

**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, OCTOBER 20, 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>
Patrick McTigue, Chair	P	4	1
Rochelle Golub, Vice Chair	P	4	1
Maria Freeman	P	4	1
Leo Hansen	P	4	0
Catherine Maus (6:37)	P	5	0
Mike Moskowitz	A	2	2
Michelle Tuggle	P	5	0
Tom Welch	A	4	1
Peter Witschen	A	4	1

**Staff**

Greg Brewton, Director of Planning and Zoning  
 Sharon Miller, Assistant City Attorney  
 Anthony Fajardo, Planner III  
 Adrienne Ehle, Planner III  
 Randall Robinson, Planner II  
 Ella Parker, Principal Planner  
 Cheryl Felder, Service Clerk  
 Mohammed Malik, Chief Zoning Plan Examiner  
 Terry Burgess, Zoning Administrator  
 Susan Engel, Parks and Recreation  
 Andrew Cuba, Manager of Marine Facilities  
 Dennis Girisgen, Public Works  
 Bob Wojcik, CRA  
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**Index**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
1.	8-T-10*	Neighborhood Development Criteria Revisions (NCDR) DRAFT ULDR Modification Plan
2.	11-T-10*	City of Fort Lauderdale / South Andrews

3. 10-T-10\* Master Plan Implementation  
City of Fort Lauderdale / Boat Hoists
4. 23-R-10\*\* Beach Boys Plaza / Children's Inflatable  
Water Slide Program
5. 62-R-10\*\* MJDC AOA, LLC / Shoppes on Arts Avenue
6. 11-Z-10\*\* \* City of Fort Lauderdale / Coral Ridge Park
7. 64-R-10\*\* \* Dr. Kennedy Homes / Housing Authority of the  
City of Fort Lauderdale
8. Communication to the City Commission
9. 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.

Chair McTigue called the meeting to order at 6:34 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Deputy Director of Planning and Zoning Wayne Jessup introduced the City Staff members present. Attorney Miller explained the quasi-judicial process used by the Board.

**Motion** made by Ms. Tuggle, seconded by Vice Chair Golub, to approve the minutes of the September 15, 2010 meeting. In a voice vote, the **motion** passed unanimously.

Ms. Maus arrived at 6:37 p.m.

Chair McTigue stated there had been deferral requests for Items 2, 4, and 6. All of these deferrals are to the November 17, 2010 meeting.

Vice Chair Golub asked if the deferral of these three items would make the Board's agenda unmanageable at the November 17 meeting. Director Brewton said this was not an issue at this point.

**Motion** made by Ms. Maus, seconded by Vice Chair Golub, to defer the above Items to the November 17, 2010 meeting. In a voice vote, the **motion** passed unanimously.

1. **Neighborhood Development Criteria Revisions (NDCR) DRAFT ULDR Modification Plan**      **Adrienne Ehle**      **8T10**

<b>Request: *</b>	<b>Review Proposed DRAFT ULDR Modification Plan</b>
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 City-wide
District:	1, 2, 3, 4

Director Brewton recalled that this Item was presented at a previous meeting, and the Board had requested that more time be allotted and additional information be gathered from the individuals with concerns about the draft plan. The Board had also said they would like to schedule a workshop. He explained the Item is on tonight's Agenda so the workshop can be scheduled for a future date, and to present information that was received in past meetings. The Department anticipates that all the updated information will be available in November. In addition, they have contacted City Hall to determine the dates and times available for a workshop, which are November 29 and 30 from 5-9 p.m. The consultant will be available to be present on these dates.

Ms. Maus asked if the Board would see the revised draft plan in November. Director Brewton said the current draft would include "additional comments to the consultant" and whether or not these comments are addressed in the ULDR Modifications Plan. The Board members will be provided with materials to review prior to the meeting.

Vice Chair Golub asked if the meeting would be between the Board and the consultant or if it would be a public workshop. Attorney Miller said this decision would be up to the Board. Vice Chair Golub said her preference was for a Board workshop, as several meetings have now been open to the public. This would allow the Board to examine the consultant's recommendations more closely, as well as previous public comments.

Ms. Maus said she felt the public would be better served by a public workshop where they can learn new information and the rationale behind it. Vice Chair Golub clarified that she felt the public should be able to attend the workshop but not comment.

Mr. Hansen said the Board could determine at the workshop whether or not another workshop with public comment may be necessary.

**Motion** made by Ms. Maus, seconded by Vice Chair Golub, that we set a public workshop for November 30 at 6 p.m. on 1<sup>st</sup> floor City Hall at which the public are welcome to attend but we won't be receiving public comment, to review the NDCR and the comments received with the consultant. In a voice vote, the **motion** passed unanimously.

Director Brewton informed the Board that at the previous day's City Commission meeting, a commitment was made to amend Code as relates to sandwich boards, banner signs, and other forms of signage. He explained that the Commission wished to see this pilot program implemented in time for the holidays. Available dates were November 5 on the 8<sup>th</sup> floor or November 9 from 5-9 p.m.

