

**Planning and Zoning Board
City of Fort Lauderdale
January 16, 2008 – 6:30 P.M.
City Hall Commission Chambers – 1st Floor
100 North Andrews Avenue
Fort Lauderdale, Florida**

Board Members	Attendance	Cumulative June 2007 – May 2008	
		Present	Absent
Edward Curtis, Chair	A	7	1
Rochelle Golub	P	8	0
Steve Glassman	P	7	1
Mary Graham	P	7	1
Catherine Maus, Vice Chair	P	7	1
Pamela Adams	P	6	2
Mary Fertig	P	6	2
Tom Welch	P	6	2
Maria Freeman	P	5	3

Staff

Greg Brewton, Planning and Zoning Director
Ella Parker, Planner III
Jenni Morejon, Planner III
Anthony Fajardo, Planner III
Renee Cross, Planner III
Yvonne Davidson, Planner II
Eric Silva, Principal Planner
Terry Burgess, Acting Zoning Administrator
Sharon Miller, Assistant City Attorney
Frank Snedaker, City Architect
Robert Bacic, Fire Department
Kevin Smith, Public Works Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Guests

Robert Lochrie	Joseph Kaller
Jane Storms	Gus Carbonell
Gerald Knight	Kevin Buckley
Mark Saltz	Grace Fidler
Sam Idas	Paula Pereira
John Ault	Jack Loos
Jim McCullough	Elizabeth Hays

Mark Hartman
Terry Rynard

Jim Eddy
Lisa Edmondson

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Call to Order

Vice Chair Maus called the meeting to order at 6:34 P.M., followed by the Pledge of Allegiance. It was determined a quorum was present.

Approval of Minutes

Assistant City Attorney Miller explained the procedures for quasi-judicial cases, the local Planning Board requirements, and the City's lobbying rules. Vice Chair Maus introduced the members of the Board and explained the procedures that would be followed during tonight's meeting. Mr. Brewton introduced the City's Staff that were present.

Mr. Glassman noted a correction for the December 19, 2007 minutes on Pages 9 and 11, reference being made to Chair Freeman as opposed to Chair Curtis. Ms. Edmondson informed the Board that this had already been corrected in the minutes.

Motion made by Mr. Glassman and seconded by Ms. Fertig to approve the minutes, with corrections, of the December 19, 2007 Planning and Zoning Board meeting. In a voice vote, the motion was approved unanimously.

Cases

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1. Anthony Family, LTD / Paseo Del Mar Jenni Morejon 90-R-05

Request: ** Request to Extend Site Plan Approval for previously approved Site Plan Level III - Conditional Use for Mixed Use Development with Flex Allocation / B-1 Commercial Land Use

Legal Description: Acreage in Progresso, Blocks 228, 229 and 230, P.B. 2, P. 18, as recorded in the Public Records of Miami-Dade County, Florida

Address: 1600 East Sunrise Boulevard

General Location: Southside of East Sunrise Boulevard Between N.E. 16 Avenue and the Alley East of N.E. 17 Avenue

Vice Chair Maus asked the Board to announce their disclosures concerning this item.

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

Mr. Lochrie, representing Hanover Company, presented information to the Board regarding a request for additional time for a site plan approval for the Hanover Project, which was originally approved by the Board in December 2005. Mr. Lochrie stated that pursuant to the City's Code, an application for a building permit must be submitted within 18 months and a building permit pulled within 24 months. Mr. Lochrie explained that while an application for a building permit was, in fact, submitted within 18 months, the Hanover Group made administrative amendments to the site plan, albeit very minor amendments, and did receive a final sign-off of the site plan amendments on January 15, 2008.

Mr. Lochrie advised that a foundation permit was expected to be obtained by March, and a building permit for vertical construction obtained in April. Mr. Lochrie informed the Board that currently they were going through the third round of building permit comments and will be submitting for fourth round shortly, and that this was the reason for the request for an additional 6 months to approve the site plan.

Ms. Golub asked Mr. Lochrie if his client would continue to maintain the site during the extension of time, and Mr. Lochrie advised that this would absolutely be done.

Ms. Morejon, Planning and Zoning Department, summarized that the applicant was requesting a 6-month extension on their site plan approval in order to obtain a building permit. Ms. Morejon advised that the applicant's current time frame to obtain a building

permit would have expired January 12, 2007, and that the requested extension would allow for a July 12, 2008 expiration. Ms. Morejon explained that the project was originally approved as a mixed use development, with 210 residential units in December, 2005. Ms. Morejon advised that if the site plan extension is granted, all previous conditions of the approval and site plan requirements of the original approval will remain in effect, with the exception of any changes that were just recently approved as part of the administrative review process for a Site Plan Level III Development.

Vice Chair Maus opened the public hearing. There being no questions or comments from the public, the public hearing was closed by Vice Chair Maus.

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

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2. Victoria's Corporate Plaza

Yvonne Davidson 13-Z-07

Request: * * * Rezoning / I to B-2 / Employment Center Land Use

Legal Description: North 222.65 feet of the SE ¼ of the SE ¼ of the NE ¼ of Sec 9, Township 49 south, Range 42 east, less the east 253.96 feet of BCPR

Address: 6245 NW 9 Avenue

General Location: West of NW 9 Avenue and North of NW 62 Street

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

Mr. Kaller, Architect, informed the Board that the project is a mixed use building, with warehouse components, with 25,000 sq. ft of offices, and 8,000 – 9,000 sq. ft. of warehouse. Mr. Kaller stated that the applicant has requested to change the zoning use of the property from an "I" (Industrial use) to a B-2 (Business). Mr. Kaller explained that presently there is an existing 2-story building, with offices, and the applicant is proposing to redo the façade so that it will look like an office building and not a warehouse. A rendering of the proposed appearance of the building was provided to the Board members. Mr. Kaller stated that a focal point would be added to the building by articulating the front entrance, which currently does not exist, as well as the addition of new landscaping, and civil components, such as catch basins, in order to improve the entire site.

