

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, APRIL 15, 2009 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2008-May 2009	
		Present	Absent
Catherine Maus, Chair	P	11	0
Rochelle Golub	P	11	0
Mary Graham	P	11	0
Tom Welch, Vice Chair	P	9	2
Maria Freeman	P	9	2
Fred Stresau	P	10	1
Patrick McTigue	P	11	0
Mike Moskowitz	P	7	0
John Morrison	P	2	0

Staff

Greg Brewton, Director of Planning and Zoning
 Adrienne Ehle, Planner III
 Thomas Lodge, Planner II
 Michael Ciesielski, Planner II
 Randall Robinson, Planner II
 Cheryl Felder, Service Clerk
 Mohammed Malik, Structural Plans Examiner
 Sharon Miller, Assistant City Attorney
 Dennis Girisgen, Public Works
 Diana Alarcon, Director of Parking and Fleet Services
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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6.	For the Good of the City	

Call to Order

At 6:30 p.m., Assistant City Attorney Miller noted that due to a bomb threat, some members of the public were unable to attend the meeting at present, which would constitute a violation of the Sunshine Law. The meeting was delayed until the situation was resolved.

Chair Maus called the meeting to order at 6:39 p.m. Roll was called and all stood for the Pledge of Allegiance.

Chair Maus introduced the Board members, and Director Brewton introduced the City Staff in attendance. Assistant City Attorney Miller explained the quasi-judicial process used by the Board.

Motion made by Mr. Welch, seconded by Ms. Graham, to approve the minutes of the March 18, 2009 Board meeting. In a voice vote, the **motion** carried unanimously.

1. Sandra Post / Galt Shoppes Restaurant Michael Ciesielski 36-R-08

Request: **	Site Plan Level III / Parking Reduction
Legal Description:	Lots 16 and 17, Block 3, "Galt Ocean Mile," P.B. 34, P. 16, of the Public Records of Broward County, Florida.
Address:	3300 NE 32 Street
General Location:	Southeast corner of NE 32 Street and NE 33 Avenue

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Courtney Crush, representing the Applicant, advised that Ms. Post is the owner of the property commonly known as the "Galt Shoppes." The property is an existing building and small space in a larger shopping center that has existed since the 1950s.

She provided the Board with copies of the plat, pointing out that parking had evidently not been a consideration at the time the shopping center was erected. Parking Code was either implemented or amended in 1956, and meters were placed in the lot in the 1970s.

Ms. Crush stated that the Applicant wishes to convert a portion of the building from a retail establishment to a restaurant. She provided photos of the building in question, noting that the property line is coincident with the building and the City's right-of-way begins on the north, west, and south with the City sidewalk. This "landlocks" the building and provides little opportunity for parking.

The property is located within the Community Business District of the City, and Ms. Crush described the change of use from retail to restaurant as "permitted and in fact encouraged." To convert this property in a nonconforming structure, Staff must review whether this change has any adverse impacts. As part of the application, information is provided to show there are no additional such impacts. The Applicant is before the Board primarily for the parking reduction, Ms. Crush asserted.

The question, she continued, is whether "this type of property" should have a new façade elevation and new use as a restaurant.

As the property is currently a retail establishment, the current parking requirement is for 12 spaces. Converting to restaurant use requires 27 spaces, which would mean a necessary increase of 15 parking spaces. Ms. Crush indicated that there are historical parking reductions throughout the shopping center, as the original plat did not provide for parking. These reductions have been granted by the City through either the Planning and Zoning Board, or, several years ago, through the Board of Adjustment. Ms. Crush explained that the Board of Adjustment does not normally handle parking reductions, but deals with requests to park in metered spaces. This is what the Applicant is requesting today.

The historical parking reductions are Exhibits 5 and 6 in the Board's information packet, she continued. According to Code, these "run with the land." Ms. Crush added that Assistant City Attorney Miller stated that with a change of use, a parking reduction would go away, as it is not being asked that this reduction apply to the property in question.

Parking reduction criteria, contained in 47-20.3 of the City's Code, allows the Applicant several choices, Ms. Crush pointed out. The request before the Board is based upon availability of public parking within 700 ft. of the property. A consultant for the Applicant has done studies based upon the 700 ft. The spaces were deducted from the available pool of public spaces.