**Motion** made by Ms. Maus, and duly seconded, to hold a special meeting on amending the Code regarding sandwich signs, etc., for Tuesday, November 9 at 6:30 in the City Commission meeting room, 1<sup>st</sup> floor. In a voice vote, the **motion** passed unanimously.

**3. City of Fort Lauderdale/Boat Hoists      Anthony Greg      10T10**  
**Fajardo**

<b>Request: *</b>	<b>Recommend approval of draft ULDR amendment to permit additional criteria for boat hoists</b>
Project Description:	Proposed amendment to Section 47-19.3. <i>Boat slips, docks, boat davits, hoists and mooring devices.</i>
General Location:	City-wide
District:	1, 2, 3, 4

Anthony Fajardo, Planner, said this is a proposed amendment to Sections 8-91 of Volume 1 and 47-19.3, and 47-24 of Volume 2 of the ULDR as they relate to mooring structures and devices and their maximum extension into the waterway. The amendments would allow additional mooring devices on lots with greater than 100 ft. but less than 200 ft. of width through a process, and would also allow an additional mooring structure for personal watercraft by right. They would allow the lowest appendage of a boat to be raised 1 ft. above the seawall cap. Presently only the keel of a vessel can be raised to this height. Finally, the amendments would allow an extension 25 ft. or 25% the width of a waterway, whichever is less.

Additional revisions are proposed to clarify the definitions of mooring devices and mooring structures, an amendment to include NGVD 29 for measurement purposes for elevation, and the inclusion of language limiting any waiver to mooring structures or devices by the City Commission or any other board or agency to 30% of the waterway due to state regulations.

Mr. Fajardo said he had received an email from a member of the public requesting additional amendments, including an amendment regarding waterways less than 50 ft. in width and another amendment requiring a safety device on the lift structures with reflective tape. The request also stated the individual “would like to see buoys so the boats can move sideways onto the lifting device.” Staff has not had the opportunity to review these requests for inclusion at this time.

Vice Chair Golub asked if the amendments would apply to both residential and commercial frontage. Mr. Fajardo said they would apply to “any frontage along the waterway” regardless of zoning on land. He added that there are currently no restrictions of this nature. Vice Chair Golub asked if, for example, a condominium with “250 running ft.,” could not install more than two lifts without a variance. Mr. Fajardo replied the way Code is currently written, one lift is allowed for the first 100 ft. or fraction thereof; any additional lift requires another 100 ft. The amendment would allow for a second lift through a process and criteria listed in the proposed Ordinance for “over 100 [ft.] but less than 200 [ft.].” Currently this requires a variance through the Board of Adjustment.

Ms. Maus said there was a series of applications along NE 20 Avenue to “[put] pilings out into the river... and running boats east and west.” She asked if the proposed amendments would affect future applications of this type. Mr. Fajardo said those applications would require a waiver process with the City Commission to extend further into the waterway, up to 30% of the waterway’s width. He did not know if the approved applications in the area of NE 20 Avenue were greater than 30%.

Ms. Tuggle asked if the recommendations before the Board matched those made by the City’s Marine Advisory Board. Mr. Fajardo explained that the Marine Advisory Board forwarded their recommendations to the City Commission, who requested that Staff report on and discuss them at Conference Agenda meetings. The amendments before the Board are the result of the direction Staff received from the City Commission, and are based on the Marine Advisory Board’s original recommendations.

Ms. Maus requested clarification of the extension to 25% or 30%. Mr. Fajardo said the proposal would allow extension to 25% for waterways over 50 ft. in width, but the waiver process would not allow an extension greater than 30% of the waterway.

Mr. Hansen asked how many applications of this nature have come through the Board of Adjustment over the past 12 months. Mr. Fajardo said there had been one such application.

Vice Chair Golub referred to the individual request regarding buoys, noting that there is “a significant difference” between requiring a safety pole or buoys. She asked if there is a reason poles are recommended. Mr. Fajardo responded that Staff felt “the standard was a pole” when the topic was discussed internally, and buoys were never discussed. He advised he did not have the background to recommend one safety feature over the other. Vice Chair Golub felt a “demand” for one such feature over the other was significant.

Andrew Cuba, Manager of Marine Facilities, said a guide pole is presently required; the suggestion by the individual says a buoy would serve the same purpose for a different type of boat lift, specifically an “elevator lift.” Guide poles serve to identify the location of a submerged lift; the buoy system is simply “an alternate to the guide poles” and works better for the elevator lift.

Vice Chair Golub asked what an individual would do if he or she felt they had “a superior alternative” to the buoy system. Director Brewton said this would be looked into further.

Vice Chair Golub asked if the City has the right to grant individuals the right to build “25 or 30 ft. into the waterway” without seeking approval from state or federal authorities. Mr. Fajardo said this limitation is to 30% of the waterway. Attorney Miller added that Volume 1 of the ULDR requires that all state and federal licenses must be obtained before a boat lift is licensed and can be built.

Chair McTigue asked if the primary intent of the amendments is to allow individuals to have boat and personal watercraft lifts “more so than two boat lifts” within a 100 ft. lot. Mr. Fajardo said if the amendments are approved as written, individuals would be allowed to install a boat lift and personal watercraft lift, “and then come through the process to get the additional boat lift,” which could mean three lifts could be on an “over 100 ft.” property. There would be no process other than permitting for the personal watercraft lift; the second boat lift would not be permitted by right, but would go through the DRC process, of which Marine Facilities is part of the application process.

