

PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, APRIL 21, 2010 – 6:30 P.M.

Cumulative

Board Members	Attendance	June 2009-May 2010	
		Present	Absent
Tom Welch, Chair	P	8	2
Patrick McTigue, Vice Chair	P	10	0
Maria Freeman	P	8	2
Rochelle Golub	P	8	2
Catherine Maus	P	8	2
Mike Moskowitz	P	9	1
Michelle Tuggle	P	9	1
Peter Witschen	P	9	1

Staff

Wayne Jessup, Deputy Director of Planning and Zoning
 Sharon Miller, Assistant City Attorney
 Yvonne Redding, Planner II
 Tom Lodge, Planner II
 Randall Robinson, Planner II
 Mike Ciesielski, Planner II
 Jenni Morejon, Principal Planner Frank Snedaker, City Architect
 Mohammed Mallk, Code Inspector
 Cheryl Felder, Service Clerk
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None at this time.

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	<u>Case Number</u>	<u>Applicant</u>
1.	73-R-08** *	Walter Banks / Lago Mar Resort and Club
2.	28-R-10**	Costa Dorada Associates, Inc.
3.	3-Z-10** *	City of Fort Lauderdale
4.	5-Z-10** *	St. Thomas Aquinas High School, Inc.
5.	4-ZPUD-08** *	First Presbyterian Church of Fort Lauderdale
6.	Communications to City Commission	
7.	For the Good of the City	

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial Items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

Call to Order

Chair Welch called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. He introduced the Board members, and Deputy Director of Planning and Zoning Jessup introduced the members of City Staff. Attorney Miller explained the quasi-judicial process used by the Board.

Motion made by Mr. Moskowitz, seconded by Mr. Witschen, to approve the minutes of the March 17, 2010 meeting. In a voice vote, the **motion** carried unanimously.

1. **Walter Banks / Lago Mar Resort and Club** **Michael Ciesielski** **73R08**

Request: ** * **Request to Extend Site Plan Approval for Previously Approved Site Plan Level III/ Conditional Use in RMM-25/ 72 room addition and amenities to existing hotel**

Legal Description: Parcel "A", Lago Mar Beach Club, P.B. 121, P. 6, of the Public Records of Broward County, Florida, together with a portion of Section 13-50-42 lying between the west line of said Parcel "A", Lago Mar Beach Club" and Mayan Lake and bounded by the westerly extensions of the north and south lines of said Parcel "A" of the Public Records of Broward County, Florida

Address: 1700 South Ocean Lane

General Location Immediately west of the Atlantic Ocean, east of Mayan Lake, and approximately one block north of Mayan Drive

District: 4

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

Bill Spencer, representing the Applicant, stated the Application requests an extension of time on a previously approved site plan with conditions. The history of the project and site plan is included in the Staff Report.

Walter Banks, Applicant, advised his request is due in part to current conditions in the credit market, particularly for hotels. Plans for the project are complete; while it would be possible to obtain a permit within the next 60 days, he did not feel this would be prudent.

Mike Ciesielski, Planner, stated the request is for a 24-month extension for the building permit application. The Board had unanimously approved a 72-room addition with amenities to the Lago Mar Hotel in December 2008. Should the Board approve the extension, the conditions listed in the Staff Report are requested to be continued.

There being no questions from the Board at this time, Chair Welch opened the public hearing. As no members of the public wished to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Witschen, seconded by Ms. Maus, to approve the Application for extension. In a roll call vote, the **motion** carried 8-0.

2. <u>Costa Dorada Associates, Inc.</u>	Yvonne Redding	28R10
Request: **	Site Plan Level III / Change of Use / Parking Reduction Request	
Legal Description:	All of Block D, BIRCH OCEANFRONT SUBDIVISION	
Address:	505 North Fort Lauderdale Beach Boulevard	
General Location	West side of Fort Lauderdale Beach Boulevard, and North of Riomar Street	
District:	2	

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

Heidi Davis, representing the Applicant, stated the Hilton Fort Lauderdale would like to add a new restaurant and new retail space to its 1st floor. This requires a parking reduction and change of use application.

The restaurant would be located in vacant space along A1A. Ms. Davis showed photos of the current frontage, as well as a plan for the proposed restaurant.

The space is currently approved for two separate restaurant facilities: a 3900 sq. ft. restaurant and a 2895 sq. ft. restaurant and lounge. The parking requirement for these two separate restaurants is 68 spaces; the newly proposed restaurant would be located in the same space, using 160 sq. ft. less than what is currently approved. The restaurant would also include 1600 sq. ft. of outdoor dining space.

The parking requirement for a single restaurant in this location is 198 spaces, or 130 more than what is presently approved for two separate restaurants. Code states that restaurants greater than 4000 sq. ft. must not only provide parking for the gross square footage of the facility, but must include the customer service area as well, which Ms. Davis characterized as "double-counting."

The second proposed change would reintroduce a 1900 sq. ft. retail space at the northwest corner of the hotel. It is intended to activate this corner of the hotel and bring pedestrian activity to the area. The space was previously approved in the original site plan, but was moved in order to accommodate back-of-house functions inside the hotel, requiring the change of use application.

The retail space requires eight additional parking spaces, which are part of the parking reduction request. The Applicant is also requesting an additional 30 spaces to accommodate future meeting space within the Hilton's current location. No further changes or additions to the hotel will be made.

The parking reduction request satisfies the ULDR 47-20.A.5, and a parking analysis was performed in order to meet this criterion. The analysis was reviewed and approved by the City's Engineering Department, Parking Department, and outside Traffic Parking Engineer, Kimley-Horn.

Jiro Yates, on behalf of the Applicant, stated the parking study occurred over a consecutive 45-hour period beginning on Friday, January 8, 2010, at 10:00 a.m. and ending Sunday, January 10, at 7:00 a.m. The analysis measured the vehicles in the parking garage on an hourly basis and compared actual parked vehicles to the estimated number of vehicles that would be parked during the highest occupancy of the hotel, restaurant, meeting facility, and retail space, according to their peak time uses. The peak hour of usage was roughly 8:00-9:00 p.m. on Saturday, January 9. At that time, 36 spaces remained available in the garage.

The need for parking for the proposed uses was shown by the analysis to be less than what is required by the ULDR. The smallest number of available spaces in the parking garage was 36 spaces, and the highest number of available spaces was 271 spaces. The average figure was 166 available spaces in the garage for the proposed uses. The reduction would create no additional demand on public services and facilities, and no "spillover" parking or excess traffic on surrounding streets would adversely affect the neighborhood. No prior parking reductions

have been requested for the site, no spaces are being removed, and no public parking would be used.

Ms. Davis noted that the request has been approved by the Central Beach Alliance.

Yvonne Redding, Planner, stated the request would change back-of-house square footage to retail space and expand the outdoor dining area and remove its walls. The two existing restaurant spaces would require 84 spaces when separate; however, as they are combining, 198 spaces would be required. This irregularity is being reviewed by the Parking Department, and an analysis on beach parking is currently being conducted. She confirmed that in this area, there have been no requests for or approvals of parking reductions in the past.

Ms. Golub asked if the Board is required to vote on two separate issues: the parking reduction for the restaurant and the change of use application. Ms. Redding confirmed this as well. Ms. Golub asked how a change of use can be requested if no plans are included on how customers may access the new retail space. Ms. Redding explained the retail space is on the building's ground floor, to which customers will have pedestrian access.

Mr. Yates added that the space had originally been allocated as retail space, but reverted to back-of-house space for potential expansion of administrative offices. As this administrative use was not needed, the request would return this empty space to retail use, with no necessary physical changes.

Ms. Golub observed that January 8, 2010, on which the traffic study was done, is "a traditionally... slow period." She asked if the Applicant was convinced that 36 spaces would be sufficient for a Saturday night with full occupancy of the hotel. Mr. Yates stated this was true, and pointed out that the hotel was at 91% occupancy on Friday night, January 7, 2010; the findings were extrapolated to reflect what would occur if the lot had been 100% full.

Ms. Tuggle asked who would use the parking spaces, as the hotel is "100% valet." Mr. Yates replied that anyone pulling up to the valet stand would be parked.

There being no further questions from the Board at this time, Chair Welch opened the public hearing.

Fred Carlson, President of the Central Beach Alliance, stated that presentations had been made to this organization; the understanding was that this would be "an internal swap" of parking spaces. The CBA had voted on this swap, rather than on the proposed public usage; all but two votes were in favor of the project.

He also expressed concern regarding "more available parking in the neighborhood" for residents.

Ms. Golub requested clarification that the membership had voted in favor of a business use that would generate additional traffic. Mr. Carlson confirmed this.

Mr. Witschen noted that the retail space would generate "walk-up" pedestrian business rather than destination retail.

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

Motion made by Mr. Witschen, seconded by Ms. Tuggle, to approve the Application. In a roll call vote, the **motion** carried 8-0.

3. City of Fort Lauderdale Yvonne Redding 3Z10

Request: ** * Rezone from Residential Single Family Duplex/Medium Density District (RD-15) to Parks, Recreation, and Open Space (P)

Legal Description: LAUDERDALE BEACH EXT, Lot 6, Block 10, according to the plat thereof as recorded in P.B. 27, P. 48, of the Public Records of Broward County, Florida

Address: 2125 NE 33 Avenue

General Location West of NE 33 Avenue and North of NE 21 Street

District: 2

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

Frank Snedaker, Chief Architect for the City, stated this is a rezoning request for a property the City acquired through the Broward County Safe Parks Bond and Land Preservation Project. It is a lot on which a duplex was formerly located; the City has demolished the structure and sodded and irrigated the lot. To bring the lot into compliance with the Comprehensive Plan, the City is seeking to rezone the property as Parks, Recreation, and Open Space, which is the intended future use.

Ms. Redding advised the Board that the area will be a "pocket park," in which the City plans to place amenities for neighborhood use. The park would create green space for neighborhood residents to use.

There being no questions from the Board at this time, Chair Welch opened the public hearing. As no members of the public wished to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Freeman, seconded by Mr. Moskowitz, to approve the Application. In a roll call vote, the **motion** carried 8-0.

4. St. Thomas Aquinas High School, Inc. Thomas Lodge 5Z10

Request: ** * Rezone from Residential Single Family/Low Medium Density District (RS-8) to Community Facility Districts (CF)

Legal Lots 1 through 6 and Lot 16, Block 7, GILLCREST 1ST
Description: ADDITION, according to the map or plat thereof as recorded in P.B. 34, P. 47 of the Public Records of Broward County, Florida

Address: 2812 SW 12 Street

General Location North side of Davie Blvd between SW 28 Terrace and SW 28 Avenue

District: 3

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

Sam Poole, representing the Applicant, stated the application requests a rezoning of lots across from St. Thomas Aquinas High School. He displayed a rendering showing the lots in location to the High School and its Performing Arts Center, along with the lots themselves for which rezoning is requested. At present, the site would be used for "convenience parking" for members of the public attending events at the Performing Arts Center. The lot is lined with crushed limestone and would accommodate 126 parking spaces.

