration of historic properties into new projects. Ms. Miller asked what the consultant’s purpose would be in the project. Mr. Glassman felt someone should be on the team to preserve the existing structure, and to give suggestions to other architectural features.

Mr. Huebner respectfully declined to add additional members to the development team, but felt the hotel had been preserved by the owners without any directives, and the development team felt the same respect for the buildings and would not intentionally do anything to harm the historic value of the property.

Ms. Golub agreed the applicant had a high level of integrity and good intentions, but felt the Board should memorialize the promises in some way, especially with respect to the parking issues.

Ms. Fertig asked for Mr. Huebner to clarify the plans for the appearance of the store fronts. Ms. Fertig also felt the historical consultation would not be out of line.

Mr. Huebner agreed a consultant could be added to the team to work with the developers on the historical preservation.

Mr. Lis used the renderings to point out six buildings with nine different articulated store fronts along Las Olas. Mr. Lis noted the hotel is ten feet behind the roof line of the retail stores, and contains terraces and balconies. Mr. Lis felt there would be no problem having a variety on the row of store fronts.

Mr. Glassman clarified archaeological survey was being done by the Broward County Historical Commission, and not by the City Historic Preservation Board. Mr. Glassman expressed his appreciation for the developer's willingness to add a consultant to the team, but would like to see the team work with the Broward Trust for Historic Preservation.

Mr. Lis explained this same process had recently been completed on 200 Las Olas Circle, building a sixteen-story building adjacent to the Shepherd Building, and several other historically designated buildings.

In a roll call vote, the motion passed 6 – 2, as follows: Mr. Welch, yes; Ms. Fertig, no; Ms. Graham, yes; Ms. Golub, yes; Ms. Adams, yes; Mr. Glassman, no; Ms. Maus, yes; Mr. Curtis, yes.

[Chair Curtis called for a brief recess at 8:09 p.m.]

Chair Curtis called the meeting back to order at 8:14 p.m.

[Index](#)

**3. The Las Olas Company / Riverside Hotel Addition**

**Adrienne Ehle**

**12-P-07**

**Request: Right-of-Way Vacation / RAC-EMU Zoning**

Legal Description: A parcel of land being a portion of the 50 ft. Right-of-Way for SE 4 Street (Brickell Boulevard) Colee Hammock as shown on the plat thereof, as recorded in P.B. 1, P. 17 of the Public Records of Broward County, Florida

Address: SE 4 Street

General Location: SE 4 Street located south of Las Olas Boulevard, north of the New River, east of SE 6 Avenue, and west of SE 8 Avenue

Mr. Hueber explained the application to vacate a 395 square foot part of SE 4<sup>th</sup> Street to avoid the City property crossing over the hotel property on the south side, allowing the roads to line up.

Ms. Ehle, Planning and Zoning, explained the request would allow the Bell South utility easement to be maintained. Ms. Ehle also pointed out an error in the staff report, and asked the Board to disregard the statement "Staff has requested a fifteen foot pedestrian easement to be dedicated." Ms. Ehle explained the pedestrian easement does not apply to this case.

At Ms. Golub's request, Ms. Ehle used the rendering to demonstrate the area being requested for vacation. Ms. Golub requested the applicant to provide a more detailed picture of the area being discussed. Mr. Lis used an overhead projector to provide a better demonstration.

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. Maus, seconded by Mr. Welch, to approve the application with conditions. In a roll call vote, the motion passed unanimously.

[Index](#)

**4. Sovereign Development Group IX, Inc./Value Place LLC Anthony Fajardo 15-P-07**

**Request: \*\* Plat Review**

Legal Description: A portion of the north 1,000 feet of the south 1,035 feet of the east 500 feet of the west 533 feet of the southwest one-quarter (SW ¼) of Section 18, Township 50 south, Range 42 east.

Address: 2100 South State Road 7

General Location: Approximately 260 feet south of Riverland Road on the east side of State Road 7 (access from Riverland Road)

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

Mr. Robert Lochrie, attorney for Sovereign Development Group IX/Value Place LLC, explained the applicant's request, and provided a presentation to the Board showing the location of the property.