He noted that there is currently no language in the Code that addresses personal watercraft lifts, and they are now required to go before the Board of Adjustment.

Ms. Maus asked if the amendments only apply to property that is between 100 and 200 ft. on the waterway. Mr. Fajardo said this is true “for the second boat lift.”

Ms. Maus asked what had driven the revision, such as comments or complaints about the need for change. Mr. Fajardo said members of the Marine Advisory Board were present at tonight's meeting and could address this issue.

Randy Whitesides, private citizen, stated he was the individual who had requested consideration of buoys, among other concerns. He said boat lift issues "have been under detailed and consistent review for the last two years," and the reviews can go back as far as ten years.

He said the most serious issue at hand is that Fort Lauderdale has "the most restrictive boat lift restrictions" in the state of Florida. The Marine Advisory Board has heard testimony from "the marine division and department" that roughly 90% or more of all waterfront properties in the City do not qualify for a boat lift under the existing regulations.

He said the Marine Advisory Board's position states "where you can put a boat, you should be able to put a boat lift," as a boat is not wider than the lift on which it would be raised. There are also compelling safety and environmental issues for raising a boat, as this would prevent it from sinking or leaking fuel.

Chair McTigue said he understood the argument regarding width, but asked why an individual would need multiple lifts on a piece of property. He explained that his concern is for the possibility that someone could install multiple lifts to lease them out. Mr. Whitesides replied that two 50 ft. boats have a smaller footprint and cross-section than a single 100 ft. boat, and most residents with a property of 50-80 ft. would only install a single lift. They have asked, however, why Jet Skis or dinghies could not be lifted, as these vessels have a relatively low profile. He concluded that these requests "just made sense."

With regard to guide poles and buoys, Mr. Whitesides distributed photos of lifts in the Florida Keys, showing that the guide pole requirement is "outside the furthest beam of the boat," which would preclude bringing a vessel "from the outside in on an elevator-type lift," as this kind of lift is typically affixed to the seawall. He said when a lift is submerged, there is a potential navigational hazard, for which guide poles are "a reasonable marking system." He explained that the buoy system is equally viable.

Ms. Maus asked if Mr. Whitesides was a member of the Marine Advisory Board or City Staff. Mr. Whitesides said he was not. Ms. Maus asked if a member of the Marine Advisory Board or Staff could address "what is behind this amendment process."

John Terrill, Chairman of the Marine Advisory Board, stated when properties from 100-200 ft. are seen from the waterway, property owners often legally have two to three boats of different types for different water activities. Waterfront property

owners may purchase their properties specifically for the opportunities to use these different types of boats. What the Marine Advisory Board had discovered was that an individual could legally bring several boats to a dock, but could not protect these boats by lifting them out of the water.

He pointed out that this not only protects the vessels, but protects against environmental concerns by raising bottom paint from the water. This allows for a better-maintained boat.

Mr. Terrill explained that the Marine Advisory Board has experienced several members of the community requesting that they address the boat lift issue, as they were unable, under the current "outdated" regulations, to put in boat lifts. He stated that an "enormous" number of existing boat lifts are not permitted because the regulations that apply to them "have not kept to date with the times; the boats have changed." In addition, the devices that lift boats are different and less obtrusive, and are designed to protect both the property owner's and neighbors' views by having a lower profile.

He noted that while one appearance of a boat lift before the Board of Adjustment does not seem to indicate an urgent issue, the Marine Advisory Board has considered approximately 20 waivers over the last 12 months, most of which have been unanimously approved. These waiver applications came from boat owners who wished to install boat lifts but were not legally permitted to do so within the City. They were not allowed these lifts for various reasons, such as setbacks or distance into the waterway. He reiterated that the Code regarding boat lifts is "outdated."

Mr. Terrill added that the Marine Advisory Board considers various issues, including residents speaking in support or opposition of the lifts. The City Commission has supported the Marine Advisory Board's approval of the applications.

Chair McTigue read the motion sent to the City Commission by the Marine Advisory Board, which he noted seemed to recommend a waiver process for smaller watercraft. Mr. Terrill clarified that "the small watercraft was a given," as these are "very low-profile lifts."

Chair McTigue said his hesitation is with regard to the recommendation for a second boat lift. Mr. Cuba explained that a second boat lift within the first 100 ft. would require a waiver process. Mr. Terrill added that the Marine Advisory Board did not identify a 50 ft. canal "as being... excluded from our recommendation," and that they "clearly indicated... all canals." He felt there was a misunderstanding that "a 50 ft. canal would be limited to... a boat lift extending out 5 ft.," which would, in effect, eliminate boat lifts for property owners on a canal of this size.



Chair McTigue asked why a boat would be raised as high as 1 ft. above the seawall cap on a lift. Mr. Terrill said the lowest appendage of most boats is the keel, but some boats have a shaft or motor that is extended below the keel. High tide could raise the water to a level at which it would deteriorate the boat's lowest appendage; a lift would secure a vessel above the waterline and would also prevent it from being "knocked around" by wind.

