

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
TUESDAY, JANUARY 17, 2017 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2016-May 2017</b>	
		<b>Present</b>	<b>Absent</b>
Leo Hansen, Chair	P	7	0
Catherine Maus, Vice Chair	P	6	1
Theron Clark	P	5	2
Stephanie Desir-Jean	A	5	2
Howard Elfman	P	7	0
Steven Glassman	P	7	0
Rochelle Golub	P	6	1
Richard Heidelberg	P	5	2
James McCulla	P	5	2

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

**Staff**

Ella Parker, Urban Design and Planning Manager  
Cynthia Everett, City Attorney  
D'Wayne Spence, Assistant City Attorney  
Gus Caballos, Assistant City Attorney  
Eric Engmann, Urban Design and Planning  
Florentina Hutt, Urban Design and Planning  
Randall Robinson, Urban Design and Planning  
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. Urban Design and Planning Manager Ella Parker introduced the Staff members present.

**II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM**

Mr. Glassman recommended that attendance be reviewed to determine the correct number of meetings held since June 2016.

**Motion** made by Mr. Glassman, seconded by Vice Chair Maus, to approve [as amended]. In a voice vote, the **motion** passed unanimously.

### III. PUBLIC SIGN-IN / SWEARING-IN

Chair Hansen requested that any members of the public wishing to speak on any Items before the Board be sworn in at this time. He advised that individuals wishing to speak on Items before the Board are allowed three minutes, and representatives of groups or associations are allowed five minutes.

### IV. AGENDA ITEMS

#### Index

<u>Case Number</u>	<u>Applicant</u>
1. R16034**	Sunrise Investment Partners, LLC
2. V16004	New River III, LLC
3. R16026**	Florida Power and Light Company
4. R16039**	1849 Middle River Dr., LLC

#### 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.

<b>1. CASE:</b>	<b>R16034</b>
<b>REQUEST: **</b>	Site Plan Level III Review: Conditional Use for a Social Service Residential Facility-Level IV, with 204 Sleeping Rooms.
<b>APPLICANT:</b>	Sunrise Investment Partners, LLC
<b>PROJECT NAME:</b>	Belmont Village
<b>GENERAL LOCATION:</b>	2539 E. Sunrise Blvd.
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	A portion of the East 300.00 feet of Tract "B", BAY PARK AMENDED, according to the plat thereof, as recorded in Plat Book 39, Page 47, of the public records of Broward County, Florida. Containing 54,679 square feet or 1.2553 acres more or less. (Abbreviated)
<b>CURRENT ZONING:</b>	Boulevard Business (B1)

**CURRENT LAND USE:** Commercial  
**COMMISSION DISTRICT** 1  
**CASE PLANNER:** Randall Robinson

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, explained that the request is for Site Plan Level III approval of an assisted living facility for senior citizens. The project will include 158 assisted-living sleeping rooms and 46 memory care units. The property is zoned B-1 and has an underlying land use designation of Commercial.

The project has been designed to meet or exceed the requirements of the B-1 zoning district, including setback requirements and height. Belmont Village provides a number of amenities for residents, including memory care facilities, fitness training, outdoor dining, and entertainment.

The project includes significant landscaping and pedestrian-level enhancements along both 11<sup>th</sup> Street and Seminole Drive. The main entrance/exit to the facility is located off Seminole Drive, with secondary access off 11<sup>th</sup> Street and a one-way service entrance along Commercial Boulevard. A pool deck and amenity area is located on the 4<sup>th</sup> floor of the project, above the garage.

Mr. Lochrie showed renderings and views of the area, pointing out that the Applicant has worked with the Coral Ridge Civic Association under the City's public participation requirements. That Association has asked the Applicant to provide additional enhancements in the public right-of-way, including maintenance of a road closure on Seminole Drive in perpetuity. The Applicant has also agreed to mitigate any effects of the construction process on the surrounding neighborhood. The Applicant has also met with representatives of the Villas at Sunrise Bay condominium. Letters of support from members of both civic organizations were provided.

Mr. Lochrie observed that the City's parking requirements for assisted living facilities rely on an analysis of how much parking is required. An assisted living facility has less of a need for parking than other Social Service Residential Facilities (SSRFs). A study was conducted, which demonstrated a need for 128 parking spaces; this study was followed by an analysis of other Belmont Village facilities, which found the requirement should be 158 spaces. Both these studies set aside an additional 40 parking spaces for nearby commercial enterprises. The result is over 200 parking spaces.