Mr. Poole noted that the parking "is not needed" and would be used as a convenience. The proposed landscaping is consistent with the Davie Road Corridor Study. He concluded that the lot would be an asset to the community attending events at the Performing Arts Center.

Mr. Witschen asked what other lots in the immediate area are owned by the High School. Steve Strand, representing the High School, replied they also own a corner lot to the west.

Tom Lodge, Planner, advised the lots would be rezoned to CF, which would permit parking uses. The site plan for this project is currently in the Development Review process. CF is consistent with the City's Comprehensive Plan. The parking intended for the site is compatible with the goals of the Davie Boulevard Master Plan.

There being no questions from the Board at this time, Chair Welch opened the public hearing. As no members of the public wished to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

Ms. Golub asked what zoning is used for the Performing Arts Center. Mr. Lodge replied that these are zoned CF as well.

Mr. Witschen observed he had reviewed the Davie Boulevard Master Plan, but did not see any specific information that would make the rezoning compatible. He noted that the High School is growing, and residential property remains to the west; he asked Staff if there might be an alternative to CF for the parking lot that would not give it "the total allowances" that CF zoning would bring, as some of these uses would be incompatible.

Mr. Lodge advised the Application is only for a parking lot, and the High School was not told whether any other uses were possible.

Ms. Golub noted if the lots are zoned CF, other buildings could be erected on the property; if these would be used for parking only, she pointed out, they should be zoned Parking and not CF.

Chair Welch asked what conversations the Applicant has had with nearby residential areas. Mr. Poole responded that since the plan for the Performing Arts Center was developed, the school has met with the adjacent community association, as well as other such associations on the Davie Boulevard Corridor. The community was advised that there was potential for "some additional academic buildings" to be placed on the site, but no specific plan for the area was discussed. Zoning the block CF would add consistency.

Mr. Witschen asked if other possible zonings could be considered. It was noted that CF-HS would limit the potential uses for the site, but it was not known if this would create "an inconsistency that doesn't work," as the Performing Arts Center is zoned CF.

Ms. Golub stated she did not feel the site should be zoned for something unknown that could be placed there in the future. She noted that she would be "more comfortable" if the lot was zoned for its present intended use, rather than a future use that has not been determined.

Chair Welch asked if there are "particular uses in CF" that could be areas of concern. Mr. Poole suggested that the Applicant could agree not to undertake these specific uses in the future; Attorney Miller explained zoning is generally not "conditioned" in this way.

Mr. Witschen explained he would not like to "do anything to hurt the school," but remained concerned about "heightened intensity" if the site is later used for something else. Mr. Poole stated he was not sure a different zoning could be used "for the existing CF facility which required the CF zoning."

Ms. Freeman asked Attorney Miller if the Application could be approved with the condition that it must come back to the Board if it is put to other uses. Attorney Miller advised this would be "rewriting the zoning district" and would require an Ordinance.

Ms. Golub asserted that there are other zoning designations that would permit the Applicant to use the land as a parking lot "for now;" they could come before the Board again if they wished to change the use in the future. She recommended that they work with Staff to find another designation besides CF. Deputy Director Jessup stated that Staff would be glad to work with the Applicant to determine what alternatives are available to them.

Mr. Poole pointed out that the High School is "hoping to accomplish this over the summer" and could explore other possible zoning designations if the Item was continued until later in the meeting, after the conclusion of Item 5. Deputy Director Jessup cautioned that he would rather take more time to fully consider all the options. Ms. Golub suggested if the Item is deferred until a date certain, it would still allow the Applicant to finish the project over the summer.

Attorney Miller clarified that if they wished, the Board could defer their vote on this Item until the conclusion of Item 5; however, she noted that "the question is whether Staff is available to help...in making that decision," which Deputy Director Jessup had stated they were not.

Motion made by Ms. Golub, seconded by Ms. Freeman, to defer the Item until the May 19, 2010 Board meeting. In a roll call vote, the **motion** carried 7-1 (Mr. Witschen dissenting).

5. **First Presbyterian Church of Fort Lauderdale** **Randall Robinson** **4ZPUD08**

Request: ** * **Rezone from Boulevard Business District (B1), Residential Single Family/Low Medium Density District (RS-8), Limited Residential Office District (ROA) and Community Facility-House of Worship District (CF-HS) to Planned Unit Development District (PUD) with Site Plan Review**

Legal Description: All of Lots 6,7,8,9,10,11,12,13,14,15,16,17,18,19 and 20, Block 34, less the north 10 feet of said Lot 7, Block 34; all of lots 1,2,3,4,5,6,7 and 8, Block 38, together with that certain 10 foot alley in Block 38, COLEE HAMMOCK, according to the Plat thereof as recorded in P.B. 1, P. 17 of the Public Records of Broward County, Florida

TOGETHER WITH:

All of Blocks 24 and 35, RESUBDIVISION OF BLOCKS 24 & 35 OF COLEE HAMMOCK, according to the Plat thereof as recorded in P.B. 56, P. 48 of the Public Records of Broward County, Florida

Address: 1224 East Las Olas Boulevard

General Location South side of Las Olas Boulevard between Tarpon Drive and 15 Avenue

District: 4

Chair Welch, Mr. McTigue, and Ms. Maus indicated they had a conflict of interest, and therefore would abstain from voting or participating in discussion of the Item. They stepped down at this time.

Attorney Miller advised that a Chair and Vice Chair must be elected by the five remaining Board members for this Item.

Motion made by Mr. Moskowitz, seconded by Ms. Freeman, that Mr. Witschen act as Chair on this Item. In a voice vote, the **motion** carried unanimously.

Chair Witschen reviewed the rules regarding the time allowed to each speaker, as well as anyone requesting additional time, as printed in the Agenda.

Attorney Miller requested that the Planning and Zoning Board "take quasi-judicial notice" and include in the record the City's Unified Land Development Regulations (ULDR) and the City of Fort Lauderdale Comprehensive Plan. Chair

Witschen asked that members of the audience refrain from applauding or vocalizing displeasure.

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

Robert Lochrie, representing the Applicant, stated he had requested additional time eight days prior to the meeting. He requested one hour and 15 minutes to discuss the five parcels involved. Mr. Witschen advised he would address Mr. Lochrie "at about the 30-minute mark," at which time the Board would determine if additional time was warranted.

Jim Brady stated he represented of the Colee Hammock Homeowners' Association, and felt he could "speak for the Association" unless other members took exception. He noted that requests for additional time had been filed. Mr. Witschen agreed to hear Mr. Brady's presentation "in 30 minutes with the same... rules [as for the Applicant's Counsel]."

Mr. Lochrie introduced Pastor Douglas Brower of First Presbyterian Church. Pastor Brower stated the request is to allow the church to build a family center on land owned by and adjacent to the church.

He explained that First Presbyterian Church has been located in the Colee Hammock neighborhood for nearly 70 years. Its members provide a range of programs, including the Happyland Preschool, a high school singing group, and Thanksgiving food deliveries. The church, however, lacks adequate space for these ministries, and those spaces available are "outdated and cramped." Other churches of similar size in the community have family centers such as the one First Presbyterian is proposing. Pastor Brower asserted that the center would allow them to continue to provide the same services to the community "far better and far more effectively." He concluded that the church not only hopes to provide for its current congregation, but to meet the needs of youth, young families, and seniors as well.

Pastor Brower continued that he wished to address two rumors: the church is not building a school, and Happyland Preschool will remain its current size. The church's strategic plans do not and never have included plans for a school. In addition, the church is not a "megachurch," and becoming one is not part of its mission.

Mr. Lochrie referred the Board to the narrative book included in the members' information packets, noting a "housekeeping item:" in some comparison photos, mistakes in height occurred because some buildings were measured from grade and some from NGDV, which he characterized as "sea level." Corrections were distributed to the Board members. It was determined that the notebook would be

Applicant's Exhibit 1 and the corrections would be Exhibit 2, and the PowerPoint presentation would be Exhibit 3. Mr. Lochrie related these corrections to the Board as well.

He showed an aerial rendering of the "general neighborhood" of Colee Hammock. The area to the south of Broward Boulevard is "generally multi-family zoned," although there are many single-family homes as well; east of 16th Avenue are single-family homes "down to the river." Along the Las Olas Boulevard Corridor, the zoning and uses are commercial. In the northwest corner below Las Olas Boulevard there are "a mix of Community Facility uses."

Mr. Lochrie showed a rendering of the five parcels of land that he stated are the subject of the Application. They are owned by First Presbyterian Church. Parcel 1, on Las Olas Boulevard, is currently zoned B-1; Parcel 2 is a mix of Residential and ROA zoning; Parcel 3 includes the church itself, zoned Community Facility – House of Worship and School; Parcel 4, the surface parking lot serving the church, is zoned Residential; and Parcel 5, the Newman Center, is also zoned Community Facility – House of Worship and School. These parcels constitute the request of the Applicant.

Mr. Lochrie explained that this is a different proposal from one first submitted by the church "a few years ago." The former project only included parcels 1 and 2. He showed the site plan of the former project, which was "essentially one large building" that included the family center and a 399-space garage.

He moved on to show the new proposal, noting that the alley is maintained through the middle of the block, creating two separate buildings; the garage would now hold 264 spaces and is moved into the commercial corridor with B-1 zoning. Along Las Olas Boulevard, the church proposes "all retail" space along the ground floor of the building, consistent with the retail use along that corridor. While this could be done with the existing B-1 zoning, Mr. Lochrie pointed out that there are "additional amenities that are tied to this parcel," including a pedestrian plaza area and a larger plaza on the west side.

The family center itself would be located south of the alley, which reflects a 60% reduction in size from the previous building. It would be 45,000 sq. ft. in size, with a landscaped plaza on the west side. Setbacks for this building are 25 ft., with the exceptions of the porches that encroach.

Another major change is the inclusion of three additional parcels owned by the church: Parcel 3, the main church area; Parcel 4, the parking lot and two single-family houses that would remain under the proposed plan; and Parcel 5, the Newman Center at the southwest of the site. These parcels were included "to create a zoning district that's consistent" and makes sense from both a Master Plan and a neighborhood perspective.