- Mr. Lochrie cited the following items being completed under the proposed project:
- Dedicating additional right-of-way along State Road 7, as required by the State
- Adding a sidewalk adjacent to 441, as required by Broward County
- Adding a sidewalk adjacent to Riverland Road, as required by the City
- Access along 441 is completely prohibited by FDOT
- Direct access has been prohibited onto Riverland Road

Mr. Lochrie emphasized this is strictly a technical review of the platting requirements, and evidence has been provided to the Board showing the requirements have been met.

Mr. Bencz of Rhon, Ernest, Jones Consulting, reviewed the adequacy requirements and the subdivision regulations relating to the project. Mr. Bencz pointed out the following items in the adequacy requirements:

- Communications Network – this requirement does not apply to plats
- Drainage – a drainage study was provided to show the requirements had been met
- Environmentally Sensitive Lands – an expert will be speaking later to address this requirement
- Fire Protection – the plat will comply with fire protection requirements in the City
- Parks and Open Space – the applicant will be paying an impact fee at the time of building permit. The estimated fee is \$155,000.
- Police Protection – the project will comply with the police protection requirement. Police protection is confirmed with District III

- Potable Water – a water analysis and a letter confirming water availability dated August 29, 2007 was provided to Staff.
- Sanitary Sewer – a sanitary sewer analysis confirmed capacity and location of the applicable sanitary sewer plant. A letter dated August 29, 2007 from the City confirmed available capacity for the regional wastewater treatment plant to service the site.
- Schools – this requirement does not apply to this plat, as there would be no residential use.
- Solid Waste – the applicant has confirmed that service is available, and have a number of private hauler options.
- Storm Water – calculations have been made to provide the required retention for storm water management on site, which were provided to Staff.
- Transportation Facilities – an expert will be speaking to this item. Seven feet of right-of-way is being dedicated along the western property line to provide required right-of-way conformance with the County requirements.
- Wastewater requirements were met through the above mentioned sewer analysis.
- Trash Management – the applicant has met the requirements for the City.
- Historic and Archaeological Resources – the site does not contain any previously recorded archaeological features, according to a letter from a County archaeologist.
- Hurricane Evacuation – does not apply to the site, as the project is located west of I-95.

Mr. Bie, Land Design South, described the environmental assessment performed on the site. The site is not an environmentally sensitive land, and a thorough survey for listed species showed no species on the site. The site is not located within a well field, as listed by Broward County.

Mr. Ortega, Land Design South, described the transportation analysis performed for the project. Mr. Ortega noted there is no impact on the level of service on the roads, and does not cause any of the roads to fail. The plat meets all adequacy requirements of the Fort Lauderdale code.

Mr. Kraft, Patriot Surveying and Mapping, provided information on surveying requirements, and the plat has been certified.

Mr. Grainger, Rhon, Ernest, Jones Consulting, addressed the FDOT access road, and pointed out the existing frontage access. Mr. Grainger explained only Access Road Number Seven will be allowed by FDOT.

Ms. Krimsky, representing Sovereign Development Group IX, Inc./Value Place LLC emphasized the plat meets all legal requirements of the Fort Lauderdale Code. Ms. Krimsky provided staff with copies of all presentation materials. Ms. Krimsky informed the Board that, under the applicable law, a plat must be approved when the land owner shows the plat meets all legal requirements, and read a portion of the applicable law into the record.

Chair Curtis called for the Board members to provide any disclosures.

Ms. Golub requested information on the adjoining land owners. Mr. Lochrie admitted he was unsure who owned the adjoining land. Mr. Lochrie stated there is a separate plat for the north piece, and was originally platted for a gas station. Ms. Golub asked if the plat being requested encompassed only the applicant's land. Mr. Lochrie confirmed the plat would include only land owned by the co-applicant, Value Place, and no additional adjoining land would be acquired.

Ms. Fertig noted the applicant had advertised for residential use, and families would be staying at the site while waiting for homes to be built. Ms. Fertig questioned the validity of the applicant stating the school requirement was not applicable to this project. Mr. Lochrie explained the request before the Board was specifically for hotel use, and under the County and State regulations, the school requirements do not apply to non-residential.

