

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, AUGUST 17, 2016 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2016-May 2017	
		Present	Absent
Leo Hansen, Chair	P	3	0
Catherine Maus, Vice Chair	P	2	1
Theron Clark	A	2	1
Stephanie Desir-Jean	P	2	1
Howard Elfman	P	3	0
Steven Glassman	P	3	0
Rochelle Golub	A	2	1
Richard Heidelberger	A	2	1
James McCulla	P	3	0

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Anthony Fajardo, Director, Department of Sustainable Development
Jim Hetzel, Principal Planner
Eric Engmann, Urban Design and Planning
Alex Scheffer, Urban Engineer
Kimberly Pearson, Chief Landscape Plans Examiner
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Hansen called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Board members were introduced, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Assistant City Attorney D'Wayne Spence reviewed the quasi-judicial process used by the Board.

Attorney Spence referred to a recent decision by the Florida Supreme Court, which states that once an Applicant has shown that his or her Application meets the statutory

criteria necessary for the Application to be granted, the burden of proof is then upon the planning commission to prove otherwise by competent, substantial evidence.

II. APPROVAL OF MINUTES

Motion made by Ms. Maus, seconded by Mr. Elfman, to approve. In a voice vote, the **motion** passed unanimously.

III. AGENDA ITEMS

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<u>Case Number</u>	<u>Applicant</u>
1. R14031E1**	Madison Fort Lauderdale LLC / Hampton Inn & Suites Fort Lauderdale Marina
2. PL15004**	Robert Black / Riverland Estates Plat

Special Notes:

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

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

1. <u>Applicant / Project:</u>	Ackerman LLC / Hampton Inn & Suites Fort Lauderdale Marina
Request: **	Extension Request for Site Plan Level III / Conditional Use / Parking Reduction / Waterway Use / Waterway Yard Reduction
Case Number:	R14031E1
General Location:	1335 SE 16 th Street
Legal Description:	A portion of Block 6, Herzfelds Addition to Lauderdale Harbors, According to the plat thereof, as recorded in plat book 35, page 22, of the public records of Broward County, Florida.
Case Planner:	Jim Hetzel
Commission District:	4

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

Benjamin Hedrick, representing the Applicant, stated that the request is for a 24-month extension of the Site Plan/Conditional Use Permit for the hotel approved on the property. At present, the property contains a vacant marina with dry dock storage. In 2014, the Planning and Zoning Board approved the Site Plan and Conditional Use

Permit for an 8-story, 178-room hotel with waterfront space and an accessory marina. That site plan will expire in September 2016 because no building permits will have been applied for by that time.

Mr. Hedrick reported that the property owner is in the process of selling the subject property and seeks an extension while these discussions are ongoing. If no buyer can be found, the Applicant will reconsider developing a hotel on the site.

Jim Hetzel, Principal Planner, noted a correction to the Agenda and the Staff Report: the owner should be listed as Madison Fort Lauderdale LLC/Hampton Inn & Suites Fort Lauderdale Marina. The project description included in the Staff Report should reflect Ackerman LLC on behalf of the Applicant, Madison Fort Lauderdale LLC.

Mr. Hetzel continued that the Board approved a conditional use permit for the Application on November 19, 2014. The permit would allow a 178-room hotel, marina, and dry boat storage facility on the subject property. The approved project is comprised of a limited-service hotel, eight floors of hotel rooms, a three-level parking garage, pool amenities, and 19 boat slips. The Applicant requests a 24-month extension to this plan, which would result in an expiration date of September 24, 2018, by which time building permits must be applied for. Permits must be obtained by March 20, 2019.

While there are no additional changes to the plans for the site, Staff wishes to place the following conditions on the Application:

1. Applicant shall address the requirements of the Florida Building Code at the time of building permit submittal;
2. Prior to the submittal of a building permit, the Applicant shall provide information, including drawings, and indicate that the new Florida Building Code does not affect the architectural finish of the project.

Mr. Hetzel explained that these two conditions are due to changes in the Florida Building Code which have occurred since Site Plan/Conditional Use approval was first granted to the subject property.

Mr. Glassman requested clarification that the Applicant's reason for requesting an extension meets the threshold for good cause. Mr. Hedrick replied that the Applicant is selling the property, which meets the specified threshold.

There being no other questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus, seconded by Mr. Elfman, to approve with Staff recommendations. In a roll call vote, the **motion** passed 6-0.