Ms. Davidson, Planning and Zoning, directed the Board to the zoning map, which illustrated that the subject property was a mixed zoning area, which had been looked at in the past by the City to consider rezoning from the "I" designation. Ms. Davidson apprised the Board that the applicant had asked for the B-3 zoning, but after discussion with staff, the applicant is going to rezone to the B-2 designation in order to allow more office space than industrial.

Ms. Davidson explained that in order to make it more consistent with the land use, the current zoning does not allow for the warehouse to be the major portion of the use, but does allow for office to be the major portion of the use, in conflict with the "I" zoning, which is the current zoning predominantly in that area. Ms. Davidson further explained that this would be a permitted use in this area, however, the only issue would be that the present warehouse use would become legal non-conforming, *i.e.*, the applicant would not be permitted to alter or increase the warehouse use in the future, which is not their intention, but instead to increase the office use on this parcel.

Ms. Graham asked Ms. Davidson to clarify that the B-3 was changed after-the-fact to B-2. which she confirmed. Ms. Davidson also stated that it was a less-intense use, and that the City Attorney had been consulted and agreed that a lesser intense use could be permitted, even with the posting of the B-3 and the mailing.

Ms. Graham then asked Ms. Davidson if, per the zoning sketch, the site immediately to the east was still zoned "I", and Ms. Davidson indicated that it was.

Vice Chair Maus opened the public hearing. There being no questions or comments from the public, the public hearing was closed by Vice Chair Maus.

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

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3. Tango Lakes LLC / Tango Lakes

Anthony Fajardo 1-Z-06

Request: ** * Rezoning / RD-15 to RC-15 / Medium

Legal Description: Commencing at the northwest corner of the said Section 32; thence south 01'34'30" east along the west line of the said Section 32, a distance of 998.25 feet to the intersection with the north line of the south ½ (S ½) of the southwest quarter (S.W. ¼) of the northwest quarter (N.W. ¼) of the northwest quarter (N.W. ¼) of said Section 32; thence north 87'25'48" east along said north line, a distance of 64.90 feet to the point of beginning of this description; thence continue north 87'25'48" east along

said north line, a distance of 1507.38 feet to the intersection with a line lying 230.00 feet east of and parallel with the west line of the northwest quarter (N.W. $\frac{1}{4}$) of the southeast quarter (S.E. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said Section 32; thence south 01'22'13" east along said parallel line a distance of 1004.58 feet to the intersection with the south line of the northwest quarter (N.W. $\frac{1}{4}$) of the southeast quarter (S.E. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said Section 32, said line also being the northerly line of the plat of "Washington Park Fourth Addition", according to the plat thereof as recorded in Plat Book 22, Page 44, of the public records of Broward County, Florida; thence south 87'39'29" west along said south line of the northwest quarter (N.W. $\frac{1}{4}$) of the southeast quarter (S.E. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said Section 32 and said northerly line of the plat of "Washington Park Fourth Addition" a distance of 230.03 feet to the intersection with the aforementioned west line of the northwest quarter (N.W. $\frac{1}{4}$) of the southeast quarter (S.E. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said Section 32; thence north 01'22'13" west along said west line a distance of 669.10 feet to the intersection with the north line of the southwest quarter (S.W. $\frac{1}{4}$) of the northwest quarter (N.W. $\frac{1}{4}$) of said Section 32, Township 49 south, Range 42 east; thence south 87'30'21" west on said north line a distance of 1282.54 feet to the intersection with the easterly right-of-way line of Dr. Martin Luther King Jr. Boulevard (N.W. 31st Avenue); thence north 00'28'06" west on said easterly right-of-way line a distance of 333.02 feet to the point of beginning.

Address: 1680 NW 31 Avenue

General Location: Approximately 1,010 feet east of NW 21 Street on the north side of NW 31 Avenue

Vice Chair Maus announced that Items 3 and 7 were related and, if appropriate, the Board will hear them together, but the votes would be done separately.

Vice Chair Maus then called for the Board members to provide any disclosures.

Ms. Miller swore in all in attendance to discuss this Item of the Agenda. The following were present: Robert Lochrie; Anthony Fajardo, Planning & Zoning Staff; Jane Storms; Gus Carbonell, Architect.

Mr. Lochrie clarified that the property was actually east of 31st Avenue, and is currently zoned RD-15. Mr. Lochrie explained that there were two requests before the Board, one for rezoning and one for a plat approval, for which he would give one presentation, and then would address questions separately.

Mr. Lochrie stated that the property is south of 19th and north of the old Wingate landfill, and is currently being utilized, as it has been for many years, as a construction debris center. Mr. Lochrie advised that the property owner wishes to redevelop the property with a residential use, which is in keeping with the residential to the north and east of the property, and would necessitate a request for rezoning from the RD-15 zoning district to the RC-15 zoning district. Mr. Lochrie explained that RD is the cluster home zoning district, and the RC zoning district allows townhouses.

