PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
AUGUST 20, 2008 – 6:30 P.M.

Board Members	Attendance	Cumulative June 2008 – May 2009 Present	Absent
Catherine Maus, Chair	P	3	0
Pamela Adams, Vice Chair	P	3	0
Rochelle Golub	P	3	0
Steven Glassman	P	3	0
Mary Graham	P	3	0
Tom Welch	A	2	1
Maria Freeman	P	3	0
Fred Stresau	P	3	0
Patrick McTigue	P	3	0

Staff

Greg Brewton, Director of Planning and Zoning
Wayne Jessup, Deputy Director of Planning and Zoning
Jim Koeth, Principal Planner
Anthony Fajardo, Planner III
Jenni Morejon, Planner III
Renee Cross, Planner III
Michael Ciesielski, Planner II
Randall Robinson, Planner II
Yvonne Redding, Planner II
Thomas Lodge, Planner II
Deborah Rutkowski, Planning Assistant
Sharon Miller, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Index

	Case Number	Applicant	Page
1.	90-R-05	Anthony Family, LTD / Paseo Del Mar	3
2.	21-P-07	Housing Authority of Fort Lauderdale / Kennedy Homes Plat	5
3.	6-Z-08	Cypress Creek Rezone	5
4.	7-Z-08	Edgewater, L.L.C.	6
5.	13-P-08	Zayed Yousef Masoud	7
6.	11-ZR-07	Jean Shallenberger / Bliss Window	10
7.	56-R-08	Riverbend Corporate Park of Fort Lauderdale	20
8.	19-P-07	KYGO, L.L.C.	22
9.	28-R-08	Ann Herman Park	23
10.	10-Z-08	Middle River Terrace Park	25
11.	59-R-08	Imperial Point Medical Center	27

12.	34-R-08	Commodore Club Condo	28
13.	41-R-08	Fort Lauderdale Executive Airport	31
14.	62-R-08	Lauderdale Marine Center Annex	32
15.	For the Good of the City		47

Call to Order

Chair Maus called the meeting to order at 6:34 p.m., followed by the Pledge of Allegiance.

Chair Maus introduced the members of the Board and explained the procedures that would be followed during tonight's meeting. Chair Maus, on behalf of the Board, recognized Vice Mayor Charlotte Rodstrom as being present. Greg Brewton, Director of Planning and Zoning, introduced the Staff members present. Assistant City Attorney Sharon Miller explained the procedures for quasi-judicial cases.

Chair Maus acknowledged that, regarding Item 14, the Homeowners Association has made a request to be moved up on the Agenda.

Motion made by Ms. Adams to move Item 14 up on this evening's Agenda. There being no second, the motion failed.

Chair Maus stated that the Applicant for Item 14 had requested an additional 30 minutes to present this item to the Board. Donald Hall, on behalf of the Applicant, stated that he would withdraw the request for additional time.

Approval of Minutes

Approval of Meeting Minutes – June 18, 2008

Mr. Glassman recalled that these Minutes are before the Board for a second time because Staff wanted to make some changes. He indicated that it was difficult to determine what was changed by Staff as the changes were not indicated in bold or in any other way. Chair Maus asked Mr. Brewton if he had any information as to what the changes to the June Minutes were and Mr. Brewton acknowledged there were several changes, but that he was not aware of exactly where they were in the Minutes. Mr. Brewton suggested that Staff could bring those Minutes back to the Board highlighted, if desired.

Mr. Glassman noted that he had previously requested corrections to the Minutes of June 18, 2008, to-wit:

- On page 31, in the paragraph which states, "Ryan Campbell spoke in support of the project, and read a letter from Jean Goldstein in favor of it as well," the name "Goldstein" should be "Goldman." Mr. Glassman stated that those changes had not yet been made to these Minutes before the Board this evening.
- Also, on that same page, where it states, "Joe Panico of the Central Beach Alliance spoke in support of the project and said his organization had voted in its favor, 50-2," the count should read "181 to 52."

- On page 41, the Motion to nominate Pamela Adams was made by Mr. Welch and not Mr. Glassman.

Mr. Brewton suggested that the Board not approve the June 18, 2008 Minutes tonight, and that he would bring back before the Board an updated set of Minutes, highlighting all changes.

Motion made by Mr. Glassman, seconded by Vice Chair Adams, to defer the approval of the June 18, 2008 Minutes to the September 17, 2008 Meeting of the Planning and Zoning Board. In a voice vote, the motion was granted unanimously (8-0).

Approval of Meeting Minutes – July 16, 2008

Mr. Glassman noted that on page 50, under "For the Good of the City," it states that there was a Motion made to defer by Ms. Golub, seconded by Ms. Adams, but there was no vote count as to that Motion.

Ms. Golub recalled that the motion was made to adjourn the meeting, not to defer.

Motion by Vice Chair Adams, seconded by Ms. Golub, to approve the Minutes of the July 16, 2008 Planning and Zoning Board Meeting, with one correction as noted. In a voice vote, the motion was granted unanimously (8-0).

Cases

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

Request: **	**Request to Extend Site Plan Approval for previously approved Site Plan Level III - Conditional Use for Mixed Use Development with Flex Allocation / B-1**
Legal Description:	Acreage in Progresso, Blocks 228, 229 and 230, P.B. 2, P. 18, as recorded in the Public Records of Miami-Dade County, Florida
Address:	1600 East Sunrise Boulevard
General Location:	Southside of East Sunrise Boulevard between N.E. 16 Avenue and the Alley East of N.E. 17 Avenue

DEFERRED FROM THE JULY 16, 2008 MEETING.

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Robert Lochrie, on behalf of Hanover, the developer of the Paseo Del Mar project, advised that this is a mixed use project that is located on Sunrise Boulevard where the Alpine Jaguar and Auto Toy Store were previously located. Mr. Lochrie recalled that the

project was unanimously approved by the Planning and Zoning Board some time ago, and the project was designed to be broken down into three separate structures, utilizing the previous street grid on the property.

Mr. Lochrie explained that the Applicant was requesting an additional 12 months extension to the site plan. He said that after the project was approved, the developer tore down all the buildings on site; and all construction drawings were completed and submitted, and are currently going through the building review process. Unfortunately, Mr. Lochrie affirmed, earlier this year the project's joint venture partner withdrew its investment due to the present uncertain economic conditions. This 12 month extension is being requested in order for the developer to work with other potential investment partners to keep this project moving forward.

Mr. Lochrie stated that the developer has planted grass on the property; crews are cleaning up the trash as necessary; graffiti on the walls has been painted over; and the developer is doing everything possible to keep this property in good condition.

Jenni Morejon, City Staff, confirmed that on December 13, 2005, the Planning and Zoning Department approved this mixed use project consisting of 210 residential units. She remarked that on January 18, 2008, the Planning and Zoning Board approved a six-month extension to the site plan approval, bringing the deadline to submit for a building permit to July 12, 2008. The Applicant is now requesting a 12-month extension in order to obtain their building permit, which would extend the deadline to July 12, 2009.

Ms. Morejon advised that if this extension is granted, all previous conditions of the approval from December 13, 2005 would apply.

Mr. Glassman asked Mr. Lochrie to update the Board as to progress in obtaining financing. Mr. Lochrie admitted that at this time financing is very difficult to obtain. He explained that the lender pulled out of the project prior to going into construction. Mr. Lochrie maintained that the Applicant was working very hard to find another investment partner on the site. He proffered that a lot of time and effort had gone into this project and it had been very well received by the neighborhood.

Ms. Graham asked if the plans were now in the building department, and Mr. Lochrie confirmed this was correct. She asked if there is an extension, whether the plans will be reviewed and constructed under the 2006 Amendments to the 2004 Florida Building Code. Mr. Lochrie expressed this was correct, and that the building plans were submitted at the beginning of 2008, so they would be under the most current building code.

There being no additional questions from the Board, Chair Maus opened the hearing to the public. Finding no public wishing to speak on this Item, Chair Maus closed the public hearing and brought the matter back to the Board.

Motion made by Vice Chair Adams, seconded by Ms. Golub, to approve extension of Site Plan Approval for previously approved Site Plan Level III, until July 12, 2009, subject to all

previously approved Staff conditions. In a roll call vote, the motion was granted unanimously (8-0).

2. <u>Housing Authority of Fort Lauderdale / Kennedy Homes Plat</u> **Thomas Lodge** **21-P-07**

Request: **	**Plat Review**
Legal Description:	Block 1, Dr. Kennedy Homes Housing Project, according to the plat thereof, as recorded in P.B. 15, P. 70, of the Public Records of Broward County, Florida, less the land described as Parcel No. 163 for Right-of-Way, in Official Records Book 9853, P. 146, of the Public Records of Broward County, Florida
Address	1004 West Broward Boulevard
General Location	South side of Broward Boulevard between SW 9 and SW 11 Avenue

DEFERRED FROM THE JULY 16, 2008 MEETING.

Chair Maus advised that the Applicant has requested a deferral to the September 17, 2008 Meeting of the Planning and Zoning Board.

Motion made by Mr. Glassman, seconded by Ms. Golub to defer this Item to the September 17, 2008, Planning and Zoning Board Meeting. In a voice vote, the motion was granted unanimously (8-0).

3. <u>Cypress Creek Rezone</u> **Yvonne Redding** **6-Z-08**

Request: ** *	**Rezoning from M-3 (County) to B-2 (City) General Business**
Legal Description:	Parcel A, LIGHT SPEED BROWARD CENTER PLAT, according to the plat thereof, recorded in P.B. 177, P. 32, of the Public Records of Broward County, Florida
Address	6030 North Andrews Avenue
General Location	South of Cypress Creek Road and East of Andrews Avenue Extension

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in. Mr. McTigue, having a conflict of interest, stepped down from the Board at this time.

Hope Calhoun, on behalf of the Applicant, stated that this is a rezoning of property that was annexed into the City of Fort Lauderdale in 1995. The property, consisting of approximately 11.5 acres, is located south of Cypress Creek and east of Andrews

Avenue. Five of those acres are in the City of Fort Lauderdale, and the balance is in the City of Oakland Park.

Ms. Calhoun advised that the property currently has a County M-3 Industrial zoning designation, and the Applicant is requesting the rezoning to a B-2 designation, to be consistent with the underlying land use and in order to allow development as outlined under the Development of Regional Impact (DRI).

Yvonne Redding, City Staff, remarked that the Applicant was planning to rezone a portion of its property to comply with the DRI that was approved by the City Commission, which ordinance was included with the Staff Report. She stated that the Applicant was planning to develop this parcel with retail, office and parking to coincide with the development that Oakland Park will do on their portion of the property.

Ms. Redding confirmed that the rezoning will be from M-3 (intense manufacturing industrial) County zoning to B-2 (general business) City zoning. This change in rezoning would allow the retail, office and parking to be conforming to the City's Code.

There being no questions from the Board, Chair Maus opened the hearing to the public. Finding no public wishing to speak on this Item, Chair Maus closed the public hearing and brought the matter back to the Board.

Motion made by Ms. Golub, seconded by Vice Chair Adams, to approve request for rezoning. In a roll call vote, the motion was granted unanimously (7-0) [Mr. McTigue abstaining due to conflict].

4. <u>Edgewater, LLC.</u>	**Yvonne Redding**	**7-Z-08**
Request: ** *	**Rezoning from RML-25 and RD-15 to RM-15**	
Legal Description:	North ½ of Lot 38, F.A. BARRETT'S SUBDIVISION of the west ½ of Section 21, Township 50 South, Range 42 East, according to the plat thereof, recorded in P.B. 1, P. 46, of the Public Records of Dade County, Florida, less the west 396 feet and subject to the right-of-way of SE 15 Avenue	
Address	3325 SW 15 Avenue	
General Location	West of SW 15 Avenue and South of SW 32 Place	

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Ed Ploski, Land Planner with Craven & Thompson, representing the Applicant, stated that they have been working with Staff for about 1-1/2 years. There are two pieces of property – one zoned RML-25 and the other zoned RD-15. The Applicant is requesting that both

parcels be rezoned to an RM-15 zoning designation to permit 12 townhouses to be developed on the property.

Mr. Ploski advised that the Applicant has been working with their neighbor to the north, which is a church, and they have given their support.

If the rezoning request is approved, the platting process will be initiated again and the site plan will be submitted to the City.

Yvonne Redding, City Staff, explained that this property is located in the southwest portion of the City. It was rezoned in 1997. The front portion of the property along 15th was rezoned to RD-15 to maintain a corridor and the back portion of the property was rezoned to RMM-25, which split the lot. Ms. Redding stated that the Applicant has been in several times trying to work out a site plan with the split zoning. The Applicant has provided the density at the lower RM-15 (15 units per acre) so that it would be consistent for town home dwelling units, rather than build a multi-family or town home on the back portion and duplexes on the front.