2. Applicant / Project: Robert Black / Riverland Estates Plat

Request: ** Plat Review

Case Number: PL15004

General Location: 2681 Riverland Road

Legal Description: Lot 1 and Lot 2, Block 1, "River-Lands", According to the Plat thereof, as Recorded in P.B. 19, P 12; of the Public Records of Broward County; Florida.

Together with the S 20 Feet of the (N ½) of Lots 11 and 12, Block 10, "Mary Brickell's Amended Map of Subdivision of Section 12, T 50 S, R 42 E", According to the Plat thereof, as Recorded in P.B. 1, P 72, of the Public Records of Dade County, Florida, Less the East 250 Feet thereof.

Case Planner: Eric Engmann

Commission District: 4

Chair Hansen observed that the Applicant has requested an extension of presentation time to 45 minutes due to the volume of information they wish to present. He noted that typical presentation time is 15 minutes.

Mr. McCulla asked if neighborhood compatibility is a required condition that must be considered by the Board for plat approval. Eric Engmann, representing Urban Design and Planning, replied that neighborhood compatibility is not a required consideration. Requirements include subdivision regulations, adequacy, and development regulations for the annexed area.

Attorney Spence advised that according to State Statute, the plat is a map or delineated representation of a subdivision of land; the Application requires the Applicant to file a map that shows this subdivision of land, which will be recorded in the public records of Broward County. The Applicant in this case wishes to break up a lot, which requires local government approval.

Mr. McCulla asked if the map submitted for the plat must show aspects of the proposed site such as ingress/egress and street layout. Attorney Spence confirmed that this is part of the review. Mr. Engmann clarified, however, that this requirement does not specifically include replacement, preservation, and/or relocation trees on the site, although it addresses other environmental components.

Mr. McCulla explained that he wished to clarify what the Board is required to consider when approving the requested plat. Attorney Spence advised that the Board is asked to approve the subdivision of land and determine whether or not the Applicant's subdivision plan can be supported by existing infrastructure within the City and County, such as streets and sidewalks. The Applicant will present how the property meets the criteria required by Code, and the Board must review this presentation and determine whether or not the Applicant meets this burden. If not, substantial and competent evidence must be presented to show the Application does not meet Code requirements.

Anthony Fajardo, Director of the Department of Sustainable Development, explained that several elements of adequacy are directly subject to plat requirements; other elements are affected as the property goes through the site plan approval process. At the current stage, there is no requirement for a site plan: delineations are required to show where the division of lots would occur. The more technical aspects to which Mr. McCulla had referred are addressed at different stages of development.

Mr. Fajardo concluded that after coming before the Board, the plat approval request will also go before the City Commission and County Commission. This will provide an opportunity for additional public input. Once the plat has been approved, however, it is unlikely that it will be brought before another public forum.

It was determined that the Applicant would receive 45 minutes of total presentation time, which will include any time allotted the Applicant for rebuttal. Members of the public will be limited to three minutes' speaking time.

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

Bill Spencer, representing the Applicant, introduced the professional team who would testify on behalf of the Application. He advised that the plat first came before the Board in May 2015 when the subject property was known as Palm Cove. At that time, the property was proposed to include 14 lots. The Board's vote on the May 2015 application resulted in a tie, which meant the application was not moved forward. In November 2015, the plat was re-engineered with respect to ingress/egress, a view corridor, and a preservation area, among other adjustments. The number of lots included in the revised plat was reduced from 14 to 13.

Mr. Spencer asserted that the testimony given by professional representatives of the Applicant would demonstrate compliance with all objective standards and adequacy requirements for both the City and County. The Applicant and his team have met with residents of the subject area on more than two occasions.

Standards to be applied to the Application include subdivision regulations and criteria, County platting standards, the City's Unified Land Development Regulations (ULDR), and the City's Comprehensive Plan. Mr. Spencer advised that while landscape and tree preservation requirements are not directly applicable to this Application, the Applicant has been sensitive to these issues.

Staff has recommended that while the western 5 ft. of the property would normally be an internal sidewalk, this area would instead remain an unpaved easement. The sidewalk along Riverland Road, which abuts the subject property, will instead be improved as required.

Cecilia Ward, also representing the Applicant, showed a PowerPoint presentation on her planning and zoning analysis of the proposed plat. The Application is consistent with the City's Comprehensive Plan, on which all zoning and land development regulations are based. The Application complies with the Plan's platting requirements and criteria; it does not require that a plat be filed simultaneously with the County.

