

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

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2010-May 2011</b>	
		<b>Present</b>	<b>Absent</b>
Tom Welch, Chair	P	2	0
Patrick McTigue, Vice Chair	A	1	1
Maria Freeman	P	2	0
Rochelle Golub	A	1	1
Leo Hansen	P	1	0
Catherine Maus (6:40)	P	2	0
Mike Moskowitz	P	1	0
Michelle Tuggle	P	2	0
Peter Witschen	P	2	0

**Staff**

Greg Brewton, Director of Planning and Zoning  
Wayne Jessup, Deputy Director of Planning and Zoning  
Sharon Miller, Assistant City Attorney  
Cate McCaffrey, Director of Business Enterprises  
Mohammed Malik, Chief Zoning Plan Examiner  
Clara Bennett, Airport Manager  
Carol Ingold, Parks and Recreation  
Frank Snedaker, Public Works  
Jenni Morejon, Principal Planner  
Mike Ciesielski, Planner II  
Adrienne Ehle, Planner III  
Thomas Lodge, Planner II  
Randall Robinson, Planner II  
Cheryl Felder, Service Clerk  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to the City Commission**

**Motion** made by Mr. Witschen, seconded by Ms. Tuggle, to recommend to the City Commission that the draft ULDR Modification Plan (Neighborhood Criteria Revisions, Item 6 at tonight’s meeting) not be transmitted to the City Commission at this time, as it needs additional work; and that the board would be committed to holding a board workshop within the next three months at the beginning of

their regular meeting to flush out different philosophies and give specific direction to the City Commission at that time.

By roll call vote, the Motion carried 7-0 [unanimous].

### Index

	<u>Case Number</u>	<u>Applicant</u>
1.	4-ZPUD-08** *	First Presbyterian Church of Fort Lauderdale
2.	7-Z-10** *	Housing Authority of the City of Fort Lauderdale
3.	26-R-10**	84 Marina, LLC
4.	43-R-10** *	City of Fort Lauderdale / Harbordale Park
5.	47-R-10** *	City of Fort Lauderdale / Dolphin Isles Park
6.	8-T-10** *	Neighborhood Development Criteria Revisions (NCDR) Draft ULDR Modification Plan
7.	7-T-10** *	City of Fort Lauderdale
8.	48-R-10** *	City of Fort Lauderdale / South Middle River Park
9.	Communication to the City Commission	
10.	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. Roll was called and all stood for the Pledge of Allegiance. Chair Welch introduced the Board and welcomed new member Leo Hansen.

**Motion** made by Mr. Witschen, seconded by Ms. Tuggle, to approve the June 16, 2010 minutes. In a voice vote, the **motion** passed unanimously.

Chair Welch noted there was a request to defer Item 2 to the September 15, 2010 meeting. In a roll call vote, the request was unanimously approved.

There was also a request to defer Item 8 to the August 18, 2010 meeting. In a roll call vote, the request was unanimously approved.

Director Brewton introduced members of the Planning and Zoning Staff and other City Staff members present. Attorney Miller explained the quasi-judicial process used by the Board.

Chair Welch stated there was a request to move Item 7 to the beginning of the meeting. Robert Lochrie, representing First Presbyterian Church, advised they had no objection to moving this Item as long as it did not "open the door" to placing other Items before Item 1 on the Agenda as well.

Director McCaffrey, who would present Item 7, explained the text amendment was not expected to be a lengthy Item. Mr. Lochrie reiterated that there was no objection to this Item being heard first.

Ms. Maus joined the meeting at this time (6:40 p.m.).

**Motion** made by Mr. Witschen, seconded by Ms. Freeman, to move Item 7 to the beginning of the meeting as requested. In a roll call vote, the **motion** passed unanimously.

Chair Welch noted that there had also been a request to move Item 6 to the beginning of the meeting. It was agreed, however, that Item 6 would remain in its original place on the Agenda.

The following Item was taken out of order on the Agenda.

**Request: \*\* \***  
 Planning and Zoning  
 July 21, 2010  
 Page 4

**Amend the City's Comprehensive Plan. Proposed Change to the Future Land Use Map from Employment Center Land Use to Transportation Land Use and amend text in the Land Use Element Transportation Land Use category to permit Commercial Recreation Uses in Transportation Land Use category**