There being no questions from the Board, Chair Maus opened the hearing to the public. Finding no public wishing to speak on this Item, Chair Maus closed the public hearing and brought the matter back to the Board.

Motion made by Ms. Golub, seconded by Ms. Graham, to approve request for rezoning. In a roll call vote, the motion was granted unanimously (8-0).

5. <u>Zayed Yousef Masoud</u> **Deborah Rutkowski** **13-P-08**

Request: **	**Plat Approval**
Legal Description:	A portion of the SW ¼ of Section 29, Township 49 South, Range 42 East, Broward County, Florida
Address	3021 NW 19 Street
General Location	North of NW 19 Street and East of NW 31 Avenue

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Rod Feiner, Esquire, of Coker and Feiner, explained that he represents the Applicant, Zayed Yousef Masoud. The property was originally located in unincorporated Broward County, which was incorporated into the City in 2005, but was not platted. Mr. Feiner claimed that before the Applicant can move forward with any development, a plat must be approved on the property. He advised that the site plan is currently moving through City processing and should be before this Board within two or three months.

Mr. Feiner confirmed that the Applicant has met with the neighbors several times and they have been included in all discussions about the proposed development. Mr. Feiner expressed that the plat meets all the requirements of Code, including all rights-of-way that would be required by Broward County or the City on the two adjacent cross streets.

Ms. Golub asked what was across the street from the property. Mr. Feiner stated that it is an office park, consisting of offices and retail businesses, and is set in a huge parking lot. There is also an FPL Substation adjacent to the property. Mr. Feiner confirmed for Ms. Golub that the Applicant's property has always been vacant.

Deborah Rutkowski, City Staff, stated that the Applicant proposes to plat this property in order to build a gas station with eight fuel positions, along with a convenience store. The property shall adhere to Broward County regulations until such time as the land is rezoned to a City zoning designation. The proposed plat complies with Broward County Code *Sec. 30-155, Subdivision Regulations*. The zoning district is B-2 with Broward County Zoning, which permits this intended use. Ms. Rutkowski stated that the intended land use designation is commercial.

Mr. Brewton clarified that what is before this Board tonight is the plat, and that the subsequent use of the property would have to comply with the applicable zoning regulations that were in effect at the time of the permit. Additionally, Mr. Brewton stated, the site plan will not come back to this Board.

Ms. Golub questioned how this Board could approve a B-2 County zoning, as she believed this Board was going to apply City zoning as an overlay to this piece of land.

Mr. Feiner explained that this property was annexed into the City in 2005. The Applicant is permitted to move forward with development before the property is rezoned to City zoning. In such a case, the City processes apply County codes to the property. Therefore, this Board would evaluate the plat under the Broward County Plat Regulations and when the site plan comes back, it will actually go to City Commission. When it goes to the City Commission, they will evaluate this under the County Zoning Regulations. Mr. Feiner said this occurs on any incorporated property before the City applies its own zoning code to any such property.

Mr. Feiner reminded Ms. Golub that this was just a plat that sets up the boundaries, makes sure the right-of-way is dedicated and that the traffic concurrency is done. Then the site plan would go through for approval, which site plan would show how far the buildings are set back, the landscape buffer, the parking spaces, the stacking spaces and the environmental concerns. Mr. Feiner explained that this site plan will go before the City Commission for final review and vote.

Ms. Graham asked if the gas station/convenience store will have 24-hour operation. Mr. Feiner responded that, according to the current discussions, it will have 24-hour operation. In addition, Mr. Feiner said, there will be security during the site plan process, which was requested by the neighbors.

Ms. Graham expressed concern as to the illumination at night and its affect on the homes to the north of the property. Mr. Feiner affirmed that the neighbors are aware of this and that the Applicant had met with them and had addressed their concerns. In addition, lighting and illumination, Mr. Feiner said, is a site plan concern and will be addressed during site plan review.

Ms. Graham asked Mr. Feiner if it was the Applicant's intent to put a masonry wall along the north side of the property. Mr. Feiner responded that such a wall already exists.

Chair Maus finding no further questions for the Applicant or Staff, opened the hearing to the public. Finding no public wishing to speak on this issue, Chair Maus closed the public hearing and brought the matter back to the Board.

Ms. Golub said that before she voted on this Item she wanted to express that she truly does not understand what is before this Board and what is being voted on.

Mr. Stresau explained that when this Board reviews a plat that it has nothing to do with the site plan, and nothing to do with environmental.

Mr. Brewton confirmed that this was not a site plan approval, but was a plat approval.

Ms. Golub contended that Applicant was discussing matters such as traffic, and other issues that are either before this Board or not before this Board. Therefore, she stated, if all the Board is voting on is the four corners of a piece of land with a designation on it for future building purposes then, Ms. Golub stated, she could vote on that.

Mr. Brewton remarked that when Mr. Feiner is talking about traffic, there is a requirement that right-of-way dedication be done at the time of platting, if there is a need to do so, and that would be handled through the Engineering Department as well as the Broward County Traffic Engineer. Therefore, both of those matters will be addressed through the platting process; however, additional items will be looked at during the site planning process, such as the impact that the proposed development would have on the abutting properties and that it meets all applicable Broward Counting Zoning Code requirements.

Ms. Graham stated for the record that she is aware of some recent applications for plans, where things were inadvertently approved that perhaps should not have been approved, and therein was her concern. She explained that even when the Board sees the site plan, the Board cannot be sure that it is what will be submitted to the City for the building permit.

Motion made by Mr. Stresau, seconded by Mr. McTigue to approve plat as presented. In a roll call vote, the motion was granted (6-2) [Ms. Graham and Ms. Golub dissenting].

6. <u>Jean Shallenberger / Bliss Window</u> Yvonne Redding 11-ZR-07

Request: ** *	**Rezoning from RMM-25 to XP**
Legal Description:	Lots 27, 28, 29, 30 and 31, Block 259, PROGRESSO, P.B. 2, P.18, of the Public Records of Miami Dade County, Florida
Address	801-815 North Andrews Avenue
General Location	East of NW 1 Avenue and North of NW 8 Street

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in. Mr. McTigue, having a conflict of interest, stepped down from the Board at this time.

Dwayne Dickerson, Esquire of Ruden McCloskey, stated that he was appearing on behalf of the Applicant, Bliss Window and Screen. He said that also present were the property owner, Jean Shallenberger, her daughter, Lynn, and son-in-law, David, who all run the day-to-day operations of the business. Mr. Dickerson advised that Bliss Window and Screen have been in business for 55 years.

Mr. Dickerson showed the Board a visual of the property location on Andrews and 8th Street. The Applicant is requesting to rezone a small portion of their property. The front of the property abutting Andrews Avenue is the commercial facility, for which rezoning is not being requested. In addition, the portion of the property adjacent to 8th Street (an existing parking lot) is not part of the rezoning request this evening. The property which is the subject of the Applicant's rezoning request is the vacant portion directly west of the commercial building, which is approximately .39 acres. This area is presently zoned RMM-25 and the Applicant is seeking rezoning to XP (Exclusive Parking Lot) zoning designation to allow for a 32-space exclusive employee-only parking lot. This will be a surface parking lot and there is no request being made for any buildings or structures to be housed on that portion of the property. Mr. Dickerson also stated that the parking lot is gated.

Mr. Dickerson showed photographs of the property as it exists today, as well as renderings of the proposed development.

The Applicant sought to rezone to XP as it is a transition district between the residential neighborhood behind the property and the commercial portions abutting Andrews Avenue. XP is a very restrictive zoning district which only allows parking lots, so there will never be an opportunity for it to be anything else. In addition, the XP designation requires that it be tied to the site plan. Therefore, if the site plan were ever desired to be amended, it would have to be brought back before this Board.

Mr. Dickerson stated that the Applicant was requesting this rezoning to a parking lot because the business is growing and there is a need to ensure that customers have

adequate parking in the front of the commercial building along Andrews Avenue. The employees will be required to park in the rear.

Mr. Dickerson explained that the intent of the XP zoning district is to protect the character of existing residential neighborhoods adjacent to commercial areas, while supporting the viability of the commercial areas. It further provides for low intensity commercial uses.

Mr. Dickerson advised that he was aware that the Board had received numerous e-mails concerning this project. As such, he wanted the Board to know that there have been meetings with the neighborhood association, and that they had expressed some concerns. Mr. Dickerson enumerated these concerns and how the Applicant is proposing to alleviate and/or mitigate these concerns, as follows:

1. The residents expressed that they did not want an increase in traffic. Mr. Dickerson stated that because the parking lot is for employees only, there will not be a flow of traffic. Employees will arrive once in the morning and leave once in the afternoon. The lot will be gated and there will be signage posted indicating "Employees Only." The flow of traffic will occur in the front parking lot. Mr. Dickerson assured that the traffic concern has been heavily mitigated by making this parking lot for employees only, which will be enforced.
2. The residents wanted heavy landscaping along the proposed NW 1st Avenue and NW 8th Street to enhance the neighborhood. The Code does require approximately 3,000 sq. ft. of landscaping, but the Applicant offered over 5,000 sq. ft. of landscaping. Mr. Dickerson advised that the residents' major concern was their view, specifically the corner lot, which is not being rezoned and not a part of this application. Wanting to be a good neighbor, the Applicant has offered to landscape all of 8th Street, from 1st Avenue to Andrews Avenue. A hedge was proposed in order to eliminate the view of the existing parking lot. This would be in addition to the landscaping on the proposed employee only parking lot, which is well above the Code. Mr. Dickerson assured that the landscaping has been addressed, as an additional 3,000 sq. ft. of landscape will be provided in addition to the 5,000 sq. ft. on the property that is the subject of the rezoning request tonight.
3. The residents wanted the sidewalk to be extended along 1st Avenue and along 8th Street. Mr. Dickerson advised that the Applicant has already extended it from the end of the property line in front of the vacant parcel, all the way to the corner of 8th Street and 1st Avenue. He contended that if the sidewalk were extended up to Andrews Avenue, it would limit the amount of landscaping that could be placed in that area. Mr. Dickerson contended that there is a very minimal amount of foot traffic on 8th Street, the majority of foot traffic being further within the neighborhood. Therefore, the Applicant felt the sidewalk would be more appropriate on 1st Avenue.
4. Lastly, the residents requested the Applicant reconfigure the parking lot to have the entrances on 8th Street, instead of on 1st Avenue. Mr. Dickerson explained that the existing parking lot already has its entrance on 1st Avenue; and that it was not being feasible to relocate the entrance as it would require further rezoning of that existing parking lot, reconfiguring of the parking, as well as demolition of an

existing wall. Mr. Dickerson believed the major issue with the entrances would be the traffic and/or the view. He stated that he has already addressed traffic and that the view will be mitigated by landscaping. The only portion of the property on 1st Avenue that would be visible and not landscaped would be the 15 ft. drive for the existing parking area, and the 24 ft. drive for the new ingress and egress. The Applicant has offered to install an opaque sliding gate, which would block the driveways.

Mr. Dickerson confirmed that the foregoing issues were brought to his attention and they had been addressed.

Yvonne Redding, City Staff, reiterated the Applicant's rezoning request before the Board. She explained that the XP zoning district does allow lower intensity commercial uses to be abutting residential, provided they meet the buffer yard requirements, the neighborhood compatibility requirements, and the flexing of commercial land use into this portion of the property. Ms. Redding confirmed the Applicant has met this requirement and has addressed the neighborhood compatibility criteria, and has met all the zoning requirements for the buffer yard, the landscaping, the fencing, the traffic, the ingress and egress, and the design of the site for the parking regulations.

Ms. Graham asked if the parking will be overnight, or if it will be open only during business hours. Ms. Redding responded that it would only be during business hours.

Ms. Graham asked if the rolling gate would secure the parking during the day when the cars are parked there as well as after hours. Ms. Redding responded this was correct.

Ms. Graham said that she was looking at the foot candles on the lighting plan and how bright it will be, and wondered if the lights will be on all night long on a timer. Mr. Dickerson stated that typically after a certain time those lights would either dim, or a certain number would shut off, to make sure there is no glare or spillage onto adjoining properties. Ms. Graham said that she was looking at the numbers on sheet P-1 and it is pretty bright. Mr. Dickerson stated that this is something that will be looked into and the glare and intensity of the lighting can be addressed.