Mr. Lochrie informed the Board it was their intention to build a townhouse development on this site, buffering single family residential along 31st, from the Wingate Center to the south. This, he explained, would make for a very attractive buffer between the two uses. Mr. Lochrie stated that the Planning Department had been presented with a 2-story townhouse product, approximately 20-25 feet tall, in keeping with the same criteria as the single-family homes to the north off of 31st Avenue. Mr. Lochrie displayed a graphic of the site, indicating that the intent was to introduce additional landscaping, residential units, etc.

Vice Chair Maus asked to hear from Staff on this project.

Mr. Fajardo addressed the Board and confirmed that this was, in fact, a request for a rezoning of the parcel from an RD residential single-family duplex medium density district to the RC-15 residential single-family cluster dwelling medium density district. Further, Mr. Fajardo advised that in the Staff Reports for the platting and rezoning, the square footages are different for the acreage; the entire site is not being rezoned, but is being replatted.

At this time, Vice Chair Maus invited questions for Staff from the Board.

Ms. Golub referred to the Code, which states that RC-15 permits clusters. Ms. Golub questioned why the project would seek a RC-15 permit, since their current zoning of RD does not currently permit clusters. Ms. Golub asked Mr. Fajardo to explain why there was a request for a change of zoning.

Mr. Fajardo explained that the RC designation indicates "cluster" in the description of the title for RC-15; however, in the table, it does reflect that townhouses are permitted per the zoning district, which is what the applicant would like to build. The developer is actually not proposing to build cluster developments, which is not permitted in the RD-15 district.

Ms. Golub inquired if the proposal was to build townhouses, but if the property was rezoned if they could build anything they want, which could also be cluster homes; Mr. Fajardo confirmed that this was, in fact, correct.

Mr. Fajardo explained that the plat in the description does read that the project is restricted to 240 townhouse units.

Ms. Graham asked why the entire site was to be replatted, when the change in zoning was only necessary for a portion of the site. Mr. Fajardo advised that the subject site had never been platted and, according to the County, the entire site must be done. He further explained that a lake covers the majority of the property, so only a portion of the property will be rezoned - that portion upon which the townhouse units will be built. Mr. Fajardo explained that the zoning map covers the lake area as well.

Ms. Graham then asked if the Board would see a site plan for this once this project is approved for both applications tonight. Mr. Fajardo confirmed that they would not see a site plan because townhomes in RC-15 are subject to Site Plan Level II review only.

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

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

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7. Tango Lakes, L.L.C. / Tango Lakes Plat Anthony Fajardo 14-P-06

Request: ** Plat Approval / RD-15 (Proposed RC-15)

Legal Description: Commencing at the northwest corner of said section 32; thence south 01'34'30" east along the west line of the said section 32, a distance of 665.51 feet to the northwest corner of the southwest one-quarter (SW 1/4) of the northwest one-quarter (NW 1/4) of the northwest one-quarter (NW 1/4) of said section 32; thence north 87'21'16" east along the north line of the said southwest one-quarter (SW 1/4) of the northwest one-quarter (NW 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 671.73 feet to the point of beginning of this description; thence continue north 87'21'16" east along the north line of the southeast one-quarter (SE 1/4) of the northwest one-quarter (NW 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 671.73 feet; thence north

01'22'13" west, along the west line of the northwest one-quarter (NW 1/4) of the northeast one-quarter (NE 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 334.55 feet (the last three described courses being coincident with a northerly, southerly and easterly boundary line of the plat of "Wingate Ridge" as recorded in Plat Book 37 at page 50, of the public records of Broward County, Florida); thence north 87'16'44" east along the north line of the south one-half (S 1/2) of the northwest one-quarter (NW 1/4) of the northeast one-quarter (NE 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance 672.35 feet (the last described course being coincident with the southerly boundary line of the plat of "Palm Lake" as recorded in plat book 55 at page 33 of the public records of Broward County, Florida); thence south 01'16'07" east along the east line of the west one-half (W 1/2) of the east one-half (E 1/2) of the northwest one-quarter (NW 1/4) of section 32, a distance of 1677.26 feet (the last described course being coincident with the westerly boundary line of the plat of "Lake Air Estates" as recorded in plat book 54 at page 15, of the public records of Broward County, Florida and the westerly boundary line of the plat of "Golden Heights Homes" as recorded in plat book 40 at page 28 of the public records of Broward County, Florida); thence south 87'39'29" west along the south line of the northwest one-quarter (NW 1/4) of the southeast one-quarter (SE 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 669.28 feet (the last described course being coincident with the northerly boundary line of the plat of "Washington Park 4th Addition" as recorded in plat book 22 at page 44, of the public records of Broward County, Florida); thence north 01'22'13" west along the west line of the northwest one-quarter (NW 1/4) of the southeast one-quarter (SE 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 669.10 feet; thence south 87'30'21" west along the north line of the southwest one-quarter (SW 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 1282.54 feet to a point on the easterly right-of-way line of N.W. 31st Avenue; thence north 00'28'06" west along said easterly right-of-way line of N.W. 31st Avenue, as shown as parcel 130 on the Florida Department of Transportation right of way map No. 86502-2616, a distance of 333.02 feet; thence north 87'25'48" east along

the north line of the south one-half (S ½) of the southwest one-quarter (SW 1/4) of the northwest one-quarter (NW 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 606.21 feet; thence north 01°28'20" west along the west line of the southeast one-quarter (SE 1/4) of the northwest one-quarter (NW 1/4) of the northwest one-quarter (NW 1/4) of section 32, a distance of 333.64 feet to the point of beginning (the last described courses being coincident with a southerly and easterly boundary line of the said plat of "Wingate Ridge".)