Randall Robinson, representing Urban Design and Planning, stated that SSRFs Level IV are permitted in B-1 zoning districts through conditional use review. The Applicant proposes to construct an SSRF Level IV in a 12-story building. The project includes an

allocation of 79 flex units for 158 assisted-living senior living sleeping rooms, with each flex unit equal to two sleeping rooms.

Parking will be provided in a garage that constitutes the lower four levels of the building. Project improvements include 7 ft. sidewalks around the perimeter of the property, as well as shade trees on both street frontages.

Mr. Robinson reviewed the conditional use criteria, noting that all dimensional requirements of an SSRF Level IV are met by the proposed project. These criteria include:

- Impact on abutting properties, as evaluated under neighborhood compatibility standards
- Access, traffic generation, and road capacities of adjacent roadways, including traffic generation characteristics of the proposed conditional use and other uses permitted in particular zoning districts
- Applicant must show the following:
  - Location of the use or structure may not be in conflict with the City's Comprehensive Plan
  - Off- or on-site conditions exist which may reduce any impact of permitting the use or structure
  - On-site improvements have been incorporated into the Site Plan which minimize any adverse impacts as a result of permitting the use or structure
  - Location of the use in proximity to a similar use does not impact the character of the zoning district in which that use is located
  - There are no adverse impacts of a use that affect the health, safety, and welfare of adjacent properties

Mr. Robinson noted that the building was designed to have the appearance of a multi-family residential structure. It is lower than the permitted height in the B-1 district, and setbacks are greater than required on all sides of the property.

With regard to neighborhood compatibility, the project incorporates the following improvements or modifications:

- Parking for residents, visitors, and staff is provided in a well-camouflaged garage on levels 2 through 5 of the development
- Primary access to the building and garage is along Seminole Drive, with secondary access on NE 11<sup>th</sup> St.
- The Applicant proposes to install landscaping, including shade trees, along the perimeter of the project
- New sidewalks will be provided along adjacent streets to allow pedestrians to circulate through the area.

Mr. Robinson confirmed that a typo exists on p.1 of the Staff Report: the correct building height is 124 ft. 8 in.

Ms. Golub requested clarification of how many residents are anticipated to live in the building. Mr. Lochrie replied that the project will include 204 sleeping rooms, pointing out that some sleeping rooms will house couples, which can bring the total number of residents to 235. He noted that the Board is not asked to approve a number of residents.

Ms. Golub asked why residents in the memory care units are not counted toward the project's density, as these residents will require greater care. Mr. Lochrie explained that this is due to the Broward County and Fort Lauderdale Land Use Plans. Neither the City nor the County considers memory care units to be residential when located on commercial property. The flex units requested for residential purposes will not be within the memory care portion of the project.

Ms. Golub commented that the memory care unit will be staffed differently than the assisted living units. Mr. Lochrie confirmed that most of the cars at the facility will belong to staff members. The project is designed to ensure that shift changes do not occur during peak traffic hours.

Ms. Golub continued that the parking lot on the property is often used as a roadway between Bayview and Seminole Drives. She anticipated that this could result in a traffic issue in the area. Mr. Lochrie pointed out that the activity described by Ms. Golub is trespassing. He also confirmed that emergency services have reviewed the access for ambulances and fire trucks and have not identified any issues.

Mr. Heidelberger asked how many spaces are in the existing parking lot. Mr. Lochrie estimated that there are roughly 100 spaces. The lot is regularly used by neighborhood residents as well as employees.

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.

Mr. Lochrie advised that the Applicant is agreeable to both the Staff conditions associated with the Application.

**Motion** made by Vice Chair Maus, seconded by Mr. McCulla, to approve with Staff conditions [and correction of the typo regarding building height]. In a roll call vote, the **motion** passed 8-0.

<b>2. CASE:</b>	<b>V16004</b>
<b>REQUEST:</b>	Site Plan Level IV Review: Right-of-Way Vacation, of 14-foot-wide alley
<b>APPLICANT:</b>	New River III, LLC

**PROJECT NAME:** New River Yacht Club III Alley Vacation

**GENERAL LOCATION:** 416 SW 1st Avenue, between South Andrews Avenue and SW 1st Avenue and north of SW 5<sup>th</sup> Street.