Ms. Golub asked Staff to address the sidewalk issue. She questioned whether there would be a sidewalk to Andrews Avenue. Ms. Redding responded that 8th Street is not part of this rezoning package; therefore, the City cannot request the Applicant to install a sidewalk on that parcel at this time. If, in the future, it were redeveloped, reconfigured or updated in any way, then a sidewalk could be requested on that lot. Ms. Golub said that the problem she was having is that the site plan is being submitted for a parcel that is not included in the rezoning. Ms. Redding explained that it is simply to show the configuration and how it is tied together. She reiterated that this lot is not part of the rezoning request.

Wayne Jessup stated that Staff would like to make it a condition to include a sidewalk from 1st Avenue to Andrews Avenue. It would be desirable, especially in this part of the

City and it would be wise to make this a condition. Chair Maus indicated that it would be necessary to ask the Applicant if they would be willing to do so.

Chair Maus then addressed Mr. Dickerson and asked if the Applicant would be willing to put a sidewalk on that portion of their property. Mr. Dickerson stated that the Applicant has addressed this possibility, and there is very little foot traffic. However, he stated, if this were a condition of approval then it would be accommodated.

Mr. Glassman asked why it appeared that the neighborhood was not noticed of this entire project, which has been in the works for almost ten months, until the notice went out about this hearing. Mr. Dickerson agreed that the project was submitted several months ago, but that while in the DRC process there were several technical issues to be dealt with as to the Site Plan I, as there was an exit drive aisle initially which Staff did not like. There were additional issues as to a tree, so a tree survey had to be obtained. As such, it was felt that the site plan was not ready to go before the homeowners association. Mr. Dickerson said that in the end, everything started moving very quickly, but it was never the Applicant's intention to not discuss it with the neighborhood and meet their concerns. Mr. Dickerson advised that since the time the neighborhood's concerns were heard, the Applicant has tried to address every one, or at least mitigate them as much as possible.

Mr. Glassman said that the discussion with the neighborhood occurred only a few weeks ago, while this project has been in the works since November of 2007. Typically at DRC, he asked, does Staff not advise the Applicant to meet with the neighborhood association? Ms. Redding responded that this is correct. At DRC, Staff recommends that the Applicant contact the neighborhood. Mr. Glassman asked why this did not happen. Mr. Dickerson said he believed there was some miscommunication. He expressed that the Applicant could have gone to the neighborhood sooner, but the site plan was really in flux and there were a lot of changes being made. It was felt that upon having a solid site plan, there could then be solid suggestions made.

Mr. Glassman acknowledged that a lot of nice work had been done to the building on the Andrews Avenue side, but when looking at the view to the neighborhood from the rear, he finds it to be slightly disrespectful to the neighborhood. He wonders why this is the view seen by the neighborhood as opposed to what is seen from Andrews Avenue.

Mr. Dickerson said that the front portion of the building had recently undergone renovation and possibly was just finished within the past month. The Applicant hopes, if they can move forward with the back of the property, they can put equal quality into the work that will be done out back. Mr. Dickerson expressed that it should be a very nice product with the landscaping and that there should be similar quality in the back as is in the front.

Mr. Glassman stated that he was asking about the actual structure which looks like a totally different building from the Andrews Avenue side than from the rear, which the neighborhood will get to look at all the time. Mr. Dickerson apologized and clarified that there were no planned renovations to the rear of the building itself; however, a hedge

and/or landscaping will be of sufficient height to block a lot of the view of the back of the building in addition to the parking lot.

As to the lot that is not included in this site plan, Ms. Freeman asked how large it is. Mr. Dickerson said it is approximately 50 feet wide. Ms. Freeman then asked why this lot is not included in the XP zoning. Mr. Dickerson responded that it was not included because it was an existing lot and that the Applicant only wanted to rezone the vacant lot.

Mr. Stresau stated that the Applicant had shown something and referred to landscaping along 8th Street that the Board does not have. He asked if there were additional copies of that, or if he could put that site plan back up again. Chair Maus advised that the site plan would need to be made a part of the record. Mr. Dickerson said he had copies and offered to pass them out.

Ms. Graham asked if the Applicant was intending to irrigate the landscaping to be added to the property. Mr. Dickerson responded, "absolutely." Mr. Dickerson agreed that this could be a condition of approval, as all landscaping on the property will be irrigated.

Finding no further questions from the Board, Chair Maus opened the matter to the public.

Ronald Centamore said that he owned the property at 638 NW 2nd Avenue. He said that he wanted to clear up a few misconceptions that Mr. Dickerson had when he met with the homeowners. Mr. Centamore advised that they were not all that concerned about the traffic, which they stated at the meeting. He explained that this is a turn-around neighborhood. The residents have purchased homes there that are only three years old and are trying to get the neighborhood to be residential. Certain things the residents want to see for the neighborhood are (1) sidewalks and (2) keeping the neighborhood residential. The residents only want to see this property become a commercial lot or a parking lot.

Mr. Centamore expressed that they are compatible and do want to work things out with people that have been in the neighborhood for a long time. The residents only have a few requests. He said that on 1st Avenue, right across the street from the property, is a new set of townhouses. Mr. Centamore believes that this entire street will eventually be developed. The residents would like to keep the entrance off of 1st Avenue out of view of the homes right across the street. It has been requested that they bring the entrance on 8th Street on the side of the property.

Mr. Centamore stated that the existing parking lot is grandfathered in because it has been used for their commercial vehicles for many years. He reported that this lot is in deplorable shape, the blacktop is broken up, there is a chain link fence with barbed wire on top. He expressed that it appeared to the residents that the Applicant did not want to spend the money to redevelop this corner lot.

Chair Maus asked what he would like to see done with this corner lot. Mr. Centamore said they would like to see the sidewalk on 1st Avenue and on 8th Street; they would like

to see the entrance to this parking lot on 8th Street and not coming in from 1st Avenue; and that the landscaping be sufficient that the vehicles are not visible from the residences.

Finally, Mr. Centamore advised that until one of their members got a notice of this meeting a week prior, the Applicant never contacted the residents. He claimed that the residents had to track them down and talk to them. To the residents, it appeared that this was trying to be done on the sly and without the neighborhood's input. Despite this, the homeowners are willing to work with the Applicant, if they are also willing to work with the homeowners.

Mr. Centamore, responding to Ms. Graham, confirmed that the town homes' fronts face onto NW 1st Avenue.

Ms. Graham asked if the vacant lot was presently illuminated at night, and Mr. Centamore said it was not. He advised that the residents asked that the Applicant install decorative low-wattage lighting.

Doug Sterner, stated that he owns the property at 632 NW 2nd Avenue and that he is the Vice President of the Progressive Village Civic Association. He said that this was a neighborhood in transition and in a very critical juncture in its history. The residents are working very hard to revive this neighborhood. The neighborhood has been plagued with a lot of vacant lots, which results in illegal dumping, vagrancy, etc. Mr. Stern expressed that they have been encouraged lately by some small-scale development that has come into the neighborhood, including the town homes that are directly across from the proposed site. He advised that the town homes' view will be directly into the proposed parking lot.

A concern, said Mr. Sterner, is what the effect will be on the ability of the developer to sell those town homes with this view into a parking lot, as well as the future development along 1st Avenue. In addition, he questioned why the parking lot will accommodate 32 cars when the business only has a staff of 14.

Mr. Sterner stated that they want to preserve the residential character of the neighborhood and encourage its further development along those lines. He expressed a concern that changing the zoning to XP will not go along with the vision they have for the community.

Mr. Sterner said that their main concern is to keep the traffic off of 1st Avenue and that it was a very reasonable request for the Applicant to integrate both of their sites into one and to have the ingress and egress from 8th Street.

Linda Ashby, 719 NW 1st Avenue, said that she was speaking on behalf of herself and her neighbor, Shani Magosky, who is in Colorado right now. As a resident living on NW 1st Avenue, she concurs that this will discourage the continuance of development in this neighborhood. Currently, they have invested over 1/2 Million Dollars apiece in each of

these properties. Ms. Ashby expressed that a parking lot to accommodate a commercial business is not compatible with the vision of the residential growth.

Pam Hills, 735 NW 1st Avenue, showed a photograph depicting the present parking conditions on NW 8th Street and 1st Avenue. The overflow is presently there day-to-day. She said that the conditions are atrocious in its present state, and because the Applicant is willing to put in a little landscaping is not sufficient. Ms. Hills said that she views this parking lot every day from her second story. She advised that there are buildings nearby that are 3 stories and that those residents will easily be able to peer over any landscaping. In addition, the lighting will affect the neighbors. Ms. Hills said that the goal of their community is an urban pedestrian friendly community.

Ms. Hills expressed that their issues should be addressed as they are considerable taxpayers in the community. Their 4-block radius alone contributes about $26,000 a month and about $259,000 a year. She feels that this can eventually affect the tax basis in the City.

Frasier Barnfather, 315 SE 23rd Avenue, Pompano, stated that he is a developer in the area and a member of the homeowners association. He said that he concurred with much of what he has heard and that he would like to see the area more residential friendly. He suggested that more mature plants should be installed onto the site instead in plants that would take 10 to 15 years to grow.

J. J. Hankerson, 905 NW 2nd Avenue, expressed that the residents are trying to make their community the best that it can be. The neighborhood has come a long way from what it used to be. As such, when something goes on in the neighborhood, the residents want it to be attractive. He asked that the Board consider the residents' views as well.

Vice Chair Adams asked when the first meeting took place with the Applicant. Mr. Hankerson said it was a week ago Monday.

Vice Mayor Charlotte Rodstrom, stated that she was here tonight in support of the neighborhood, as she is the District Commissioner and is passionate about the Progresso area. She said that this area has made huge strides in trying to redevelop their area, and are doing unbelievably good work there with limited resources. She expressed that she is very proud to be their District Commissioner and have them here tonight.

Vice Mayor Rodstrom said that the neighborhood is willing to make concessions. She understands the Bliss Window family. They have been there a long time; they are a small business and they likewise have concerns. She suggested that they both needed to work very strongly together to be able to make this neighborhood continue the path it wants to proceed.

Vice May Rodstrom expressed that tonight is the night the Board can make a difference in this neighborhood. Once this decision is made as to this parcel of land, the decision will follow on the other parcels of land. She asked that the Board look very strongly to the

neighborhood and the neighbors that have come forward with their requests. She said that this Board can place conditions on the developer to make the neighborhood look better. Vice Mayor Rodstrom said it was her opinion that the additional sidewalks, the landscaping and the relocation of the entranceways being relocated to 8th Avenue are very important. She asked the Board to look into that and to vote correctly.

Ms. Freeman asked Vice Mayor Rodstrom if she was in favor of the parking lot enhancement, but she wanted to see the entranceway on 8th Street. She stated that she would prefer the property stay with its residential designation. However, because the neighborhood has agreed to make some considerations, she believed this was the way to make everyone happy. If the Board could grant the conditions desired by the neighborhood, it would help the business. In fairness for both parties, Vice Chair Rodstrom, stated that accommodating the neighborhood and the business at the same time with what the neighborhood has requested.

Ms. Freeman compared it to the 6th Street Plaza with commercial in the front, but not enough parking; although she stated that she did understand the concern for the parking entrance being on 8th Street as opposed to 1st Avenue. Vice Chair Rodstrom said that it would be a quick fix tonight versus what will be there for life. She expressed that by bringing the entrances/exits to the parking lots off of what is more the commercial streets, rather than the residential streets, she feels this is a good thing to go forward with.

Ms. Graham asked if Vice Chair Rodstrom agreed that as to revisions to the drawings, the Applicant should resubmit with any comments and agreements rolled into the drawings as opposed to approving it tonight based on just conditions and comments that are verbally put into the record. Vice Chair Rodstrom responded that her concern with that is that this may have to go back to the developer, which the attorney had said may be more costly and take a long time. If, in fact, these can be put into conditions, she said she would acquiesce to Greg Brewton and see what could be done; however, it would be the process to follow.

Chair Maus expressed to the Applicant that there may be a theme here, as certain members of the Board believe that there needs to be more time spent with the neighborhood. She asked what the Applicant's thoughts were as to taking a deferral, spending more time with the neighborhood and getting to a point where everyone can agree on something. Mr. Dickerson responded that definitely if that was the consensus of the Board, the Applicant would take that option and look into the additional concessions that have been requested tonight.

Mr. Glassman said that he had a question for the neighborhood. He stated that since the issue before the Board is actually the rezoning, he wanted to know whether the neighborhood is agreeable with moving from that point and accepting the rezoning if all the other conditions are met; or whether the neighborhood did not want to see this rezoned.