Map Amendment Legal Description: A portion of Tract 1, "F-X-E Plat", according to the plat thereof, recorded in P.B. 119, P. 4, of the Public Records of Broward County, Florida, being described as follows: Commencing at the most southerly east corner of said "F-X-E Plat", thence north 02°04'39" west along the east right of way line of NW 12 Avenue and the limits of said "F-X-E Plat", a distance of 270.63 feet; thence south 87°55'41" west a distance of 80.00 feet to the west right of way line of said NW 12 Avenue and the point of beginning of this description; thence south 88°10'19" west a distance of 348.58 feet; thence north 51°34'11" west a distance of 410.54 feet; thence south 38°25'49" west, a distance of 118.88 feet; thence south 46°58'55" east, a distance of 258.18 feet; thence south 42°34'19" west, a distance of 59.31 feet; thence south 02°00'27" east, a distance of 72.70 feet; thence south 45°51'33" east, a distance of 169.23 feet; thence north 88°10'19" east, a distance of 75.69 feet; thence south 87°26'38" east, a distance of 65.41 feet, to a point on the north right-of-way of Commercial Boulevard; thence continue along said north right-of-way north 88°10'19" east, a distance of 40.77 feet, to a point of tangency of a circular curve concave to the southwest; thence easterly along the arc of said curve to the right, having a radius of 2460.00 feet, a central angle of 40°31'51" and an arc distance of 194.53 feet to the point of reverse curvature of a circular curve concave to the north; thence easterly and southeasterly along the arc of said curve to the left, having a radius of 2340.00 feet a central angle 01°39'57" and an arc distance of 68.03 feet to the point of compound curvature of a circular curve concave to the northwest; thence easterly, northeasterly and north along the arc of said curve to the left, having a radius of 35.00 feet, a central angle of 94°05'40" and an arc distance of 57.48 feet; thence north 02°04'39" west, non-tangent to the last described curve, along said west right of way line of NW 12 Avenue, a distance of 230.80 feet to the point of beginning. Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, containing 185477 feet or 4.26 acres, more or less

Map Amendment Address: 1201 West Commercial Boulevard

Text Amendment Address: Citywide

Map Amendment General: East of NW 15 Avenue, West of NW 12 Avenue, North of Commercial Boulevard, and South of NW 52 Street

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

Director McCaffrey explained that the Land Use Change had come before the Board in June 2010, as the FAA has stated the property's land use must be in accord with the original quick claim deed. Since that time, the City Commission has heard a proposal for a water park on the property. One of the parcels for which the water park is proposed currently has a Land Use of Employment Center. Part of today's request is that this parcel be changed to Transportation, which would allow for the water park. The City is also proceeding with a Land Use Amendment, as the Transportation Land Use would allow for lodging, which is not presently allowed under this 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 Mr. Witschen, seconded by Mr. Moskowitz, to approve the Application. In a roll call vote, the **motion** passed 7-0.

1. **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

It was noted that this Item was deferred from the June 16, 2010 meeting due to lack of quorum. Chair Welch added that he and Ms. Maus would step down at this time, as they would not be hearing this Item. Mr. Witschen would serve as acting Chair for Item 1.

Chair Welch requested that there be follow-up regarding a letter that was sent to Board members from the Colee Hammock Homeowners Association, which had asked what process is involved when a Board member is "termed out." The Association had also requested that the Item be deferred.

Chair Welch and Ms. Maus stepped down at this time.

Chair Witschen referred to the letter from the Homeowners Association, which asked that the Item be deferred until the August 18, 2010 meeting because part of its professional team may not be present at the meeting.

He recalled at the April 21, 2010 meeting, the public portion of the meeting had been closed after all members of the public wishing to speak on the Item had been heard. The public hearing, however, would be reopened at tonight's meeting, and the Applicant may cross-examine if they wish. He noted that Jim Brady, representing the neighborhood, had also requested time to cross-examine some of the witnesses. While this is not mandated, he felt it could be accommodated as a courtesy. The Applicant may then make final comments, and the Board would discuss the Item with the Applicant and the neighborhood. Once this phase is complete, the public hearing would be closed and the discussion would be returned to the Board.

Chair Witschen asked the Board members if they felt there is reason the request for deferral should be entertained.

Mr. Hansen asked if there is precedent for allowing the "opposite side" rather than the Applicant to request deferral. Chair Witschen felt the most compelling reason for deferral would be if the Applicant needed testimony from an individual who was not present. Mr. Lochrie reaffirmed that the Applicant wishes to proceed with tonight's meeting.

As there was no motion for deferral from the Board, Chair Witschen stated discussion of the Item would proceed.

Mr. Lochrie, representing the Applicant, advised he did not intend to cross-examine this evening, and would address any issues during rebuttal if necessary.

Mr. Brady, representing the Colee Hammock Homeowners Association, said he wished to make two objections on the record: he noted there is "some question" regarding Ms. Freeman's status as a Board member due to term limits, and said no provision is allowed to hold a member over until a vacancy is filled. The second objection was to the final draft of the Master Plan entered into the record at the April 21, 2010 meeting as Exhibit 4. Mr. Brady asserted there was no testimony regarding this exhibit, and it therefore had no relevance and should be stricken.

Mr. Brady also renewed his objection to Mr. Lochrie's presentation at the April 21 meeting "insofar as it is intended to be evidentiary," as he felt this was "merely advocacy" and cannot carry any weight as evidence. Chair Witschen noted Mr. Brady's objections for the record.

Mr. Brady asked to speak to Randall Robinson, Planner, who had presented the Item on April 21. Attorney Miller advised that all individuals who were sworn in at the April 21 meeting continue to be sworn in at this time.

Mr. Brady referred to p.11 of the Applicant's narrative, asking for the gross square footage of the proposed improvement to Parcel 1. Mr. Robinson replied this is approximately 27,000 sq. ft. and includes improvements to the ground floor, as parking improvements are not counted. He was not certain of the square footage of the four levels of parking garage, as parking is not incorporated into square footage. He estimated it would be roughly equal to the 27,000 "multiplied by five," but advised that parking levels reduce in size as they ascend.