Address: 1680 NW 31 Avenue

General Location: Approximately 1,010 feet east of NW 21 Street on the north side of NW 31 Avenue

Vice Chair Maus then asked that this item be addressed out of order on the agenda, as the same property was previously discussed for a Rezoning approval (Item 4). Inasmuch as there had already been discussion concerning this property, relating to both rezoning and plat approval, the Board had no additional discussion or questions.

Ms. Golub then asked for a statement as to 14-P-06, and Vice Chair Maus advised that it was the plat.

Motion made by Ms. Adams to approve Item 7 of the replatting of the stated property per staff notes, and seconded by Ms. Freeman.

In a roll call vote, the motion passed unanimously, 8 – 0.

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4. Marina Mile Properties, L.L.C. / Secure Storage at 84

Ella Parker

2-ZPUD-07

Request: * * * Rezone from B-2 and RML-25 to PUD including Site Plan Approval / 78,107 SF Storage Facility

General Differences That part of Tracts 2, 3 and 4, of F.A. Barrett's subdivision, of the west ½ of Section 21, Township 50 South, Range 42 East, according to the plat thereof, recorded in P.B. 1, P. 46, of the Public Records of Miami-Dade County, Florida, lying north of State Road 84 and lying east of the east right-of-way line of State Road 9, also known as Interstate Highway 95, lying west of the Osceola Canal. Subject to effects of final judgment in eminent domain proceedings by

S.R.D. of Florida re limited access rights only, dated April 23, 1970 (filed April 24, 1970 in minutes of the Circuit Court 191, Page 983 (#67-7542) said lands lying in the City of Fort Lauderdale, Broward County, Florida.

Address: 2075 State Road 84

General Location: East of Interstate Highway 95, North of Access Road for State Road 84, and West of the Osceola Canal

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

Mr. Knight explained that the proposed zoning changes were for the property located at the northeast corner of the intersection of St. Road 84 and I-95. Mr. Knight advised that the Board had seen this project more than a year ago, albeit a different version. Mr. Knight stated that this matter was being submitted to the Board on a request for rezoning and site plan approval to for the same type of use, but a much bigger building. Mr. Knight advised that the project was being brought back before the Board because there had been a substantial change in the design, and the City Staff felt that it should go through the process again.

Mr. Knight informed the Board that this was a zoning request to go from the current B-2, which is on the front of the property (closest to S.R. 84) and RML-25 to PUD. The project is 4.31 acres, currently designated commercial on the City Land Use Plan; the proposed use is a storage warehouse-type facility, containing approximately 78,107 sq. ft. Further, Mr. Knight advised that the project is a 1-story building, containing 90 storage bays, which range from approximately 300 sq. ft. up to 1600 sq. ft., and are designed to hold personal property. Mr. Knight informed the Board that the site is ideally suited for this use, as it has very limited access, being adjacent to I-95, to S.R. 84 and to a warehouse/office-type center to the east.

While the project does have multi-family residential to the north, Mr. Knight advised that the applicant is proposing a substantial buffer on that side of the project, 80 feet between the building and the property line, consisting of a heavily landscaped wall and retention area. Further, as a condition of the PUD approval, Mr. Knight stated that the developer has agreed to do certain things with respect to the Osceola Canal, which is not owned by the applicant, such as removal of exotics, and planting of wetland species vegetation. This was felt to be a substantial environmental enhancement of the Osceola Canal, and would be tied into the retention area to the north side of the property.

Mr. Saltz, Architect, next addressed the Board and explained that the project is comprised of three buildings, containing units which vary in size from 375 sq. ft. to approximately 1600 sq. ft., the largest units being designed to hold recreational vehicles and contain overhead doors with accommodating heights. Mr. Saltz advised that the smaller units are designed to hold household items, as well as collectible automobiles.

Mr. Saltz next showed drawings of the proposed project, which he felt represented a pleasant, low-scale development on the property. On the side facing I-95, the parapet heights are varied from 33 feet to 25 feet, as well as windows in the units facing that side of the project so it does not appear to be industrial.

Mr. Saltz then turned the floor back to Mr. Knight, who stated that there was a letter in the packet presented to the Board from River Oaks Association giving their support to the project.

At this time, Vice Chair Maus invited City Staff to speak.

Ms. Parker, Planning & Zoning Department, confirmed the applicant's request to rezone from a B-2 (general business district) and RML-25 (residential low-rise multi-family district) to PUD (planned unit development) with site plan approval for 78,107 sq. ft. storage warehouse for the storage of personal property, primarily for the storage of vehicles.

Ms. Parker further explained that the warehouse use is not a permitted use in the RML-25 zoning district. Self-storage is permitted in the B-2 zoning district, however individual storage units cannot exceed 400 sq. ft. As stated previously, Ms. Parker noted that the proposed units will range from 350 to 1600 sq. ft. Ms. Parker then directed the Board to the table on page 1 of the Staff Report, which depicts all the requirements typically required in the other districts and which are proposed under this PUD. Ms. Parker stated the two places where the project does not meet the B-2 / RML-25 criteria is the landscape area under the RML-25, which has a 35% requirement for residential-type uses, with the applicant providing 29%. Additionally, the side east setback where the residential requirement being 20 feet, building 3 is providing 15 feet.

Ms. Parker further informed the Board that the applicant has submitted a Response Narrative to the PUD for adequacy and neighborhood compatibility requirements, which are provided with the site plan packages. The applicant is also proposing enhancements to the wetland retention area to the north of the site, providing additional vegetation and removal of some of the exotics.