**ABBREVIATED LEGAL DESCRIPTION:** A portion of that certain 14.00 feet platted Alley in Block 41, FORT LAUDERDALE, according to the plat thereof recorded in Plat Book "B", at Page 40, of the Public Records of Dade County. Containing 2,800 square feet or 0.0643 acres more or less. (Abbreviated)

**CURRENT ZONING:** Regional Activity Center – City Center

**CURRENT LAND USE:** Downtown Regional Activity Center

**COMMISSION DISTRICT:** 3

**CASE PLANNER:** Randall Robinson

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, stated that the request is for an alley vacation, which will later have a corresponding request for an easement vacation at the City Commission level. Some years ago, the northern portion of an alleyway running through a block was vacated in order to allow the New River Yacht Club to be built. The alley has also been vacated in two blocks located south of the subject property.

When the New River Yacht Club was built, a portion of the alleyway that would have gone under the building was vacated, and the developer dedicated a new easement back to the City so anyone using the alley would not come to a dead end. The next portion of this project will place a mid-rise structure on the southern portion of the property. The Applicant requests a similar vacation of another portion of the alley, and plans to provide another access point in exchange for the vacation.

Mr. Lochrie showed a rendering of the project, which includes mid-rise residential units along Andrews Avenue. He concluded that the Applicant has met with the Tarpon River Civic Association in accordance with the City's public participation Ordinance, and provided a letter of support from that organization. He also corresponded with the Downtown Civic Association.

Mr. Glassman asked how many individuals attended the Applicant's meetings with the Tarpon River Civic Association. Mr. Lochrie estimated that 10 to 15 individuals attended this meeting. No members of this group attended an additional public participation meeting, although the president of the Downtown Civic Association was in attendance.

Mr. Robinson of Urban Design and Planning noted that right-of-way vacation is a Site Plan Level IV Application. The request would vacate a 14 ft. wide 2800 sq. ft. portion of right-of-way in order to allow for the construction of a mixed-use development.

Review criteria for right-of-way vacation are as follows:

- Right-of-way or other public space is no longer needed for public purposes
- Alternate routes, if needed, are available and do not cause adverse impacts to surrounding areas
- The closure of the right-of-way provides safe areas for vehicles to turn around and exit the area
- The closure of the right-of-way shall not adversely affect pedestrian traffic
- All utilities located within the right-of-way or other public space have been or will be relocated, pursuant to relocation plan

Mr. Robinson added that Staff has determined they should add a third Staff condition regarding the proposed easement: Applicant will grant an 8 ft. wide access easement alongside the remaining alley right-of-way to provide a 22 ft. wide public thoroughfare where the alley is to remain.

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.

Mr. Glassman pointed out that neither the letter of support from the Tarpon River Civic Association nor the public participation record discusses the alley vacation itself. Mr. Lochrie replied that the Applicant and members of the public discussed the project in general. He noted that the issue of retail on the project's first floor, in particular, has been addressed.

**Motion** made by Vice Chair Maus, seconded by Ms. Golub, to approve with all three Staff conditions. In a roll call vote, the **motion** passed 8-0.

<b>3. CASE:</b>	<b>R16026</b>
<b>REQUEST: **</b>	Site Plan Level III Review: Increase the maximum height of an accessory structure in the Utility zoning district from 60 feet to 80 feet.
<b>APPLICANT:</b>	Florida Power and Light Company
<b>PROJECT NAME:</b>	FPL Rohan Substation
<b>GENERAL LOCATION:</b>	1750 SW 31 <sup>st</sup> Avenue
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Rohan acres 22-43 b lot 2 less w 40 for st; lot 3 less s 25 & less w 40 of n 107, lot 3 s 25 less w 35; lot 4 less s 50 & less w 35 for rd blk 4. (Abbreviated)

<b>CURRENT ZONING:</b>	Utility (U)
<b>CURRENT LAND USE:</b>	Utilities
<b>COMMISSION DISTRICT:</b>	4
<b>CASE PLANNER:</b>	Eric Engmann

Disclosures were made at this time.

Monica Barnes, representing the Applicant, provided some background information regarding the Application, stating that Florida Power and Light Company (FPL) applied for a building permit to construct a lightning-shielding mass at the site of the existing Rohan substation. The mass includes a stealth canister that contains wireless antennae, which are owned by T-Mobile.

The building permit was originally approved and the site was built; however, at the end of construction, FPL received notification from Planning and Zoning Staff that the permit had been issued in error and the company must go through Site Plan Level III review to approve the additional height. The maximum height allowed in a Utility district is 60 ft., while the proposed structure is 82 ft.