Mr. Brady asked if the square footage for Parcel 1 improvements include "loggias and walk-throughs." Mr. Robinson replied these were also not included. He confirmed that storage and "mechanical and building support" is included in the square footage.

Mr. Brady referred to sheet 8-2.11, asking if service corridors are enclosed. Mr. Robinson explained that these are enclosed and are included in the gross square footage as "circulation space."

Mr. Brady asked how many total parking spaces are required by the commercial office uses proposed for Parcel 1. Mr. Robinson said if Parcel 1 was developed under its current B-1 zoning, it would require roughly 220 spaces. The parking garage will provide 193 spaces. He explained that in this case, there would be fewer spaces than would be required under normal circumstances. Mr. Brady asked if a parking garage with one floor of commercial uses could be built under B-1 zoning. Mr. Robinson said it could.

Mr. Brady asked to know the gross square footage of the proposed improvements on Parcel 2. Mr. Robinson replied this is estimated at 45,000 sq. ft., and stated the total gross square footage of all improvements for these two parcels would come to roughly 72,000, as well as the square footage of the parking levels.

Mr. Brady noted that part of Parcel 2 is zoned RS-8, which is for residential use. He asked if there are any allowed uses under RS-8 zoning that "would not fit" on Parcel 2. Mr. Robinson stated there were not, and agreed that the case is the same for the part of Parcel 2 that is zoned ROA.

Mr. Brady asked the height of the proposed building on Parcel 2. Mr. Robinson answered it is 35 ft. at its highest point, which is the same as what is permissible under RS-8. The 35 ft. is measured from grade. He noted that the surface parking lot proposed for RS-8 would not be permitted in this residential district; the existing parking lot is a "legal nonconforming use" and could continue as such. All buildings within PUD boundaries could continue to operate as they are today.



Mr. Brady asked if Mr. Robinson was aware of any fact that would suggest if the PUD zoning were not applied to the church property, the property's owner "would cease to use the building." Chair Witschen noted that Mr. Brady's questions seemed more applicable to economics than to zoning Code, and asked that he not pursue this line of questioning.

Mr. Brady asked to know the applicable zoning district for the church building proper. Mr. Robinson replied this is CF-HS. Mr. Brady asked if there was "any compelling reason from the City's point of view" to apply the PUD zoning district to the five parcels in question.

Chair Witschen noted again that Mr. Robinson was being asked "to conclude a fact for the City," which was not within his qualifications. Attorney Miller pointed out that one reason the Item is before the Board is so this conclusion will be made by the Board "and ultimately the City Commission" rather than a member of Staff. Staff members are asked to present the facts as related to the Application.

Mr. Brady stated Chair Witschen was instructing Mr. Robinson not to answer the question. Chair Witschen explained he was cautioning Mr. Robinson to answer questions in "those areas he is qualified to answer" rather than engaging in conjecture or speculation outside these areas of expertise.

Mr. Brady stated that Staff is tasked with administering the ULDR, and 47-31 is part of these regulations. He added that Mr. Robinson was also charged specifically with reviewing the Application in question. Chair Witschen advised that Mr. Brady is asking "policy interpretation questions" rather than interpretations of Code. He suggested if Mr. Brady confined his questions to Code, Mr. Robinson would be qualified to respond to them.

Mr. Brady asked if the proposed Family Center has a gym. Mr. Robinson replied there is a multi-use area in the center of the ground floor, which can be used as an auditorium and possibly as a movable basketball court. Mr. Brady noted that the area contains a stage, lockers and showers, a 200 sq. ft. kitchen, "multiple classrooms," and many other facilities. Mr. Robinson clarified that the classrooms are located in an area that can be subdivided into six classrooms.

Mr. Brady asked if the proposed Family Center is "synonymous with a church use." Mr. Robinson replied this would depend upon the church. Mr. Brady asked if a "non-ecclesiastical entity" owned the building would be allowed to have the same uses on the site. Mr. Robinson advised they would have to apply for rezoning, as the Applicant is doing; should rezoning be approved, they could establish these uses as well.

Mr. Brady asked if the term “church” is defined in the ULDR. Mr. Robinson said House of Worship is defined. Mr. Brady asked if Mr. Robinson considered, from Staff’s point of view, that the uses on Parcel 2 were House of Worship uses. Mr. Robinson replied there are other zoning categories that combine House of Worship with other facilities, such as schools; he pointed out, however, that this is part of why the property was brought forward for rezoning.

Mr. Robinson noted that there are no commercial uses planned for Parcel 2. Mr. Brady stated the church wishes to sell tickets. Chair Witschen advised that Mr. Brady was referring to a “business term” related to church operations, which he did not believe Staff should answer. Mr. Brady asserted he felt it was in violation of the ULDR.

He continued by asking if Staff had concluded what use category would apply to “the proposal for parcel 2.” Mr. Robinson responded that the Staff report states the Applicant has met the criteria to apply for PUD, and the Board will determine if this is an appropriate request.

Ms. Tuggle pointed out that Staff does not offer “advice, direction, or engineering” to an Applicant, but submits its own Application. Discussion to clarify the request may follow, but Staff does not offer opinions.