Ms. Crush provided photographs showing "plenty of available parking" to the Board. She noted that the Galt Shoppes have been "hurting" for some years, and it is hoped that the proposed change of use will reactivate the space dramatically. There are 439 parking spaces available throughout the Center. After deducting

the 156 parking spaces that “run with the property,” as well as the spaces for the proposed fire station, the Beach Community Center, and the Applicant’s requested 27 spaces, there would still be 247 available spaces in the area.

She concluded that this project is hoped to revitalize the shopping center, which has been “troubled” for some time. The Applicant has also reached out to the Galt Ocean Mile Civic Association and the Galt Shoppes Improvement Association, and the Galt Mile Community Association has provided the Applicant with a letter of support.

Michael Ciesielski, Planner, made a correction to a Staff memo, clarifying that the parking reduction requested is for 27 spaces, not 23.

He stated that if the Board determines that the Applicant meets ULDR standards and criteria, Staff requests the following conditions:

1. A Parking Reduction Order must be executed and recorded in the public records of Broward County at the Applicant’s expense;
2. Pursuant to Sec. 47-20.3.A.7, an approval of the parking reduction by the Planning and Zoning Board shall not be effective until 30 days after approval, and then only if no motion is adopted by the City Commission seeking to review the application.

Ms. Golub asked to speak to the City Staff member responsible for reviewing the proposed reduction. She indicated that according to the notes, it appeared the City worked out a methodology to determine what could be subtracted from “necessary parking” in order to establish the 247 available spaces. She asked if, for example, every establishment in the Galt Shoppes converted to a “more intense” use, it was considered whether any of these spaces were used by other community businesses.

Dennis Girisgen, Engineer, replied that the previously granted parking reductions in that area were subtracted from the total number of available spaces. At the same time, an accumulation study was done during the peak hours of 9:30-10:00 p.m. at the shopping center to determine whether there was public demand for those spaces. He added that the peak hours were determined during “peak season 2008” for accuracy. In all considerations, several spaces remained available.

Director Diana Alarcon of Parking and Fleet Services explained further that the study was done from 9:30 a.m. until midnight, with measurements occurring every half hour. She agreed with Ms. Golub that the late peak hours seemed unlikely.

Ms. Golub asked if there were predictions of the “shortfall” that could exist for the other Galt Shoppes, pointing out that a new hotel has opened in that area. Director Alarcon responded that Staff is “looking at [the problem]” but has not yet arrived at a conclusion related to a shortfall.

As there were no further questions from the Board at this time, Chair Maus opened the public hearing.

John Aurelius, private citizen, stated that he had been “closely associated” with the Galt area for over 50 years, and recalled when the businesses in the shopping center were “reasonably viable.” He advised that there was no parking difficulty at that time, but described the current state of the center as “a vacant ‘no man’s land,’” despite efforts toward beautification. He applauded anyone who planned to bring business in to this area, and felt the City should be friendly to new endeavors such as the one before the Board.

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

Mr. Welch thanked City Staff for putting together Exhibit 6 as part of the Board’s information packet. He continued that while he is not usually inclined toward granting parking reductions, the present condition of the shopping center and the lack of negative impact on residential communities encouraged him to support the Application.

Ms. Graham stated that she does not often support parking reductions either, but due to the limited square footage and limited reduction, she would make an exception in this case as well.

Motion made by Ms. Freeman, seconded by Ms. Graham, to approve the Application for Site Plan Level III with Staff conditions. In a roll call vote, the **motion** carried unanimously.

**2. Florida Conference Association of
Seventh Day Adventists**

Michael Ciesielski 2-Z-09

Request: ***

Rezone from RD-15 to CF

Legal Description:

Lot 1, Block 3, Less the E. 350’ thereof,
“Revised Plat of the West River Section of
Croissant Park,” P.B. 21, P. 11, of the public
records of Broward County, Florida.

Address:

850 West Davie Boulevard

General Location: Southeast corner of Davie Boulevard and SW
9 Avenue

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Rawle Gooding, representing the Applicant, stated that the Seventh Day Adventist Church requests the rezoning of this property from RD-15 to CF. The existing church facility has been on this site since 1985; at that time, however, there was no sanctuary, and worship services have been conducted in the building's fellowship hall. The church now hopes to finish Phase II of its design, which is an addition to the present facility, and which requires a change from the building's current zoning.