Mr. Sterner, on behalf of the neighborhood, stated that they would prefer that the zoning remain residential, but they also realize that this was a community and the Shallenbergers are a part of this community and have been a part of it longer than most of the residents. The neighborhood is willing to work with the Applicant as they want the Applicant's business to continue to thrive, because that will help the neighborhood survive as well. He said that it was important that the neighborhood and the Applicant compliment each other and not having one's interests outweigh the other.

Mr. Sterner reiterated that the residents prefer that the parcel not be rezoned. However, this has been discussed among the Board of Directors, along with some interested citizens from the neighborhood, and what was believed to be reasonable modifications were presented to move the entrances to the 8th Street side and to request the additional landscaping. There was disappointment that the residents got very little of their requests addressed and met. As such, the residents now feel they must take the position that they would prefer that this parcel not be rezoned.

Vice Chair Adams asked where the employees park today. Mr. Dickerson confirmed that there were currently 14 employees and many of them carpool. Some of the employees park in the front parking lot and then if the lot is full, they park wherever they can, such as along the side on the gravel and sometimes on the swale. When the commercial vehicles are gone, some of the employees will park in that lot.

David Robbins of Andrews Collision Center, at 901 N Andrews Avenue, advised that his business has been there for six years and that he has never had an issue with the neighborhood. He has just been given a notice that his gates, which are green and covered with ficus and which are secured for his customers' cars, now have to be taken down. In addition, he must put lights up and can only have 46 cars parked and they must be for employees only. Mr. Robbins expressed that his situation was similar to the Applicant's tonight, but his parking was already in place, and now he finds himself in violation. He would like to know what happened there.

Chair Maus advised Mr. Robbins that he is welcome to comment on the agenda item tonight, but this was not an opportunity to solve his problem. Chair Maus explained that this Board did not have any information about his project and that he should discuss this with Greg Brewton.

Finding that there were no additional members of the public wishing to speak on this Item, the public hearing was closed, and the matter was brought back to the Board.

Mr. Stresau offered an explanation as to why the "X" zoning was created. He stated that as Fort Lauderdale businesses grew along most of the major thoroughfares, those thoroughfares were then widened. The parking was absorbed into the right-of-way and the businesses suffered. Approximately 12 years ago, the Planning Department went to the Commission and said that they wanted to have a mechanism to be able to invade some of the property behind the commercial property, and it would need to be done in a

way that dealt with the existing neighborhood. In this case, the neighborhood is residential.

Mr. Stresau acknowledged that there has been a lot of conversation tonight about the back of the building, as well as about the existing parking lot. Mr. Stresau read from the "X" zoning as follows:

> The owner of the business property shall acknowledge in the application that the business property may be subject to development restrictions and conditions which may be imposed on the property as a result of the approval of the X zoning district rezoning on the parcel to which the business property is joined.

Mr. Stresau suggested that this one statement gives this Board and the Planning Department all the authority to require almost anything, including changing the façade on the building, in order to achieve the X zoning that the Applicant is requesting for the parking. He expressed that he hoped in developing a new site plan, that it would include the parcel on the corner, that it would include the requests of the homeowners association, and that it would include doing something to the back of the existing building.

Mr. Stresau stated that if the lighting is truly is for the employees, then part of the development submission should be that the lighting be coordinated with the business hours. He asked Mr. Brewton if the Board were to approve the XP zoning for the parking lot, whether the approval could be tied with this business specifically (Bliss Window), so that if it were to become a more active business operation, like a mini-mart, could the new business use the parking lot in the back, or could this Board require a change in occupants to come back for a review of the XP zoning.

Mr. Brewton said that the Board can place any condition on the approval. He advised that while it could be tied to a particular site plan, he was unsure if it could be tied to a particular owner. In terms of the site plan and the area that is before this Board, conditions can be placed on a particular site plan to restrict the use based on what is determined to be appropriate.

Mr. Stresau asked if he could assume that because 8th Street is only a 40 ft. right-of-way that this would include a bit of a dedication so that the sidewalk will be within the new right-of-way. He ventured that it will be pretty complicated to get this all put together in 30 days. Mr. Brewton suggested that it may be appropriate for the Applicant to come back with an amended site plan and an amended request to include that lot in their request.

Ms. Golub said that she concurred with Mr. Stresau's comments. It is clear that this Board does not want to review a site plan that does not include the entire parking lot. The Board does not want to see a site plan that does not have an entrance on 8th Street. The Board wants the lights addressed, as well as sidewalks. Meaningful landscaping must be addressed. Therefore, Ms. Golub said, she did not believe the Applicant should be sent away without some specific directives on what this Board thinks should be addressed.

Ms. Graham said that she believed the Applicant would also need an elevation survey for the parcel on the very corner.

Chair Maus asked Mr. Brewton if a motion to defer can have the conditions attached to it that were mentioned by Ms. Golub, such that they address specific items before they reapply. Mr. Brewton stated that the Board can direct the Applicant in terms of things that the Board would like to see them investigate prior to them coming back before this Board, and making sure that the Applicant understands that those will be the items that will be particularly looked at when they do return. He said that rather than a condition, it would be more of a directive.

Thereupon, Vice Chair Adams accepted the conditions and amended her motion accordingly. This was likewise seconded by Mr. Stresau.

Mr. Glassman asked to include a directive for the Applicant to have meetings with the neighborhood association.

Motion made by Vice Chair Adams, seconded by Mr. Stresau to defer this Item until the October 15, 2008 Meeting of the Planning and Zoning Board, with directions to the Applicant to meet with the neighborhood to address their concerns. In a roll call vote, the motion was granted unanimously (7-0) [Mr. McTigue abstaining due to a conflict].

[8:15 p.m. Chair Maus announced that the Board would be taking a 10-minute break at this time.]

[8:25 p.m. Chair Maus called the meeting back to order. Ms. Freeman was no longer in attendance at the Meeting.]

7. <u>Riverbend Corporate Park of Fort Lauderdale</u> Yvonne Redding 56-R-08

Request: **	**Site Plan Level III / Waterway Use / 938 Space Parking Garage with Amended Site Plan / B-1**
Legal Description:	Parcel "A", "Riverbend Corporate Park", P.B. 175, P. 95 through 97 of the Public Records of Broward County, Florida
Address	2201 West Broward Boulevard
General Location	North of Broward Boulevard and East of NW 25 Avenue

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in. Mr. Stresau and Vice Chair Adams, both having conflicts of interest, stepped down from the Board at this time.

Robert Lochrie, Esquire, on behalf of the Applicant, indicated that this was either the second or the third amendment to this project. The property is the subject of a development agreement between the City's Community Redevelopment Agency (CRA) and the Developer. Previously, Mr. Lochrie stated, the property was owned by the CRA and was conveyed to the developer with the agreement that the developer would ultimately build at least 317,000 sq. ft. of office and retail space. Mr. Lochrie said that at this time the first building is complete, having been constructed over the past 1-1/2 years, it has its Certificate of Occupancy, and the landscaping is in.

Mr. Lochrie stated that tonight's request was for additional amendments to the Site Plan as follows:

1. The existing building on the site is four stories. The Applicant is requesting to transfer some of the commercial and retail from Buildings E and F to Buildings C and D. Those buildings will then also be built to four stories to be consistent with the completed building.
2. A parking garage is proposed to be added to the project.

Mr. Lochrie confirmed that the additional buildings do not exceed the permitted square footage under the CRA agreement. The buildings A, E and F will be future phases. Mr. Lochrie explained that under the previous site plan, the project was approximately 90 parking spaces short, thereby requiring a parking reduction. With the addition of the parking garage, the parking requirements will be met, allowing the parking reduction to go away.

Yvonne Redding, City Staff, reiterated that this was a request for an amendment to Site Plan and to transfer square footages from two of the previously approved buildings to buildings C and D, as well as a proposed new parking garage which will include retail space on the ground floor. Ms. Redding confirmed that the square footage was not an increase, but merely a shifting of amounts. Buildings A, E and F will be phased out and reviewed at a later time by this Board.

Ms. Golub inquired as to whether anything in addition to the first building would actually be built and whether these amendments were due to economic reasons. Mr. Lochrie advised that these changes had nothing to do with the economy, but instead the project was being changed to be more in compliance with the developer's obligations with the CRA agreement, which require that 317,000 sq. feet be built. Mr. Lochrie confirmed that the first building is completed and is being occupied by its first tenant.

Mr. Lochrie expressed that this project is much larger than just this site. Also included will be the properties to the south, which have been acquired, where the new landscaping berms have gone in. Also, Mr. Lochrie said, much of the landscaping enhancements around the lake have already been constructed and are in place. The water feature in the middle of the lake was financed by his client.

Mr. Lochrie confirmed for Ms. Golub that the last time this Item was before this Board, adjustments were made to suit a future tenant. He further confirmed that changes were

being requested tonight to enhance the project. Mr. Lochrie explained that this is a very long-term project. What makes it unusual is that a very small portion of this project, on the northeast corner, is on the waterway. As a result, every time anything is changed on this project, the Applicant must come back before this Board. It is anticipated that this project will possibly take ten years to complete.

Mr. Lochrie showed on a photograph where the completed building and existing parking were located. He also showed where the parking garage would be constructed. Mr. Lochrie showed on the photograph where the next building to be constructed would be located. He confirmed for Ms. Golub that after the second building is constructed, the parking garage would then be built. Ms. Golub asked whether there would be enough surface parking to service the first two buildings until the parking garage is constructed. Mr. Lochrie confirmed this was correct, as parking would be available in several places on the site. He indicated that it may be possible that the developer will decide to build the garage at the same time the second building is constructed.

Finding no further questions from the Board, Chair Maus opened the matter to the public. Finding no members of the public wishing to speak, the public hearing was closed and the matter was brought back to the Board.

> **Motion** made by Ms. Graham, seconded by Mr. McTigue to approve Site Plan Level III. In a roll call vote, the motion was granted unanimously (5-0) [Mr. Stresau and Vice Chair Adams abstaining due to conflict].

8. <u>KYGO, LLC.</u>	**Yvonne Redding**	**19-P-07**
Request:	**Right-of-Way Vacation / RAC-CC**	
Legal Description:	All that portion of that certain 14 foot alley lying in Block 46, TOWN OF FORT LAUDERDALE, according to Plat Book "B", page 40 of the Dade County Public Records, FL.	
Address	600 block of Andrews Avenue	
General Location	North of SW 6 Street and West of South Andrews Avenue	

Robert Lochrie, Esquire, on behalf of the Applicant, stated that this is a request for a vacation of an alley for property located at the 600 block of Andrews Avenue. Mr. Lochrie showed where the property was located on a map. Currently, an alley bisects the property. Mr. Lochrie explained that the alley is really just a segment of an alley, as south of this site the alley was vacated by the City, allowing the Publix Supermarket to be built there. Within the same block and north of this site, the rest of the alley has also been vacated. As such, Mr. Lochrie stated, this alley begins and ends mid-block and has no continuation further to the south.

Mr. Lochrie advised that this alley vacation was presented to the City's Property and Right-of-Way Committee in May of 2008, and was approved unanimously for that purpose. It has also been presented to all of the Utility Boards and the utility companies have issued letters of support.

Important to note, Mr. Lochrie stated, is that while the Applicant is requesting the City vacate approximately 3,500 sq. ft. of alley area, the Applicant will actually be dedicating back additional right-of-way (approximately 5 feet on 1st Avenue, 10 feet on 6th Street, and 9 feet on Andrews Avenue) totaling approximately 6,500 sq. ft., which does not take into account the corner chord.

Mr. Lochrie stated that there were letters of support from the properties to the north and west of this site in the Board's packet, in addition to an e-mail from Publix, all in support of this request.

Yvonne Redding, City Staff, echoed much of the explanation provided by Mr. Lochrie. She stated that while the Downtown Master Plan does discourage vacations of rights-of-way, the Applicant is proposing to dedicate back to the City additional rights-of-way in order to comply with the Downtown Master Plan and the County's trafficways.

Finding no questions from the Board, Chair Maus opened the matter to the public. Finding no members of the public wishing to speak, the public hearing was closed and the matter was brought back to the Board.

Mr. Lochrie offered a correction to the Board in that the letter from Publix was neither in support, nor opposition to the vacation.

Motion by Mr. Stresau, seconded by Vice Chair Adams to approve right-of-way vacation granted with the following Staff conditions:

1. The ROW vacation shall be subject to approval of the site plan development proposal.
2. If any relocations are required, the full cost shall be borne by the applicant and the relocation plan shall be reviewed and approved by the Engineering Department.
3. The ordinance approving a vacation of right-of-way or other public place shall be recorded in the public records of the county within thirty (30) days after adoption. The ordinance may provide for the retention of a utility or other type of easement needed by the city, and may have a delayed effective date in order that any necessary conditions relating to the vacation may be met.
4. The ROW vacation shall not take effect until the date a certificate of the engineer is recorded in the public records evidencing that the conditions took place in a manner satisfactory to the City Engineer.
5. Final DRC approval.