Mr. Lochrie explained that the Newman Center in Parcel 5 is presently zoned Community Facility – House of Worship and School, which allows “a number of different things” to occur with site plan review. This Application for PUD zoning would “bundle” the rights attributable to the parcel under CF-HS and replace them with PUD zoning, or “what exactly is there today.” The specifications of the rooms and uses would “become the new zoning as part of the PUD.” Similarly, Parcel 3, also zoned CF-HS, would replace this zoning with PUD. This would prohibit other uses not specifically permitted on these properties, such as schools, without rezoning or returning to the PUD process.

Parcel 4 would undergo “dramatic changes,” Mr. Lochrie continued. There are presently three access points to this parking lot along 4th Street. The proposal would decrease this to two access points, with upgrades in safety and depth. To the south, the current four access drives would be deleted and replaced by a single entry-only point. Along southeast 16th Avenue, the entry across from residential property would be deleted as well. The area would be brought up to Code so all parking stalls are the proper dimensions. There is currently swale parking along 16th Street, which would be removed with the plan. Additional landscaping is proposed and a sidewalk would surround the parcel, as well as a 4 ft. high wall with a 1 ft. decorative element above it.

The “most noticeable difference,” Mr. Lochrie stated, would be the parking lot itself. Parking stalls are presently in the City’s right-of-way. The proposal would change this, installing a 15 ft. wide landscape buffer and a 7 ft. sidewalk, “significantly increasing and enhancing the pedestrian experience” on 15th Avenue.

He noted that the “theme” of landscape improvements is often unique to PUDs, and asserted that the project has gone “above and beyond” with regard to landscaping. On Parcel 1, there is an 8900 sq. ft. open plaza area, of which 4700 sq. ft. consists of landscaping. There is a new landscape area to the west of the proposed family center, with 6000 sq. ft. of landscaping. On the other side of this building, what is presently parking and driveways would be “stripped out completely” and replaced with open space and landscaping. These areas are larger than the landscaped areas currently existing in Parcels 3 and 5.

Mr. Lochrie returned to Parcels 1 and 2, noting that the former project featured a “rather institutional building.” The new project would incorporate design features, ground floor retail, and garage space with “much more give and take in the design.” He displayed a slide of these proposed uses and spaces, followed by a slide of the front of the garage building. He added that the alley will be widened from 10 ft. to 15 ft., and all utilities located in the alley will be placed underground.

A slide of the family center itself showed its architectural detail. It is 35 ft. in height, with a tower elevated to roughly 50 ft. Uses in the proposed family center would include an activity center with a stage, which could be used for performances, sports, worship, or other activities; there are kitchen and lobby areas, as well as an additional fellowship hall that can be divided into six classroom spaces. Adult Sunday School activities would take place in these classrooms. The second floor also features six classrooms for youth ministry, as well as a multi-purpose room.

He concluded that there have been several changes between the former and present projects.

Mr. Lochrie introduced Cecelia Ward, planner, and Cathy Sweetapple, traffic and parking consultant for the project.

Mr. Brady stated from the audience that he objected to any further testimony from Mr. Lochrie on behalf of the Applicant, as it was the argument of an attorney and "not evidentiary...otherwise hearsay." Chair Witschen noted the objection.

Ms. Ward stated she is a certified professional planner, and was speaking on the Application to provide planning expertise and zoning analysis. She added that she has specific experience in the City of Fort Lauderdale with PUD and creation of the ULDR.

She continued that she was retained by the Applicant to review the narrative provided as Exhibit 1, the Staff review of this information, Development Review Committee comments, evaluation of applicable City Codes, memoranda provided by Staff, and the City's Comprehensive Plan, in order to make a professional determination as to whether the Application complies with applicable City regulations.

Ms. Ward asserted that, based on her review of the documents listed above, her professional opinion is that the request to rezone Parcels 1-5 to PUD as described earlier complies with "all City regulations," specifically the following:

- Criteria for rezoning, Section 47-24.4;
- Criteria for rezoning to PUD, specifically as provided in 47-37;
- Consistency with the City's Comprehensive Plan.

She explained that her presentation will focus on the basis of these findings.

The rezoning criteria, 47-24.4, must demonstrate three key elements, one of which is that the proposed zoning is consistent with the City's Comprehensive Plan; the second requirement is that substantial changes in character of development support the request; and the final requirement is that the character of the area is suitable based on the proposed uses. The existing land uses are

low- to medium-density residential and commercial, both of which were found by Staff to be consistent with these land use designations. The PUD fulfills "several" elements of the Comprehensive Plan, which include the following:

- Provide for a mixture of uses in a way that "enhances the livability of the City;"
- Improves traffic circulation and provides utility upgrades;
- Preserves existing landscaping.

The next element, which addresses "substantial changes" in the character of the area over time, is illustrated by "what is there and how [the changes have] happened." Ms. Ward referred to a slide showing the commercial uses existing on Las Olas Boulevard and the institutional or church-related uses in the area as well, irrespective of zoning in both cases. She noted that the topic of discussion is a vacant property on which the proposed family center would be constructed. The property is surrounded by non-residential, commercial, and institutional uses, which leaves the parcel indicative of "spot zoning" for single-family residential use in the center of other uses.

The proposed uses are appropriate for the request, Ms. Ward continued, because the multi-purpose facility would serve a "critical function of a church ministry." She noted that this is a "unique element" of the Application, as commercial or residential developers would not seek to use the parcel as a family center. In addition, she pointed out that the existing parking lot is currently zoned as residential; without the proposed change, which would upgrade the lot to meet current parking standards, "that would not be permissible."

She advised that the B-1 zoning on Las Olas Boulevard permits the proposed uses, which include retail and service uses along with a parking facility; B-1 would allow for "much more extensive" uses in scale and mass, however, along with "numerous other uses" the Applicant is not proposing.

The existing CF-HS uses, including the church sanctuary and the Newman Center, would remain in order to be consistent with the uses proposed with the PUD. The "lift off" of the CF-HS designation would remove the possibility that the location will have a school.

Ms. Ward moved on to compliance with PUD 47-37, stating that PUD requires four key elements:

- Property must have unique characteristics;
- Character of the surrounding area must relate to what is being requested;
- Existing uses and what is being requested must "fit" in terms of both unique characteristics and surrounding area;
- Requested development standards are limited in terms of what the PUD is proposing.

She explained that these are the guiding factors of a PUD request because they make a PUD "very unique" and are only applicable on a case-by-case basis; it cannot be compared to another application, or used as a precedent.

At this time Attorney Miller relayed a request by the Fire Marshal that the room was over capacity, and individuals standing in the audience were asked to move to a room on the 8th floor where the proceedings may be viewed.

Ms. Ward continued that there are "basic minimum standards" for the overall PUD criteria, which are provided in the backup material; she stated that the Application complies with all these standards.

One key criterion is how the Application relates to and supports the intent of a PUD. This includes whether the plan incorporates "planning elements or initiatives" that are unique and not otherwise permitted under traditional zoning. This compares the PUD to other existing zoning, as well as what other zoning might be available for the application to request. She asserted that such unique features exist in compliance with the intent of the Application's PUD request, including the varying zoning designations that exist on the property, existence of a major commercial corridor in Las Olas Boulevard, and better planning for the residential parcel in the middle of surrounding properties.

Other traditional zoning districts that the Application would be able to consider, in comparison to PUD, include CF, which would permit "more extensive uses" and allows for greater mass and scale without returning to the Board; B-1, which would allow for structures up to 150 ft. in height without a requirement to provide design elements or open space; and CF-HS, which would allow a school.

PUD goes on to ask what planning elements would be included to result in better site design and building design, Ms. Ward continued. She noted that a parking garage is provided rather than a parking lot, which is a less efficient use of land; in addition, shared parking will take place in the garage between the merchants' and church's facilities. Existing single-family buildings are being re-used; the existing church building is preserved; and commercial and retail uses are provided on Las Olas Boulevard, all of which address the PUD criteria that asks how planning elements are designed in a way that achieves "certain features."

Ms. Ward stated that PUD also lists a series of requirements, all of which have been provided by the Applicant and reviewed for "completeness" by Staff. These include adequacy requirements.

Finally, PUD requests additional information, such as neighborhood compatibility review. Ms. Ward noted that the church has responded to and complied with all such provisions. She focused specifically on mass and scale, noting that buildings in the area range in height from 80 ft. to 25 ft. on Las Olas Boulevard.

The tower of the parking structure in this location would reach roughly 66 ft. and “steps down” to a lower level. Buildings in the area of the proposed family center range from 37 ft. to 41 ft. in height; the family center building would be 31-35 ft. in height with an architectural feature reaching 51 ft.

She pointed out that “blocks and blocks” of commercial buildings on Las Olas Boulevard are attached, creating the appearance of one mass over a large expanse. The length of the proposed buildings is also in keeping with the length of the construction currently existing on Las Olas Boulevard.

Ms. Ward referred to a slide of the south elevation of the proposed family center, noting that the design “is excellent in ‘breaking up’ the mass and scale of the building.” There is variation on the roof height, as well as architectural features that make the structure appear to be “several buildings that are attached to each other.” Toward the residential area to the east, the height “steps down” to 25 ft. She added that the design of the parking garage/retail space has been designed to “break up the mass” with different design elements and variation in the roof lines.

Another criterion of PUD is showing compliance with a neighborhood master plan. While there is not an adopted plan for this area of Colee Hammock, there is a final draft, dated March 2010, prepared by Shulman & Associates. This was entered into the record as Exhibit 4. Ms. Ward stated she had reviewed this plan to ensure that the Application complies with “some of the goals and objectives” of that plan. She also submitted “a minimum of 24 elements from the final draft” showing that the church PUD conforms with and provides for “the greater coordination of the goals and objectives of this community plan.”

Mr. Brady objected to the submission of the draft master plan, stating it is “irrelevant.” Chair Witschen noted the objection. Attorney Miller asked that any additional objections be held until the end of the presentation, in a similar manner to cross-examination.

Ms. Ward concluded that the findings of compliance with the ULDR and consistency with the land use plan, as identified in her presentation, are in compliance with the church’s PUD Application, the City’s Comprehensive Plan, and the final draft of the Colee Hammock master plan.

Cathy Sweetapple, transportation consultant for the Applicant, stated she has worked on the project since its inception in 2005. She is a professional transportation planner.

Mr. Lochrie stated he wished to object for the record that “we’re having to go through this [presentation] so quickly,” noting that his client’s property rights were

at stake. Chair Witschen pointed out that the issue affects many other individuals present as well, and it is "not really fair" to ask that they continue to wait.

Ms. Sweetapple advised that the traffic impact study "demonstrates consistency with the City Code" under Section 47-25.204. She asserted that the study is based upon "data and analysis" rather than speculation; using that data, she has found that the roadway network, and the study area intersections, were found to operate "at acceptable levels of service" with the PUD and the impact of new uses from the PUD. This is consistent with the adopted level of service standards from the City's Comprehensive Plan.