Mr. Fajardo referred the Board to Exhibit 3, p.4, item C1, which states mooring structures shall not extend into the waterway more than 5 ft. beyond the property line unless the waterway exceeds 50 ft. in width. He noted that this is language from the existing Code, and the City Commission waiver process could still be used to extend up to 30% into these waterways. Staff felt, through their discussions and the recommendations from the Marine Advisory Board and the City Commission, that "it wasn't... part of the original recommendation from the Marine Advisory Board."

Chair McTigue asked if it would not be easier to uniformly state that, depending upon the canal width, an extension may be the lesser of 25% of width or 25 ft. Mr. Fajardo said this had not been reviewed internally by Staff, but could be considered between the Board and City Commission meetings to determine if there would be adverse effects.

Vice Chair Golub said the issue is an important one, but she did not feel she was prepared to change an Ordinance. She added that she was not certain the proposed amendment was "what the true constituents want." She recommended that the proposed amendments be reconsidered.

Director Brewton said the Board could proceed on the amendments and "come back with a later application after this has been recommended." He suggested that they act on the recommendation of the Marine Advisory Board "for this other amendment," and the City Commission would then direct Staff to look further into the issue.

Vice Chair Golub asked if this would mean supporting amendment C1, which the Marine Advisory Board feels is not correct, "because of other issues," and then "hear it again." Director Brewton said there was "a strong indication" from the Marine Advisory Board to review the section in question, and his suggestion was that "we allow that to happen in that manner but continue to keep it like it is at this point" to keep the amendment process moving quickly. He noted, however, that the Board had the option of "pull[ing] the whole thing back... to make sure that this portion of the Ordinance is addressed as well."

Ms. Maus said she felt comfortable sending the proposed amendments on to the City Commission, as they will "get a better sounding there" and keep the process

moving. She pointed out that the City Commission may make any changes they feel are appropriate, and the Marine Advisory Board will be represented at that hearing as well. She asked if a motion of recommendation could include a comment regarding an additional amendment. Director Brewton said this could be done.

Vice Chair Golub said she was not comfortable with there being “no limits” – for example, a boat that is 40 ft. “from bottom to top” would create “a 40 ft. wall for... neighbors.” She felt not all of the proposed amendment was to the advantage of “the full community with respect to... view and interference.” She noted that there would also be ingress and egress issues created by some lifts that were not addressed in the amendments, although she noted they could be addressed in permitting. She reiterated that she was uncomfortable voting on the proposed amendments “without further understanding.”

Chair McTigue agreed that some raised vessels could be “higher than... the roof of a house.” Mr. Cuba said the proposal is to raise the lowest appendage of a vessel one foot above the seawall, and “on a regular basis, people would not lift a boat that high.” He said the variance between what is currently allowed and what is proposed is “relatively insignificant.”

Mr. Hansen asked that the Board conclude its discussion with Staff on the proposed amendments.

Mr. Fajardo pointed out that the current Ordinance allows boats to be docked within the setbacks of a property.

Vice Chair Golub cited a personal experience in which a neighbor installed a lift within the setbacks of his property, but the boat was so large it could not pull into the lift “even though it was set back off of the property.” She was not certain that a 10 ft. setback, for example, was sufficient for a 50 ft. boat to get in and out of some lifts.

Mr. Cuba stated there are several variables where navigating a boat into a lift is concerned, and advised the parameters under consideration are “other than the setback issue.” He said the extension into the waterway, addition of a second personal watercraft lift, raising the lowest appendage of a vessel 1 ft. above the seawall cap, and going through DRC for a second lift have the City Commission’s “blessing.”

Vice Chair Golub offered the example of a 75 ft. lot, a 50 ft. boat, and 10 ft. setbacks, and asked where a personal watercraft lift would go in this scenario. Mr. Cuba said if it infringed upon the setback, a personal watercraft lift would not be allowed, as the lift would have to meet the lot’s setback requirement.

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

Mr. Terrill, Chairman of the Marine Advisory Board, stated he would like to share additional thoughts on the topic. He noted that according to the proposed amendments, all 50 ft. canals in the City would be unable to install lifts for "average, small" boats larger than a kayak or Jet Ski. He asserted that this was an inadvertent part of the larger issue before the Board, and needs to be addressed.

He added that he was also concerned with the process regarding floats or buoys, which "cannot afford... to be left out." He said a dock is typically approached on a parallel angle to the seawall. This is "a very good reason why the Code is as it is; currently it's at 30% the width of a canal." However, for individuals living at the end of a canal, the only way to access the dock is often a perpendicular approach. Floats would primarily act as safety indicators, showing where a submerged object is located. Similarly, Mr. Terrill said poles also act to alert others of a submerged structure.

Mr. Whitesides said the setback issue is "well covered" under Section C-H of the proposed Ordinance. He noted that elevator lifts did not exist 15 years ago at the last revision of Code; they are often embraced as a solution to "pilings outside," which at times caused disagreements between neighbors. He characterized the situation as "a no-brainer." Regarding the waiver process, he added that Staff no longer analyzes the properties for these applications, which means the homeowner must hire a consultant for this work at the average price of \$10,000-25,000.