Ms. Parker further stated that should the Board recommend approval of the proposed development to the City Commission, conditions as outlined in the Staff Report are included, with Ms. Parker stressing the first condition being that no maintenance repair work or other business uses shall be permitted on the site.

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

Ms. Fertig asked to again review the graphic depicting the three buildings and the landscaping. Ms. Fertig asked to see where the 15 feet set-back was located.

Mr. Saltz showed Ms. Fertig that this area was along the I-95 side of the project, and explained that there was an 80-foot buffer between the project and the residential properties.

Ms. Graham then referred to the landscape plan, sheet L-1, and asked confirmation as to which direction is north on the L-1 sheet.

Mr. Saltz confirmed the north direction on the L-1 sheet, at which time Ms. Graham noted that the north arrow was incorrect on the L-1 sheet.

Motion made by Mr. Glassman, seconded by Mr. Welch to approve, with **conditions of approval** contained within the Staff Report. In a roll call vote, the motion passed 8 – 0, unanimously.

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5. 2110 Trust

Yvonne Davidson

66-R-07

68-R-07

Request: ** Site Plan Level III / Flex Allocation of Commercial Land Use

General Differences Lots 7, 14, 15 in Block 27 of Everglades Land Sales Co
First Add to Lauderdale Corr. Plat 2-15 D

Address: 2110 S Federal Highway

General Location: East of Federal Hwy and South of SE 21st Street

Vice Chair Maus then called for the Board members to provide any disclosures.

Ms. Miller then swore in all in attendance to discuss this Item of the Agenda. The following were present: Sam Idas, Sam Idas Development Company; Craig Fidler, Fidler, Inc.; Paula Pereira; John Alt; Jack Loos, Marshall Levy, MIL Architecture; Jim McCullough, as agent for the Applicant.

Mr. McCullough advised the Board that a site plan approval was being sought for several lots owned by the 2110 Trust, specifically lots 12 through 16, which are presently improved with an approximately 5,000 ft. existing building and a parking lot. Mr. McCullough further advised that the 2110 Trust also owned lot 7, which was presently vacant, and which was located across an alley.

Mr. McCullough stated that these properties were previously presented to the Board in September of 2007 for the rezoning of lots 15, 16 and 7, which were at the time RMM-25 and rezoned to B-1 to make them the same as the property that abuts Federal Highway.

Mr. McCullough then directed the Board to the site plan contained with their packet, which incorporates a renovation of the existing building and an expansion of approximately 9400 sq. ft., and a provision for parking on the balance of the primary property, and additional parking on lot 7.

Mr. McCullough indicated that the land use designations of lots 14 through 16 and lot 7 are "employment center," which is not the same as the land use designation on lots 12 and 13, which is "commercial." Mr. McCullough explained as a result, even though putting an office building or retail facility in the employment center is an allowable use, the Code requires that commercial flexibility be allocated in order to put a parking lot on a portion of the property, and a building on the remainder of the property. Mr. McCullough stated that this was the purpose for their current presentation to the Board.

Mr. McCullough explained that when the rezoning request was presented, the Board had been provided with a preliminary site plan that had been approved by the Harbordale Civic Association. Mr. McCullough stated that the changes in the previous site plan presented to the Board in September are more neighborhood-friendly than those previously accepted.

Mr. McCullough advised that the preliminary site plan anticipated use of the east/west alley between the applicant's properties, to the diagonal alley and used to circulate the primary parking lot, providing access to both parking lots, allowing parking along the diagonal alley with access to the parking lot. Mr. McCullough stated that the current site plan before the Board does not offer these options, instead reflecting self-contained, self-circulating parking lots, no parking along the diagonal alley, no allowance for vehicular access, no truck deliveries, and no trash removal.

Mr. McCullough further advised that the alley located perpendicular to Federal Highway and separating Lots 16 7 is presently impassable, primarily due to two substantial Banyan trees. Because the alley will not be used for vehicular access, Mr. McCullough confirmed that the only use will be for pedestrians, which will be subject to a separate engineering permit.

Mr. McCullough advised the Board that all setback requirements and landscape requirements have been met, the building is substantially lower than the 150 feet that the B-1 zoning permits, the density is low, the lighting is all directed inward, the property has been over-landscaped, and the City's swale and right-of-way have been improved along 21st Street.

Ms. Davidson then addressed the Board, stating that the site was before the Board for a rezoning from RMM-25 to B-1, to allow development of the parcel that runs Federal Highway, and to provide consistent zoning throughout the site and the property surrounding it.

Ms. Davidson stated that the rezoning was approved and filed under Ordinance C-07-99, and was before the Board today in order to allocate the flexing of the commercial land use onto the employment center land use; and per the Parking Code, parking shall be provided on a Land Use Designation – the same as the parcel it will serve.

Ms. Davidson advised that the zoning code of B-1 allows all of the uses proposed herein; the employment center land use allows the uses proposed here, and the commercial land use allows all of the uses proposed herein. Ms. Davidson stated that these all must be consistent and thus the current rezoning request, wherein the applicant was requesting the flexing of the commercial land use.

Ms. Davidson informed the Board that the Applicant has addressed the DRC comments, they have signatures from the DRC members, and have addressed their concerns with the parking, which has been clarified with the engineering department, and the landscaping and zoning departments, and that Staff feels this project is compatible with the neighborhood.

Vice Chair Maus invited questions for Staff, having noted none. Vice Chair Maus then opened the public hearing.