Ms. Fertig asked about the plan for renting only to families staying for a week or more. Mr. Lochrie emphasized the issue currently before the Board was not for any facility, but only for a plat of property with a hotel designation. Ms. Fertig asked if applicant would come back before the Board if something were constructed which didn't meet the definition of a hotel. Mr. Lochrie assured Ms. Fertig if anything other than a hotel was to be placed on this property, the applicant would have to go through the plat amendment process, which requires both City and County approval. Mr. Lochrie described the definition of a hotel as set forth by the City.

Mr. Fajardo, Planning and Zoning, described the location of the property, and explained the property was being platted for the purpose of constructing a 124-room hotel.

Ms. Fertig asked if Mr. Fajardo agreed with the applicant's assertion that the Board would have to approve the plat. Mr. Fajardo affirmed the Board is reviewing a plat for a

124-room hotel only. Ms. Fertig asked if a specific plan would be reviewed to make sure all requirements were met for the use. Mr. Fajardo stated the Site Plan is currently under review with the City, and is being reviewed as a hotel. Mr. Fajardo stated he believed that State requirement limits hotel stays to less than 30 days.

Ms. Graham noted in the past the Board has not been able to see Site Plans, even when requested, and expressed concern over approving the plat without knowing what would be constructed. Ms. Graham asked for the size of the building being considered. Mr. Lochrie described the current plan is four stories, but the plan may or may not be amended at a later time.

Chair Curtis asked Staff if for clarification on the Board voting for something described for one use, and later being used for something different than described. Chair Curtis asked if the Board could consider it to be conflicting evidence. Ms. Miller stated the application was for a plat, and the applicant has the choice as to what is put there, and the eventual usage. The future construction is not part of the plat analysis, other than meeting the adequacy requirements. Ms. Miller stated the Site Plan would have to be for a hotel.

Chair Curtis requested Staff describe the process following plat approval to receive a permit. Mr. Brewton explained the applicant would finish the Development Review Committee (DRC) review, and the final DRC would take into account the minimum code requirements for the Site Plan. After DRC approval is received, the applicant would move to the permit process, except in the case of an appeal to the DRC process, which would go to the Planning and Zoning Board.

Chair Curtis opened the public hearing.

Mr. Hermann, President, Chula Vista Isles Homeowner's Association, reminded the Board this was not just a plat being discussed, but a neighborhood. Mr. Hermann asserted the 124-room "apartment complex" being proposed does not meet the City requirements. Mr. Hermann also noted safety issues on the property. Mr. Hermann emphasized the project included a very large apartment complex, not the hotel being described to the Board. Mr. Hermann voiced strong disapproval for the proposed project.

Ms. Aman, a homeowner, voiced concern over the issue being called a "plat review." Ms. Aman stated the project is located at the main entrance into the neighborhood, and does not add character to the neighborhood. Ms. Aman expressed concern that the applicant is misrepresenting the actual planned usage for the site.

Ms. Hayes, Secretary, Southwest Coalition, gave a brief description of past attempts to develop the site. Ms. Hayes felt the plat should not be considered "commercial" due to the residential nature of the area.

Mr. Distefano, Riverland resident, expressed pride in the improvements made in the Riverland area over the last seven years. Mr. Distefano clarified for the Board Access Road Seven is off of Riverland Road, and is not accessible from 441. Mr. Distefano emphasized this was a major distinction, as a business is being proposed with the only access off of a residential road.

Mr. Distefano felt the applicant was misrepresenting themselves as a hotel, as information given on their website and on their reservation phone line shows the business to be a short-term lease apartment building.

Ms. Lewis-Parks, resident, asked if the plat designation was approved as hotel only, would that limit other businesses or other usage of the space. Ms. Parks also stated the Riverland Village residents and surrounding areas currently had a petition against the project containing over 300 signatures.

Mr. Rodstrom, County Commissioner, District VII, gave a brief description of the history of the property. Mr. Rodstrom emphasized the local residents have very strong feelings on this issue. Mr. Rodstrom noted the Planning and Zoning Board has a right to question the issues, regardless of the assertions of Mr. Lochrie.

Mr. Rodstrom suggested the project was not compatible with the neighborhood or the surrounding neighborhoods. Mr. Rodstrom requested the Board not approve the project, and have the applicant bring forward something more compatible with the neighborhood.