He concluded that boat lifts are "reasonable and rational in a marine environment."

As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

Vice Chair Golub requested clarification of whether an "old-fashioned" lift with wood or cement pilings would also require guide poles. Mr. Cuba replied that guide poles are currently required for a lift structure that fits within outer pilings, as they guide boats into proper position before lifting them out of the water as well as serving safety purposes.

Vice Chair Golub commented that she "never" sees these poles, and asked if the requirement might be obsolete or ignored. Mr. Cuba said it was possible these poles could break off, and reiterated that they serve an important safety purpose when a submerged lift does not have a vessel on it.

Ms. Maus said that there are several issues apparent from the record, which will be seen by the City Commission.

Mr. Hansen stated he was concerned that the Board was “looking at this from just one side.” While he felt the issues raised by the marine representatives were valid, he also thought the Board should represent homeowners. He said the idea that 50 ft. canals could have “multiple boats blocking your view” could infringe upon homeowners who have paid a good deal for their property “not because they have a boat” but because they enjoy the waterfront. He said the City should consider more than one industry before changing the character of its waterways.

He continued that looking at the height of the lowest part of a boat when out of the water was “an absurdity,” and said the total height of the boat itself should be considered. Mr. Hansen noted that zoning ordinances are “very careful” to ensure property owners “step down walls... to the waterway” in recognition of the “longer views” of waterfront properties, but could now allow “just about anything in the waterway.” He noted that not all lifts are obtrusive, and suggested they “look at the big picture.”

**Motion** made by Ms. Maus, seconded by Ms. Freeman, to approve with any Staff recommendations.

In a roll call vote, the **motion** passed 4-2 (Mr. Hansen and Vice Chair Golub dissenting).

5. **MJDC AOA, LLC / Shoppes on Arts Avenue** Ella Parker 62R10
- |                    |   |
|--------------------|---|
| <b>Request: **</b> | <b>Site Plan Level III Review / 35,190 SF Commercial Retail Shopping Center; use within the Community Business District greater than 10,000 SF</b>                            |
| Legal Description: | Parcels “B” and “D”, NORTHWEST FORT LAUDERDALE COMMERCIAL PLAT, according to the plat thereof as recorded in P.B. 148, P. 25 of the Public Records of Broward County, Florida |
| Address:           | 590 NW 7 Avenue   |
| General Location:  | Southeast corner of NW 6 Street (Sistrunk Boulevard) and NW 7 Avenue  |
| District:          | 3   |

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

Sean Jones, representing Milton Jones Development Corporation, said the Applicant is proposing a 35,190 sq. ft. retail commercial shopping center on the southeast corner of NW 6 Street and NW 7 Avenue. A portion of the site is currently owned by MJDC AOA LLC, an affiliate of the Applicant, and is currently operating as a takeout restaurant. The balance of the property is owned by the City and is under contract to Milton Jones Development Corporation, pursuant to a development agreement. Its concept site plan was approved earlier in 2010 by the City Commission and is the basis of the plan before the Board.

Mr. Jones said the Shoppes on Arts Avenue would be anchored by Save-a-Lot Grocery Store, an affiliate of Super Value. The Applicant is requesting site plan approval for the shopping center. The property is zoned Community Business, and any use within this district that is over 10,000 sq. ft. in gross floor area requires a Site Plan Level 3 status. The ULDR permits the use as a shopping center within Community Business zoning. No conditional uses, exceptions, or variances are required.

Although the Northwest-Progresso-Flagler Heights Implementation Plan has not yet been adopted by the Board or the City Commission as a guidance document, the Applicant has implemented “many of the elements and intent of the Plan” within the site plan.

Larry Freedman, architect for the Applicant, said the shopping center’s square footage is distributed across four one-storey buildings. The development will provide 166 standard parking spaces, 6 handicap-accessible spaces, bicycle racks, broad sidewalks, shade trees, and street furniture. Parking is located toward the center of the site, and parallel parking has been added on 6 Avenue. All loading, trash storage, and trash removal will occur internally on the site, and all stores will be screened by dense landscaping.

Vice Chair Golub referred to sheet A-6, stating that the sides of the two main commercial buildings were “boring.” She said the back or sides of a project are often “walls... [and] not very interesting.” Mr. Freedman explained the building houses a “large box store,” and said the Applicant is working with the City to create something more exciting on the Arts Avenue façade, such as silhouettes.

Ms. Maus observed that “some sort of detail” could also be added to the back and side of the building, and pointed out that the property is across the street from residential zoning. Vice Chair Golub noted that the entrance and exit for unloading is located across the street from the playground of the residential property.

Mr. Jones pointed out that NW 6 Avenue is “lushly landscaped.” Vice Chair Golub said the back of the stores are what faces the community. Mr. Jones said

the distance between the first apartment building in the residential area and the shopping center is “a great, great distance,” most of which is “retention area” for Regal Trace Apartments. Chair McTigue added that individuals’ balconies and windows also face the back of the center.