Ms. Pereira addressed the Board as a 40-year resident at the same location which is across the alley from the applicant's address. Ms. Pereira indicated that the plans had changed greatly from those previously presented. Ms. Pereira expressed a concern that the headlights of vehicles going through the alley will now shine on residents as they sleep. Ms. Pereira also stated that she was not familiar with the term "site plan study" and that she was never personally interviewed concerning this application.

Ms. Pereira indicated that she was concerned that people would now be taking shortcuts from 27th Street to the parking lot, the business being located on 21st and Federal Highway.

Vice Chair Maus asked Ms. Pereira to specifically explain her concerns. Ms. Pereira suggested that a wall be built in the alley to make the area self-contained, and that she would like to see what type of lighting would be provided in the alley. Ms. Pereira indicated a concern that the lights be on all hours into the night and that she wanted to see what type of lighting would be proposed for the site.

Vice Chair Maus advised Ms. Pereira that this was, in fact, regulated by Code, which was confirmed by Mr. Brewton.

Ms. Pereira asked why core drilling was being conducted on the empty lot on 22nd Street, which was designated as a parking lot, to which Vice Chair Maus advised Ms. Pereira to direct that question to Mr. McCullough.

Ms. Pereira concluded by stating that she wanted to know the meaning of site studies and where she could review them. Vice Chair Maus advised that Ms. Davidson would have such studies available.

Mr. Ault stated that he was owner of the buildings located on either side of where the proposed driveways would be located on the property addressed herein. Mr. Ault explained that along Federal Highway from 21st to the alleyway there are three separate buildings; the first being next to 21st Street and containing a laundry, owned by Mr. Ault; then there is a dog grooming store; and then a third store which is currently empty. Mr. Ault advised that a separate building contained Tina's Restaurant, and a third building houses an antique store.

Mr. Ault informed the Board that his family bought these buildings in approximately 1957 or 1958 and have owned the Laundromat since 1952.

Mr. Ault stated that he was opposed to the project at this particular time due to the middle building (between Mr. Ault's two buildings) being torn down, and that he had previously experienced interruption of utility service over the past year due to construction, which have all impacted his business.

Vice Chair Maus advised Mr. Ault that his general concerns about property valuation and potential damage to his property could not be addressed by the Board. Ms. Maus did state that the Applicant is known to be a long-time presence in the City, and does a very good job, and believes that the Applicant would want to talk to Mr. Ault about whatever can be done to alleviate Mr. Ault's concerns.

Vice Chair Maus asked Mr. McCullough to address Ms. Pereira's concerns that there were no plans for a barrier to be built which would prevent headlights from reflecting into her residential property. Mr. McCullough responded that the Code provides for a landscaped 12-foot buffer between the parking spaces and the edge of the property, which has been provided for in the plans.

Mr. Loos, as owner of the property, stated that the building is slightly smaller than what was presented to the Harbordale Civic Association and approved, and that it is one-story, very nice, aesthetically pleasing building which is not being overdeveloped. Mr. Loos indicated that the landscaping has trees and will have a heavy hedge, 4 to 5 feet in height.

Mr. Loos further advised that he has been working with the City for well over a year on this project and that the adjustments made to the site plan were in response to the Board's previous concerns. There was a large strangler fig on the property, which Mr. Loos would like to keep, if the City would approve the installation of pavers around the base of the tree.

Vice Chair Maus closed the public hearing and brought the item back to the Board for discussion.

Ms. Graham asked the Staff if this matter was previously brought to the Board in July of 2007. Ms. Davidson stated that it was, in fact, September.

Ms. Graham asked for confirmation that the site was not being overbuilt, and that it was, in fact, being built proportional to the parking that Mr. Loos could accommodate on the site. Ms. Davidson did state that this was correct.

Ms. Graham questioned if, in fact, only one live oak tree was being kept on the site, as was indicated by the T-1 plans.

Mr. Loos stated that they were, in fact, going to keep the gumbo limbo tree and two oaks in the corner, as well as a strangler fig on the property line that would be kept if the City could cooperate.

Ms. Graham inquired as to sheet T-1 showing one tree being relocated and whether this sheet was correct with the data that is now shown on the sheet.

Mr. Loos advised that there were two things incorrect on the sheet: (1) the gumbo limbo is actually not in a parking area and will be preserved, and (2) and there is a large unattractive tree that would not be preserved. There is a strangler fig in the middle of the access point off of 22nd Street that will have to be removed in order to have access to the property. There is also a strangler fig that can be saved if engineering would allow some paver treatment to be installed around it, for the tree to breathe.

Motion made by Ms. Fertig, seconded by Ms. Freeman to approve. Ms. Graham asked that there be a condition that there be some evaluation with engineering to see if they can work with pavers or some other surface material if those trees can be saved. Mr. Brewton stated that this could be done.

Amended Motion made by Ms. Fertig, seconded by Ms. Freeman to approve, with a **condition** that there be some evaluation with engineering to see if they can work with pavers or some other surface material if the trees can be saved. In a roll call vote, the amended motion passed 8 – 0, unanimously.

6. City of Fort Lauderdale / Fire Station 46 Renee Cross 6-T-07

**Request: * City and County Land Use Plan Map Amendment /
Park to Community Facilities**

General Differences A portion of tract "A" "Lake Lauderdale Recreation Area"
according to the plat thereof, recorded in P.B. 134, P. 38,
of the Public Records of Broward County, Florida

Address: 1515 Northwest 19th Street

General Location: South border of Mills Pond Park

Ms. Miller then swore in all in attendance to discuss this Item of the Agenda. Present were: Elizabeth Hays; Renee Cross, Planning & Zoning Department; Frank Snedaker, City Architect; Mark Hartman; Robert Bacic, Fire Rescue; Jim Eddy, Fire Chief.