The Application complies with the future land use element of the Comprehensive Plan, as well as the City's Strategic Plan, the City's 2035 Vision Plan, and Broward County regulations, including the County's Comprehensive Plan.

Ms. Ward continued that the Application is also in compliance with the historical record, including the 2002 annexation process, the 2003 future land use amendment process, and the 2007-2009 map rezoning amendments. She reviewed the annexation of the subject area, noting that this process established certain goals or agreements with the City, including preservation of the character of the community and prevention of existing lots from becoming nonconforming.

The land use designation of the area was ultimately determined to be Irregular, as there is significant variation within the design of lots, lot sizes, and densities in the subject area. The area was developed under Broward County zoning regulations, which allows for diverse lot configurations. The Irregular designation allows the City to review each component within the annexed area when zoning is developed.

As a result of the area's diversity, several unique zoning districts that do not exist elsewhere in the City were created. These districts were intended to be applicable to the existing character of the area as well as to the desires of the community. One result was the RS-3.52 zoning district, in which the subject property is located. Another result is the requirement for common open space, which is intended to provide for a public open space benefit. Instead of having large lots that include open space, this allows for smaller lots to be combined to create open space within the platted area.

Ms. Ward advised that the Application complies with the specific subdivision regulations of Fort Lauderdale as listed in ULDR Section 47-25.4. The regulations with which the proposed plat complies are as follows:

- Subdivision layout, including lot arrangement and design to create satisfactory building sites;
- Sites must be related to existing topography;
- Sites must be related to the character of surrounding development, which is categorized as Irregular;
- Dimensional requirements of RS-3.52 zoning, which for the subject property is a density of 2.5 rather than 3.52;
- Each individual lot has at least one side with a minimum dimension of 60 ft.;
- Accesses to plots are over 19 ft.;
- Maximum plot coverage is 40%.

The plat complies with the adequacy requirements listed in Section 47-25.2, including drainage and on-site management of water retention. There are no environmentally sensitive lands in the subject area. An existing water treatment plant and water main will serve the development. There are no historic or archaeological resources on the property, according to a map prepared by the City in 2014.

There is no traffic impact analysis requirement for the property; however, the Applicant retained the services of a traffic consultant, which provided a statement to this effect. Although no tree survey was required for the subject property, the Applicant also retained the services of an engineering firm to work with the City and ensure adherence with Code when the subject plots begin the permitting process for development.

Ms. Ward concluded that it was her professional opinion that the proposed plat is consistent with both City and County future land use plans and complies with City and County planning and zoning regulations.

Mr. Spencer advised the Board of the various items provided by the Applicant, including the proposed plat, Staff Report, biographies and presentations of the Applicant's professional team, exhibits addressing components of the proposed plat, infrastructure analysis, School Board capacity determination, traffic impact analysis, paving and drainage analysis, property survey and aerial view, tree inventory, Fort Lauderdale Historic Resources map, City's Comprehensive Plan, ULDR and Broward County planning standards, Staff Report from the original application in May 2015, overview of annexation and zoning documents, and ULDR requirements relating to landscaping and trees.

Carlos Ballbe, also representing the Applicant, stated that he prepared an infrastructure analysis for the water distribution, solid waste collection, drainage, and sewage collection systems associated with adding 13 homes to the area. A drainage study was also performed in conjunction with Broward County Water Management. Water and sewer, solid waste, and drainage systems meet the level of service requirements in accordance with the City's Comprehensive Plan.

Carl Peterson, also representing the Applicant, reviewed the traffic impact statement attached to the Application, which was prepared using the Florida Manual of Uniform Minimum Standards for Design, Construction, and Maintenance of Streets and Highways. The impact statement also reviewed ingress/egress locations on the subject site, which are 350 ft. The roadway capacity of Riverland Road was determined to be more than adequate to accommodate additional traffic associated with the project planned for the subject property. The proposed access plan also meets appropriate safety standards.

Mr. Glassman noted that a plat submitted by the Applicant to Broward County includes a County response that states the property is adjacent to the South Fork New River archaeological zone and suggests the Applicant perform a Phase 1 archaeological

survey of the full parcel. Ms. Ward replied that Code states if a structure or site has been identified as significant because of its location next to archaeologically or historically significant sites, this type of survey is recommended; however, the site itself has not been identified as such. She also noted that a 2014 survey by the City shows that the subject parcel is not within an area of historical or archaeological significance.