The Applicant has met all conditions of approval. The purpose of a lightning-shielding mass is to protect the substation and equipment from lightning strikes and other power surges. FPL structures are generally exempt from Florida Building Code requirements and permitting; however, the additional height requires Site Plan Level III review.

The stealth canisters are present because T-Mobile recognized the need to provide additional coverage in the area. The reasons for the height increase are twofold: FPL requires a buffer for its electrical infrastructure and T-Mobile needs the additional height to prevent radio frequency interference.

The Rohan substation has existed since the late 1960s and predates many of the homes in the surrounding community. The facility is an unmanned and uninhabitable vertical structure, with no need for power, water, waste, or sewer facilities. No changes are planned to the character of the substation. A buffer and tree canopy exist to shield the substation from the neighborhood.

Ms. Barnes recalled that some residents of the surrounding area had raised objections to the Application. She asserted that the Applicant has satisfied notice requirements and conducted public participation meetings with homeowners' associations within a 300 ft. radius, including the Chula Vista Isles Homeowners' Association and Riverland Village Civic Association. FPL appeared at these groups' regularly scheduled meetings rather than hold a separate meeting. A letter of support from the Riverland Village Civic Association is included in the backup materials.



Ms. Barnes continued that FPL plans to make improvements to the substation site, including replacement of existing hedges along the west side with 5 ft. tall hedges. Ground equipment within the base tower will also be screened with a landscape buffer.

Mr. Glassman referred to a backup letter from the Broward County Planning Council. Ms. Barnes replied that while she did not have a copy of this letter, it was requested as part of the Development Review Committee (DRC) process, which required FPL to determine whether or not the property must be re-platted.

Mr. Glassman asked if the Chula Vista Isles Homeowners' Association had provided any letters to the Applicant. Ms. Barnes advised that this association did not provide a letter. It was noted that the letter from the Riverland Village Civic Association was neither dated nor signed.

Mr. Elfman asked if any aesthetic changes are planned for the structure. Ms. Barnes reiterated that landscaping will be updated in the future, but no changes for the structure are planned.

Ms. Golub asked how tall the structure would be without the canister. Ms. Barnes replied that it would be 60 ft. high. Communications towers are permitted at heights of up to 150 ft. within Utility districts. Many providers are requesting co-location of equipment on existing utility structures rather than building stand-alone towers.

Ms. Golub asked if the Applicant would be willing to accept required landscaping improvements as a condition of approval. Ms. Barnes stated that the planned landscaping improvements are intended to be complete within a set time frame, and the Applicant would be willing to discuss additional landscaping. She advised that landscaping height is an issue due to overhead power lines. Bruce Barber of Fibernet, also representing the Applicant, showed a rendering of the proposed landscaping.

Chair Hansen asked if the specific heights, types, and spacing of landscaping plants have been shown to the City's landscape architect. Ms. Barnes confirmed this, and provided the Board members with copies of the landscaping plan.

Mr. Heidelberger asked if FPL plans to attach additional features to the lightning mass in addition to the canister as illustrated in drawing Z-5. Barnes stated that there are no such plans, pointing out that only one canister may be placed atop the structure for safety reasons. Mr. Barber added that there may be no changes to the structure unless FPL comes before the City once more with a request. T-Mobile may make changes to the equipment inside the canister.

Eric Engmann, representing Urban Design and Planning, stated that the Application requests an ancillary 82 ft. mass associated with FPL's Rohan electrical substation. The request would allow the structure to exceed the 60 ft. height limitation permitted by right

in the Utility zoning district. The structure is intended to provide lightning shielding and improve wireless capability in the area. The site will also include future landscaping.

The Applicant has met public participation requirements. Staff recommends approval of the Application.

Mr. McCulla asked if it is possible for a freestanding cell phone tower to reach a height of 150 ft. Mr. Engmann replied that this could be done through a separate application. He confirmed that a cell tower could be permitted within the Utility zoning district.

Ms. Golub asked if approving the Site Plan would ensure that there is no need for separate conditions regarding landscaping. Mr. Engmann confirmed this.

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

Alfred Salsamendi, private citizen, felt the existing structure was "hideous." He stated that he lives near the substation, and that the proposed landscaping would be inadequate. He added that no notifications for public meetings to discuss the structure were provided in his neighborhood, and concluded that the proposal would not be made if the substation were located in a more upscale neighborhood.