Vice Chair Maus asked the Board to announce their disclosures concerning this item.

Ms. Cross announced that this request is to amend the future land use map of the City of Fort Lauderdale, to change the future land use for 1.30 acres at 1515 NW 19th Street, which is a portion of Mills Pond Park, from park open space to community facilities, to allow for the development of a new fire station. Ms. Cross also advised that this request was also to amend the Broward County future land use map from recreation open space to community facilities for the same location.

Ms. Cross informed the Board that this location was selected because of its proximity to the annex areas of Rock Island and Twin Lakes North to improve response times. Ms. Cross advised that the Fire Department reviewed the coverage area after annexation and found that it is challenging meeting their benchmark response times for first paramedic and for first fire engine to the scene in the western part of the coverage territory because of the location of the current station.

Ms. Cross continued to explain that by constructing the fire station on the Mills Pond Park site, the overall response coverage will be greatly improved, since the station will be centralized in the coverage area. Ms. Cross asked the Board to keep in mind that this item will come back before this Board for zoning and site plan approval. Ms. Cross stated that in addition to Planning & Zoning staff, there are representatives from Engineering and Parks & Recreation Departments, as well as the Fire Department in attendance to answer any questions.

Ms. Golub questioned why this matter was before this Board today, when there is a meeting next week of a Board that would have direct interest in this issue, and which probably should hear this issue before the Planning & Zoning Board hears this issue.

Mr. Brewton responded to Ms. Golub by advising that the issue was before the Board tonight simply because this is a request for a land use plan amendment. Mr. Brewton explained that the Parks Advisory Board is an Advisory Board to the City Commission, not the Planning & Zoning Board. Mr. Brewton further stated that the items that will come up at the Parks Advisory Board will be forwarded to the City Commission as relating to their comments regarding the possible land use plan amendment.

Vice Chair Maus asked if this item would have to go to the City Commission after this Board's review, and Mr. Brewton did acknowledge that this item would, in fact, go directly to the City Commission after this Planning & Zoning Board review. Mr. Brewton requested that the Board treat this request for land use amendment, just as is always done in other land use amendment cases.

Ms. Freeman inquired as to which fire station is presently servicing those areas named above, and Ms. Cross advised that the closest station currently is Station 46.

Mr. Bacic, Fire Rescue, confirmed that the closest station is Station 46, which is located at the 1100 block of NW 9th Avenue, on Powerline just north of Sunrise Boulevard.

Mr. Brewton interjected that what this Board should be attempting to do this evening is to determine whether or not a land use plan amendment should be warranted under the specific review of the Planning & Zoning Board. Mr. Brewton stated that the Parks Advisory Board will be looking at more site planning issues and use of the property, rather than whether or not it should be changed from a land use designation or not, and that what is being addressed tonight is that of a request to go to a C-F (community facility) land use. Further, Mr. Brewton advised that there will still be a land use plan amendment, but the Park Advisory Board would be looking at the matter from the standpoint of advising the City Commission on their opinion as to whether or not park space should be taken up for this use.

Mr. Brewton advised that it was their position that the Planning & Zoning Board did not have to wait for the Parks Advisory Board to address this matter first. Mr. Brewton asked that the Board look at what is being presented by Staff and determine whether or not it is comfortable making the recommendation or not.

Ms. Graham explained that because she also sits on Fire Bond Committee, she has gone on record to support of every variance and parking relief, in an effort to keep things going because she had voted for the referendum in November of 2004. Since then, Ms. Graham has learned that funding is going to have somewhat of a shortfall. Ms. Graham noted that currently Station 46 is deeded to the City to be used for fire station use; however, Ms. Graham's understanding is that in order to really modernize a station, even on a smaller scale, that it would not fit. Ms. Graham further stated that she has difficulty taking park land and changing it for a land use amendment, as it seemed to be "jumping the gun." Ms. Graham expressed that a loss of 30 or 60 days will not

impact the City to such a degree because this project is from a 12 to 18 month process, concurrent with Broward County. Therefore, if Broward County does not approve it as well, it would be a moot point.

Ms. Graham informed the Board that there were neighborhood meetings in Commissioner Carlton Moore's District to at least advise the community that they weren't going to lose coverage, and that it would go at Mills Pond. Ms. Graham advised she had not attended that meeting. Never having seen schematics for the scaled back station, Ms. Graham was confused as to why the station had to be so large. Ms. Graham indicated that she still supports the fire station and that she believes it can work on less area such as the 1.3 acres for the land use amendment. Ms. Graham advised that she would not vote other than she would for any other developers that come before the Board.

Ms. Graham advised if the amendment went through the proper channels (so there is no conflict with being able to support the Fire Bond, Chief Eddy, and Chief Bacic) that she would have no problem supporting the amendment at all.

Vice Chair Maus then opened the public hearing.

Dr. Hays confirmed that she had sent emails to the Parks & Recreation Board, informing them of this particular item. She also advised that Mr. Snedaker & Mr. Bacic had come to the Parks & Recreation Board to present their material. Dr. Hays indicated that one of the Board's concerns is the loss of park land. Dr. Hays stated that despite the land going to another entity of the City, it was still a net loss of park land.

Dr. Hays confirmed that the issue was on the Parks & Recreation Agenda for the following week.

Vice Chair Maus reiterated that the zoning was not being heard tonight and that this matter is coming back to the Planning & Zoning Board after the site plan use amendment is decided.