The new addition would be less than 7000 sq. ft., Mr. Gooding advised, and would cause no increase in parking.

Mr. Ciesielski stated that the Applicant must meet certain criteria under Section 47-24.4 in order to qualify for rezoning to CF, including that the rezoning must be consistent with the City's comprehensive plan, substantial changes in or near the area under consideration support the rezoning, and the character of the area is suitable for the uses permitted under rezoning and that the applicant's written responses to these criteria are included in the PZ members' packets.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

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

Mr. Morrison asked if the enlargement is for the sanctuary only or if it will affect the auxiliary buildings as well. Mr. Gooding affirmed that the enlargement applies only to the sanctuary.

Motion made by Mr. Moskowitz, seconded by Ms. Graham, to approve the Application for rezoning. In a roll call vote, the **motion** carried unanimously.

**3. CAPROC Oakland Park, LLC/ Adrienne Ehle 16-P-08
2611 Oakland Park Plat**

Request: ** Plat Review

Legal Description: The East 40.31 ft. of Lot 2 together with all of Lot 3 Block 2, Coral Ridge Galt Addition No. 2, according to the plat thereof, as recorded in

P.B. 32, P. 50, of the public records of Broward County, Florida. Less and except the South 50 feet thereof for road right of way.

Address: 2611 Oakland Park Boulevard

General Location: North of Oakland Park Boulevard; East of NE 26 Avenue; South of NE 32 Street; West of NE 27 Avenue.

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Regina Bobo Jackson, representing the Applicant, stated that they are requesting a re-plat of an existing plat within the Coral Ridge Galt Addition No. 2. The only change that is proposed is to a portion of the existing plat, containing the building.

Adrienne Ehle, Planner, stated that the plat note restricts this plat to one commercial building. The Development and Review Committee (DRC) reviewed this plat August 26, 2008 and all comments have been addressed.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

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

Ms. Graham requested clarification of the Staff note, which states that one physical site that exists in two folios is to be reorganized into one plat. Ms. Ehle explained that the current plat is outside the parcel on which the building is located, and the line will be reorganized to bring it into line with the parcel.

Ms. Jackson added that no unity title is necessary, as the plat is under one title; the property consists of three lots, one of which is outside the folio. Once the building is replatted, the property will be reorganized under one folio number.

Motion made by Ms. Freeman, seconded by Mr. Welch, to approve the Application for plat review. In a roll call vote, the **motion** carried unanimously.

4. Riverbend South I Plat

Randall Robinson

1-P-09

Request: II

Plat Approval

Legal Description: A portion of Parcel B, all of Parcel C, Amended Plat of Blocks 4, 5, 6, 7, and 14 of Woodland Park Unit 1, according to the plat thereof, as recorded in P.B. 30, P. 45 of the public records of Broward County, Florida., and a portion of the east one half of the northwest one-quarter of the northeast one-quarter of section 8, Township 50 South, Range 42 East, Broward County, Florida.

Address: 2400 West Broward Boulevard

General Location: South side of Broward Boulevard between SW 24 Ave. and SW 26 Ave.

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Robert Lochrie, representing the Applicant, advised that this request is for approval of a boundary plat for an 11.77-acre parcel. The plat itself is divided into two tracts or parcels: Tract A to the west and Tract B to the east. Tract A is slated for future development, and Tract B will be restricted as a part of this plat to 80,000 sq. ft. of office use.

He presented a graphic indicating the dedications that will be made as part of the plat, and noted that the Staff report shows that the Application meets all subdivision regulations.

Randall Robinson, Planner, stated that the plat in question was reviewed by the DRC on January 27, 2009, and all comments have been addressed. The City Surveyor and Engineering Design Manager have signed off on the project as well.

He added that, as development of Tract A requires flex rezoning, the property will come before the Board again in the future.

Ms. Golub asked if this is the same parcel that came before the Board at its March 2009 meeting. Mr. Lochrie clarified that the parcel that came to the Board in March, for a rezoning, is to the south of this parcel.