She continued that the traffic study shows improvements to project access, trip generation for proposed new uses, analysis of existing conditions, and the projection of traffic forward to the year 2014. The layering of additional traffic from previously approved development projects not yet constructed is also taken into consideration to create "total traffic conditions for the year 2014."

The roadway and intersection analyses were performed for the peak hour, which is consistent with the Comprehensive Plan; in addition, the consultant has worked with City Staff to analyze Sunday peak hours, due to the "unique nature of this particular facility."

She noted two slides in particular and called the Board's attention to Parcels 1 and 2, where today there are 13 driveways serving these parcels along Las Olas and Tarpon Drives and 4th and 15th Avenues, as well as access from the alleyway. The proposed redevelopment would change this to a single driveway serving Parcels 1 and 2. This would be the entrance off Tarpon Drive to the new parking structure. The existing eastbound alley has been maintained and would be widened, and the entrance would be realigned for the properties that regularly use the alleyway on a daily basis.

Parcel 4 is currently served by eight driveways, and the project would reduce this to three driveways, two of which are inbound only and one of which is outbound. Ms. Sweetapple asserted that the plan provides a "redesign" of the parking lot, reducing the number of spaces from 113 to 86; it has been specifically designed to minimize intrusion into adjacent neighborhoods.

She concluded that the traffic study is based on existing traffic, future growth, committed development, and travel from the PUD. Data was collected in March 2009 during peak hours, including Sunday peak hours. With this analysis, she maintained that standards are met for the roadway network and all study area intersections. Trip generation was established using industry standards for the retail space and proposed family center, and is included for the corner office building at "15th and 4th" as well. No trip reductions were taken for the uses that

will be demolished, or those that are currently active on-site at the Newman Center and the church sanctuary.

Ms. Sweetapple stated the Sunday analysis was performed using the capacity of the new parking structure, with access from Tarpon Drive; all traffic generated by Sunday morning worship has been left in place, and the traffic that would be diverted into the new parking structure was added to this. She asserted that this provides "a very conservative analysis." She clarified that trips generated from the PUD are "90% generated from the retail space" on the ground level of Parcel 1.

Part of the site has been designed to create parking to satisfy demand for the First Presbyterian Church. There are 264 spaces in the parking garage on Parcel 1, three spaces north of the proposed family center, and 86 spaces in the southeast lot. A detailed parking evaluation was performed for the PUD to ensure the adequacy of parking provided for every time frame and every parcel. Five different time frames were studied due to the nature of the uses proposed in the PUD. The church facility, Ms. Sweetapple noted, is active seven days a week; it was ensured that adequate parking to support the proposed uses was available. The parking improvements consolidate area parking during Sunday morning worship, and move churchgoers from on-street parking into the new parking facility. She stated they will enhance the character of the surrounding properties rather than having an adverse impact upon them.

Public realm on-street parking improvements are made to support the Application, and are not relied upon to meet demand. On every side of the PUD, all these spaces would be reconstructed, resulting in a net increase of on-street metered parking for the Application.

She entered the Traffic Study "with some minor revisions" into the record as Exhibit 5.

Mr. Lochrie introduced Pete Daltner of Stiles Architectural Group, who has overseen the production of the design and drawings for the project. Mr. Lochrie asked if "a structure similar to" the building currently located on the B-1 parcel could be built there, and what its approval process might be. Mr. Daltner replied that another structure could be built on that parcel; however, "if we kept the garage as is, I'd shift it closer to Las Olas Boulevard" due to the setback requirement. He added that he would also shift the building to maintain the required number of parking spaces. He continued that these changes would be allowed by Code, with the approval of the DRC Committee, and agreed with Mr. Lochrie that "the project that's being designed there would not come before this Board."

Mr. Lochrie concluded that "the project really comes down to one element," which is the proposed family center, as both the church and the Newman Center would be restricted to their current uses; the parking lot would be restricted to its designated use, with an improvement; and the B-1 parcel is "significantly enhanced" by the proposed use.

He added that the Applicant has agreed to all Staff recommendations.

Randall Robinson, Planner, stated that the request is for rezoning from Boulevard Business, Residential Single Family – 8 units per acre, Limited Residential Office, and Community Facility-House of Worship and School to PUD, concurrent with site plan review of buildings proposed for Parcels 1 and 2 as described.

He called the Board's attention to two aspects of the Staff Report: Charts 1 and 2 outline the limitations and requirements from which the Applicant is seeking relief through PUD; another aspect from which the Applicant is seeking relief is the limitations of RS-8 and ROA, which affect the site on which the family center is proposed.

On p.5, Mr. Robinson noted, there are responses to questions that have arisen regarding the nature of the PUD application. He characterized the PUD section of the ULDR as "complex," and advised that the Applicant has responded to and addressed the necessary conditions for PUD. The decision as to whether PUD is permissible lies with the Board.

He distributed copies of correspondence received since the Staff Report was completed. Attorney Miller stated that the Staff Report is City Exhibit 1, and the Planning and Zoning file, including the Application, is City Exhibit 2. Mr. Robinson clarified that "comments" include correspondence received from the public, and the answers are included as "Staff responses."

The Board took a brief recess at this time (8:37 p.m.) and returned at 8:47 p.m.

Jerry Jordan, President of the Colee Hammock Homeowners' Association, stated that many residents are present at tonight's meeting because the neighborhood and the Applicant "can't seem to reach any agreement." He advised that the final draft of the neighborhood's Master Plan was received very recently and has not yet been vetted or discussed.

He introduced Michelle Mellgren of the Mellgren Planning Group, who would provide expert planning testimony on behalf of the neighborhood. She distributed copies of a PowerPoint presentation to the Board, and advised that Attorney Miller has been provided with her resume, along with the PowerPoint presentation and additional documentation, as Public Exhibit 1.

Ms. Mellgren stated she is a certified planner with more than 25 years' experience in planning, zoning, and land use. She noted that the Applicant proposes to construct a five-story parking garage with ground-floor retail on Parcel 1. While the garage would front onto Las Olas Boulevard, it would be accessible from Tarpon Drive, which is a residential street.

On Parcel 2, a 45,403 sq. ft. structure is proposed on a site zoned RS-8 and ROA. This is "a residentially planned and zoned site," located 160 ft. south of Las Olas Boulevard and inside the Colee Hammock neighborhood. A surface parking lot is proposed for Parcel 4, which is also zoned for residential use. Parcels 3 and 5 contain "the church and a school." She referred the Board to a slide showing the Future Land Use map, noting that most of the subject site "has a land use of residential."

Ms. Mellgren asserted that the Applicant is attempting to build a campus she characterized as "regional in both scale and the extent of its activity," despite its location in a residential environment. Current zoning on the existing structures would limit each building to 10,000 sq. ft., which both buildings exceed. She stated that the Applicant is "seeking to legitimize the current uses" as well as to expand, which she noted were contrary to the intent of CF-HS zoning. In her professional opinion, the approval of the rezoning request would violate the adopted Comprehensive Plan, Future Land Use map, and Section 47-37 of the ULDR.

She referred to the Applicant's narrative, which states the proposed family center structure would serve as a venue for "the recreational and social needs of the church." Ms. Mellgren observed that in this case, the term "church" refers to an organization rather than a building. She noted that the Applicant's website lists activities including various meetings, competitive sports, summer camp, and homeless outreach. The 45,443 sq. ft. building would house classrooms, a stage, activity center, ticket booth, gift shop, and a kitchen she characterized as "clearly commercial in scale." It would be the largest of the Applicant's buildings; she described its primary use as "an entertainment and catering hall."

Ms. Mellgren noted that the ULDR defines "principal structure" as a structure providing "the primary use of the land," which can be a building, parking facility, or similar construction. There may also be more than one principal use on a single structure. By this definition, the "entertainment and catering hall" would be one of three principal uses on the site, along with "the church and the school."

She pointed out that buildings owned by the church and located on church land are not necessarily church uses, such as the commercial uses within the parking structure. Therefore the function of a building, and not its ownership, would determine its use.

With regard to the Comprehensive Plan, Ms. Mellgren noted that Objective 1.19 states that development in an existing neighborhood must be "compatible with present neighborhood density;" Policy 1.19.4 adds that the City should "continue to evaluate and revise existing zoning" in single-family neighborhoods in order to ensure consistency with existing density, scale, and intensity. "The scale and mass of new development" should be consistent with existing neighborhoods as well. She asserted that the Colee Hammock neighborhood is residential, with density that does not exceed eight units per acre. The proposed 45,443 sq. ft. building has an FAR exceeding .7 and a length of over 300 ft.

She described the structure as "massive by any standard" and incompatible with the scale and intensity of existing residential development. The default standard for suburban development according to the Broward County Planning Council is .23, "a far cry from" the proposed .7. Ms. Mellgren concluded that the proposed rezoning violates Comprehensive Plan policies.

Objective 1.20, which addresses the protection of residential neighborhoods, states that "the City shall protect residential neighborhoods from impacts created by adjacent non-residential uses." The proposed structures would serve "a wide range of activities," along with the traffic generated by these uses.

Policy 1.20.2 ensures that non-residential uses adjacent to residential areas must be planned with traffic patterns that lead away from the residential areas. Ms. Mellgren pointed out that the surface parking lot is "internal to the neighborhood" and therefore creates a traffic pattern leading into the residential area in violation of this Comprehensive Plan policy.

She moved on to how the proposed rezoning "would violate the adopted Future Land Use map." The primary structure, which she stated would be used as an "entertainment and catering hall," is "commensurate with similar commercial uses," although the Future Land Use map designates this property as residential, as is the area of the proposed surface parking lot. As these structures would serve "principal and ancillary commercial uses," they may not be located on residential land use property, and approval of the rezoning request would violate the adopted Future Land Use map.

Section 47-37.4 of the ULDR, regarding Planned Unit Development, requires the uses permitted by PUD to be consistent with the City's Comprehensive Plan. Ms. Mellgren asserted that the proposed uses are inconsistent with this Plan and violate its Future Land Use map. Section 47-37.7 states the PUD must "achieve the intent and purpose" of mixed-use neighborhoods linked by pedestrian or transit linkages. The proposed development does not create a mixed-use neighborhood, but expands a private campus in a residential community. There are no proposed transit or pedestrian linkages, but the development would be

“based upon automobile trips,” as shown by the proposed parking structure and parking lot.

She concluded that the proposed PUD “does not integrate itself with the community” and would be out of scale with the neighborhood. It would not bring housing choices or support transportation alternatives to automobile traffic. Section 47-37.7 requires the Applicant to provide clear reason why the development cannot be developed under traditional zoning. Ms. Mellgren stated that the Applicant has selected PUD to “circumvent the dimensional requirements of traditional zoning” to construct buildings of “massive proportions” that are incompatible with the community. In her professional opinion, the use would not be permitted by the governing land use, and there is “no legitimate reason” why traditional zoning could not be used if the project was scaled back.