Mr. Brewton explained that what was being done is an attempt to change the land use to CF-2 to allow for a possible rezoning of the property to a zoning classification that would permit a fire station. The land use category being sought will allow for parks or a fire station, therefore, changing the land use tonight would prohibit the land to continue to be used as a park in the future. It would then come back to the City for an official zoning change to allow for the property to be used as a fire station.

Mr. Brewton further explained that the change to CF-2, land use-wise, does not prohibit the property from continuing to be used as a park today or in the future, because a park zoning classification is permitted under the CF land use classification. Mr. Brewton stated that this CF land use change is merely being done to allow for the steps to be

taken to possibly go with a zoning change in the future for the property to be used as a fire station.

Mr. Hartman stated there were many questions in front of the Parks Advisory Board that had not yet been answered and did confirm that this item was on their agenda for January 23, 2008. Mr. Hartman said that he felt any effort to take park land away should begin the process at the Parks Board and the outcome of that Board would be relevant to this Board, although the Parks Board does not directly advise the Planning & Zoning Board. Mr. Hartman further stated that he hopes that the item tonight would not proceed without a thorough review by the Parks Board, which has not been yet accomplished.

Vice Chair Maus closed the public hearing and brought the item back to the Board for discussion.

Ms. Fertig stated that she believed most of the Board supported increased funding, having voted for the Parks bond and the fire stations, but believed that the proper discussion on this issue would be with the Parks Advisory Board.

Motion made by Ms. Fertig, seconded by Ms. Golub, to defer this item to the next meeting.

Vice Chair Maus stated that she does not believe one would cancel out the other and that the Commission will have the benefit of the Parks & Recreation Advisory Board, comment, review, study, etc., and that the Planning & Zoning Board is not really a part of that process. Vice Chair Maus asserted that the Board's responsibility is to review the application for the land use plan amendment, and whatever the vote, the matter would still go before the City Commission.

Vice Chair Maus advised that she did not see what purpose would be served by the Parks Board bringing their fight to the Planning & Zoning Board, just as the Planning & Zoning Board would not go to the Parks Board on a zoning issue, and was asking them to hold off on something when their purview is parks and not zoning.

Ms. Miller suggested that one other perspective is not whether to get rid of a park, but whether one thinks it is a proper land use for a community facility.

Mr. Glassman stated that he does not feel comfortable with the land use change, will vote not to defer the item, and would like to vote against the land use amendment before the Board.

Ms. Graham advised that 46 is deeded, to the best of her understanding, for the City to use as long as it remains as a fire-related use. Ms. Graham indicated that she will either vote for the deferral or vote no on the land use. Ms. Graham asked the Board to

consider whether this land use amendment would be granted if it were any other applicant requesting to take park land for some other zoning use ahead of going through parks.

Ms. Fertig indicated that she concurs with Mr. Glassman as to how she would vote tonight, but was puzzled as to why they would take an action with the City that they would not take with anyone else, when they would routinely defer until the Fire Bond and Parks & Recreation Boards met. Ms. Fertig suggested that the Board defer this item and get all the information possible.

Ms. Golub then referred to her ULDR book and upon finding the term, “community facilities” (CF), Ms. Golub did not see “park,” but did see clubs, day care, courthouse, fire facility, government and administrative offices, houses of worship, libraries, nursing homes, museums and art galleries, parking facilities, police facilities, etc. Ms. Golub expressed concern that the site may not end up as a fire station, but it could end up as any of these others uses, and further that CF does not include a “park.” On that basis, Ms. Golub questioned whether the City would wish to reconsider, withdraw, or defer until this is determined.

Ms. Cross responded that in the land use category of “community facilities,” parks are allowed. Ms. Cross further explained that it may be in the zoning category in the ULDR, but in the Comprehensive Plan, in the land use element, parks are allowed in community facility designation.

Ms. Golub asked for a listing of all other things permitted in a land use of CF, besides a park and a fire station, and Ms. Cross answered that they could be hospitals, schools, government administrative facilities, civic community and cultural centers, parks, recreation, open space, and historic areas and buildings.

Vice Chair Maus acknowledged that Ms. Fertig made a motion to defer to the February meeting and Ms. Golub confirmed she did, in fact, second the motion. Ms. Fertig acknowledged that upon making her motion she assumed that both Boards were meeting prior to the next Planning & Zoning Meeting in February. Mr. Brewton asked for verification from someone in attendance from the Parks Board.

Ms. Rynard, Assistant Director of Parks and Recreation, confirmed that the Parks & Recreation Advisory Board meets next Wednesday and that this matter is an item on the Agenda as a follow-up to the Board choosing to take no action in September. Ms. Rynard further advised that an off-site meeting occurred in October, then their November meeting was full, so it is now back on the Agenda for January.

In a roll call vote, the motion to defer passed 5 – 3, as follows: Mr. Glassman, no; Ms. Maus, no; Ms. Freeman, no; Mr. Welch, yes; Ms. Fertig, yes; Ms. Graham, yes; Ms.

Golub, yes; Ms. Adams, yes. Vice Chair Maus confirmed that this item is, in fact, deferred until next month's meeting of the Planning & Zoning Board.

For the Good of the City

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Ms. Golub offered congratulations to Mr. Brewton on his appointment as Director of Planning & Zoning for the City of Fort Lauderdale.

There being no further business to come before the Board, the meeting was adjourned at 8:17 p.m.

Chair:

Attest:

Brigitte Chiappetta, Recording Secretary
[Minutes prepared by B. Chiappetta, Prototype, Inc.]