Henry Alvarez, private citizen, stated that he is a longtime resident of the subject neighborhood. He asserted that the Riverland Road area, for which a neighborhood association submitted a letter of support, is not close to the substation. Mr. Alvarez submitted a petition signed by residents of the surrounding neighborhood in opposition to the Application. He concluded that residential homes are very close to the structure.

Mr. Glassman recalled that Mr. Alvarez had reached out to a Fort Lauderdale City Commissioner's office with his concerns, which included an anticipated significant increase in utility vehicles parking near the substation. Mr. Alvarez explained that these vehicles regularly park in the area at present. He cited additional concerns, including construction debris and proximity of a church to the substation.

Lisa Alvarez, private citizen, provided a photograph of the subject site, pointing out that the existing pole is much higher than trees in the area. She added that landscaping is only proposed for the western side of the substation, rather than the east, which is closer to the residential neighborhood. There is no landscaping to screen the fencing currently around the site. She concluded that it is impossible for the structure to have no effect on the character of the surrounding neighborhood.

Chair Hansen requested clarification of the height of existing towers on the site. Mr. Barber replied that he did not know.

Jesse Alvarez, private citizen, advised that he is a longtime resident of the subject area, and there has not previously been a concrete pole of the proposed height in the neighborhood until recently. He characterized its height as over twice the height of anything that has previously been on the site. He pointed out that the pole has already been constructed without the appropriate approval or public participation notification.

Mr. Heidelberger pointed out that a drawing on sheet Z-5, showing an elevation of 82 ft. for the existing pole, is not accurate. Mr. Barber responded that FPL's lightning shielding pole supports other wireless equipment. He noted that the backup materials include attachments to the structure, and confirmed that the 82 ft. height of the pole will have an additional 22 ft. atop it.

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.

Ms. Golub requested clarification from Staff regarding the height of the structure at the time it was permitted, asking if the permitted height was 82 ft. or 104 ft. Ms. Parker replied that Staff was not aware the proposed height would be more than 82 ft. Staff approved the rendering shown in Z-5, which reflects a height of 82 ft.

Ms. Golub expressed concern that the Board was being asked to approve an additional 20 ft. on top of the existing 82 ft. concrete pole on the site. Attorney Spence stated that the packet and Application before the Board is what they are being asked to approve. The Application does not include the additional proposed height. Only the 82 ft. structure has been submitted for consideration.

Mr. Heidelberger stated that his understanding of the Applicant's presentation, as illustrated on drawing Z-5, was that it represented an 82 ft. structure, while the actual structure as shown in the photograph appears to be 102 ft. in height. He characterized this as a false presentation.

Ms. Barnes advised that the Application was submitted with an 82 ft. pole and an attachment. She concluded that the Applicant would like to defer the Application in order to review appropriate sections of Code. Chair Hansen recommended that the Applicant also consider hiring a landscape architect to make more substantial improvements.

**Motion** made by Vice Chair Maus to approve. (The **motion** died for lack of second.)

**Motion** made by Mr. Heidelberger, seconded by Mr. McCulla, that the Application, as presented, is rejected.

Attorney Spence advised that the language of the **motion** must be to approve or deny. It was determined that Mr. Heidelberger's **motion** would be for denial of the Application.

In a roll call vote, the **motion** passed 8-0.

<b>4. CASE:</b>	<b>R16039</b>
<b>REQUEST: **</b>	Site Plan Level III Review: Waterway Use, 10 Multifamily Units
<b>APPLICANT:</b>	1849 Middle River Dr, LLC
<b>PROJECT NAME:</b>	Middle River
<b>GENERAL LOCATION:</b>	1849 Middle River
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Livermore estates 19-11 b that point of lot 8 lying e-east of shore line and east of middle river. (Abbreviated)
<b>CURRENT ZONING:</b>	Residential Multifamily Low Rise/Medium Density (RM-15)
<b>CURRENT LAND USE:</b>	Medium Residential
<b>COMMISSION DISTRICT:</b>	1
<b>CASE PLANNER:</b>	Florentina Hutt

Disclosures were made at this time.

Nectaria Chakas, representing the Applicant, stated that the request is for Site Plan Level III approval for waterway use with a multi-family development. The Application also requests permission to place a pool in the rear yard along the waterway.

The site is located in the RM-15 zoning district and is 0.675 acre. The project will have four multi-family units in a two-story building and is surrounded by other multi-unit developments. The project's 10-unit development has significantly less density and height than neighboring developments.