Mr. Robinson confirmed that the land use on Parcel 2 is Residential-Medium/High Density. If it were zoned “CF-H or CHHS,” the uses as depicted on the plans for Parcel 2 would be permitted through these “traditional” zoning uses.

Chair Witschen noted that Staff is being asked questions that are not “predictable,” and wished the record to reflect that these are being answered “to the best of [Staff’s]... ability.” He explained this should be noted in case the facts of the ULDR were contradictory to any responses.

Mr. Brady asked if the Applicant’s rationale for not using the “traditional” zoning districts was it would not be allowed to “build the same square footage” under those zoning districts. He referred to p.10 of the Applicant’s narrative. Chair Witschen pointed out that “the rationale was developed by the Applicant and the Applicant will have to defend it.”

Mr. Brady asked if the commercial uses and garage on Parcel 1 are permitted in the B-1 zoning district. Mr. Robinson confirmed this. Director Brewton clarified that parking garages are also permitted in commercial zoning districts, including B-1.

Mr. Brady asked if Parcel 1 is “designed to serve the parking needs of Parcel 3.” Mr. Robinson confirmed this. Mr. Brady asked if the ULDR requires that parking

facilities be “located in close proximity” to the building they serve with direct pedestrian access, as stated in 47-25.3.

Chair Witschen noted that case law states the Board has the discretion to allow testimony to continue; however, he felt a time certain was in order. Attorney Miller stated that cross-examination is intended to address testimony that has already been given by the individual being questioned, rather than asking them for “interpretations of the Code” or examining other situations. Chair Witschen proposed that Mr. Brady be allowed 15 minutes to pursue cross-examination. The Board was in consensus on this proposal.

Mr. Robinson agreed with Mr. Brady’s description of 47-25.3.

Mr. Brady stated he would end cross-examination at this time.

Mr. Lochrie asked Mr. Robinson if he had worked with other members of Planning Staff in developing the Staff report. Mr. Robinson stated the Staff works as a team. Mr. Lochrie asked if other members of Staff also determined that the proposed uses were consistent with the Comprehensive Plan. Mr. Robinson confirmed this.

Mr. Lochrie stated several comments were made during the public hearing, noting that many of these expressed concern regarding the PUD. He referred the Board to slides showing the building on Parcel 1 as seen from northwest to southeast, noting that the retail uses are located closer to Las Olas Boulevard than the four levels of garage, although the existing Code would allow the building to be “flat on Las Olas.” The building is also set back farther than required by Code on its east and west sides.

He noted that the Smoker Building, located across Tarpon Drive from the proposed garage/retail building, is taller than the proposed facility and contains “a lot more use” than what is planned for the structure on Parcel 1. He cited dimensions of the two buildings, noting that the two are “comparable.” He noted that the landscaping to be provided by the proposed building is “above and beyond” what would be required by Code.

Mr. Lochrie moved on to Parcel 2, where the proposed Family Center would be located. He recalled that it had been asserted the church “knew they were buying residential property” when the parcel was purchased. One half of the parcel is presently zoned for single-family use, while its other half allows church use. He noted that the pieces of this parcel were purchased at a time when church uses were permitted within R-1 zoning.

He moved on to a slide showing the view on Tarpon Drive, pointing out that the setbacks of the proposed Family Center building were the result of “direct

comments from the neighborhood” following the original submission of the plan in 2008. The parcel meets the residential zoning requirements for setbacks, which are 25 ft. for the building and 17 ft. for the porches.

With regard to height, Mr. Lochrie noted the maximum height allowed in RS-8 districts is 35 ft. The rezoning would slightly decrease this height on portions of the building. The majority of the building is 31 ft. in height.

Mr. Lochrie stated that City Staff has determined that the uses proposed for the Family Center were consistent with the Comprehensive Plan.

He moved on to the traffic study reviewed for the Applicant by Joaquin Vargas, which relates primarily to Parcel 4. The proposal for Parcel 4 restricts this area to two ingress/one egress points, with a greenscape buffer and a wall surrounding the parcel. Mr. Lochrie clarified that an error in the Staff report is due to the Applicant’s mistake; the error had shown the parcel is below the landscape requirement, which is not the case.

While many individuals had stated the area is a single-family neighborhood, Mr. Lochrie pointed out that the City’s official existing land use plan map for Colee Hammock shows single- and multi-family areas as well as commercial districts.

Mr. Lochrie advised that many useful comments had come from the public portion of the meeting, and stated that the Board and/or City Commission may recommend and attach their own zoning conditions to a PUD. He explained that all the property in question is “restricted to the exact plans that are before you.” Some recommended conditions based on public input at the April 21 meeting include the following:

- The Church shall not open an elementary, middle, or high school, or a college;
- The Church shall provide security for its property;
- The Family Center shall not be leased or rented to others for profit;
- The Activity Center shall not be used for performances or church assembly services at the same time the main sanctuary is in use;
- There shall be no service of alcohol in the Family Center;
- The Family Center does not include a restaurant use;
- The parking garage will be available to the public;
- During church services and church special events, the parking garage will be open without charge;
- All tenant leases shall provide parking for the employees of the tenants within the garage;
- The parking garage will be closed by 2 a.m. every day;
- The parking garage will include 24-hour camera surveillance;

- The southeast parking lot on Parcel 2 shall not be used for commercial uses or parking;
- The southeast parking lot on Parcel 4 will be closed by 11 p.m. nightly, or when the church and Family Center have ceased operations.