Mr. Beyer, President, Riverland Manors Association, stated he had attended the DRC meeting, and felt the application was clearly to build a low-end apartment building. Mr. Beyer stated the land is at the western entrance to Fort Lauderdale, and is not how the City should be "introduced."

Mr. Camps, a resident, expressed concern over the future of the property. Mr. Camps cited existing traffic issues, and asked the transportation analysis be looked at closely.

Ms. Rodstrom, City Commissioner, District II, stated the Board does have the right to send the proposal back and not approve the plat, because there are too many questions regarding the actual proposed usage. Ms. Rodstrom gave her support to the Board returning the issue to the applicant for additional answers to questions.

Mr. Kingsley, resident, stated there is no access from State Road Seven, and therefore the applicant is a mischaracterization of its actual location.

Ms. Swartz, a resident of Riverland Village, described the traffic pattern along Riverland Road, and emphasized the additional traffic from the project would be to a single lane



road. Ms. Swartz also expressed concern over the impact to the local schools, which are already overcrowded, if the property is used as short-term apartments.

Ms. Krinsky emphasized the property was zoned B2, and the issue before the Board is a plat approval with a specific designation and restriction to a hotel use. Ms. Krinsky noted all supporting documents had been provided to show all requirements had been met, and reminded the Board the plat plan was the only issue to be considered.

Ms. Krinsky informed the Board there will be meetings with the Staff and communities in conjunction with the DRC review process, which is highly unusual, but will occur in relation to this project. Ms. Krinsky stated the community concerns would be addressed at that time, and was separate from the plat review process.

Ms. Krinsky asserted the property owners were in compliance with all requirements, and were entitled to a plat approval of this project.

Ms. Fertig stated that although the Board could not consider the eventual usage of the property, they could consider the contradictory evidence in the environmental and traffic issues, and questioned whether these issues met the legal adequacy requirements.

Ms. Graham referred to the Florida Building Commission definition of a hotel, but only the Broward County and City definitions pertaining to Planning and Zoning. Ms. Graham expressed disappointment that the clearing had been done, perhaps without a permit.

Ms. Graham noted the traffic issue is still a major concern. Ms. Graham stated the aerial photographs provided clearly showed the residential areas which would be impacted by the project.

Ms. Golub asked if the applicant could put any designation, and the Board would have no choice but to vote in favor of the project. Ms. Golub also asked if Commissioner Rodstrom was correct in stating the Board had the right to request Staff to provide more information before the application was approved.

Mr. Lochrie explained the applicant could only ask for a usage approved by the City Commission through the zoning of the property. Mr. Lochrie stated the City Code called for neighborhood compatibility to review applications, but the rules stated the compatibility issue does not apply at the plat review level. The neighborhood compatibility issue would be reviewed at the Site Plan level.

Ms. Golub asked if the Site Plan would be seen by the Board, and if the plat is approved, would it be too late to make changes at the Site Plan review level.

Mr. Lochrie noted the appropriate use designation is done through the zoning code. Mr. Lochrie emphasized the hotel designation is a permitted use under the commercial land use designation. The appearance of the building and the landscaping would be covered in the Site Plan.

Ms. Golub expressed concern over the Board not being able to consider the appropriateness of the plat designation at the plat review level. Mr. Lochrie emphasized the applicant is not asking for a residential apartment use, but a hotel use. Ms. Golub disagreed, citing evidence being presented that applicant has made contradictory statements in its public message. Mr. Lochrie referred to the expert testimony provided concerning the traffic issues, and noted this was the only testimony provided by experts. Ms. Golub asserted the Board has the right to evaluate the "expertness" of the testimony.

Mr. Brewton stated if the Board has concerns under the plat review process only, not the Site Plan process, the Board has the authority to continue the item and request additional information.

Mr. Brewton confirmed the applicant has presented a plat restriction to restrict the usage to a hotel.

Mr. Glassman requested clarification on why the applicant emphasized this was a platting process only, yet provided all the backup information contradicting that assertion. Mr. Lochrie stated the meetings with the neighborhoods was on the Site Plan, which is separate from the current plat review to be covered by this Board.