Ms. Maus asked if the Applicant was willing to screen the playground on the Regal Trace property through a hedge. Mr. Jones said the Applicant owned and developed Regal Trace Apartments and currently manages the property. Mr. Freedman said the landscape plan includes oak trees along 6 Avenue, and reiterated that they are “screening the storage and loading areas with landscaping.” He pointed out both existing trees and planned live oaks on the loading side.

Ms. Freeman asked if the Applicant would allow the architect to “jazz up” the two yellow walls of the building as shown on A-3. She noted this was the east side of the structure. Mr. Freedman said “banding” and other detailing, such as Bahama shutters, are planned for the back of the building.

Ms. Maus noted that at a certain height, the oaks’ canopy will no longer screen the view, and asked if there is “landscaping depth” such as shrubs or smaller trees for additional screening. Mr. Freedman said the landscaping could be layered in this way.

Ms. Maus stated her concern was that the building is “relatively long... with not a lot of relief to it and no screening for residential directly across the street.” Mr. Freedman said the south part of the building is set back farther. Ms. Maus said this did not change the effect and she felt it could be made “more pleasing” to the residents facing this part of the building.

Mr. Freedman referred the Board to AS-1, noting that the loading area includes a single “roll-down door.” It was clarified that instead of a yellow wall, the side in question featured “a door facing east.” Save-a-Lot uses a single “small door” through which all loading occurs for the store.

Vice Chair Golub referred to the “second retail space” to the east of Save-a-Lot, asking how this space would receive deliveries. Mr. Freedman said this space is presently unassigned and it is not known how it would develop, although he said deliveries would be made “on the south elevation” of the loading area.

Ms. Tuggle noted that the loading area for Save-a-Lot is roughly 40-45 ft. across, and “juts out on the side of the retail” to 100 ft. The view from across the street would look onto “almost 150 ft. of yellow [wall].” It was clarified that this view is from approximately “over 200 ft. away from that elevation,” and goes across a field, a street planting, parallel parking, and additional planting before reaching the building. Ms. Tuggle asked how high the layering extends. Mr. Jones said the

apartment buildings are 29 ft. 4 in., and added that “only two patios” would be facing the direction in question.

Ms. Maus pointed out that some members of the Board did not feel the proposed landscape was adequate. Mr. Jones said the Applicant may need to take this into consideration.

Ms. Tuggle asked how the proposed site fits into the Northwest Progresso-Flagler Heights Implementation Plan. Mr. Jones said the Applicant had addressed many of its major elements, citing the example of the clock tower and pedestrian plaza, which will provide “a sense of place.” The Save-a-Lot would also contribute to “a presence in the area.” Ms. Tuggle noted that the clock tower and pedestrian plaza are on the “business side” of the site rather than facing the residential area; the residences in the neighborhood would be facing the stucco side.

Mr. Hansen observed that a pedestrian path from the grocery store to the bus stop area would have been appropriate. He pointed out that “the County is looking at a new shelter program” and may be willing to pay for a shelter at the bus stop if “a small easement” is given on the property. It was clarified that the Applicant has met with the CRA to coordinate where an easement and shelter would be placed. Mr. Hansen suggested the bus stop could be “more related” to the clock tower and an existing pedestrian pathway. He noted that there would be no pathway from the site to the bus stop with wheelchair access, for example, except taking “a longer route” to the sidewalk.

Mr. Jones said there is an additional bus stop to the south of the property near the post office. He stated that the development agreement “required... a grocery store” on the site, and Save-a-Lot had “certain requirements,” such as orientation of parking, that affected the site plan. Mr. Freedman added that the other buildings on the site are presently “speculative space,” and they may be developed differently when tenants are acquired.

Vice Chair Golub said the “outbuildings” are visible to the public on all four sides, and asked where trash sites and loading docks would be located for these structures. Mr. Freedman said there is a trash area “in the center,” which will be screened with landscaping, as shown in L-1. Deliveries will be made “in the loop” in this location as well. The 6 in. curb has a handicap access ramp to grade.

Vice Chair Golub noted that there is also a curb along the back of the buildings, and asked how customers would access this area. Mr. Jones said the smaller buildings, with the exception of the bank, and the tenants in buildings B and C are likely to be restaurant uses. He stated the site plan was designed with input from the neighborhood associations, who “wanted something urban,” and said the issues Vice Chair Golub had raised “relate to urban design.”

Mr. Jones concluded that the Applicant had met with the surrounding neighborhood associations and received their support and endorsement. He entered letters from the Durrs Homeowners' Association and the Dorsey Bend and Progresso Village Civic Associations.

Ella Parker, Planner, said the request was for review of a commercial retail use within the Community Business district greater than 10,000 SF. Applicant proposes 35,190 Square feet of commercial/retail space in a proposed shopping center on the site, including a 15,680 square-foot grocery store and a 1,982 square-foot Bank.

Landscape and sidewalk improvements are proposed for the perimeters of the site, and a pedestrian plaza at the corner of NW 7<sup>th</sup> Avenue and 6<sup>th</sup> Street. The project is subject to Adequacy and Neighborhood Compatibility requirements, responses to which are provided for the Board with the plan packages.