In a roll call vote, the motion was granted unanimously (7-0).

9.	**Ann Herman Park**	**Michael Ciesielski**	**28-R-08**
	Request: **	**Site Plan Level III / Waterway Use**	
	Legal Description:	Lot 2, Block 1, Rohan Acres, P.B. 22, P. 43, 44 of the Public Records of Broward County, Florida	
	Address	1760 SW 29 Avenue	
	General Location	East side of SW 29 Avenue, ½ block south of SW 17 Street	

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Frank Snedaker, City Architect, advised that the Applicant was seeking site plan approval on a development on a waterfront. The site is a park on land that was acquired by the City through the County's Park Fund Program. The City has an inter-local agreement with the County to develop this park within a five-year period.

The Applicant has met with the neighborhood association, who is in favor of this project. Mr. Snedaker advised that this project has been approved by the City's Parks and Recreation Board.

Currently, Mr. Snedaker stated, this parcel of land is vacant, having 130 feet of waterfront on the east side of the property. It is intended to serve as a neighborhood park with picnic tables, a fitness trail, playground and small pavilion.

Michael Ciesielski, City Staff, stated that this request for Site Plan Level III waterway use. The Applicant, City of Fort Lauderdale, is proposing to develop a new city park on this vacant lot in the Chula Vista neighborhood that abuts the Chula Vista canal, which travels out to the south fork of the New River.

Mr. Ciesielski explained that the development was reviewed by the Development Review Committee (DRC) on February 12, 2008. The proposed project is consistent with the City's Comprehensive Plan and ULDR *Sec. 47-23.8, Waterway Use.* The City's Parks Department has worked closely with the neighborhood. Mr. Ciesielski referenced a letter of support from the Chula Vista Isles Homeowners Association.

Finding no questions from the Board, Chair Maus opened the matter to the public.

Rudolph Herman, President of the Chula Vista Isles Homeowners Association, said that he and his six siblings were raised on the subject property, and subsequently sold it to the County. He advised that he owns the vacant lot next to this property, 1750 SW 29th Avenue, and would like to offer his property to be used for staging equipment or anything that can assist in getting this project going.

Finding no additional public wishing to speak on this item, the matter was closed to the public and brought back to the Board.

Motion made by Ms. Golub, seconded by Ms. Graham to approve Site Plan Level III granted with the following Staff conditions:

1. Site plan approval shall be valid as provided in ULDR *Sec. 47-24.1.M.*
2. Final DRC approval.

In a roll call vote, the motion was granted unanimously (7-0).

10. <u>Middle River Terrace Park</u> **Michael Ciesielski** **10-Z-08**

Request: ** *	**Rezoning from CB and RM-15 to P (Park)**
Legal Description:	Parcel "A", Treeloft Square", P.B. 113, P.23, B., together with a portion of Section 35, Township 49, Range 42 East, being more particularly described as follows; the S. 120' of the N. 300' of the W. ½ of the NW ¼ of the NW ¼ of the SW ¼ of Section 35, Township 49, Range 42 East, of the Public Records of Broward County, Florida
Address	1329 NE 7 Avenue (1340 NE 5 Terrace)
General Location	East side of Dixie Highway, north of NE 13 Street

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Frank Snedaker, City Architect, advised that this was going to be the first of numerous requests for rezoning for existing and proposed parks where the zoning is inconsistent with park use, in some cases where there are existing parks in place. This is being done to have consistency with the Comprehensive Plan.

Mr. Snedaker stated that the Annie Beck house has been relocated to this park, commonly known as Middle River Terrace Park. In order for the Broward Historic Trust to do any work there, this property must be properly zoned.

Michael Ciesielski advised that this property currently has two zoning classifications, CB (Community Business) and RM-15 (Residential-Medium). The request before this Board tonight is to rezone the property to P (Parks, Recreation and Open Space District). He stated that the criteria to be used in evaluating the rezoning request is contained within ULDR *Sec. 47-24.4.(D)*

Mr. Ciesielski indicated that the Applicant had provided a full narrative, which was included within the Board's packet, along with a point-by-point response to adequacy requirements, site photographs, survey, a sketch and legal description of the property. The proposed rezoning, Mr. Ciesielski said, was consistent with the City's Comprehensive Plan. Also included within the Board's packet is an email from Tim

Smith, President of the Middle River Civic Association, indicating their support for this rezoning request.

Mr. Ciesielski advised that if this Board grants the rezoning request, the recommendation shall be forwarded to the City Commission for consideration.

Finding no questions from the Board, Chair Maus opened the matter to the public.

Diane Smart, President of the Broward Trust for Historic Preservation, stated that this property has been a neighborhood park for 11 years, and the neighborhood and City had done an incredible job of cleaning up the property. She expressed that she was thrilled to support this and hope that the Board would agree to the rezoning request.

Tim Smith, President Emeritus of the Middle River Terrace Neighborhood Association, acknowledged that they were likewise thrilled to have the Annie Beck house, and that the Association was working closely with the Broward Trust for Historic Preservation. He noted that Ms. Smart followed the entire move of the house, which took about 6 hours to complete. The entire Board of the Neighborhood Association is in attendance to support this rezoning request and he asked them to stand to show their support.

Mr. Glassman expressed his congratulations to the Middle River Terrace Neighborhood Association and the Broward Trust. He acknowledged that he watched the procession of the house through the City to its new location, and that it was an incredible sight. Mr. Glassman explained that he is not aware of many other neighborhoods that have secured as many NCIP grants, Broward Beautiful grants, and a designation by the National Wildlife Federation Backyard Wildlife Habitat. Mr. Smith thanked Mr. Glassman for his kind words.

Finding no additional members of the public wishing to speak on this item, the public hearing was closed. The matter was brought back to the Board.

Motion made by Vice Chair Adams, seconded by Ms. Golub to approve rezoning request as presented. In a roll call vote, this motion was granted unanimously (7-0).

11. <u>Imperial Point Medical Center</u> **Randall Robinson** **59-R-08**

Request: **	**Site Plan Level III / Conditional Use Approval / 21,317 SF Emergency Room Expansion / Community Facility Zoning**
Legal Description:	A portion of northeast one-quarter of section 12, Township 49 south, Range 42 east and all of parcel "A", Imperial Point Medical Center North as recorded in P.B. 133, P. 44 of the Public Records of Broward County, Florida
Address	6401 North Federal Highway
General Location	West side of Federal Highway, 2 blocks north of NE 62 Street

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Nectaria Chakas, Esquire, on behalf of the Applicant, advised that she was joined this evening by a number of consultants in the event there were any questions so that they could be properly answered. She stated that this is a site plan modification to the Imperial Point Medical Center, whereupon she showed an aerial of the existing site. Ms. Chakas explained that the primary access is off of Federal Highway. The request before the Board tonight involves an expansion of the Emergency Room.

The Hospital is a 9-story structure with a 3-story addition that was constructed in the 1970's.

Ms. Chakas advised that the current Emergency Room is located within the Hospital, and is proposed to be relocated to a more modern, more efficient and much larger facility, in order to meet the needs of the population growth in Broward County. The number of beds (204) is not being modified. An additional factor for consideration is that the nearby North Ridge Medical Center has closed, creating a potential for additional emergency room patients at Imperial Point Medical Center.

Ms. Chakas explained that the proposed Emergency Room expansion includes significant proposed modifications in parking area upgrades and landscaping upgrades. Because this property was originally developed in the 70's and 80's, it has nonconforming parking and does not meet today's landscaping requirements. Therefore, as a result of this proposed Emergency Room expansion, all of the parking and landscaping will be brought up to Code.

Ms. Chakas showed the Board a rendered site plan which indicates what the property will look like with the improved landscaping, improved parking and the Emergency Room

expansion. Ms. Chakas indicated on the rendering that the route of the emergency vehicles will not change, but that the destination will be modified slightly.

Ms. Chakas next showed an elevation view of the proposed Emergency Room expansion, which is designed to compliment what is already there.

Randall Robinson, City Staff, explained that this request was for the conditional use approval of the Imperial Point Medical Center Emergency Room expansion. The Applicant proposes to construct a one-story, approximately 21,000 sq. ft. addition to the existing Emergency Department. The site is currently zoned community facilities and community business, and the proposed expansion is on the community facilities zoned portion of the property.

Finding no questions from the Board, Chair Maus opened the matter to the public. Finding no members of the public wishing to speak, the public hearing was closed. The matter was brought back to the Board.

Motion made by Mr. Glassman, seconded by Mr. Stresau to approve Site Plan Level III granted as presented. In a roll call vote, the motion was granted unanimously (7-0).

12. <u>Commodore Club Condo</u> Thomas Lodge 34-R-08

Request: **	**Site Plan Level III / Waterway Use and Yard Modification / RML-25**
Legal Description:	Lots 12, 13, & 14, Block 10 of "LAUDERDALE HARBORS SECTION A", According to the Plat thereof, as recorded in PB 9, PG 1 of the Public Records of Broward County, Florida.
Address	1532 SE 12 Street
General Location	South side of SE 12 Street on the canal east of Cordova Road

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Mr. Lochrie, on behalf of the Commodore Club, advised that the project had first come before the Board over one year ago, and had been approved unanimously. It is a residential project, located in the City's RML-25 zoning district. Setbacks are exceeded on the east and west, and parking requirements are slightly below the maximum height restriction (35 ft.), and are 23 ft. on the sides.

The current request includes one change from the previously approved plan, which is the addition of a small wading pool/spa area at the rear of the property. Where the original plan included a flat wall against the water in this rear area, the building was now slightly

indented to provide new access from the lower floor to the addition. This would mean the area in question could be accessible by wading into it. Mr. Lochrie pointed out that the area would be insufficient for swimming purposes.

Roughly 9 ft. will encroach into the rear yard, he continued. The remainder of the swimming area will be located beneath the structure itself, leading up to the building. A visual of the rear view was provided.

Thomas Lodge, Planner, described the project as a three-story, multi-family building, with one level of parking. The proposed spa would encroach onto the 24 ft. landscape buffer required by Code 723-8-B-1. He reiterated that the project had been approved in March 2007, prior to the proposal of the spa.

Mr. Lodge continued that the project addresses the standards of adequacy and criteria for neighborhood compatibility and waterway uses. He stated that it is consistent with the City's comprehensive plan.

Ms. Graham asked if another pool area had originally been approved as part of the design. Mr. Lodge was not aware if this had been the case, replying that the original rear yard had been intended to be landscaped sod.

Finding no members of the public wishing to speak on this item, the public hearing was closed by Chair Maus.

Ms. Golub addressed Mr. Lochrie, expressing displeasure with how the project's change had come about. She felt the building could have been reconfigured to accommodate a water feature without encroachment.

Mr. Lochrie responded that the building's encroachment into the setbacks is consistent with the original plan; no additional building area being proposed. He noted that many similar projects in the area feature swimming pools in their rear yards, so the proposal is not out of character with developments of this nature. As the pool area is below grade, the change will not be immediately visible, he said; he did feel the wading pool was a significant improvement over the original design of grass against a hard wall. As the project progressed, he explained, its architects had felt the new design was the more appropriate one.

Ms. Golub voiced a concern with the design of the patio area that would naturally accompany a pool. Mr. Lochrie stated that this area would be part of the setback. He added that pavers would form a walkway to the dock area, while the previous plan had called for grass. Docks, he said, were a common feature behind waterfront properties and underwent a separate City Dock permitting process.

Ms. Graham referred to a visual rendering (sheet LS-1) with greater detail, noting that it differed from the visual shown on a slide screen (DR-1) with regard to the pavers. She suggested that the project's architect address the issue.

Architect Bob Tuthill agreed that the technical landscape plan (LS-1) shows more detail, which he described as "understory landscaping." He described the benches and other hardscaping as minimal, and limited to the perimeter of the spa itself, and informed the Board that the project featured a wading pool, rather than a swimming pool, in order to preserve quiet space. He pointed out that the spa area is enclosed by the planned landscaping, which makes it a more private element of the project.

Regarding the walkways, Mr. Tuthill continued, they were moved to the middle of the building to eliminate the issue of people walking the property line.

Mr. Stresau reiterated that the 20 ft. yard required by the zoning code would be invaded by the proposed change, which, he felt, should be the determining factor in this case.

Mr. Lochrie stated that the setback could be encroached upon if the change was presented to the Board and approved.