Ms. Fertig asked about the letter provided in the backup information written by Jason Feldman. Mr. Lochrie informed the Board that Jason Feldman represents Rhon, Ernest, Jones Consulting, and was asked to give a narrative to the City on the type of operation anticipated on the site. The letter was submitted as part of the Site Plan and plat processes.

Ms. Fertig noted the Board had not had the opportunity to review the well field report. Ms. Fertig stated the Board had determined in previous meetings if the information is not before the Board, it could not be adequately considered. Ms. Fertig felt there had been contradictory evidence provided on the habitat, wildlife, environmental, and traffic issues, and felt the adequacy issue had not been resolved.

Ms. Graham asked Mr. Brewton to describe the process of asking the applicant to return with additional information. Mr. Brewton stated if the Board is uncomfortable with the information provided, the Board could ask for more information to validate statements made relating to those issues.

Mr. Glassman noted meetings had only been held with two Homeowners Associations. Mr. Glassman asked how many neighborhoods were within a 300 foot area of the proposed development. Mr. Lochrie stated there was only one or two neighborhoods within 300 feet. Mr. Lochrie felt the other Associations represented in the meeting were further up Riverland Road. Mr. Lochrie confirmed there were group meeting held with several Associations, facilitated by the Southwest Coalition.

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

**Motion** made by Ms. Golub, seconded by Mr. Glassman, to defer the issue back to Staff for 90 days to ensure the adequacy requirements for platting as a hotel have been met, and if the property had been inadvertently zoned as B2 and should have been zoned as residential.

Ms. Fertig asked if the Board were to vote the issue down due to not meeting the adequacy requirements, what would be the process for the applicant to come back before the Board. Mr. Brewton stated the recommendation would go to the City Commission.

Ms. Maus felt the 90 day deferral was a little long, and ought to be 60 days. Mr. Welch agreed the 60 day deferral would be more appropriate.

Chair Curtis asked Mr. Lochrie what additional information could be brought before the Board in 90 days that was not currently available. Mr. Lochrie stated the applicant has no objection to a deferral if the Board would like more information. Mr. Lochrie stated the applicant could provide more detailed information on the environmental study and the access issue. Mr. Lochrie felt 60 days was plenty of time to provide the requested information, and felt 90 days seemed punitive.

Mr. Brewton assured the Board the Staff would do everything they could to provide the information in the 60-day timeframe.

**Motion** amended by Ms. Golub, seconded by Mr. Glassman, to defer the issue back to Staff for 60 days to ensure the adequacy requirements for platting as a hotel have been met and if the property had been inadvertently zoned as B2 and should have been zoned as residential.

A Staff member stated if a traffic study would be involved, more time would be required to allow the City Staff and an outside consultant to review the study.

**Motion** amended by Ms. Golub, seconded by Mr. Glassman, to defer the issue back to Staff for 90 days to ensure the adequacy requirements for platting as a hotel have been met and if the property had been inadvertently zoned as B2 and should have been

zoned as residential. In a roll call vote, the motion passed 7 – 1 (with Chair Curtis dissenting.)

[Index](#)

**5. City of Fort Lauderdale**

**Don Morris**

**7-T-07**

**Request: \*                      Amend the Unified Land Development Regulations (ULDR) by establishing a new Section for “Annexed Areas” (Section 47-39)**

Legal Description:            N/A

Address:                        N/A

General Location:            N/A

Mr. Morris, Planning and Zoning, provided a brief description of the application. Mr. Morris stated the rezoning effort applied only to residential properties, and the commercial properties would be addressed at a later time.

Mr. Morris made an amendment to the ordinance provided to the Board on Page 52 of the provided ordinance, noting Melrose Park chose to prohibit outdoor events rather than to permit them.

Mr. Morris provided comparisons between the existing and the proposed zoning areas, and gave examples of the changes to the Board.

Ms. Fertig asked for information regarding the impact to houses of worship and schools. Ms. Fertig cited the charter school plan for St. Ambrose Church. Mr. Morris stated existing permits would be honored.

Chair Curtis opened the public hearing.

Mr. Distefano expressed his support for the work done by Staff.