Mr. Glassman continued that the majority of voters in favor of annexation by Fort Lauderdale did so with the understanding that the character of existing areas would be preserved. He requested additional clarification of this issue. Ms. Ward responded that during the annexation process, the City included the subject community when establishing the future land use designation of Irregular, as well as establishing of the RS-3.52 zoning district and its applicable regulations. She advised that the character of the area is not compatible with much larger lots. The City determined that a 10,000 sq. ft. minimum for lots was appropriate for the area and preserves its character.

Mr. Glassman asked if a Neighborhood or Corridor Master Plan was ever developed for the subject area. Ms. Ward stated that she did not know if such a plan was developed or adopted. With regard to neighborhood compatibility, she confirmed that when an area is annexed into a larger community, the City must be sure to preserve its compatibility with the surrounding area. The City complied with this requirement by adopting the Irregular land use category and RS-3.52 zoning district, which are unique to the annexed areas.

Ms. Ward continued that RS-3.52 zoning has very specific requirements related to lot coverage, height, and setbacks, which maintain the provisions of scale and mass that must be compatible with the adjacent community.

With respect to protection and conservation of plant species, Ms. Ward advised that this would be addressed during the building permit process for the subject parcel. Re-platting the property to include 13 lots would not be expected to reduce the diversity of lots within the area.

Ms. Desir-Jean asked how long the Applicant has owned the subject property. Mr. Spencer replied that the Applicant acquired the southern portion of the property in May 2006 and the northern portion, which includes a house, in December 2013. While some neighboring residents have conceptually discussed purchasing the property from the Applicant, there have been no actual offers on the property by individuals or by the City.

Mr. Glassman observed that he had received several emails referring to flooding in the area. Mr. Spencer reiterated that the subject site was designed to accommodate and retain on-site water, which is required by building and development standards.

Eric Engmann, representing Urban Design and Planning, stated that the plat request would subdivide a 5.19 acre parcel into 13 single-family lots, a dedicated right-of-way, and two common space parcels. The property is zoned RS-3.52 with Irregular land use.

The land use was established in 2005 and regulations for the subject area were adopted in ULDR Section 47-39 in 2008.

The original plat request was filed in 2015 and proposed 14 lots, with a layout different from the currently proposed layout. It was reviewed by the Planning and Zoning Board in March 2015, resulting in a tied vote of 4-4, which meant denial of the Application was recommended. Since that time, the Applicant has reduced one of the lots, revised their layout, and relocated the area intended to serve as common open space. A specific request has been made to eliminate one of the property's internal sidewalks. While the ULDR requires sidewalks on both sides of roadways, the Board may waive that requirement if it is demonstrated that the sidewalk is not necessary for the protection of pedestrians.

Improvements are planned for Riverland Road and one of the two internal driveways, which is located on the eastern side of the parcel. The opposite driveway would remain intact for drainage and landscaping. The Applicant has also agreed to improve the sidewalk abutting the property along Riverland Road.

Staff has reviewed the plat in comparison to ULDR requirements and the Applicant's narratives. Based on the plat requirements, Staff has found that the Application meets these technical requirements and recommends approval. Staff has also catalogued at least 65 letters and a petition in opposition to the Application.

Mr. Engmann concluded that the Staff report includes a minor scrivener's error indicating the date as August 17, 2015, which will be corrected at a later date.

Mr. Glassman asked if Staff could provide information about a Neighborhood or Corridor Master Plan or a similar community planning initiative. Ms. Parker replied that there is not a specific master plan and addressed an earlier inquiry about CAP, explaining that this was an effort that involved several Community Area Plans for larger regional areas throughout the City which included identification of concerns and potential improvements. She concluded that the initiative eventually evolved into the current neighborhood design criteria revisions (NDCR) effort, which seeks to address potential zoning changes throughout the City holistically.

Mr. Elfman requested additional information regarding plans for the sidewalks near the subject parcel. Mr. Engmann explained that when new subdivisions are developed, they must include a dedicated street with sidewalks on both sides; however, the Board may waive this requirement under certain conditions according to Code. Based upon the site's location, Staff felt sidewalks on both sides of the internal street would not be necessary. Instead, the Applicant will improve the sidewalk along Riverland Road, and the undeveloped sidewalk area will be maintained for landscaping and drainage.