Ms. Golub referred to the proposed move of sidewalks from the property line to the middle of the area. This, she said, changed the view of the first floor of the building. She felt that this change to the project's flow called for a more comprehensive review than the simple addition of a water feature.

Ms. Graham asked if the project was presently under construction. Mr. Lochrie said it was not.

He continued that the client would provide additional information if the Board felt it was necessary, and described the property as it presently stood, with a solid wall in front of a parking area, and the landscape buffer of sod and trees. He noted that no large elements were being changed, and the proposal would be an "enhancement" only, improving the view to the water and the overall project.

Currently, he said, the area could be accessed through the garage's exits and entrances, then move onto the sidewalk to a grassy area along the seawall. Under the new proposal, the garage would not be entered or exited by the same areas used by cars, but rather through separate doors that led into the water area with its enhanced landscaping.

The equipment room included in the visuals, he said, would house the pool pumps within the building to minimize additional noise or impact.

Ms. Graham asked for an explanation of the "underlying rationale" for the changes, asserting that at the present stage of construction, a project would not willingly incur new costs without a good reason. She also felt the architects could find a way to preserve the 25 ft. setback required by code, and that allowing a change of this nature to the rear area, would set a poor precedent for the Board.

Mr. Lochrie noted that the encroachment of a pool area was less obtrusive than that of an entire building, adding that only a 9 ft. portion of the pool area actually encroached upon the rear of the project.

Ms. Golub asked where the two parking spaces removed by the encroachment were to be replaced. Mr. Tuthill replied that equipment rooms were moved in the parking garage to make way for the two spaces.

Ms. Graham felt that the creativity the architects had shown in making this change should have resulted in other options for the property. She reiterated her earlier question regarding the reason that the change was proposed.

Mr. Tuthill responded that the building was "very low key," and the project did not take up all possible space from setback to setback on the property. He stated again that 50% of the spa would be beneath the building and described it as "very discreet."

Motion made by Vice Chair Adams, seconded by Mr. Stresau to approve Site Plan Level III, with Staff conditions as presented. In a roll call vote, the motion was granted (4-3) [Mr. Stresau, Ms. Graham, Ms. Golub dissenting].

13. <u>Fort Lauderdale Executive Airport</u> Renee Cross 41-R-08

Request: **	**Public Purpose Use Approval**
Legal Description:	FXE Plat, Portions of Sections 8, 9,10, 16 and 17, Township 49 South, Range 42 East
Address	6000 NW 21 Avenue
General Location	Between NW 62 Street and Commercial Boulevard and between NW 9 Avenue and NW 31 Avenue

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Fernando Blanco, Engineering Staff, stated that the City proposes to construct and install 27 detached, free-standing directional signs in order to provide direction at the Fort Lauderdale Executive Airport. The signs would alleviate confusion and guide visitors to their destinations.

The signs' side panels would be color-coded to represent the various zones within the airport's perimeter, and would have removable inserts to allow for changes. Signs would be constructed on airport property and remain within code requirements.

Renee Cross, Planner III, noted that the Applicant requested relief from ULDR Zoning Requirement *Section 47-22.4*, which restricted the maximum number of signs allowed at a single location. Specifically, the Applicant proposed an additional 20 signs within the

GAA Zoning District, and one additional sign in the AIP Zoning District above the number allowed by ULDR. The main sign proposed in the Commerce District met the ULDR requirement, she said.

As there were no questions at this time for Staff or Applicant, Chair Maus opened the public hearing. There being no members of the public wishing to speak on this item, the public hearing was closed by Chair Maus.

Ms. Graham noted she had not been aware so many tenants were on the property in question, and inquired if all tenants listed on the proposed signs were current or future. Mr. Blanco said that all tenants were current.

Motion made by Ms. Golub, seconded by Mr. McTigue to approve Motion for Public Purpose Use. In a roll call vote, the motion was granted unanimously (7-0).

14. <u>Lauderdale Marine Center Annex</u> Anthony Fajardo 62-R-08

Request: **	**Site Plan Level III / Waterway Use / Conditional Use Approval for a Marina Facility / 40,947 SF Boat Shed / 67,700 SF of Commercial / Storage Use with 29 Boat Slips and 45 Dry Storage Spaces / Industrial Zoning**
Legal Description:	A portion of Parcel A, Lauderdale Marine Center Plat No. II, according to the plat thereof as recorded in P.B. 176, P. 175-176, of the Public Records of Broward County, Florida.
Address:	1601 SW 20 Street
General Location:	Approximately 150 feet west of SW 15 Avenue on the north side of SW 20 Street

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Donald Hall of Gunther, Yoakley, and Stewart, and Dodie Keith, of Keith & Associates, advised that they represented the Applicant.

Mr. Hall stated their purpose before the Board was to amend the site plan, which had been approved October 18, 2006. He noted that some confusion had existed about what had been approved, and the structure to be discussed at tonight's meeting had not been shown with sufficient specificity, and therefore needed this review.

He felt it was incorrect that "conditional use" of the structure was necessary, as the 2006 site plan had been accompanied by an application for a conditional use marine facility, which had been granted; the application, he said, had covered the entire property and was not limited to the site plan.

Mr. Hall advised that two areas of review needed discussion: the code section dealing with waterway uses and the requirement that such uses be considered by the Board, and asked that the Board consider the character of the City, as well as the neighborhood in which the project was based. He felt the character of the neighborhood was particularly devoted to marine uses, in balance with its residential capacity, and that "neighborhood compatibility" included the entire neighborhood, not just individual parcels.

Mr. Hall also pointed out the use of the term "nuisance" in both sections, waterway use and neighborhood compatibility, and advised that proving a "nuisance" would require evidence that the property would interfere with actual use or enjoyment, and that the effect was unwanted, unreasonable or unlawful. He felt that none of the uses proposed by the site fit this description.

Ms. Keith discussed the details of the review, informing the Board that Lauderdale Marine Center was located east of I-95 along the river. Its West Yard was 34 acres, purchased in 1997 and in operation since that time; the East Yard was 18 acres, currently under construction. A graphic showed the steel structure, a boat shed, to be discussed before the Board.

She continued that this structure had been on the property when purchased, had been deemed structurally sound, and was refurbished; it was part of the site plan approved in 2006, she said, and would remain on the property. She drew the Board's attention to the North side of the river, beyond the project's site, which was the Pier 17 site and had been approved by the Board in the past year. She noted that structures on that site were similar to those on the Applicant's site.

The reason for tonight's meeting, Ms. Keith said, was an omission on the original site plan approved in 2006: the boat shed had been omitted from the graphic submissions at the time, and the verbiage submitted referred to 13 covered slips on the property. It had only been omitted from the architectural site plan, she pointed out, and had remained in the engineering plans and in all other documents put forward, including all permits and the plat. Due to this omission, the shed was not in compliance and the Applicant was currently under a stop work order.

Before the Board, she said, was a proposed site plan for the single structure by itself, which the Applicant felt would meet all ULDR and comprehensive plan requirements. The zoning district in which the boat shed is located is an industrial one, she stated, and the area surrounding the property is industrial. No residential community is directly abutted by the property. Ms. Keith noted that the area's residents expected to speak at the public hearing lived near the East side of the property, which faced downriver to the facility. She reiterated that Pier 17 is located to the North and referred to them as a "compatible" facility.

Ms. Keith pointed out that across from the property is a "condominium style" boat facility for "mega-yachts," similar to the ones to be housed by the Lauderdale Marine Center.

Included in that facility was a clubhouse and dock area, where additional boats would be allowed to dock.

She presented a graphic of the actual "boat barn," describing it as more than 862 ft. in length and 65 ft. high. The Lauderdale Marine Center's boat sheds were also shown. They are open facilities, with open sides on the East and West; while Pier 17's mega-yachts are housed in enclosed structures, the Marine Center provided only covers.

Given the proximity of the two developments, Ms. Keith described them as "very compatible," noting that all ULDR and setback requirements are met. While the structure covers very large yachts on an 18-acre site with only three structures, the FAR for the entire site would be at 0.185. This "did not even approach" an FAR variance, she said.

In terms of the structure's height, a visual was presented that showed the building to be 71.5 ft. in height. Protective siding comes down 29 ft. on the West side; the East was originally designed to come down 45 ft. but extends lower than this to provide a protective area to buffer the structure from the activity at the nearby Riverbend Marina.

The item believed to be of most concern to the residents, Ms. Keith said, was a large, blank blue wall. She stated that the Applicant had met with the residents at three separate homeowners' association meetings and had tried to come to a consensus with the residents over a two-year period. Unfortunately, she said, a consensus could not be reached, but in response to a previous suggestion by the Board, some "nautical features" had been added to the wall in order to break up the solid color. She added that the Applicant was open to further suggestion on this matter.

Ms. Keith concluded by stating that the Applicant took full responsibility for the necessity of this presentation, but asked the Board to consider the proposal independently of its circumstances. She also pointed out that the Applicant would be replacing an antiquated structure, and met all ULDR requirements, and was consistent with all the operations surrounding them. She described the structure as a "much-needed enhancement" for the marine industry. The property had been in marine use since the 1920s, she said.

Anthony Fajardo, Planner, stated that on February 25, 2008, the Applicant was issued a building permit for construction of a replacement boat shed; due to existing zoning, the site was subject to a Site Plan Level III approval, and it was determined that the permit should not have been issued. A stop work order was issued on March 11, 2008. This was due to the fact that the shed had not been part of the October 18, 2006 approval.

The Applicant was allowed to continue construction to stabilize the structure sufficiently to withstand a storm event, Mr. Fajardo said. This did not complete the structure, however, and no work has continued past stabilization.

He continued that the Applicant is requesting approval of the 40,947 sq. ft. boat shed, which requires Planning and Zoning Board approval. The proposed shed is 71.5 ft. tall,

294 ft. wide and 139 ft. deep, and will cover existing docks as a replacement to a demolished boat shed if approved.

On June 5, 2008, the Marine Advisory Board approved the requested shed, subject to conditions of approval. In addition, the Supervisor of Marine Facilities included two additional conditions of approval, as indicated in the Staff Report.

Ms. Graham requested an explanation of the purpose of the sheds that covered the yachts. She recalled that the original approval had taken up a great deal of time and warranted some conditions. Mr. Fajardo deferred to the Applicant for the explanation; Ms. Graham allowed that her question could be answered at the public hearing.

Mr. Glassman asked Mr. Fajardo to explain an email the Planner had sent him which alluded to "misleading information" given to Staff by both residents of the neighborhood in question and representatives of the marina. Mr. Fajardo explained that there had been some confusion between these two parties regarding the conditions of approval for the previously approved project as well as the process required to approve the new boat shed; he had met with both groups after the email had been sent, asking the groups to come to the City for clarification on enforcement of previous conditions of approval and what approvals were needed.

Mr. Glassman then asked for actual height of the structure, saying he had heard several different figures quoted. Mr. Fajardo replied that the "signed and sealed" elevation put the structure's height at 71.5 ft, while he recalled the assembly building's height to be 73 ft.

Ms. Graham referred again to the email from Mr. Fajardo, asking if the record of the Board's original 2006 approval could not be cited in any instance of confusion. He agreed that this could be done, explaining that the confusion he had noted was related to the process of approval rather than the actual document.

Ms. Graham then asked for information about the expedited plan reviews, which were done by outside consultants hired by the City to assist with the workload. She felt that the purpose of consultants was to review for various building trades, while Planning & Zoning remained a critical first step in an ordered process. She expressed concern that this step would be passed along to consultants without a system of checks and balances.

Director Brewton addressed this question, pointing out that the expedited permitting process is left to the discretion of the Applicant. An outside firm, he said, is retained by the City to handle to expedited process for those Applicants who have opted for it due to the time frame. The Applicant has the responsibility of providing all necessary documents to this firm; Director Brewton was not aware of which specific documents were or were not provided to the firm in this instance.

Ms. Graham stated that the Planning & Zoning and Fire Departments still subject their permits to in-house reviews, and asked if the private plan review caused a gap in the sequence of this process.

Director Brewton said in this case, the project in question should have been an amendment to a set of plans that had already been approved, and that the normal process for this amendment's approval was the reason the project was before the Board tonight. He allowed that the private review should have followed tonight's hearing, rather than having been taken out of sequence.

Ms. Graham clarified that the original approval, not including the building in question, had already gone to the City at the time the issue of the building was identified. Mr. Brewton stated he was not aware whether the original project only had gone to the expedited review process, or only the amendment concerning the building omitted from the original plan.