Mr. Lochrie noted that the PUD allows for the use of a single parking structure for all the parking uses that operate at different times. A condition already exists that states the retail portion may not function while church services are being held, nor can a “full service” be held in the Activity Center while the church itself is being used.

With regard to the Master Plan, he stated it specifically says parking should be consolidated into a permanent garage structure. The parking garage proposed by the Applicant would address this use.

He continued that some traffic and engineering conditions were originally imposed upon the Application by Staff. They are as follows:

- The Applicant must enter into a revocable license agreement with the City Commission related to the streetscapes, landscaping, and lighting;
- A fund of \$18,000 for engineering improvements and mitigation required in the neighborhood south of Las Olas Boulevard from Tarpon Drive to 17<sup>th</sup> Avenue must be established as determined by the City Engineer;
- The retail uses on Parcel 1 will be limited on Sunday mornings;
- The Applicant is required to provide safety aids to control garage traffic at peak times to avoid spillover into East Las Olas Boulevard, as determined by the City Engineer.

Mr. Lochrie explained the \$18,000 fund is intended to install “specific traffic calming devices” that would make it undesirable for the general public, including church members and retailers, to go further to the south and the east of the neighborhood.

Additional comments from the neighborhood noted that “stacking” occurs “southbound on 15<sup>th</sup>” for those turning east on Las Olas Boulevard at peak times. This has been identified as the result of traffic timing. The signal timing at Las Olas Boulevard and 15<sup>th</sup> Avenue will be modified, which should solve “a significant portion” of this backup. A left turn signal will be installed at this intersection as well so traffic leaving the garage is encouraged to use this to exit the neighborhood. The Applicant will pay for this left turn signal.

He continued that before a final C.O. is issued for Parcels 1 and 2, the Applicant will prepare a traffic signal study to be submitted to Broward County Traffic Engineering. If the warrants do not come in, the Applicant will re-apply after 60 days have passed. As an interim or alternate measure, the Applicant will submit

a request for a “signalized pedestrian crosswalk” at this location. They propose to pay for this installation as well.

Attorney Miller noted that documents were entered into the record as part of the cross-examination process.

Chair Witschen asked if the City’s traffic engineering Staff has reviewed any of the recommendations on signalization. Mr. Lochrie replied he and Ms. Sweetapple, the Applicant’s consultant, have met with members of this Department as well as the City’s outside traffic consultant. Chair Witschen also asked that Mr. Lochrie clarify the condition that the Family Center will not be leased for profit. Mr. Lochrie explained it will not be leased “as a money-making venture for the church.” When the facility is leased, any fees would go toward cleanup or security.

Chair Witschen asked where green spaces “dedicated to the public” could be found in the Application. Mr. Lochrie stated the spaces are open, rather than dedicated, to the public. They would not be fenced, and would be open to the general public in perpetuity.

Mr. Moskowitz asked if the conditions listed earlier are applicable to the entire PUD or to new buildings only. Mr. Lochrie said they apply to all parcels of the PUD. Mr. Moskowitz asked if the Applicant has ever considered modifying the Parcel 2 property into “less than what’s currently proposed,” such as two separate buildings on this land. Mr. Lochrie advised other ways to modify the building were reviewed before the Application was submitted.

Mr. Hansen asked if there were plans to modify the church’s main building. Mr. Lochrie confirmed there were no such plans. Mr. Hansen asked if the Applicant would be willing to stipulate in the conditions that the size of the church would never be increased. Mr. Lochrie stated the Applicant would agree to this.

Mr. Hansen asked if the Applicant would be opposed to offering reduced parking rates for other neighborhood employees so they were less likely to park on residential streets. Mr. Lochrie said this could be considered, particularly in the case of recurring customers. He suggested a parking pass system might be offered weekly or monthly at a reduced price.

Mr. Moskowitz asked if Staff could imagine any additional questions that should be added to the conditions already proposed. Director Brewton replied Staff had reviewed the Application and attempted to address applicable conditions before bringing the Application to the Board.

Mr. Hansen commented that the most critical issues regarding the neighborhood seem to be the scale of the project and the size of the proposed Family Center in

particular. He suggested that there may be two additional conditions to consider, which were as follows:

- An additional setback facing 4<sup>th</sup> Street could “divide” the proposed Family Center into four different sections to address the “massing issue” of the building;
- To address the overall scale of the entire project, the church could place signage in front of the retail uses to separate this area and show that the church is giving these to the community rather than using them for itself.

Mr. Lochrie stated the Applicant would not object to clarification of the uses of the commercial building on Las Olas Boulevard. With regard to the Family Center, he noted there are some dimensions required for the gymnasium and other features, but other design changes could be possible with the assistance of Staff. He added these could be incorporated before the Application goes to the City Commission.

**Motion** made by Ms. Tuggle, seconded by Mr. Hansen, to close the public hearing. In a voice vote, the **motion** passed unanimously.

Updated disclosures were made by the Board members at this time.