She summarized that ownership does not determine use; the church’s ownership of the proposed structures does not dictate that they will serve church uses; “by definition, the proposed entertainment and catering hall is a principal use of the land;” commercial use of the property is not permitted by future land use designation, which is residential; and the proposed rezoning violates other provisions of the Comprehensive Plan and ULDR. She stated that due to these violations, as well as its failure to meet the criteria for PUD zoning, the Application must be denied.

Ms. Freeman asked what zoning Ms. Mellgren would recommend in lieu of PUD, based upon the proposed use. She replied that the parcels could be zoned individually; in addition, in her professional opinion, the proposed family center would serve as an entertainment facility based upon its uses, and would require commercial zoning and land use designation, such as B-1.

Ms. Freeman asked what zoning would be recommended for the parking structure. Ms. Mellgren responded that it was not her position to recommend zoning, as the burden of determining the appropriate zoning district would fall to the Applicant.

Joaquin Vargas, traffic engineer, advised that he had been “to the field” many times, and invited the Board to visit the area themselves to confirm the findings in his report.

He reported that he had been to the site on a Friday, Sunday, and Monday, and observed “numerous problems.” The first problem is the intersection at Las Olas Boulevard and 15th Avenue, which showed “many phase failures.” Mr. Vargas defined a phase failure as occurring when a red light turns green, but not all vehicles waiting at the intersection are processed during the green light. These phase failures occurred when vehicles turned south from Broward Boulevard onto Las Olas Boulevard, and when vehicles turned north from the church

property toward Las Olas Boulevard. They also occurred when vehicles attempted to turn left from Las Olas onto 15th Avenue.

In addition, queues of up to 24 vehicles lined up to turn onto Las Olas Boulevard, comprising a distance of approximately 600 ft., or two blocks. After the 11:00 a.m. Sunday service at the church building, a police officer was observed at the intersection to control the signal. Mr. Vargas stated this was because the signal itself is unable to process all the vehicles attempting to leave at the same time.

Regarding the intersection of Las Olas Boulevard and Tarpon Drive, located next to the proposed parking facility, Mr. Vargas pointed out that Broward County safety standards require a left turn lane when a certain number of cars line up at the intersection. Based upon the traffic study submitted, the demand at this intersection does not meet the required threshold for a left turn lane. With the additional trips the study shows the development would generate, the threshold is exceeded by over 100%.

Mr. Vargas moved on to a proposed truck loading ramp. The plan sheet shows the turning path of trucks as they negotiate the roadways on the way to their loading area. He stated that on Tarpon Drive, the ramp "requires the entire width of the road." He declared this circulation plan is "unfeasible" unless addressed.

He continued that during services, parishioners "park as close to the church as possible." Cars that park on the east side of 15th Avenue, adjacent to the church, block the northbound lane, with approximately 4 ft. between parked cars and the double yellow line. He provided a photo of this area which showed this particular issue. The same condition, he advised, occurs on Brickell Drive, as cars park on both sides of the road and there is only room for one vehicle in the roadway. He concluded that circulation patterns in the area are "choked" due to the current parking situation.

In the area of the proposed parking garage, the entrance and exit are next to Las Olas Boulevard, which Mr. Vargas stated will encourage people to "come and go from Las Olas Boulevard." For traffic coming from the west via Broward Boulevard, which is roughly 30% of the traffic in this area, the closest distance would be to take either 12th or 13th Avenue, both of which are residential streets. He added that the difficulties previously described at the intersection of 15th Avenue and Las Olas Boulevard would make this "the closest route... to take," which affects the residential streets.

Mr. Vargas noted that the traffic study is based on acceptable standards, as well as *The Trip Generation Handbook*, which is used to determine the number of cars going to a facility. With regard to the proposed family center, he argued that there is "no specific use" that is applicable in the *Handbook*. This did not allow the accurate determination of how many cars would be associated with that

facility. If the "church rate" is applied to the proposed family center, the resulting trips during peak church hours come to approximately 550 vehicles, or twice as many "as have been designated for that facility." He cautioned that due to the uncertainty associated with the trip generations for the proposed facility, the traffic "could be significantly greater than what is being projected."

He asked again that the Board members and members of the public visit the site and observe traffic patterns for themselves.

Mr. Vargas submitted the traffic study as Public Exhibit 2. Chair Witschen noted that "the Board hasn't seen it at this point."

There being no further questions from the Board at this time, Chair Witschen opened the public hearing.

Thomas Johnston, student, stated he is part of the youth program and the Kirk Singers at First Presbyterian Church. Both programs are held on Sunday nights. He explained that there is "a problem" when there is time between the programs, as there are "no facilities" for the students. He concluded that he is in support of the proposed Family Center.

Carly Bruening stated that she is active in the youth group at First Presbyterian Church. She pointed out that there is insufficient space to hold some meetings indoors in church facilities, and musicals are held across the street at the Newman Center due to lack of space. She was also in support of the proposed Family Center.

Matthew Bruening, student, is also a member of First Presbyterian Church and spoke in favor of the proposed Family Center on behalf of teens in the youth group and Kirk Singers. He explained that many activities are held at the same time and require additional facilities.

A.J. Parkinson, student, is a church member and a member of the Kirk Singers. He spoke in favor of the proposed Family Center.

Ryan Ebsary, student, is a member of the First Presbyterian Church youth group and Kirk Singers. He spoke in support of the proposed Family Center.

Jonathan Smith, student, is a member of the First Presbyterian Church. He stated that "parking is a problem" that should be dealt with, and felt the proposed parking center would be a good way to address these concerns.

Connor Ebsary, student, stated that the church "does not have a specific building for youth" and plays must be presented in the Newman Center or the fellowship

hall. There are no facilities for sports. He felt the proposed Family Center would provide these amenities.

Ms. Freeman asked how often the Fellowship Hall is used for youth activities. Mr. Ebsary replied it is used regularly by the Kirk Singers, sometimes daily. It is also used for youth group activities. He felt the proposed center would be used "all the time."

Terina Bruening, private citizen, is a member of First Presbyterian Church. She stated that as a teacher, many of the students in her classroom had invited her to attend church activities, including student musicals, before she became a member. She asserted that the student church members are "role model kids" in the classroom and noted that many arts programs in schools are being cut. She noted that the church serves as a meeting site for scout programs as well.

Geoffrey Calderone, private citizen, advised that there is a problem with the scale of the proposed plans. He noted that the existing building is shown as 21 ft. in height, with the proposed building shown beside it at 49 ft. in height on the plans; however, he pointed out that the proposed structure "looks only a few feet higher." The plans were entered into the record as Public Exhibit 4.

Patrick Kerney, private citizen, stated that he lives less than 500 ft. from the proposed structures that would be built on Parcels 1 and 2. He pointed out that many of the church members do not live in the Colee Hammock neighborhood. He agreed that the church and its members perform "good works," for which he commended them; however, he felt it was significant that the members would not "have to look at this complex every day and every night." He concluded that the issue is that the church is "trying to skirt the rules in order to change the zoning to suit them," and the proposed complex would negatively affect his quality of life and property value.

With regard to traffic patterns, Mr. Kerney offered an article from the *Sun-Sentinel* "about three weeks ago," which referred to the deaths of two pedestrians on Las Olas Boulevard in a one-month period. The article was entered into the record as Public Exhibit 5.

Shep Johnston, private citizen, declared that the youth ministry at First Presbyterian Church is "absolutely critical" to his children and to the community at large. He also felt that the project would be "good for the long-term plan" of the City.

Joanne Kacin, private citizen, stated she regularly travels Las Olas Boulevard, and the street "really needs this development." She advised that businesses on the east side of Tarpon Drive are "struggling" and many of them have closed; the project would provide continuity.

Steve Tilbrook, private citizen, is a member of First Presbyterian Church. He stated he was in favor of the project, which is "an attractive, well-designed project" and compatible with the neighborhood. Mr. Tilbrook noted that he has been involved in the planning process for the project and "was a skeptic about the PUD," although he has since changed his mind regarding that use.

Gail Capp, private citizen, pointed out that most of the congregation and leaders of First Presbyterian Church who are in favor of the PUD do not live in Colee Hammock, and the proposed project would not be located in their neighborhood. She stated that other churches that have "outgrown their property" have purchased larger acreage in other parts of the City, which she felt was an option for First Presbyterian.

Ms. Capp added that a requirement for a zoning change to PUD is that the project's design is "so unique... that the present zoning requirements could not accommodate it." She asserted that there is "nothing unique" about the proposed structures; in addition, there would be increased pressure on the existing traffic and infrastructure.

Ms. Freeman asked Ms. Capp what distressed her regarding the proposed buildings' size. Ms. Capp replied that Colee Hammock is a residential and historic neighborhood in which a structure of this size "doesn't belong."

Cindy Vason, private citizen, stated she works with the children's ministry at First Presbyterian Church. She asserted that in order to welcome young families and expand children's programs, additional space is needed, including a nursery, a nursing room, and "another large meeting room" in addition to an activity center for youth sports and other programs. She concluded that the church is "limited in space."

Doug Eagon, private citizen, stated he is a longtime resident of Fort Lauderdale and a former member of the Planning and Zoning Board. He felt the project is "a very reasonable proposal" that will add vitality to the Las Olas retail corridor, and that the scale of the proposed family center is compatible with the area. He added that the traffic pattern on Las Olas Boulevard "works just fine."

Wilson Atkinson, private citizen, is a member of First Presbyterian Church. He recalled the concerns expressed by the church and those of its neighbors when the original project came before the Board in 2007, which left the impression that "the church was not communicating with its neighbors" and that the proposed building was "too massive." As a result, he and other church members met with the Colee Hammock Homeowners' Association "to change the perception" that the church did not communicate adequately with the neighborhood.

Mr. Atkinson declared that the members of both groups met for "over a year" and the church addressed all the comments raised by the Homeowners' Association at that time, including design and location concerns regarding the proposed garage and family center structures. However, the two groups had not been able to arrive at an agreement regarding the project. He introduced two letters into the record as Public Exhibit 6.

Dick Anderson, member of the pastoral staff at First Presbyterian Church, explained that he commutes from Plantation because the church is "a regional ministry" which needs a larger campus. He thanked the Colee Hammock Homeowners' Association for their resistance to the project, as he felt this had helped the church minimize its original proposal and still address a need. He emphasized that "there is a need" for the proposed expansion.