Ms. Keith said the entire project had been handled through expedited permitting, but a site plan had not been included with the submitted materials. She stated that there was no amended site plan at that point.

Director Brewton added that these plans should have first gone to Planning & Zoning for review and approval before being submitted to expedited permit review. He stated that the process had changed since this situation occurred.

Ms. Golub asked the Applicant whether this situation had happened intentionally, affirming that she felt the entire process to have been unprofessionally handled. She expressed particular concern regarding the height of the building.

Mr. Hall stated that in the original set of plans for the facility, some renderings showed greater detail than others, and when the final plan was submitted for DRC approval, the structure in question was not shown in adequate detail.

Ms. Keith said that the site plan approved in 2006 made no indication of the shed in question. Instead of showing plans for 13 covered slips, only five were shown as covered in the original documentation. She explained this in greater detail, using a visual to show the three sheds that had existed when the Applicant purchased the property, as well as structures removed due to unsoundness, and showed the building that had been replaced by the new structure as well.

Ms. Golub felt that the original presentation by the Applicant had led the Board to believe that any replacement building would have been built to the same specifications as the structure it replaced, rather than to the actual height of 71.5 ft. She noted that the narrative presented when the project was approved had made no mention of mega-yachts and therefore no notice of the change in the building's size. She also stated that there had been no discussion at that time of mega-yachts being serviced in the area shown by visual renderings. Ms. Keith allowed that Ms. Golub's assessment of the situation was correct.

Ms. Golub asked Ms. Keith to elaborate on why the proposed "umbrella" covering was necessary.

Ms. Keith explained that today's ships are of a much greater size than those of the 1940s and 1950s that were serviced at the location when it was built, noting the importance of the marine industry to Fort Lauderdale. The covering, she said, protects the vessels adequately. She deferred further explanation to Lauderdale Marine Center's General Manager, Mark Pratt.

Mr. Pratt informed the Board that the covering protects boats from the elements, and doubles the lifespan of the varnish and paint from what would be expected if the vessel was continually exposed to the sun. He likened this to parking a car in a garage. He noted that little sun enters the building, as it moves from East to West.

Mr. Glassman inquired if the sun was the only element influencing the building of the shed. Mr. Pratt noted that rain was a factor, but the sun was the major concern.

Mr. Glassman continued that this seemed like a fairly large oversight to him, considering what he recalled to be a contentious discussion about the original site plan. He felt the addition of this building might have affected the entire conversation if the Board had been aware of it.

Ms. Keith allowed that this had been a major oversight, and that Lauderdale Marine Center was present to try to rectify the situation. She felt that when the discussion of the proposed structure included an address of the comprehensive plan, however, the Board would see that the building met those requirements, and noted that all amenities related to the facility had already been approved and constructed. She pointed out that the original approval had been unanimous.

Ms. Keith continued that the homes to the East of the facility were more than 400 ft. away in that direction.

In response to Ms. Graham's request for details on the building's amenities, Mr. Pratt affirmed that there was dockside power beneath the covering, but no communications; crews remained on vessels while parked there; and the length of time in which a boat remained there varied from four weeks to four months. He confirmed that these were further reasons the boats needed protection from the elements.

Chair Maus opened the public hearing at this time, and those members wishing to speak were sworn in.

Maryanna Marsenison stated she was at the hearing to ask the Board to consider denying the permit for the building, and presented a petition she said had been signed by 30 other people in the community. She informed the Board that these people were not here in person, as they had heard tonight's meeting would most likely run late into the evening.

Ms. Marsenison spoke to the question of neighborhood compatibility, pointing out that this condition applied to adjacent neighborhoods as well as abutting properties. She requested that the Board consider the property's impact on the home life of those citizens living nearby, and presented a photograph of the structure, which she described as "tower[ing] over the neighborhood." She also expressed concern for property values near the project.

Mr. Glassman asked if Ms. Marsenison had attended meetings of the neighborhood Civic Association in May, June, and July of 2008, at which representatives for the marina were present. She affirmed that she had attended these meetings. Mr. Glassman asked if the Civic Association in question had held a vote regarding the issue at any time, or formally moved to oppose the structure. Ms. Marsenison stated that the Lauderdale Marine Center had attended the meetings in order to present options, but the President of the Association had not elected to hold a vote on the matter.

In response to a follow-up question by Ms. Graham, Ms. Marsenison stated that she had lived in her home since 1995. She added that she had been one of the homeowners to attend the original Board meeting at which the site plan was approved. She also responded that, given the choice, she would not buy her house at this time, with the proposed structure in front of it.

Bob Ross, who lives near the property on which the structure is located, stated he had lived and worked in the area for many years and watched Lauderdale Marine Center improve what he described as a "derelict" property that was "environmentally hazard[ous]." He felt the company had been a good neighbor and an asset to the marine industry, and the shed in question would attract further industry to the area during a slow economy.

Mr. Ross continued that a marina had been on the property since the 1920s, before any of the current homes in the neighborhood were constructed, and felt it should not have come as a surprise to any resident. He summed up by saying the building was very compatible with the neighborhood.

Ms. Graham asked if Mr. Ross was familiar with how the engineering for buildings such as the proposed structure had evolved over the years. Mr. Ross replied that he was not familiar with the process.

Cherie Thompson stated that she had been present at the original meeting that approved the site plan for the property. She added that she lived directly across the street from Lauderdale Marine Center, and agreed that they had made improvements to the area, but noted that area residents had requested these changes for some time.

Ms. Thompson pointed out that conditions had been placed upon the development of the property and felt that, "as good neighbors," Lauderdale Marine Center should have mentioned the second building to the neighborhood prior to seeking an expedited permit

for its construction. She felt that not only was the building itself an issue, the omission of it from the earlier proceedings was an issue as well.

She produced a photograph of the view of the area from her home, explaining that the skyline was "destroyed" and her property value was in decline. She added that she would have preferred to look at the yachts in the marina rather than a large shed, as yachts might have enhanced the property value in the area. Ms. Thompson also expressed concern with the duration of time the yachts would be inside the building, stating that she recalled a condition for the property was that no one be allowed to live on the boats themselves; however, tonight's information was contrary to this condition, she said.

She concluded by asking the Board how they would ensure that Lauderdale Marine Center complied, in the future, with the rules and conditions to which they were subject.

Ms. Graham requested clarification on an issue, noting that while residents referred to the height of the structure, the length of the building and number of bays was also an issue. She pointed out that code made a separate designation for buildings of this nature, as they were not enclosed on all sides.

Regarding the issue of persons living on the boats, she stated she would have been surprised that anyone owning a boat of such value would leave it unattended for any length of time.

Ms. Thompson informed the Board that she had worked with mega-yachts in the past, and that part of the protocol was that one person on the boat was "on watch" constantly while the boat served as home to the crew.

Mr. Stresau asked Ms. Thompson to clarify the location of her house. She replied that it was to the South of the structure, directly across the street and facing the fence and the buildings.

David Fisher showed the Board the location of his home as well, and produced photographs of the view of the shed from his patio. He felt that a structure on roughly an acre of land could not accurately be described as "an oversight," and concluded that the adjacent community felt they had been dealt with "in less than honest fashion." He expressed concern that, as the structure was already built, the Applicant seemed to have "won by default."

In response to a question from Ms. Graham, Mr. Fisher stated he had lived in his house since 1993, and would not buy the same house today, facing the structure.

Tony Vaccaro said he had lived in the neighborhood for over 40 years, and showed a photograph of his property in relation to the structure. He felt it was unfair that he had to face the shed all the time, as it had ruined his and his neighbors' view in the area. He added that he had seen boats on the river since 1942 that did not need a covered area to dock in.

Bianca Bryant produced a petition she said was signed by 57 people in her neighborhood. She felt the construction issue spoke to the character of the City, including the skyline and sunset view.

Ms. Bryant produced one of the drawings submitted to the Board in the original package of documents when the project was approved in 2006. She noted that a boatyard did not appear on the document.

In March 2008, she continued, Michael Webb had attempted to contact City employees Greg Curtis and Feldon Parnell regarding the construction. His call, she said, was not returned. She produced a letter and an email also sent by Mr. Webb, neither of which had received a response. Ms. Bryant added that she had contacted Mr. Fajardo when construction on the building began, and he was unaware of it. She then spoke to Deborah Hernandez of Code Enforcement, who informed her that Lauderdale Marine Center had been given an expedited permit.

Ms. Bryant produced a copy of the permit, noting that one of its conditions listed was "provide approved DRC plan." She did not believe such a plan was ever provided.

She continued that the stop work order was given on April 11, 2008, but pointed out that from April 6 to April 11, half the building had already been completed. The construction had been finished in May 2008, she said. She said she had addressed the continuing construction with Mr. Fajardo, who told her it was to make the structure safe in the event of a hurricane.

Ms. Bryant informed the Board that if she had been asked to stop building a structure on her own property, she would not have continued to build it.

She produced a photo that had been provided to the Board and the residents in 2006, noting that no existent shed appeared in the photo. The building stated to have been there, she said, had burned down in 1996. She also showed the photographic disparity between the building that had been approved and the building her property now faced. She also stated the approved building was not as high as the one that was built, and said she had requested that Mr. Fajardo have the height independently surveyed.

Ms. Graham asked if an elevation survey could be done from an offsite location. Ms. Bryant replied that the surveyor had said he needed access to the property to complete a survey accurately.

John Terrill, Chair of the Fort Lauderdale Marine Advisory Board (MAB), stated that the Marine Advisory Board had voted unanimously to approve this application, and he wished to share some of their reasons for doing so at tonight's meeting. He noted that the MAB had listened to several homeowners in the neighborhood surrounding the project; they recognized the historic use of the property as a marina, and the historic existence of a

boat shed on the site; and they recognized that modern boats are bigger and, therefore, require sheds of a greater height.

On a different note but also discussed with the MAB, he said, was the shipyard's Clean Marina designation, which he said should be a point of pride for the entire community. The MAB felt the Lauderdale Marine Center is the "poster child" of marinas and shipyards in Fort Lauderdale.

Mr. Terrill continued that the MAB understands that everyone present is positively impacted by the business that is brought to the Lauderdale Marine Center. He pointed out that the MAB had debated the circumstances that brought the proposal before them in a similar manner as the Board had done tonight, but ultimately felt it was not their job to determine why those circumstances had occurred, nor are they a punitive body. He added that had the boat shed been part of the original plan, the MAB would have approved it as part of the package.

Mr. Terrill pointed out that the reasons for building the shed had not arisen before the MAB, as many of its members worked in the marine industry and understood its importance. He stressed that the community, as well as Lauderdale Marine Center, should want the boats in the area and should want them to remain there, as it creates economic benefits for the entire community.

On a more personal note, he cited his years of experience as captain on large yachts, and stated that the use of a covered facility made a great difference to the owner of such a vessel. He felt a covered shed would encourage captains of these boats to remain in the Fort Lauderdale community and spend their money there. Mr. Terrill urged the Board to approve the project.

Frank Hierhold, executive director of the Marine Industries Association of South Florida, agreed with Mr. Terrill that covered boat slips were a necessity for expensive boats. He added that competing boatyards in the community had covered slips, and Lauderdale Marine Center needed them as well in order to remain competitive, not only in the Fort Lauderdale area but with other marine communities worldwide. He continued that 1500 mega-yachts visit the Fort Lauderdale area annually, and 1400 of these spend time in area boat yards.

Mr. Hierhold expressed that timing was a factor in tonight's hearing, as Lauderdale Marine Center is very important to the upcoming boat show. A significant number of vessels coming to the City for this show will need prepping or additional work beforehand.

He added that Lauderdale Marine Center is an "industry showpiece," visited by Congressmen who wanted to see the City's marine industry. He described the Center as the only boatyard that could present a cross-section of the marine industry that makes Fort Lauderdale the "yachting capital of the world."

Mr. Hierhold stressed the importance of the Clean Marina designation, informing the Board that the Department of Environmental Protection awarded the boatyard this status earlier in the year. He explained that this shows the Center is a good corporate citizen and is environmentally sensitive. In closing, he urged the Board to approve the addition.

Ms. Graham expressed concern with the size of the yachts. Her feeling was that they encouraged a sense of competition among owners to have the largest boat, and felt that the size of the sheds to accommodate the boats would only raise the bar further. She stated again that the omission of the sheds from the original plan seemed more "savvy" than inadvertent.

Mr. Hierhold pointed out that the metal sheds were limited to the size of boats that can access the river (170 ft.). He reiterated that the City would be fortunate to get as much business as possible from boats of this size.

As no additional members of the public wished to speak on this issue, Chair Maus closed the public hearing.