Ms. Tuggle recalled that Board member Rochelle Golub had stated her intent to submit a list of questions for tonight’s hearing, and asked if anyone had received the list. There were no affirmative replies from the Board.

**Motion** by Ms. Freeman, seconded by Mr. Hansen, to approve with Staff comments and conditions and the additional conditions that were proposed by the Applicant in addition to a few of the remarks made by Mr. Hansen, [including] no additional increase of the seating capacity of the existing church and the additional comments that were made by Mr. Hansen as far as the Applicant going back before the City to make the revisions to the face on 4<sup>th</sup>.

Mr. Hansen asked if it would be possible to include the additional setbacks in the record as a condition. Director Brewton confirmed this would be addressed prior to the Application’s presentation to the City Commission.

Mr. Moskowitz observed that in his time on the Board, this was the most contentious issue he has faced yet. He said the issue ultimately comes down to whether the building on Parcel 2 is compatible with the neighborhood.

Ms. Tuggle said she had concerns on the stipulation that the conditions apply to all parcels, noting that there was “no fence in the stipulation... and retail space would be non-CF use.” Ms. Freeman accepted this clarification of her motion. Mr. Lochrie advised that the neighborhood had wanted a wall along the southeast

parking lot. Ms. Tuggle explained that the “no fence” stipulation applied to the common areas along Tarpon Drive.

Chair Witschen stated he would also like to offer the condition that parking for employees in the retail shops be offered at no cost. With regard to “the articulation of the structure,” he added that particular attention should be paid by traffic engineers to the intersection of Tarpon and 4<sup>th</sup> Street, where drivers should be encouraged to stay in the western and northern sections of the neighborhood; he hoped that additional traffic signals or signage could be used to address this rather than alleviating the problem through “staffing.” He also proposed that if traffic patterns or warrants changed regarding the new signals in this area, the Applicant’s contributions would be pledged for a longer period of time than “six months or whatever.”

Mr. Lochrie suggested a time period of two years after C.O. would be an appropriate time frame.

Mr. Hansen proposed placing signage or devices at Tarpon Drive and 4<sup>th</sup> Street to also discourage traffic from going to the east and south.

Ms. Freeman and Mr. Hansen accepted these proposed amendments to the motion.

In a roll call vote, the **motion** passed 5-0. Chair Welch and Ms. Maus abstained. A memorandum of voting conflict is attached to these minutes.

Chair Witschen thanked all those who had participated regarding this Item.

The Board took a five-minute recess at this time. Following the recess, Chair Welch resumed the position of Chair for the remainder of the meeting.



3. **84 Marina ,LLC**

**Michael Ciesielski      26R10**

**Request: \*\*                      Site Plan Approval/Waterway Use-Amending Marina Development/concrete structure for boat lift and covered structure.**

Legal Description:                      Parcel "A", N.R.B.C. Plat, P.B. 140, P. 12, of the Public Records of Broward County, Florida

Address:                                      3001 W. State Road 84

General Location:                      North side of West State Road 84, West of SW 26 Street and Secret Woods Park. South side of the South Fork of the New River, across the River from Arbor Road and Riverview Drive

District:                                      4

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

Allan Kozich, representing the Applicant, explained the marina would like to put up a fabric structure 86 ft. in width, 49 ft. in height, and roughly 100 ft. in depth, as well as a 125 ft. concrete structure that would serve as a travel lift. He added that one travel lift is already in use at the marina, as well as a smaller fabric structure; these would be supplemented by the addition of the new proposed structures.

Michael Ciesielski, Planner, said the Application must come before the Board because the property is located on the waterway. The Marine Advisory Board has reviewed the Application as well, and noted that some of the docks at the facility do not meet current requirements of Code, as the docks exceed 20 ft. in length. The Application received approval from the Marine Advisory Board at its July 1, 2010 meeting, and a copy of the draft minutes of this meeting are included in the information package. The Applicant has submitted narratives for adequacy, neighborhood compatibility, and waterway use.

Should the Board approve the Application, Staff recommends the following conditions:

- Site plan approval is subject to 30-day City Commission request for review;
- Final DRC approval is subject to City Commission approval of the waiver of the docks exceeding 20 ft. in length.

Ms. Maus asked if the local neighborhood association was contacted with regard to the Application. Mr. Ciesielski said the nearest association is more than 300 ft.

from the site. Director Brewton stated notification was sent to the president of the neighborhood association, regardless of distance.

Mr. Hansen asked if the DRC had noted the trees on the property. Mr. Ciesielski advised that the Staff report notes they were previously permitted subject to landscape maintenance of the vehicular use area only.

There being no further 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. In a roll call vote, the **motion** passed 7-0.

4. City of Fort Lauderdale/Harbordale Michael Ciesielski 43R10  
Park

**Request: \*\* \*** **Public Purpose Use Approval-Relief from bufferyard requirements, i.e. relief from the requirement of erecting a wall where non-residential property abuts residential property that is zoned and used for residential, and relief from parking and loading zone requirements, i.e. providing required parking off-site (on-street) rather than on-site**

Legal Description: Lots 3, 4, 5, and 6, Block 19, EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE, P.B. 2, P. 15 of the Public Records of Dade County, Florida

Address: 1817 Miami Road

General Location: West side of North SE 18 Court

District: 4

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

Frank Snedaker, representing the City, stated that Harbordale Park is in development as a neighborhood park. The Application would eliminate the requirement for a buffer wall and allow for parallel parking off-site. The neighborhood association has made recommendations that have been incorporated into the plan for the Park.