Mr. Hermann asked how the new zoning would impact day care facilities. Mr. Morris explained the only change to RD 12.22 prohibits wireless communications, so any other use previously permitted would still be permitted.

Jack Hair, resident, complimented the Staff and contractors for their hard work.

Ms. Schwartz asked how the areas were divided. Mr. Morris explained the area was large and needed to be separated. The unique characteristics of the neighborhoods were addressed. Ms. Schwartz pointed out that the new rezoning allowed facilities such

as group homes in areas where they were not allowed in the past. Mr. Morris emphasized the plan does not allow any new uses in the area.

Chair Curtis asked Mr. Morris if group homes would be allowed in the newly zoned areas. Mr. Morris explained group homes are not specifically listed in the permitted uses, and if they were not allowed before the rezoning, they would not be allowed in the new zoning. Ms. Schwartz pointed out 6.85a in the paperwork provided to the Board, which specifically prohibits “non-profit neighborhood social and recreational facilities.” Ms. Schwartz asked that the group homes prohibition be included in 6.85b so that no new group home could be placed in the neighborhood.

Mr. Morris referred to Page 22 of Exhibit 9, and provided a definition of a “non-profit neighborhood social and recreational facilities,” which would not include the group home being discussed. Mr. Morris stated the ordinance doesn’t list the group home as a permitted use, but the State may require those kinds of uses in a residential area. Mr. Morris could not provide a definitive answer pursuant to the State statute.

Mr. Kingsley asked for clarification on the definition of off-site parking lots. Mr. Morris explained off-site parking included parking facilities for non-residential uses within 500 feet of the property. The parking may not constitute more than 25% of the parking requirement for the facility. Mr. Kingsley asked the Board to consider parking capacity issues before approving applications.

Mr. Crouch stated he had attended many of the meetings held on the zoning issues, and emphasized the neighborhood was very clear they did not want group homes in their neighborhood.

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

**Motion** made by Ms. Golub, seconded by Ms. Maus, to recommend approval as submitted to the City Commission. In a roll call vote, the motion was approved unanimously.

[Index](#)

**6. City of Fort Lauderdale / Riverland Road  
Rezoning**

**Don Morris**

**14-Z-07**

**Request: \*\* \* Rezoning / Broward County RS-5 and R1-C to City of Fort Lauderdale RS-6.85A / Broward County RS-5 to City of Fort Lauderdale RS-6.85B / Broward County RS-3 to City of Fort Lauderdale RS-3.52 / Broward County RD-10 to City of Fort Lauderdale RD -12.22**

### **Irregular Residential Land Use**

General Differences **RS-5 and R1-C to RS-6.85A:** RS-6.85A If rezoned will prohibit non-profit Neighborhood Social and Recreational Facilities, Golf Courses, Place of Worship, Temporary Sales Offices, Off-Site Parking Lots and Wireless Communication Facilities, which are permitted under current zoning. The minimum required floor area for those properties currently zone R1-C will change from 600 square feet to 800 square feet.

**RS-5 to RS-6.85B:** RS-65.85B If rezoned will prohibit Temporary Sales Offices, Off-Site Parking Lots and Wireless Communication Facilities, which are permitted under current zoning. There are also some differences in the accessory structure setback requirements.

**RS-3 to RS-3.52:** RS-3.52 If rezoned will prohibit Golf Courses, Place of Worship, Temporary Sales Offices, Off-Site Parking Lots, Outdoor Events and Wireless Communication Facilities, which are permitted under current zoning.

**RD-10 to RD-12.22:** If rezoned will prohibit Wireless Communication Facilities, which are permitted under current zoning.

Address: N/A

General Location: The entire area is generally bounded by SW 14 Street on the North, the New River on the South, SW 35 Avenue on the West, and just East of the SW 28 Terrace on the East

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

Mr. Morris explained the proposed changes to the zoning.

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

**Motion** made by Ms. Maus, seconded by Ms. Golub, to recommend approval to the City Commission. In a roll call vote, the motion was approved unanimously.