A total of 141 parking spaces are required for the proposed uses. The Applicant proposes 172 parking spaces on the site with additional on-street spaces along NW 6 Avenue. A traffic study by Traff Tech Engineering concludes that the development will generate approximately 1900 new daily trips, but all intersections will continue to function adequately.

The following Staff conditions would apply to approval:

1. The site plan is subject to all applicable terms and conditions of the development agreement between the Applicant and the City;
2. Per the CRA director, the site plan should be constructed as shown in accordance with the Sistrunk Boulevard Streetscape Enhancement Project;
3. Per the engineering design manager, prior to final DRC, the Applicant should satisfy FDOT requirements for mitigating potential impacts to the Strategic Inter-Modal System connectors and obtain plat amendment approval from Broward County.

Vice Chair Golub requested Ms. Parker's input on "curbing the entire perimeter" opposite the stores. Ms. Parker said there are sidewalks along the perimeter, as well as handicap access and ramps. Pedestrian access would be from the sidewalk.

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

Mickey Hinton, representing the Durrs Homeowners' Association, said the Association had reviewed the Applicant's plans. The City Commissioner was also part of the review process. She stated it was time to move forward with the project, which would be welcome in the neighborhood. She also noted that the



wide sidewalks would provide pedestrian access to the stores, and approved of the landscaping on the site.

Jessie Adderley stated she lives in the Dorsey Riverbend area where the site is located. She said she had helped collect over 200 signatures on a petition for the project to proceed, and was in support of the project.

As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

Ms. Tuggle noted that the Progresso Village letter of support for the project referred to “the residential component of the project.” Mr. Jones explained that the development agreement also encompasses adjacent property to the east of the site. This is the second phase of the project and would include a mixed-use building.

Vice Chair Golub asked Mr. Jones to address the “phasing” also referred to in the Progresso Village letter. Mr. Jones said this referred to “the phasing of the entire development,” including the second phase noted above.

Mr. Hansen said the only break along the front façade of the building was the handicap access ramp. He noted that the parking lot has 31 extra spaces, and suggested it could be made “more pedestrian-friendly,” pointing out that once inside the site, “you’ve completely ignored the pedestrian.” He proposed a walkway and an area to collect shopping carts inside the site, citing the Publix on 17 Street as an example. Overall, however, he felt the project was “urban-friendly” and approved of the site.

Ms. Tuggle stated she was in favor of the shopping center, but felt there should be “more attention” to the curb area. Mr. Jones said the curb could be dropped in some areas to create more ramps. He reiterated that they hoped to make the project “as upscale as possible,” which was one reason the curb was included.

Mr. Hansen recommended that the issues be resolved with the assistance of Staff after the meeting, as he felt they would help create a safer environment.

**Motion** made by Ms. Maus, seconded by Ms. Tuggle, to approve with Staff conditions.

Ms. Parker requested clarification of the Board’s recommendation. It was agreed that Staff would work with the Applicant to redesign the access areas for better pedestrian movement throughout the parking lot area, and also as to shopping carts in the parking lot. Ms. Maus clarified that her **motion** includes this

condition, as well as a condition to enhance the concrete wall on the east side of Building A, as previously discussed.

In a roll call vote, the **motion** passed 6-0.

7. **Dr. Kennedy Homes / Housing Authority of the City of Fort Lauderdale**      **Randall Robinson**      **64R10**

**Request: \*\* \***      **Public Purpose Use; Request for Relief from Parking Requirements for One Hundred Thirty Two (132) Multi-Family Units**

Legal Description:      A parcel of land, being all of block 1, DR. KENNEDY HOMES HOUSING PROJECT, according to the Plat thereof, as recorded in Plat Book 15, Page 70, of the Public Records of Broward County, Florida, LESS the land as described as Parcel No 163 for Right-of-way, in the Official Records Book 9853, Page 146, of the Public Records of Broward County, Florida.

Said lands lying, situate and being in the City of Fort Lauderdale, Broward County, Florida, and containing 374,054 square feet, 8.5182 acres, more or less.

Address:      1004 West Broward Boulevard

General Location      South side of Broward Boulevard between SW 9 and SW 11 Avenues

District:      4

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

Robert Lochrie, representing the Applicant, stated the Application before the Board is the same site plan they had seen in August. The request is for public purpose use for a parking requirement reduction. He noted that granting this approval would not change the mix, layout, or site plan in any way, although it provides for additional landscaping, open space, and trees.

He explained when the Item came before the City Commission after previous Board approval, a question was raised in relation to the sign notices on the site. There was discussion regarding whether the appropriate notice provision was Type 3 or Type 4. The Applicant subsequently determined it would be best to re-notice the site as both Type 3 and Type 4, so there could be no further question of adequate notice. The Applicant also elected to come before the Board once again in order to hear from any members of the public who had not been present

at the previous meeting. The Applicant will have the opportunity to respond, and the Board will be able to vote on the Item once more.

Notice was given through the mail, posted signage, newspaper advertising, and notification to homeowners' associations.