Ms. Tuggle asked approximately how many families are in the church's congregation. Mr. Anderson estimated this was "around 1200," with an estimated 60 student members participating in the choirs alone.

Pieter Coetzee, private citizen, stated he is an architect and developer, and a member of First Presbyterian Church. He explained that "the idea of PUDs" is to hold a workshop, address problems, and come back to present solutions to these problems. He felt the project's architectural firm has done "an excellent job" in this regard, and felt another developer would have taken less care to make the design compatible with the neighborhood. He also felt the project would "add security" to the area.

Ruchel Coetzee, private citizen, is a member of First Presbyterian Church, and asked "where would you like these children to go" if the proposed family center is not constructed.

Bill Zeiher, private citizen, is a longtime member of First Presbyterian Church and a member of the project's planning committee since its inception. He noted that there has been "significant reduction" nationwide in membership of Protestant churches, and felt churches such as this one, which have family centers and support mission work and charities in their communities, "are not losing members." He stated that members of the planning committee have met with the Colee Hammock Homeowners' Association "over a period of nine years," resulting in "a better-planned... project."

Mr. Zeiher asserted that PUD would allow it to develop needed facilities for its youth and music programs and support for community charities. It also assures homeowners of "what will be built on the property."

Charlie Smith, private citizen, is a member of First Presbyterian Church and a Colee Hammock resident. He felt one issue preventing these two entities from

arriving at an agreement is an "irrational attitude" on the part of the leadership of the Homeowners' Association, which will not permit a change in zoning "no matter what the church does." He urged approval of the Application.

Forrest King, private citizen, is a member of First Presbyterian Church. He felt approval of the project would constitute "a defining moment" in the City's history as well as advancing the City's architectural heritage. He urged approval of the proposed plan.

Paul Dooley, private citizen, presented a letter from his wife, who could not be in attendance. She is a recent retiree from First Presbyterian Church and stated her support for the project.

Shirley Gleason, private citizen, is a member of First Presbyterian Church and stated that the church needs the additional space "to maintain what we have now."

Cliff Steffen, private citizen, is a member of First Presbyterian Church and is supportive of the proposed project. He felt a "fear of change" was the reason for some of the neighborhood resistance to the project.

Victor Zarzycki, private citizen, is a member of First Presbyterian Church. He addressed the aesthetic aspects of the project, noting that the architectural style and coloring are in keeping with the mission style already existing on two church buildings. He added that the church building itself and the Newman Center "serve as a vision barrier" between much of the neighborhood and the two proposed additional structures.

Holly Strawbridge, private citizen, is a member of First Presbyterian Church. She addressed some issues raised by the Homeowners' Association presentation, pointing out that the church does not rent its property to outsiders as a catering hall; the reason for the kitchen, she explained, is to serve meals to the Wednesday night congregation and to senior adults on Thursdays. The kitchen is not used for "catering to the homeless." She added that the only "schools" that would be held in the proposed family center are Sunday school and Vacation Bible School.

Tony Parkinson, private citizen, is a member of First Presbyterian Church. He felt the proposed family center would be in keeping with the City's goals of providing an enjoyable family destination and community.

Patty Bray, resident of Himmarshee Landing, stated she is President of that homeowners' association, and has been asked to represent all nine homeowners, who are "strongly against any rezoning." She emphasized that they are not opposed to the development and growth of the church, but felt the

proposed changes would “sacrifice... the neighborhood lifestyle we have known and loved.”

Gene Ingles, founder of the Harbordale Civic Association, cautioned that the traffic on 13th Avenue is “unbelievable” and would only become worse when there are new businesses on Las Olas Boulevard. He characterized the footprint of the proposed structure on Las Olas Boulevard as “horrendous... [and] huge,” and asked that the Board consider the project’s impact on the neighborhood.

Kathy Henderson, private citizen, is a member of First Presbyterian Church, and noted that she lives across the street from “a very large church” with several amenities, including a gymnasium. She did not feel the community would be adversely affected by the proposed project, and noted that another nearby church has a large congregation and “a full high school.” She urged approval of the project.

Dee Harris, private citizen, stated that her ministry uses the kitchen at First Presbyterian Church to make soup for members of the congregation and the community for delivery. She explained that “kitchen time” is a challenge at the existing facility, and advised she is in favor of the proposed project as a means to improve access to kitchen time.

Dr. Laura Foster, private citizen, stated she attends First Presbyterian Church, and felt the PUD will address many concerns such as on-street parking throughout the week. She felt the proposed plan would draw business to Las Olas Boulevard.

Kyra Battle, private citizen, stated she is in favor of the proposed project, as it would allow young people to enjoy afterschool activities.

Paul Greenman, private citizen, advised that he lives in Plantation but was “recruited” to come to First Presbyterian Church and the Colee Harrimock neighborhood. He pointed out that some children do not feel “safe after dark” in the neighborhood due to the “barren” piece of land near the church, and felt the proposed project would help foster a sense of safety. He urged support of the project.

Barbara Keith, private citizen, felt “strongly” that the church’s master plan committee has been responsive to the wishes of their neighbors, and have addressed issues and designed open areas and other elements to enhance the surrounding properties. She urged the Board to support the project.

Tom Keith, private citizen, stated he is a longtime resident of the City, and he felt the project is a “win-win-win situation” for the community, the neighborhood, and the church. The proposed family center would address a need for more indoor

space for activities; wider sidewalks would lead to safer walking conditions; the alley would be redesigned; outside parking areas will be brought up to Code; and grounds would include more green space through the planting of additional trees. He noted that the proposed structures have been reduced in size and fewer cars will park throughout the neighborhood. The community will benefit from additional tax revenue obtained through the rental of retail space on Las Olas Boulevard.

Blair Cochran, private citizen, advised that he is a teacher, and praised the students who are members of First Presbyterian Church as "giving." He urged the Board to support the project.

Kathy Craven is the former Chairman of Habitat for Humanity of Broward County and a member of First Presbyterian Church. The church has been a meeting place for Habitat for Humanity for over 10 years and serves the community as well as its congregation. She urged the Board to support the project.

Chair Witschen asked if Ms. Craven knew the number of youth involved in programs at the church. She estimated it was 250-300 young people.

George Knapp, private citizen, is a member of First Presbyterian Church. He described the proposed family center as a "survival plan," as membership would decline if younger members are not attracted to the church. He added that the project is a significant improvement over the previously submitted plan.

Dr. Teri Stockham is a newly ordained elder at First Presbyterian Church. She explained that "18 different organizations" depend upon the church for no-cost meeting space, including the Junior League, Boy Scouts, Habitat for Humanity, Volunteer Florida, and the Coalition to End Homelessness. The church also serves as a voting precinct. Dr. Stockham stated the proposed family center would help the church provide this meeting space for community organizations.

Bill Storrs, private citizen, stated the project represents "10 years of hard work" by many dedicated people; he thanked the Colee Hammock Homeowners' Association and City Staff for their input throughout the process. He felt the result is a "thoughtful and respectful design" that would benefit the neighborhood, and urged the Board to support the project.

Birch Willey, private citizen, is a member of First Baptist Church. He asserted that planning sessions for the church date back to the 1990s, and there was a need to address parking, use the square footage available on Las Olas Boulevard, and separate the "fellowship hall concept" from the Newman Education Center even at that time. He urged to support of the project.

Chair Witschen asked that members of the public keep their testimony pertinent to the issue at hand rather than "indictment or advocacy" of the church.

Johnathan Tate, Chairman of the Board of Directors of Happyland Preschool, stated there are "no plans whatsoever" to expand the school, and pointed out that PUD would limit the school to this use. He urged the Board to support the project.

Steve Wherry, Assistant District Commissioner for the Pine Island District Boy Scouts, stated that he is an area resident, and felt the project would "fill a gap" on Las Olas Boulevard from a retail point of view and would be compatible with the neighborhood. He urged to support of the project.

Steve Hyatt, private citizen, is a Trustee of First Presbyterian Church. He explained that from 1957 to 1982, "most of the land in question" was acquired in anticipation of the future growth of the church. He declared that the church wants to be a "good neighbor" to the community, and pointed out that the project would provide green areas, landscaping, and "street-friendly" retail for both the congregation and the neighborhood. He urged the Board to support the project.

Ms. Golub asked if the church had owned the unused parcels for many years without making improvements prior to those proposed by the PUD. Mr. Hyatt confirmed this.

Veronica DePadro, private citizen, stated she had been President of the Colee Hammock Homeowners' Association when the previous project had been denied. She advised that the Board's unanimous vote against that project had "brought the church to the bargaining table," and prior to that time, they had not worked with the neighborhood.

Ms. DePadro stated the current design was "a beautiful project on Las Olas," and felt the church had tried to work with the neighborhood; however, she pointed out that the proposed plan is still "lacking" in many ways. She added that these shortfalls had been "brought up *ad nauseam* to the church."

She stated that the neighborhood felt it would be proper to place a traffic light at Tarpon Drive and Las Olas Boulevard for the parking garage, which would be open 24 hours a day. The neighborhood has also requested that the garage "exit right only," which would mean all cars exiting the garage must turn onto Las Olas Boulevard rather than into the neighborhood; Ms. DePadro noted that this "still hasn't happened."

She added that she was informed "when you apply for a PUD, you're supposed to give something back to the neighborhood;" however, she did not see evidence of "giving back" as part of the proposal. She felt the extension of a median from Tarpon Drive to 15th Avenue, which was approved 10 years ago by the City,

would prevent cars from turning "through the neighborhood," as well as beautifying Las Olas Boulevard.

Ms. DePadro concluded that while the church has "come a long way" in working with the Colee Hammock neighborhood, there is still "a way to go."

Carrie Shumpert, private citizen, stated that the proposed project is "way too large for our neighborhood," and would greatly increase traffic through the area. She asked that the Board deny the Application.

Diane McSwain, private citizen, explained she is trained in process engineering, which is "the analysis, design, and redesign of work flow." She stated she has used this expertise in her opposition to the proposed project, based upon "the degradation of our community's residential character and safety" that would stem from the additional traffic the plan would generate. She has studied the traffic at four intersections and taken photos of what she saw, which she distributed to the Board. The photos were noted as Public Exhibit 7.

Ms. McSwain noted that increased traffic cannot be supported between 15th Avenue and Las Olas Boulevard; instead of turning left onto Las Olas, this traffic "cuts through" to 16th Avenue and Las Olas Boulevard, "where there is a clear 'no right turn' sign."

Ms. Golub asked when the photographs were taken. Ms. McSwain replied they were taken on April 20, 2010; the photos at the corner of 16th Avenue and Las Olas Boulevard were also taken on March 16, 2010, between 3:00 and 3:15 p.m. During that time, she advised, 11 cars approached Las Olas Boulevard from 16th Avenue; of these, seven turned left onto Las Olas Boulevard, ignoring the "right turn only" sign. She pointed out that this constituted 63% of the traffic disobeying the control signage.