Chair Hansen asked if there is a reason that the common space proposed by the Application has an irregular shape. He pointed out that the largest part of the planned

common area includes no trees. Mr. Engmann responded that a tree survey is not required as part of a plat; instead, Staff reviewed the plans with the intent of preserving the area located along the roadway. He also advised that some trees on the parcel may require relocation, and may be included in the common space.

At this time the Board took a brief recess from 8:02 p.m. to 8:10 p.m.

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

L. Thomas Chancey, private citizen, stated that he is a landscape architect and consulting arborist with 50 years' experience. He asserted that the character of the subject property was not restricted to square footage and the number of trees. He emphasized the importance of saving trees within the City, noting that relocation of trees typically requires a great deal of preparation time before a design process is initiated. He offered to work with the Applicant to preserve existing trees on the parcel.

Chair Hansen asked why trees on the site may or may not be moved. Mr. Chancey replied that no consulting arborist has researched these trees and their root systems thus far.

Charles Leikauf, private citizen, noted that platting more of the area reduces its ecological diversity and is contrary to the character of the neighborhood, which violates the annexation agreement. He concluded that the changes proposed through the plat would have an adverse effect on the neighborhood, including its drainage.

Judith Schwartz, private citizen, stated that the Application is not compatible with the land use of the existing neighborhood. She pointed out that lots in the area have varying square footages that are typically greater in size than the 10,000 to 11,000 sq. ft. parcels included in the proposed plat.

Ree Nielsen, private citizen, advised that the subject neighborhood has great historical significance to its longtime residents. He felt the Application was insensitive to the desires of the surrounding neighborhood.

Mark Cantor, private citizen, stated that he opposed the Application due to concerns regarding safety. He pointed out that between 2011 and 2015, Riverland Road has experienced 444 crashes, eight of which involved pedestrians and five of which involved bicyclists. Most of the accidents are the result of drivers taking short cuts through the neighborhood. Mr. Cantor also showed photographs of flooding on the subject property, concluding that the Applicant did not provide complete information in his presentation.

Angelo Marino, private citizen, stated that he is opposed to the Application. He expressed dissatisfaction that the City of Fort Lauderdale has not kept its promise to residents of the annexed area as made in Resolution 02-28, which states that the

existing character and integrity of the area would be preserved. He cited case law in which the residents of a neighborhood in Tallahassee sued that city when it did not honor a similar obligation.

Mr. McCulla asked if Mr. Marino had participated in the public meetings in 2002 which resulted in the annexation agreement, Resolution, and zoning categorization for the subject area. Mr. Marino confirmed that he had. Mr. McCulla asked how a plat resulting in less density than 3.52 units per acre could be described as inconsistent with the 2002 negotiations. Mr. Marino did not recall discussions of density during those public meetings. Mr. McCulla pointed out that the designation of 3.52 units per acre would be a very specific result for negotiations that had not included density.

Mr. Marino asserted that the Resolution does not list a specific density, but states the geographic integrity and character of individual neighborhoods should be preserved. He did not feel the development of 13 homes to be consistent with the character of the immediate area on which the plat is located. Mr. McCulla pointed out that the Applicant does not plan to change the zoning of the property.

Stephanie Shaw Leiva, private citizen, stated that residents of the subject area have experienced issues with water and septic services as well as sidewalk issues, which she felt would be exacerbated by further construction. She also noted that the construction of 13 homes would result in the addition of multiple cars to the neighborhood, which would have an effect on traffic.

Joe Jarkesy, private citizen, observed that neighborhood characteristics change significantly to the north and the west of the subject area, and these locations are not typically considered to be part of the same community. He pointed out that the average lot size in the surrounding neighborhood is roughly 23,000 sq. ft., with no lots under 18,000 sq. ft., while most of the lots proposed for the subject property are between 10,000 and 12,000 sq. ft.

Deirdre Canurt, private citizen, stated that she opposed the Application, which she felt would destroy the character and integrity of the area by creating undersized lots, removing native vegetation and trees, and resulting in drainage problems. She expressed concern for wildlife in the area, traffic, and property values, and suggested that the City purchase the subject property in order to preserve the existing character of the neighborhood.

Carolyn Edelstein, private citizen, advised that she opposed the Application because it is inconsistent with the surrounding neighborhood.

Greg Blodig, private citizen, noted that his property abuts the subject property on its west side. He felt most members of the community oppose the Application, which does not meet character or compatibility requirements for the surrounding neighborhood. He

also expressed concern for traffic safety in the area, including the creation of new ingress and egress.