Mr. Hall stated in conclusion that the reason for the error's occurrence was not the focus of the hearing; rather, at issue was the question of the project's compliance. He felt that the City's reputation as a boating capital made the structure compatible with the character of the area.

He reiterated that neighborhood compatibility limited the issue to deciding whether the structure was appropriate for the neighborhood, and not with individuals who might be affected by it. While all development, he said, creates both positive and negative impact, code focuses attention on potential negative impact on "the many, not the few."

Ms. Golub referred to a brochure for the Lauderdale Marine Center, entitled "Introduction," which featured a photograph of the boat sheds covered in blue. She asked Ms. Keith if decoration or enhancement was still planned for the East side of the structure. Ms. Keith affirmed that these were forthcoming.

Ms. Golub continued that on the brochure's introductory page, the roof of the structure was covered but the sides were not. She asked for clarification on what the structure would look like when finished if the building was approved.

Ms. Keith replied that the photograph in question was an aerial view, which showed the steel skeleton of the building but no siding. She pointed out that what appeared to be a roof was actually the angle of the slots for the boats, and added that there had been no alteration to the photograph.

Ms. Golub asked if the photograph, entered into evidence and shown to the community, accurately showed how the finished building would appear. Ms. Keith affirmed that the photograph shows the actual structure "as it is today, without siding added." She allowed

that some photographs, taken from SW-20, were taken before the wall and fencing were completed; the fencing partially obscured the view from this angle.

Ms. Golub asked if dimensions were available for the blue wall on the property. Ms. Keith stated that the East roof line is 53 ft. in height, and the siding comes down 45 ft. as designed on the East side. She confirmed that the siding does not extend to the water.

Ms. Golub noted that while the East siding does not reach the water, the West siding appears, in the photographs, to reach all the way down. Ms. Keith said the West siding only extends down 29 ft., and confirmed that this is to prevent encroachment into the waterway. A boat in the photograph, she explained, is shown extending outside the shed in order for its height to be visible in the photograph; boats would not be permitted to extend outside the shed at any time, she said.

For further clarification, Ms. Keith added that the East wall is 139 ft. long by 45 ft. in depth and 71 ft. high. This structure is 40,947 sq. ft. total. The second structure, which existed previously and was replaced, is 148 ft. long, and is 39,500 sq. ft. Ms. Keith reiterated that there were three boat sheds in existence when the property was purchased in 2004.

Ms. Keith stated that the omission of this building was not, in fact, considered "slight," and was an error in the architectural site plan package. She stressed that the omission was not made with the knowledge of Lauderdale Marine Center. The contractor, she said, was the individual who had applied for the expedited permit. He was not present at the hearing.

She added that, as the Applicant was unaware that a document had been omitted, they had not submitted any additional documentation when applying for the permit.

Ms. Graham felt part of the issue was a lack of accountability. She noted that due to the workload, the municipalities allowed expedited permitting, but did not feel that this process saved the City a significant amount of time. She continued that, rather than having a contractor provide the documents during the permitting process, the project's design professionals are normally more involved, as they are certifying, sealing, and vouching for the drawings and their compliance.

She took exception to Ms. Keith's assertion that the property had been purchased with three boat sheds in existence, as three sheds at the time the previous marina was in business were for smaller boats and therefore were of very different size. The previous structures were clearly inadequate to the size of today's mega-yachts, she said.

Ms. Graham addressed Mr. Hall, referring to his statement that the neighborhood was not limited to immediate neighbors. She inquired as to his understanding of the term "context" as used in the language of code. "Context," she said, as used by design professionals, is dependent upon the macro or micro scale of a project; design criteria in Fort Lauderdale, she said, was not continually enforced, but allowed for variances and latitude.

She noted that the Board often declines to approve a project without photographic or artistic evidence, as descriptions of conditions and dimensions are very difficult to describe. She reiterated that mega-yachts would only continue to grow larger, as their owners often seemed to feel "money [is] no object," and facilities would be asked to grow along with them.

Mr. Hall stated that at no point does code refer to context in this instance, but to adverse impact on neighborhoods.

Ms. Graham pointed out the subjectivity of "neighborhood compatibility," citing, as an example, the possible range of votes by Board members on this proposal, as their decisions could be dependent upon their interpretation and definition of the phrase. She felt the term could not be objectively applied.

Mr. Hall agreed with this assessment of the terminology.

Mr. Glassman asked what the boat shed in question meant to the "bottom line" of the Lauderdale Marine Center, as regards future operations of the facility.

Ms. Keith referred to the testimony of persons in the marine industry, describing the facility as very desirable. She said the covered structure was a substantial draw for the project, as few of its size currently existed. She pointed out that while code allowed for 150 ft., the Applicant was only requesting 71 ft.

Mr. Glassman felt this was one of the most difficult issues in his experience on the Board, and commended Ms. Keith, as well as those speaking from the community, and those who had signed petitions on their dedicated involvement.

Ms. Keith noted that many individuals employed in the marine industry reside in the neighborhood in question, and that the president of one homeowners' association had asked the Applicant to prevent this issue from becoming divisive in the community. At his request, the Applicant had not asked for a vote from his association, nor to encourage residents who supported the project to "besiege" either the association or the Board at this hearing. She felt that had the Applicant made this request, more residents in support of the project would have attended the hearing.

She felt that the six homes facing the shed were the only ones directly affected, and that no other members of the neighborhood felt immediate impact from the structure. Ms. Keith stressed that the sides of the structure could be modified or shortened; that landscape amenities could be added to these six residents' properties to "soften" the current view; and that the Applicant could take on the cost of such landscape modifications. Ms. Keith felt that the current "harsh" view was due to the incomplete nature of the structure. She summed up the situation as "difficult for everyone."

She also noted that when the property was purchased, Lauderdale Marine Center undertook environmental cleanup at once, including removal of raw sewage. By the 2006 approval, the buildings in structural disrepair had already been replaced, she said. She pointed out that the Applicant had made monetary donations to the neighborhood, and improved roadways and sidewalks. With this in mind, Ms. Keith felt that the Center could be considered a good neighbor.

Ms. Golub pointed out that additional issues should be addressed before a vote. Having persons live in the area, she felt, was significant, and when the original plan was approved, she recalled that the Board was told no one would live on board the boats. She felt this was true of the smaller vessels, but that the impact of having people live on board the larger boats would have impact that had not been fully considered. Because of this, Ms. Golub informed Staff, she did not feel the Board was prepared to vote on this matter today.

In addition, Ms. Golub felt that the Applicant's offer to "do something" for the community to address the structure was insufficient, and the Board and the Applicant should come to a decision as to what would be done.

Finally, Ms. Golub asked the Board and Staff to consider the message it would send to other developers if the proposal was approved. She felt that the message would be that a major error was easily corrected "if you spend enough money." She added that an individual making an addition to his home would be stopped from building, while the Board might be preparing to treat a business Applicant another way in this case. She also took exception to Mr. Hall's remark urging the Board to "move beyond" the issue of the mistake.

Mr. Brewton addressed the issue of people living aboard boats, noting that the property had not been reviewed regarding this matter. He said it could be discussed tonight or at a subsequent meeting. Regarding the Applicant meeting with the neighborhood, he felt these two entities should choose how that meeting would be done.

Assistant City Attorney Sharon Miller reminded the Board that the reason for tonight's meeting was strictly to rule on an amendment to the approved plan, and this could only be done as regarded its adherence to ULDR criteria. She instructed the Board to look at the amendment as if the structure had not already been built.

Chair Maus felt there would be no benefit to deferring a decision to a later date, and any meeting between the Applicant and the neighborhood should be held between this meeting and the time at which they appeared before the City Commission. She felt this should be the case for "live-aboards" as well.

Mr. Stresau requested that Mr. Terrill address the requirements for living aboard yachts before the Board.

Mr. Terrill said these requirements were case-specific, as the insurers of different yachts made different specifications. Most companies, he said, required a minimum number of crew to remain on board to protect the vessel and its immediate area.

Mr. Brewton noted that, as this was Site Plan III, the only way it would move forward to the City Commission would be if it were called up. The approval or appeal would not automatically move on to the Commission.

Chair Maus expressed confidence that, due to the nature of the project and the meeting, a review would most likely occur.

Mr. Stresau moved that the application be approved with Staff conditions, and with the suggested nautical design elements as shown on the Applicant's brochure.

Ms. Adams added the condition that Staff require, before the project moves forward, that the Applicant meet with the neighborhood once again. Staff must feel comfortable that the Applicant has addressed the neighborhood's concerns, including the decorations on the side boards, and that there be follow-up discussion regarding live-aboards.

Mr. Stresau did not feel that further meetings between the Applicant and the neighborhood would be productive, as most individuals objected to the entire structure, which would not be addressed by a graphic.

Attorney Miller expressed concern that Staff was being forced to have two groups meet with one another, which she did not feel was within their authority.

Mr. Stresau did not accept Ms. Adams's amendment to his condition.

Mr. Glassman pointed out that Ms. Keith had already stated the Applicant would fulfill the proposed condition regarding design, landscaping, and other modifications as concerned the neighborhood. Ms. Keith reiterated that the Applicant would have further discussions with the neighborhood, although she could not guarantee their acceptance of the Applicant's proposed modifications. In addition, she said, the Applicant was willing to restrict "all live-aboard operations not required by insurance policy."

Ms. Golub moved to add the condition that the Applicant honor the conditions cited by the Marine Advisory Board.

Mr. Fajardo referred to Exhibit 2, Minutes of the Marine Advisory Board, in which that body recommended the Applicant work with City staff and the neighborhood to improve the proposed structure's architectural style.

Attorney Miller confirmed that the Applicant had agreed to meet further with the neighborhood, and the decision would ultimately lie with the Board.

Ms. Golub felt the Applicant's statements to the Marine Advisory Board were not fully consistent with their statements to this Board.

Ms. Keith affirmed that additional landscaping had been done on-site in the last 30 days, but was limited in scope, as landscaping could not extend over water.

Ms. Golub felt the motion would allow the Applicant to add the nautical design to the boat shed without regard to the neighborhood's approval.

Chair Maus noted that the Board could only operate in an advisory capacity, and the City Commission would make final approval, or not, of the project.

Mr. Stresau noted that Staff found the project consistent with the comprehensive plan and the structure compliant with code; the Marine Advisory Board approved the project; the neighborhood was surrounded by similar industrial property with larger structures; property in the neighborhood was purchased with the knowledge that it was industrial and could be developed; and the structure in question was only 8.5-9% larger than the previously existing structure. With these factors in mind, he did not feel the Board could objectively decline to approve the project, and that subjective decline to approve could only refer to the proposed nautical design.

Mr. Glassman stated he had not read in the Staff report those specific factors Mr. Stresau had cited. Mr. Glassman offered that he was reluctant to cast a vote to approve, as he felt the neighborhood was treated "shabbily," but as Staff conditions were met, he felt obligated to approve. He apologized to the neighborhood.

Chair Maus agreed with Mr. Glassman's statement.

Motion made by Mr. Stresau, seconded by Mr. McTigue to approve Site Plan Level III, with condition that the Applicant use the suggested painting design as shown on the "Nautical Design Alternative" sheet on the sides of the shed cover, as well as subject to Staff conditions. In a roll call vote, the motion was granted (5-2) [Ms. Graham and Ms. Golub dissenting].

15. <u>For the Good of the City</u>

Motion made by Mr. Stresau, seconded by Ms. Adams, to adjourn.

There being no further business to come before the Board, the meeting was adjourned at 11:45 p.m.

Chair:

Catherine Maus

Catherine Maus

Attest:

Brigitte Chiappetta

Brigitte Chiappetta, Recording Secretary

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

LAST NAME—FIRST NAME—MIDDLE NAME STRESAU, FREDERIC E	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING BOARD
MAILING ADDRESS 2300 E. LAS OLAS BLVD 3E	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY FT. LAUDERDALE COUNTY FLORIDA.	NAME OF POLITICAL SUBDIVISION: FT. LAUDERDALE
DATE ON WHICH VOTE OCCURRED Aug. 20, 2008	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

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

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

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

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, F.E. STRESAU, hereby disclose that on AUG. 20, 20 08:

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

___ inured to my special private gain or loss;

X inured to the special gain or loss of my business associate, STRESAU, SMITH & STRESAU.;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

THE APPLICANT, RIVERBEND CORP. PARK OF FT. LAUDERDALE. CASE #56-R-08, IS A CURRENT CLIENT OF MY LANDSCAPE ARCHITECTURAL FIRM AND HAS BEEN A CLIENT FOR APPROXIMATELY 20 YEARS.

08-22-08
Date Filed

Signature

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