He added that the parcel will house the Supervisor of Elections facility in the future, which has already been approved by the County Commission. The plat must go before this body again in the future, although the proposed structure has been approved.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

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

Motion made by Ms. Golub, seconded by Mr. Welch, to approve the Application for plat approval. In a roll call vote, the **motion** carried 8-0. Mr. Stresau abstained. A memorandum of voting conflict is attached to these minutes.

5. Wellington Yacht Offices

Thomas Lodge

4-Z-09

Request: ***

Rezone from RMM-25 and ROC to RO

Legal Description:

The west 25 feet of Lot 11 and all of Lot 12 in Block 39 "L" of Croissant Park, according to the plat thereof, as recorded in P.B. 4, P. 28, of the public records of Broward County, Florida.

Address:

1300 SE 4 Avenue

General Location:

East side of SE 2 Avenue between SE 13 Street and SE 14 Street.

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Dick Coker, representing the Applicant, provided a zoning map of the City to pinpoint the location of the property in question. The parcel is presently an existing 1800 sq. ft. duplex, with one-half of the property zoned ROC and one-half zoned RMM-25. Most of the surrounding property is inside a low-intensity residential/office district. He noted that aerial photographs have been provided along with the Application.

The property is part of the South Regional Activity Center, which permits both office and residential uses. Wellington South Holdings has purchased the property for use as a yacht brokerage office facility, which is in keeping with the other uses in the zoning district, save one townhouse project.

Mr. Coker indicated that the proposed use complies with the land use plan and character of the area as designated in the ULDR. The plan is to convert the property's existing building, which will necessitate some paving and landscaping, which will go before the DRC.

Thomas Lodge, Planner, stated that the proposed rezoning is consistent with the City's comprehensive plan, and there have been no significant changes in the character of the development or the area. Zoning to the east, south, and west of the site consists of ROC, RO, and ROA, all of which allow office uses.

Chair Maus asked if the area's neighborhood association was contacted. Mr. Lodge replied that he had not received any letters to this effect. Mr. Coker noted that except for a single townhouse project, the area consists of "100% offices," and there is no neighborhood association to his knowledge.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

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

Ms. Golub asked if it is significant whether the zoning is RO or ROC. Director Brewton responded that the reason the Board does not use ROC is a stipulation in Code that says there should be no more ROC rezoning. Ms. Golub noted that she had believed ROC to be slightly more restrictive than RO, and Mr. Lodge agreed with this assessment, describing ROC zoning as "more conditional."

Mr. Coker pointed out that the Applicant had asked this of Staff as well, as for the proposed use there is no significant difference between ROC and RO. He described ROC as a "planned residential/office district" which contemplates a site plan.

Chair Maus asked if the Application met the current criteria for ROC zoning, or if this would require more of the Applicant. Director Brewton stated that they would have to come before the Board to review plans if this was the case.

Ms. Golub commented that the designation is presently for a low-density use for the lot, and expressed concern that if the zoning goes to RO, there is the possibility of a five-story building, for example, being constructed in the middle of the district.

Director Brewton advised that the appropriate action to alleviate this concern would be to zone the property ROC rather than RO.

Ms. Golub explained that she did not wish the Applicant to have to appear before the Board again, but was concerned with the "next use" of the property. Director Brewton counseled that there is no site plan attached to this Application, and it cannot be confirmed that the Application before the Board is what will ultimately be constructed under a rezoning.

Mr. Coker noted that if this is the Board's concern, rather than rezone the property to ROC and have the site plan come back to the Board at extra expense, an ROA zoning would reduce the potential intensity and keep the existing building in place.

Chair Maus requested that Staff describe the distinctions between these respective zoning districts. Director Brewton advised that the building height is restricted to 35 ft. and length to 80 ft., with site requirements of 6000 sq. ft. and 50 ft. in width. Mr. Coker suggested that this would address the concern of the aggregation, and the Applicant would not need to return before the Board.

Mr. Stresau added that he shared the same concern regarding zoning, and noted that the entire block is zoned RO, with the exception of the property before the Board. He pointed out that he had been involved with the creation of the ROA zoning category, which is on the other side of the street from this property. If this parcel is zoned ROC or ROA, it will be the only non-RO parcel on the block.

Director Brewton stated that one provision of ROA is that buildings must be architecturally designed to resemble a home. Mr. Coker asserted that the property is currently "an existing home."