Mr. Lochrie briefly reviewed his presentation for the Board and the public, stating that the request is solely related to parking for the Dr. Kennedy Homes site. He showed a visual of the existing site, which has 71 parking spaces, and the new proposal, which provides 149 spaces. An additional 24 spaces will be available on the street for a total of 171. The number of residential units on the site will remain at 132, although the "mix" will change to more one- and two-bedroom units and fewer three-bedroom units.

He explained that the current parking Code would require 255 parking spaces on the proposed site. The project's engineer has conducted a parking study of the site, based on his experience and on other sites owned by the Fort Lauderdale Housing Authority, including the Dixie Court site; the results show there is "more than sufficient" parking with the new proposal.

In addition, the proposed changes to the site include greater landscaping, open space, and trees. Although only 252 trees are required by Code, the new development will feature 421 trees, and 54% of the site will be set aside as landscape area.

Mr. Lochrie submitted the following materials into the record:

- The meeting minutes of the August 2010 Planning and Zoning Board meeting;
- The PowerPoint presentation made by the Applicant at the August 2010 meeting;
- Supplemental traffic information submitted at the August 2010 meeting;
- An analysis of the requirements of the public purpose portion of the Code, as conducted by the Applicant's architect and planner;
- A letter from the Fort Lauderdale Housing Authority relating the criteria for public purpose;
- Notice affidavits of the actual notices sent to all residents within 300 ft. of the site;
- Notice affidavits related to sign notices posted on the site;
- A letter from EDSA related to commentary made at the August 2010 meeting;
- The meeting minutes of the City of Fort Lauderdale Economic Development Advisory Board meeting, at which a motion was made by that board in support of the Dr. Kennedy Homes redevelopment and parking variance as presented;

- An email from the Smart Growth Partnership which encouraged “less parking spaces and more green space” for the proposed site;
- The Broward County Mass Transit Map, which shows three routes adjacent to the site on Broward Boulevard with proximity to the central terminal;
- The current schedule of community bus services operated by the Fort Lauderdale Housing Authority, which shows that buses stop 12 times per day adjacent to the Dr. Kennedy Homes; and
- The resumes of the project’s design planner, architect, and project engineer.

Randall Robinson, Planner, stated that the Applicant’s request is for relief from ULDR parking requirements for public purpose use. The proposed redevelopment of the Dr. Kennedy Homes site will be larger and will include updated amenities for residents.

Mr. Hansen asked if it would be appropriate to limit comments “just to the procedural aspect” of the Item, as its reappearance before the Board is “basically a procedural issue.” Attorney Miller stated that because new notice has gone out for this Item, there may be members of the public present at tonight’s meeting who did not receive notice for the August meeting. She advised that it would be best not to limit comments in this manner.

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

Charles Jordan stated he represented the Trust for Historic Sailboat Bend as well as property owner Mark Kerr. He asserted that the property “is being disposed of,” and objected to the public purpose use, which he said would not be the case when the property is no longer publicly owned or used. He cited a HUD application that he said “shows the disposition of the property,” and said what was occurring was “privatization of public housing.”

Mr. Jordan continued that other ways in which the request does not meet Code requirements include the following:

- Services provided to the project’s residents indicate the project is a Special Services Residential Facility (SSRF); Mr. Jordan said the Board has not heard an application for an SSRF on the site;
- The Applicant has not indicated that the zoning regulation from which relief is requested includes the Sailboat Bend Historic District, and the Historic Preservation Board has not ruled on the Application, nor is there a Certificate of Appropriateness (COA) for the proposed public use;
- No description of the impact of the proposed use on neighboring properties has been issued. Mr. Jordan said the Applicant has provided

- data “about the Dr. Kennedy Homes as they exist” rather than for the new use, which will serve a different demographic than the existing one;
- No description of “efforts to locate other sites” was presented by the Applicant;
  - The Sailboat Bend Civic Association and Trust for Historic Sailboat Bend were not notified of the DRC for the project;
  - There is “no need for new construction” on the site; Mr. Jordan said the Applicant’s materials state the project could be “rehabbed for millions of dollars less;”
  - There is “no municipal purpose,” as the Dr. Kennedy Homes are a private housing project.

Mr. Jordan submitted additional remarks addressing aspects of Code into the record.

Mr. Lochrie stated the project is and would continue to be owned by the Fort Lauderdale Housing Authority, which is a Staff condition of the project’s approval. It will continue to be an affordable housing project and does not qualify as an SSRF. He added that the “exact site plan... [and] exact parking layout” have been submitted to the Historic Preservation Board and were unanimously granted Certificates of Appropriateness by the City Commission.

The parking study, he continued, goes “well beyond” the existing Dr. Kennedy Homes site, as it cites similar projects in Fort Lauderdale and other cities. Mr. Lochrie concluded that the materials showing a relation to the specific criteria for public purpose use are included in the record.

Mr. Jordan said the site is “a 65-year lease at \$10 per year,” which is considered by the Department of Housing and Urban Development to be disposition.

As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Freeman, seconded by Ms. Maus, to approve as submitted. In a roll call vote, the **motion** passed 6-0.

## **8. Communications to City Commission**

None at this time.

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

Ms. Maus requested that an email be sent to all Board members as a reminder of the two upcoming workshop dates.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:25 p.m.

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Chair

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Prototype

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