Mr. Ciesielski explained the Park is located on South Miami Road, and the request from the buffer wall would be on the north and west sides of the Park, where residential property is abutted. There would be two required parking spaces, which would be placed along South Miami Road.

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

Marilyn Mammano, president of the Harbordale Civic Association, stated they have worked with the City on the development of the Park. She read a letter of support for the project, which was sent to Assistant Director Terry Rynard of the Parks and Recreation Department, into the record.

As no other 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. Maus, seconded by Mr. Witschen, to approve the Application. In a roll call vote, the **motion** passed 7-0.

**5. City of Fort Lauderdale/Dolphin Isles Thomas Lodge  
Park**

**47R10**

**Request: \*\* \***

**Public Purpose Use**

Legal  
Description:

Lot 6, Block 10, LAUDERDALE BEACH EXTENSIONS,  
according to the plat thereof as recorded in Plat Book 27,  
Page 48, of the public records of Broward County,  
Florida.

Address:

2125 NE 33 Avenue

General  
Location:

East side of NE 33 Avenue between NE 21 Street and  
NE 22 Street

District:

2

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

Mr. Snedaker showed a photo of Dolphin Isles Park, explaining that like the previous Item, it is a small neighborhood park located on a former single-family lot. The City is requesting public purpose relief from the buffer yard wall requirement on three sides of the property. They are also requesting relief from the parking requirement, as the park is within walking distance in a small neighborhood. The neighborhood association has recommended approval of the project.

Tom Lodge, Planner, advised the City is in the process of rezoning the site to Parks, Recreation, and Open Space. Final approval of this request will be contingent upon approval of the rezoning.

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. Maus, seconded by Ms. Freeman, to approve the Application. In a roll call vote, the **motion** passed 7-0.

6. **Neighborhood Development Criteria**      **Adrienne Ehle**      **8-T-10**  
**Revisions (NDCR) DRAFT ULDR**  
**Modification Plan**

**Request:\*\* \***      **Recommend approval of DRAFT ULDR Modification Plan**

Project Description      The DRAFT ULDR Modification Plan incorporates the goals and intents established during the Neighborhood Development Criteria Revisions (NDCR) public outreach process and describes proposed changes to the ULDR.

General Location      Residential Zoning Districts Citywide

District:      1, 2, 3, 4

Director Brewton explained that the City Commission had retained a consultant to respond to issues raised by an Ad Hoc Committee, which had reviewed the Code to determine how some residential issues may be addressed. Workshops have been held at City Hall, and the Department has met with the Ad Hoc Committee. He advised that the consultant will provide a brief overview of the draft document, and the Department will forward the Board's comments on the document to the City Commission.

He added that another "open house" will be held by the Planning and Zoning Department at 700 NW 19<sup>th</sup> Avenue on August 25, 2010, from 11 a.m.-7 p.m. Members of the Department will be available to review the draft document with individuals and groups before the final draft is sent to the City Commission. Groups may call Director Brewton's office for appointments.

Nore Winter, representing the City, showed a PowerPoint presentation. He explained that concerns regarding neighborhood character, driveways, green space, and other areas visible from the street have been raised in previous open

houses throughout the City. The draft plan helps establish these community concerns, and provides an outline of key objectives and potential actions.

Mr. Winter advised the recommendations for actions to modify the ULDR are discussed in Chapter 5 of the document. Some recommendations are intended to be universally modified, while others would be applied to specific building types or zoning districts. Mr. Winter noted that some tools for modification would be the same across all zoning districts, such as a recommendation to require a percentage of green space in front yards. Others would vary by zoning district or type of building. Recommendations are organized into two categories: site and building level.

Regulations within the draft plan fall into four types of applications:

- Base standard that is universally applied, such as maximum height;
- A series of options, such as definition of front entrances or modification of garage door designs;
- Alternative compliance, dependent upon neighborhood compatibility;
- Overlay of applications within the City for neighborhoods with “more specific context-sensitive issues” not covered within broader recommendations.

Specific draft recommendations may be modified depending upon comments, Mr. Winter noted.

Mr. Witschen said there should be consideration in Code for waterway properties that have built “minor accessory structures,” currently prohibited, in their back yards.

Mr. Hansen asked if the changes implied there will be site plan review for single-family residences. Mr. Winter said this was not anticipated.

Ms. Maus asked if the draft document before the Board is the final draft that will go before the City Commission. Director Brewton explained this is the “final draft of the draft plan;” however, comments from the Board, and public comments received tonight and previously, will also be forwarded to the City Commission. The comments will either be incorporated into the final document or be part of a separate document.

Ms. Tuggle observed that the August 25 workshop seems “very late,” and asked why this open house was scheduled “after the fact.” Director Brewton replied Staff had recently decided to try to gain more public input before presenting the document to the City Commission.

Ms. Tuggle also noted several exhibits and comments from the community were included in the information packet. She asked if these would be “part of the filter

process” for additional consideration. Mr. Winter replied many of these comments are being closely reviewed and may be incorporated into the final document or an addendum.