Ms. McSwain explained that whenever the intersection of 15th Avenue and Las Olas Boulevard is backed up, traffic cuts through the residential neighborhood "in both directions." She clarified that the calendar of events at First Presbyterian Church is included in Public Exhibit 7 because these events will have new participants upon church expansion, which would increase the traffic using "an already overloaded grid system" where over 50% of the traffic cuts through the neighborhood.

Ms. Tuggle asked if Ms. McSwain felt a traffic light on Tarpon Drive and "extremely limited access to the parking garage" would alleviate these traffic issues. Ms. McSwain stated even with limited access, "the same number of cars" would still be trying to get out of the parking garage. In addition, she pointed out that vehicles would turn left or right from Tarpon Drive; if Las Olas Boulevard is busy, drivers would still make a right turn and come to 15th Avenue and Las Olas

Boulevard. She did not believe a light would sufficiently address "bringing more cars into an already overloaded system."

Peggy McCormick, private citizen, stated she and her husband were opposed to the church's request for PUD, as it was "not compatible" for a residential community.

Robert Vick, private citizen, advised that Colee Hammock is "an old neighborhood" and pointed out that RS-8 is the "second-lowest zoning category in the City... in terms of density," while another part of the property, zoned ROA, allows only for "very small buildings" of less than 30000 sq. ft. in size.

With regard to the commercial development planned for the B-1 parcel, Mr. Vick stated that "the plans show that piece of property has 26,000 sq. ft. of building on it" for its retail use; however, it has 110,000 sq. ft. of parking garage as well, which he noted was "50 ft." in additional height. He asked the Board to deny the Application.

Carla Vick, private citizen, asserted she is "tired of having to do battle with developers coming into our neighborhood" attempting to make zoning and/or Code changes. She stated the "time, money, and effort" spent trying to prevent these changes could be better used trying to improve the neighborhood rather than to prevent its further development. She urged the Board to vote against the Application.

Jacquelyn Scott, private resident, is a former President of the Colee Hammock Homeowners' Association. She clarified that the neighborhood is not "against" the church or its members, and appreciate what they do; however, the proposed expansion "is in the wrong location."

Ms. Scott pointed out that traffic is an issue on 15th Avenue, and studies done since the 1980s show that "Las Olas-15th Avenue is over capacity." The project, which she characterized as "a traffic generator," would make the area a larger destination and exacerbate the traffic problem. She added that when a piece of residential land is purchased, it does not come with a right to change its zoning to commercial. She asked the Board to deny the Application.

The Board took a brief recess at this time (11:31 p.m.) and resumed at 11:48 p.m.

Chair Witschen asked the Board for input on how to proceed, noting that he did not wish to limit members of the public with "new information." He requested that anyone without new information refrain from coming forward due to the lateness of the hour.

Mr. Moskowitz added that while it is important everyone present and wishing to speak should "have their say," some themes had been repeated numerous times and were no longer helpful at this point.

Steve Buckley, private citizen, stated the neighborhood's founders had directed large development away from Colee Hammock when it was founded. He added when residential property is purchased, it comes with the "reasonable assurance" that its zoning would remain residential.

Gail Kappen, private citizen, is a member of First Presbyterian Church. She noted that many of the homeowners in Colee Hammock purchased a home "in a neighborhood that has had two churches and a public park." She noted that with these features in place, traffic would not be a new development.

Andy Costa is an elder of First Presbyterian Church, and stated the issue at hand is not related to the good works done by the church. His concern was "the decline of the neighborhood and the increased traffic," which would change the neighborhood "dramatically." He felt the church should be allowed to proceed with expansion, but asked that the Board "not allow them to do this project with this zoning." He felt the project was designed without regard for the existing zoning, and asked that the Board deny the Application for PUD.

David Kramer, private citizen, is a member of First Presbyterian Church. He distributed copies of letters from residents and businesses inside and out of the Colee Hammock neighborhood and its surrounding communities. These were marked as Public Exhibit 8.

He read a letter from William Gunlock, a resident of the neighborhood, in support of the PUD, as Mr. Gunlock felt these would bring the neighborhood "a continuity of the entire church property." The letter described the PUD as "a compromise," as it gives neither the church nor the Homeowners' Association "all they want."

Ann Shumpert, private citizen, offered "55 signed petitions" that do not support the project. These were marked as Public Exhibit 9.

She added that she wished to address "misstatements or misconceptions" regarding the neighborhood's willingness to work with the church. Ms. Shumpert recalled that a professor of architecture had advised the church to "break that building... into two smaller buildings," design it to resemble a home, and add green space. Members of the neighborhood met with a church committee, their architectural firm, and attorneys in 2008. She recalled that in 2009 a letter from the Homeowners' Association was sent, citing "abandonment" of meetings. She stated this letter was copied to the Planning and Zoning Department and the City Commission members of that time.

Ms. Shumpert concluded that there was additional correspondence from the Homeowners' Association, offering to meet with the church and discuss the plans, but further meetings were not held.

Robin Merrill is a merchant in the Colee Hammock area, and expressed concern about the business community's survival due to a lack of other businesses in the area. She stated that "people are afraid to walk" in the area, and felt the new retail that is part of the proposed plan would help to sustain the retail community. She noted that older buildings available for rent are dilapidated and merchants are unlikely to move into them.

Bob Cole, private citizen, is a Colee Hammock resident and a member of First Presbyterian Church. He stated although he is supportive of church expansion, "the buildings they're proposing are very large." He pointed out that there are no buildings on Las Olas Boulevard that have as large a footprint as the proposed structures, and no building facing Las Olas Boulevard has as much frontage as the proposed parking and retail building.

Mr. Cole declared that the requested PUD is "a way to get around the zoning issues" and their regulations. He felt the church should work within the current zoning. He added that traffic will turn from Broward Boulevard to 12th and 13th Avenues to reach the project, and "you don't have very good sight distance" on the bridge in that area.

Lou Jezdimir, private citizen, owns a downtown roofing company that has laid off 25 workers in the past 18 months. He stated he cannot bring these employees back to work if projects such as this one are stopped.

Ms. Golub recalled that a building permit extension was granted earlier in the meeting, and advised that projects are not necessarily completed once the Board approves them.

Susan Bryan, private citizen, is a former president of the Colee Hammock Homeowners' Association. She pointed out that before "the current education building" was built, the church had informed the Association that they wished to improve the property and construct "a gymnasium... with a height of 50 ft." The Association had worked with the church in this case, although the 50 ft. height was not realized.

She explained that the neighborhood has a storm water runoff problem; when the new church building was constructed, there was "nothing done" to accommodate the water runoff, and "tremendous flooding" had occurred. Ms. Bryan stated this is still an issue "even with small rainstorms." She concluded the proposed project would remove still more land and exacerbate the issue.

Terry Smith, private citizen, stated that sidewalks are broken in the neighborhood and are "not wide enough for a wheelchair." He added that if the proposed building is constructed, he hopes to be able to access all its rooms.

Charles Jordan, private citizen, advised that he had testified before the City Commission when they passed the PUD zoning category in 2002. He characterized the category as "more suited to a suburban site" than to existing neighborhoods, which he felt would be an abuse of its function. He cautioned that the category is being used "to run roughshod over... standard planning principles."

He stated that in order to "override existing zoning," a project must meet "extraordinary" standards to qualify for PUD, including impact on the neighborhood and the approval of a recognized civic association.

Art Bengochea stated he was a member of the church's committee that worked with the neighborhood for 18 months and met with the neighborhood's consultant. He recalled Ms. Shumpert's earlier testimony regarding the input of a professor of architecture, pointing out that with regard to the proposed family center, the professor had not suggested "breaking it [up]," but had advised that the structure feature greater articulation and vistas. He asserted the church had gone to "great lengths" to meet RS-8 zoning setbacks on the east, west, and south sides of the building.

In working with the neighborhood, Mr. Bengochea reported the committee had felt they made "great strides;" however, he explained the reason they had not corresponded earlier with the Association because they were "scaling down the building even further." Other concessions include keeping and widening the alley as requested, and placing all utilities underground.

Ms. Golub asked if there are plans to add a second story to the existing fellowship building. Mr. Bengochea stated this was not the case, as the existing building already has a second floor, which was added "in the 1980s."

Ms. Golub also asked why there are "so many stairs" in the proposed building recalling earlier testimony regarding access issues. Mr. Bengochea pointed out that the building would also have elevators.

Jacqueline Egan, private citizen, is a neighborhood resident and a member of the First Presbyterian Church. She provided traffic photos, which were marked as Public Exhibit 10. She asserted that while she is not against a family center for the church, she is opposed to rezoning to PUD. She explained she had attended "several meetings" in which the neighborhood attempted to work with the church. She did not feel the church was interested in complying with existing zoning and "had to have a PUD...and a building bigger than Code allowed."

Ms. Egan pointed out that the neighborhood had asked the church if they intended to include all of its property in the PUD, in order to convert two small parking lots adjacent to Kindred Hospital to green or park space. The church had not included these parcels in the PUD.

Ms. Freeman asked to be shown the location of the two lots not included in the PUD. The lots were identified on one of the Applicant's renderings.

Joel Gustafson, private citizen, is a member of First Presbyterian Church. He asserted that the entire project sits within 2.5 acres of a 5.5 acre tract; of those 2.5 acres, the frontage on Las Olas Boulevard is "already commercial." He stated that only the proposed family center is at issue, and that Staff's conclusion is that "the Applicant has addressed all pertinent ULDR Sections." He also noted that Staff has reviewed and accepted the Applicant's traffic study.

Ken Hodor, private citizen, reiterated that the Colee Hammock neighborhood is "not against the church" but would like them to design a project that is compatible with existing zoning in that neighborhood.

Emmett McTigue, private citizen, stated he is neither a church member nor a Colee Hammock resident. He has reviewed the project's plans and is "very interested in them," particularly the retail space on Las Olas Boulevard, which he felt is needed by that area, and the extension of a median. He urged the Board to support the Application.

Mary Fertig, representing the Idlewyld Improvement Association, recalled that "just over a month ago" traffic in the area was extremely heavy, and was backed up from the Las Olas Bridge to 15th Avenue; in the opposite direction, traffic was also backed up "a good way down Las Olas." She has written the City Commission on behalf of her Association to make two requests: a moratorium on PUDs, and that the City conduct its own traffic study before approving any more large projects or PUDs. She added that the proposed development "does not meet the 40% required under current zoning."

She noted that even if the project is not approved, "the church will still continue to do good works," but the neighborhood would be "drastically" affected.