**7. City of Fort Lauderdale / Melrose Park  
Rezoning**

**Don Morris**

**15-Z-07**

**Request: \*\* \* Rezoning / Broward County RS-4 to City of Fort Lauderdale RS-6.70 / Broward County RD-9 to City of**

**Fort Lauderdale RS-6.70 / Broward County RD-10 to  
City of Fort Lauderdale RM-33.5 / Broward County RM-  
10 to City of Fort Lauderdale RM -12.67 / Broward  
County RM-15 to City of Fort Lauderdale RM-33.5 /  
Broward County RM-15 to City of Fort Lauderdale RM-  
16.0**

**Irregular Residential Land Use**

- General Differences **RS-4 to RS-6.70:** RS-6.70 If rezoned will prohibit Off-Site Parking Lots, Outdoor Events and Wireless Communication Facilities. The RS-6.70 requires a minimum floor area of 1,000 square feet for dwelling units, where a minimum of 800 square feet is required under current zoning. There are differences in the accessory structure setback requirements.
- RD-9 to RS-6.70:** RS-6.70 If rezoned will prohibit Duplexes, Townhouses, Off-Site Parking Lots, Outdoor Events and Wireless Communication Facilities. The RS-6.70 requires a minimum lot area of 7,500 square feet and a minimum floor area of 1,000 square feet for dwelling units, where a minimum lot area of 3,300 square feet and a minimum floor area of 800 square feet is required under current zoning. There are differences in the accessory structure setback requirements.
- RM-10 to RM-12.67:** No change proposed.
- RD-10 to RM-33.5:** RM-33.5 If rezoned will permit Multi-Family Dwellings and Bed and Breakfasts.
- RM-15 to RM-33.5:** No change proposed.
- RM-15 to Rm-16.0:** No change proposed.

Address: N/A

General Location: The entire area is generally bounded by Broward Boulevard on the North, SW 12 Street on the South, State Road 7 on the West, SW 31 Avenue on the East

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

Mr. Morris noted one change to the information provided to the Board, requesting the RM33.5 be rezoned to RD12.22. The property owner had been notified of the error and the requested change.

Chair Curtis opened the public hearing.

A duplex owner in Melrose Park asked if his property could be maintained as a duplex under the new zoning. Mr. Morris explained the RD12.22 would allow duplexes and town houses.

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

**Motion** made by Ms. Maus, seconded by Ms. Golub, to recommend approval, as amended, to the City Commission. In a roll call vote, the motion was approved unanimously.

**For the Good of the City**

[Index](#)

Mr. Brewton provided copies of the RFP to the Board, and requested comments and questions be forwarded to Staff.

Mr. Glassman felt there was a slight disconnect between the Ad Hoc Committee and the Board, and asked for clarification on the communication process. Mr. Brewton explained the issue would come before the Board in the form of a recommendation, and there would be public hearings and workshops. Mr. Brewton stated the RFP provided was only the beginning of the process.

Ms. Fertig asked why the meetings could not be held under Sunshine, and be advertised well in advance so members of Planning & Zoning or the public could be involved with the Ad Hoc Committee. Mr. Brewton explained it was difficult to get everyone together, and the RFP had been handled through the Ad Hoc Committee just to speed up the process. Ms. Fertig emphasized as many people as possible needed to be included in the process.

Mr. Brewton noted the Ad Hoc Committee meeting had been publicized and allowed for attendance by the public. Ms. Graham suggested a simple e-mail could be sent out to remind Board members of the Ad Hoc Committee meetings. Mr. Brewton emphasized this RFP was simply to get a consultant hired to get the process started. Mr. Brewton apologized for not inviting the Planning & Zoning Board, and agreed to inform the Board of any meetings held in the future regarding this process.

Chair Curtis expressed frustration over public input on proposed changes. Chair Curtis did not feel any improvements had been made in the process. Mr. Brewton noted the consultant would have a public outreach plan to address those issues.

Ms. Rodstrom asked which governing body would be choosing the consultant, and when would the Planning & Zoning Board become involved in the scope. Chair Curtis agreed this was the issue causing frustration on the Board.



Ms. Fertig emphasized the Board is not trying to slow the process down, but wants to be included in the process.

There being no further business to come before the Board, the meeting was adjourned at 10:34 p.m.

Chair:

Attest:

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Elizabeth Rivera, Recording Secretary [Minutes prepared by K. Bierbaum, Prototype, Inc.]