Mr. Hansen asked if a list of modifications has been developed for the amendment, or if it will “just... come out as an amendment.” Mr. Winter said there is no official list.

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 there are “huge problems” with parking in the central beach area, which he felt were consistently “swept under the rug” by plans for the area. He felt the City’s process for modifying the ULDR has avoided the parking issue, which would only worsen; in addition, when density increases, more parking spaces are not created to accommodate this increase. He asked the Board to see that the parking issue is “on the front burner,” as it is not addressed appropriately in the document.

Marilyn Mammano stated she was speaking on her own behalf rather than for the Harbordale Civic Association on this issue. She noted that the final seven pages of the document discuss additional ULDR modifications. She felt the suggestions for rewriting the Ordinance in a more easily accessible format were useful, and further defining and implementing the suggestions of the final seven pages would more adequately address community goals than the specific changes discussed in technical detail.

Gina Ellis, representing the Council of Fort Lauderdale Civic Associations, stated that the Ad Hoc Committee for Code reform had been formed to consider the various concerns of different neighborhoods on a City-wide basis. Having reviewed the document and expressed additional concerns to the City’s consultant, she said the Committee does not feel the document is presently complete, and is asking the Board not to approve the plan, but to return it for further clarification.

Courtney Crush, land use attorney, is also a member of the Ad Hoc Committee. She explained the Council had provided the Committee with its main goals during the development boom, which included addressing many day-to-day concerns without “downzoning” properties. She agreed with Ms. Ellis that the final document is not currently ready to go to the City Commission.

Ray Dettmann, private citizen, provided photos of a town home project to the west of Harbordale Park, noting that the developer “maximized the site” and parking immediately became an issue. He said town homes should have adequate parking, as lack of parking decreases their value.

Doug Eagon, member of the Ad Hoc Committee, complimented Mr. Winter and his team for their work on the plan, he expressed concern that some actions could have unintended consequences, such as compromising the City's economic development. He stressed that the community must be sensitive to how housing is compatible, particularly in transitional areas, and cautioned that "drastic change" to zoning Code could unintentionally create incompatibility between new and old houses in some neighborhoods.

Charles Jordan, member of the Ad Hoc Committee, stated he agreed with Ms. Ellis and Ms. Crush that the issues leading to the study had not been addressed. He recommended that the plan not be presented to the City Commission at this time, and felt it should address "what we want to look like as a community."

Bob Delke, private citizen, noted that some incentives in the current ULDR have resulted in the problems identified by the community, such as lot coverage ratios that have no impact on smaller lots. He felt more input into the proposals before they move forward would be helpful, and asked that the process be "slowed down" before sending the draft plan to the City Commission.

Mr. Witschen felt the current Code is flawed, but believed he should become "better educated" before making a recommendation to the City Commission. He added he would support postponing the issue until a date certain so he could make a more knowledgeable recommendation.

Ms. Tuggle asked if the draft document is tied to a timeline for grant funding. Director Brewton said there is no such funding relationship.

Mr. Hansen said he was skeptical of adding more regulations to Code, as this could discourage diversity in housing. He stated more time was needed to improve the plan.

Chair Welch also felt more time is needed, and agreed with Ms. Mammano that many concepts included in the document's last seven pages could be "built out." He suggested that a design overlay could be one solution if the majority of residents in a particular neighborhood "buy into it;" however, rules and regulations should not be uniformly applied to all neighborhoods in the City. He concluded that while the Board accepts the presentation, they were not ready to approve the document in its current form, and felt it requires "more work."

Ms. Maus said the "first half of phase one" took a great deal of time, as it dealt with very general concepts; however, there are now specifics available for discussion, but there has been only one opportunity to do so.

It was clarified that if the Board does not recommend the document, it will still go to the City Commission with a “no” recommendation. Mr. Witschen proposed the Board send a communication to the City Commission, stating they would like more time to do “extra work” on the document within the next 60 days so they can give specific direction to the Commission.

**Motion** made by Mr. Witschen, seconded by Ms. Tuggle, to recommend to the City Commission that the Draft ULDR Modification Plan (presented as Item 6 at tonight’s meeting) not be transmitted to the City Commission at this time, as it needs additional work; and that the Planning and Zoning Board would be committed to attend a Workshop within the next three (3) months (as the first Item on a regular Planning and Zoning Meeting Agenda) in order to flush out different philosophies and give specific direction to the City Commission.

In a roll call vote, the **motion** passed 7-0.

#### **9. Communication to the City Commission**

It was determined that the motion regarding Item 8 would be sent as a communication to the City Commission.

#### **10. For the Good of the City**

Nothing at this time.

Chair Welch noted that a new Chair and Vice Chair must be elected at tonight’s meeting.

**Motion** made by Ms. Maus, seconded by Mr. Hansen, to nominate Patrick McTigue as Chair. In a roll call vote, the **motion** passed 7-0.

**Motion** made by Ms. Freeman, seconded by Mr. Witschen, to nominate Ms. Golub as Vice Chair. In a roll call vote, the **motion** passed 7-0.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:18 p.m.

---

Chairman

---

Prototype