Ms. Golub expressed concern with "perpetuating more of a patchwork" of zoning in the area. She felt it was best to "go with the RO" request.

Ms. Graham noted that when the economy improves, this area of the City may "come around" again as other areas have in the past

Motion made by Mr. McTigue, seconded by Ms. Graham, to approve the Application for rezoning. In a roll call vote, the **motion** carried unanimously.

6. For the Good of the City

Director Brewton explained that the City Commission has requested that a new section, entitled "Communications to the City Commission," be included on p.1 of the meeting's minutes, and that this category be used as a means of communication with the City Commission regarding Items the Board felt that body should look at closely. Their request is to use a "bullet point" format. Director Brewton described this as an opportunity for this and other Boards to increase the level of communication with the City Commission.

Chair Maus stated that some issues have "come up for repeated discussion" during her tenure with the Board, and she felt, for instance, that sidewalks should be considered the same for duplexes as for townhouses. She continued that the dimensional criteria for multi-family should be discussed with the intent of revisions as well.

She continued that the approval process for cluster dwellings has a loophole, in that a cluster dwelling is required to come before the Board for approval, while a duplex is not subject to that requirement. The dimensional criteria for cluster dwellings, she noted, are “neighbor-unfriendly,” and should be revisited.

Ms. Golub asked what the City Commission means when they request “bullet points” for this section. Assistant City Attorney Miller cautioned that items under this heading should be Board, not individual, communications, and should be stated as simply as possible. She suggested that comments could be made in the form of motions to ensure Board consensus.

Ms. Golub felt if every City Board includes its “collective frustrations” in a bullet point format, the City Commission will receive a narrative of these concerns from its Boards. She described her understanding of this inclusion as “something... that raised an issue of concern” to be highlighted by bullet point so the City Commission would take “special interest” in reading through the minutes to gain an understanding of these issues. She asked if the Board should wait for specific issues of concern to arise during Board meetings, or if they should instead preemptively mention issues that have concerned them in the past.

Assistant City Attorney Miller suggested that these points should include action the City Commission could take “immediately and concretely.” Chair Maus felt in light of this, her comments would not meet the necessary criteria for these official communications.

Ms. Graham agreed with the issues raised by Chair Maus, and felt it might be appropriate to send this information to the City Commission “in small doses” so it would not seem overwhelming. She added that she was not aware of how familiar the new City Commission and Mayor might be with Planning and Zoning, and what criteria they felt were important or unimportant; therefore, she proposed, the Board might wish to begin bringing issues to their attention. She felt the issues such as sidewalks and loopholes, as raised by Chair Maus, might be good starting points.

Ms. Golub stated that if Staff are looking at dimensional criteria, such as cluster dwellings, sidewalks, and other concerns, it did not make sense to bullet point them for the City Commission, as it would be wiser to wait for these issues to reach the Board again as they are already under review. She recommended holding off on raising these issues with the City Commission until an example of a particular issue appeared before the Board.

Mr. Welch proposed, at the end of each meeting, asking of the Board as a group if there were any items of concern raised at that evening’s meeting. Mr. Stresau agreed with this, citing the March 2009 meeting, when the 15th Street Boat

Launch was discussed and several Board members felt it was an issue of which the City Commission should be aware. Mr. Welch agreed that this Item was a "perfect example."

Ms. Graham pointed out that by the time a major project comes before the Board, the Applicants have often lobbied the City Commission on its behalf; however, if they are made aware of a potential concern ahead of time, the City Commission may have time to weigh the issues before they are asked to decide upon them.

Chair Maus concluded that as of tonight, the Board did not wish to send any such communications to the City Commission under this section.

Director Brewton advised that the Board members are considered stakeholders in the Planning and Zoning process, and will be interviewed as such by the City's consultant on these issues. He noted that the Board will have the opportunity to make these points with the consultant before any documentation of concerns.

As Ms. Graham's term on the Board is nearing its end, Ms. Golub wished to state that her experience and knowledge have been "invaluable" to the Board. Mr. Stresau added that should Ms. Graham not be reappointed to the Board, he has requested that another architect be seated in her stead.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:00 p.m.

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

Chair

Prototype, Inc.