The area includes a significant amount of backout parking as well as large surface parking lots. The project will eliminate all backout parking and will conceal all parking within a garage. Ms. Chakas showed renderings of the Site Plan, noting that the parking garage will be shielded on its sides and front. A lobby is planned along the southeast corner of the site. Fitness rooms and other amenities are placed close to the waterway.

The property's side, rear, and front setbacks meet RM-15 zoning requirements; the building itself is set back 25 ft. For multi-family or non-residential waterway use, however, Code requires that a 20 ft. yard setback may only be used for landscaping, driveways, and sidewalks. Pools are not included in this list without Planning and Zoning Board approval.

The proposed pool is 15 ft. x 15 ft. in size and is set back 7 ft. from the wet face of the seawall. The Applicant owns a significant amount of the submerged land in front of the seawall, but cannot be counted toward the setback.

The Applicant met with the Coral Ridge Homeowners' Association, as the property is located in this neighborhood, and contacted the Bal Harbor Homeowners' Association, although the latter did not respond to outreach.

Ms. Golub requested clarification of an existing dock mentioned in renderings of the property. It was clarified that the structure has rotted.

Ms. Golub also noted that there are no sidewalks or guest parking. Ms. Chakas explained that guest parking is provided in a secure garage, and guests would need to call the garage to be allowed in.

Florentina Hutt, representing Urban Design and Planning, stated that the project has been reviewed by the DRC and all comments have been addressed. The project is subject to waterway use criteria, adequacy requirements, and neighborhood compatibility requirements. The pool would be placed 7 ft. 2 in. from the seawall. In order to mitigate this encroachment into the landscaped area, the Applicant proposes that the building be placed 20 ft. from the waterway, which is an increase from the required setback, and attractive open space at the rear of the property. The 10 ft. side yards allow waterway views from the street.

Staff finds that the project design achieves appropriate scale, lighting, massing, ventilation, façade treatment, and building separation to meet adequacy requirements. The Applicant has satisfied public participation requirements. Staff recommends approval of the request.

Ms. Golub pointed out that 21 parking spaces are required for the project, and observed that there did not seem to be room for guest parking in the garage. Ms. Hutt replied that the parking spaces reflect what is required by Code. Ms. Golub asked if Staff has spoken with the Applicant regarding the pool and deck, noting that 7 ft. 2 in. may be too small a setback considering sea level rise. Ms. Hutt stated that the project is being reviewed with regard to the City's new seawall Ordinance during its permitting phase.

Mr. Elfman asked where trash cans would be located on the property. Ms. Hutt responded that there will be a trash room on the first floor of the garage. Mr. Elfman also expressed concern regarding guest parking, pointing out that this can be an issue on Middle River Drive and guests may resort to parking in swales or on adjoining properties with guest spaces.

Chair Hansen asked how a resident would leave after using the call box if he did not proceed into the garage. Ms. Chakas replied that in this case, the individual would need to back out onto Middle River Drive.

The proposed pool is 15 ft. x 15 ft. in size and is set back 7 ft. from the wet face of the seawall. The Applicant owns a significant amount of the submerged land in front of the seawall, but cannot be counted toward the setback.

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Mr. Elfman asked where trash cans would be located on the property. Ms. Hutt responded that there will be a trash room on the first floor of the garage. Mr. Elfman also expressed concern regarding guest parking, pointing out that this can be an issue on Middle River Drive and guests may resort to parking in swales or on adjoining properties with guest spaces.

Chair Hansen asked how a resident would leave after using the call box if he did not proceed into the garage. Ms. Chakas replied that in this case, the individual would need to back out onto Middle River Drive.

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 Mr. McCulla, seconded by Mr. Clark, that this project, designed according to Code, be approved. In a roll call vote, the **motion** passed 7-1 (Ms. Golub dissenting).

#### V. COMMUNICATION TO THE CITY COMMISSION

Mr. McCulla addressed the approval of pools in setbacks, stating that the Board had discussed amending Code in the past to deal with this issue. Ms. Parker explained that Staff had presented an amendment to Code, but the City Commission had declined to approve this request. Mr. McCulla felt the Board should send this communication again.

Ms. Golub recalled that the Board had discussed the possibility of consolidating new construction and new trips, as projects expected to generate fewer than 1000 trips do not require a traffic study. She pointed out that this could mean 25 new projects result in nearly 25,000 trips.

Chair Hansen recommended that members gather their thoughts on these topics for discussion as potential communications to the City Commission at a subsequent meeting.

#### VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 8:30 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.]