Dennis Ulmer, private citizen, is a member of First Presbyterian Church. He stated he has spent over 25 years as a volunteer member of City advisory bodies, and pointed out that many services, including those supplied by houses of worship, are necessary to make "a great city."

Anne Hulmer, private citizen, felt by requesting the PUD, the church is attempting to "get away with spot development to exceed current height and density." She

suggested having Parcel 1, which is zoned B-1, meet existing Code requirements for that zoning; she added that the structure proposed for that parcel is not a church facility but "a money-making enterprise."

Terry Stiles, speaking for the Stiles Corporation, is a member of First Presbyterian Church. He explained that the Corporation became involved with the project in order to "work out an amenable... project" that would offer a compromise to the neighborhood, the church, and the greater community.

The greatest of these goals was structuring a compromise, he noted, and felt that the project satisfies this requirement by modifying the previous design while still incorporating all the church's facilities. The size of the project has been reduced twice and many of the neighborhood's concerns have been addressed, including increasing the width of the alley and providing plaza or landscaped areas. Mr. Stiles noted in particular that loading does not occur on Tarpon Drive, as previously stated, but takes place in the alley. He felt the interjection of new retail with "new and energetic" architecture will help revitalize the area.

Ms. Golub recalled that the property on Las Olas Boulevard was purchased "not for commercial purposes" but for "church-related building space." She asked where this property came in the phasing of construction.

Mr. Stiles explained that the plan would be to "build the whole thing at one time," as this would eliminate a good deal of construction disruption. In addition, both the retail uses and the family center would be built at the same time "to provide the parking that is necessary for the family center."

He added that the retail use had been very important to the community so the "blank wall" of a parking garage would not face the street. Only 19,000 sq. ft. of retail space will be included on the street, which is an addition of roughly 8000 sq. ft. to what was previously located on the space.

Ms. Golub asked who would manage the commercial properties. Mr. Stiles replied the church would most likely retain a professional management company for this task.

Tom Lewis, private citizen, felt the Board is being asked to "use a PUD mechanism to rezone some residential property" that would allow the church to construct a larger building than it would otherwise be allowed. He noted that one stated purpose of the proposed family center would be not only to meet the needs of the present congregation, but to allow the church's ministry to grow. Mr. Lewis pointed out that this means additional people would be coming into the neighborhood, and felt the consequences of adding this much traffic would negatively affect the neighborhood, including real estate values. Mr. Lewis

declared if the tax base of the neighborhood is disrupted, the disruption affects the entire City.

He provided tax documents, which were marked Public Exhibit 11.

David Murray, private citizen, advised he has "strong ties" to both sides of the issue. He stated that Colee Hammock is "a mixed-use area," including two hospitals, two churches, parking garages, and various office buildings. He urged the Board to view the neighborhood as "more than just a single-family" residential area, and felt "it will continue to be a great neighborhood" if the project is approved.

Molly Taylor expressed concern with the "size and mass" of the proposed family life center, noting that it is 287 ft. in length. She also noted the "strictly commercial use" of the proposed building on Las Olas Boulevard, and asked why the proposed family center could not be constructed there instead of a commercial use.

She continued that the church was aware of the properties' zonings when they were acquired, and felt they were purchased "with this goal in mind." She provided slides that were entered into the record as Public Exhibit 12.

Ervin Emery, private citizen, stated that the PUD would allow the church to "expand beyond the capacity of the location." He felt if the original plan was "scaled back" and retained the current zoning, it might possibly win the approval of the neighborhood.

He referred to the draft master plan for Colee Hammock, noting that on p.47, it states "PUDs in this area should not be allowed" or should be "done in cooperation" with City and County guidelines.

Bernard McCarmicle, private citizen, asked the Board to "consider the people who live here" in Colee Hammock and would be directly affected by the proposed project.

Manny Aguero, private citizen, stated he recognizes the church's right to develop its property, but felt they should "play the game by the rules" and remain within the current zoning restrictions for the parcels.

Kelly Drum, private citizen, stated he is in the real estate business and the development could adversely affect property values in the neighborhood.

Jim Brady, representing the Colee Hammock Homeowners' Association, stated that "rules of statutory construction apply:" when reviewing a regulation, all the language should be applied "given its plain meaning." He stated the PUD zoning

district is intended to provide "locations that allow development, incorporating planning initiatives that achieve unique or innovative development that is not otherwise permitted under traditional zoning district development standards."

He argued that the church wants "a bigger building than they would otherwise be allowed to have" as the proposed family center. Mr. Brady asserted that a parking garage is necessary on Las Olas Boulevard because more parking will be accommodated by the structure than is required by Code. He felt it had "nothing to do with serving the purpose of this district" and should be denied due to that alone.

He continued that the burden is on the Applicant to meet the conditions of PUD, and declared there is nothing "unique or innovative" about the development's structures. He characterized PUD as "a loophole Ordinance," which does not serve the purpose of the district by creating something that is good for and compatible with the neighborhood.

Mr. Brady asked the Board to look closely at the project "in terms of the purpose of the zoning Ordinance" and concluded that they should not approve the project.

Chair Witschen thanked the Board and the audience for their patience, and asked Attorney Miller to provide a "process check" of how the Application may proceed. Attorney Miller explained that cross-examination of witnesses is allowed, as is time for a rebuttal by the Applicant.

Chair Witschen did not feel the issue could be resolved within a reasonable time frame at tonight's meeting, and asked if the Item could be continued until the May Board meeting for conclusion. He requested the Board members' input on this suggestion.

Mr. Moskowitz felt it would be possible to reach the end of the process in "another 45 minutes," but noted he could not predict how long the process might take. Chair Witschen did not feel a resolution might be reached in this time frame. He added that he would not be able to remain at the meeting after 1:45 a.m.

Mr. Moskowitz asked what procedure would follow the public hearing. Attorney Miller reiterated that cross-examination and rebuttal must follow, and she could not speculate on a time frame for either phase. She noted that these phases are rights under due process.

Ms. Golub pointed out that if any of the Board members left at this time, they would fail to have a quorum. She expressed concern that they would "start over again" at a continued meeting, and noted that several exhibits the Board had not previously seen had been entered into the record during tonight's meeting. If the

meeting is continued, she stated she would like the opportunity to "study the existing record" so she is better prepared at the time of continuance.

Chair Witschen added that the Board cannot fairly limit the cross-examination that is allowed for participants.

Mr. Lochrie advised that he did not intend to cross-examine anyone, and felt his rebuttal could be briefly made "to resolve any issues" if there was no cross-examination on either side.

Ms. Golub asserted that she "would like to stay," but felt without a quorum for the entirety of the discussion, this would not be productive. She added that she did not recall "adjourning in the middle of a consideration" during her tenure on the Board.

Attorney Miller stated the Board could close the public hearing and then vote to continue the discussion of the Application at a date certain. Chair Witschen added that this Item would be first on the Agenda at the Board's next meeting in May 2010. Attorney Miller noted that it should be determined "who will be cross-examined, and will they be back here" at the May meeting.

Mr. Brady advised that he wished to cross-examine the following individuals: Ms. Sweetapple, Mr. Robinson, Ms. Ward, and Mr. Lochrie. He added that he would also need to refer to the PowerPoint presentation provided by Mr. Lochrie on behalf of the Applicant.

Ms. Golub pointed out that she also intended to ask "many questions... of the experts," and encouraged the Applicant and the Homeowners' Association to "have their experts here." If they were unavailable for cross-examination, the Board would make its decision accordingly. Chair Witschen agreed with this.

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

Motion made by Ms. Freeman, seconded by Ms. Golub, to continue the Item until the May 19, 2010 meeting at 6:30 p.m., as the first Item on the Agenda. In a voice vote, the **motion** carried 4-1 (Mr. Moskowitz dissenting).

6. Communications to the City Commission

None at this time.

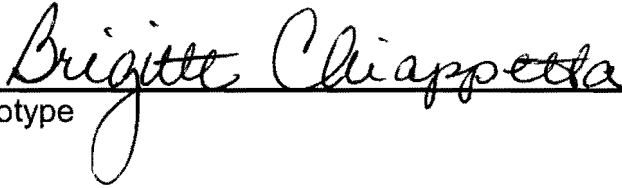
7. For the Good of the City

None at this time.

There being no further business to come before the Board at this time, the meeting was adjourned at 1:30 a.m. (April 22, 2010).



Chairman



Prototype

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>McTigue, Patrick Emmett</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning and Zoning Board</i>
MAILING ADDRESS <i>1112 Mango Isle</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Ft. Lauderdale FL. 33315 Broward</i>	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED <i>4/21/2010</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

2010 APR 23 PM 1:45
 CITY CLERK

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Patrick E. McTigue, hereby disclose that on April 21st, 20 10:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Father, Mother _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:



- Father owns residence at 410 SE 16th Ave.
- Mother has an interest in quadplex located at 315 SE 11th Ave.

Item # 4ZPUD08

4/21/10
Date Filed

Patrick E. McTigue
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Select Year: 2009  

The 2009 Florida Statutes

Title X
PUBLIC OFFICERS, EMPLOYEES,
AND RECORDS

Chapter 112
PUBLIC OFFICERS AND EMPLOYEES:
GENERAL PROVISIONS

View Entire
Chapter

112.3143 Voting conflicts.--

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MAUS, CATHERINE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning + Zoning Board, Fort Lauderdale
MAILING ADDRESS 618 NE 17 Way	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Fort Lauderdale	COUNTY Broward
DATE ON WHICH VOTE OCCURRED April 21, 2010	NAME OF POLITICAL SUBDIVISION: City of Fort Lauderdale
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

CITY CLERK
 APR 23 11:45 AM '10

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Catherine Maus, hereby disclose that on April 21, 2010:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Tom + Judy Maus;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

First Presbyterian Church proposed family center + retail/office/garage - 42PUD-08

My parents Tom + Judy Maus own property near the proposed development site. I abstain because there appears to be a possible conflict of interest. FS 286,012 and 112.3143

April 21, 2010
Date Filed

Catherine Maus
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Welch, Thomas William	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning & Zoning Board
MAILING ADDRESS 7 SE 13 Ave	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Fort Lauderdale Broward	NAME OF POLITICAL SUBDIVISION: City of Fort Lauderdale
DATE ON WHICH VOTE OCCURRED 4/21/10	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure and which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

2010 APR -7 AM 10:46
 CLERK

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas W. Welch, hereby disclose that on 4-21, 20 10:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Northern Trust Bank, by whom I am retained; or
- inured to the special gain or loss of _____ which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Ownership interest in residential real estate located at 7 SE 13 Ave, Fort Lauderdale and employee at Northern Trust, both located in Colee Hennock neighborhood.

4-21-10
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.