Frank Lipson, representing the Riverland Homeowners' Association, stated that while members of the community did not wish to interfere with the Applicant's use of his property, the Applicant does not have a right to profit from his investment. He pointed out that Irregular zoning was designed to work around existing trees in the area, and that fewer homes could be built on the subject parcel.

Lee Bacall, private citizen, advised that he moved to the subject area because of its beauty, which would be threatened if the neighborhood's large trees were cut down. He felt the addition of small houses would not improve property values in the area.

Cheryl Whitfield, private citizen, did not feel the size of the proposed lots were consistent with the surrounding neighborhood. She characterized this as a violation of the annexation agreement, and pointed out that the City's Department of Transportation and Mobility has received grant funds to implement Complete Streets throughout the County, including Riverland Road. The design of the proposed project will need to be integrated into these Complete Streets improvements. She noted that this information is not included in the Staff Report.

Ms. Whitfield continued that she would provide the Board members with a copy of a complete staff report including environmental findings and other information that she felt should be made accessible to the public.

Charlie Leikauf, President of the Riverland Preservation Society, asked that the Applicant reconsider his plat to make it more compatible with the character of the surrounding community. Mr. Leikauf added that the subject parcel includes 485 trees, some of which are over 100 years old. He pointed out that the elevations of the planned lots will need to be raised in order to meet new flood elevations, and that relocation of trees can be very difficult.

Isabel Rimanoczu, private citizen, spoke in favor of responsible stewardship of nature and the environment.

Ted Mozino, private citizen, advised that his property is located across the street from the subject parcel. He hoped that the unique nature of the area could be maintained through the right kind of development.

Yelka Mikolji, member of the Flagler Village Civic Association Board of Directors, emphasized the importance of maintaining native trees and other species in the subject neighborhood.

Robert Black, Applicant, recalled that he purchased the subject property in 2006 and has met with the neighborhood civic association and the City to discuss alternative

plans for the parcel; however, no resolution could be reached. He did not feel any plans for the property would satisfy all members of the community.

Nancy Smith, private citizen, pointed out that climate change often renders emergency flood planning meaningless. She did not feel it was advisable to construct 13 homes on a low-lying flood plain near a river.

Craig Fisher, private citizen, stated that he is opposed to overdevelopment, and expressed concern for the ecological impact of the proposed project, including the possibility of relocating trees from the subject property. He advised that the area is unlikely to accommodate the necessary infrastructure for 13 homes, including roadways and safety measures.

Mr. Spencer observed that many of the speakers who took issue with the proposed lot sizes have homes of similar sizes in the surrounding neighborhood. He addressed the issue of compatibility, pointing out that this is not among the criteria for plat approval and that Staff has indicated the Application meets the requirements of Code. He added that oak trees are located within the proposed preserve area.

Mr. Spencer concluded that the zoning adopted for the subject area in 2007 shows that the Application meets the criteria of the RS-3.52 zoning district. Platting standards implemented concurrently with the annexation are also met by the Application. He declared that the Board must comply with the objective standards of the ULDR.

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

Chair Hansen commented that the language of the 2002 agreement includes a requirement for the general preservation of the Riverland area, which has average lot sizes that differ from those included in the proposed plat. He emphasized the importance of the City's promise to preserve the subject neighborhood, and noted that trees are an essential component of the area's character.

Motion made by Mr. McCulla, seconded by Ms. Desir-Jean, to approve the Item as presented with whatever Staff conditions there are. In a roll call vote, the **motion** failed 3-3 (Chair Hansen, Mr. Glassman, and Ms. Maus dissenting).

Attorney Spence confirmed that this meant the Application would advance to the City Commission with a recommendation of denial by the Board. Mr. McCulla stated that he objected to a tied vote resulting in a recommendation of denial.

IV. COMMUNICATION TO THE CITY COMMISSION

None.

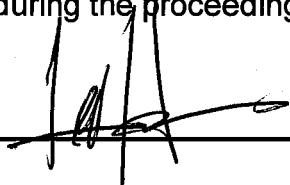
V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Mr. Glassman requested that Staff explore the possibility of a Code change that would require an approved site plan for a property before any existing structure on that property is demolished. He explained that recent demolitions in the beach area have had a negative effect on the aesthetics of the surrounding communities and may have a similar effect on property values.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:44 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Chair



Prototype



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