

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, JUNE 19, 2013 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2013-May 2014</b>	
		<b>Present</b>	<b>Absent</b>
Patrick McTigue, Chair	P	1	0
Leo Hansen, Vice Chair	P	1	0
Brad Cohen	A	0	1
Stephanie Desir-Jean (arr. 6:35) (dep. 8:39)	P	1	0
Michael Ferber	P	1	0
James McCulla	P	1	0
Michelle Tuggle	P	1	0
Tom Welch (arr. 6:39)	P	1	0
Peter Witschen	P	1	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  
Tom Lodge, Urban Design and Development  
Yvonne Redding, Urban Design and Development  
Randall Robinson, Urban Design and Development  
Anthony Fajardo, Chief Zoning Administrator  
Mohammed Malik, Chief Zoning Examiner  
Jay Sajadi, Engineering Department  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to the City Commission**

**Motion** made by Mr. Witschen, seconded by Vice Chair Hansen, that the Board would like to see improved dimensional requirements for B-1 zoning districts, as this district may be located adjacent to residential zoning districts. In a voice vote, the **motion** passed unanimously.

**Index**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
1.	47R13**	Premier Developers V, LLC / Galleria Landings
2.	1ZPUD08A1** *	Tiffany House LP / Tiffany House / The Escape Hotel
3.	8Z12** *	New Mount Olive Missionary Baptist Church, Inc.

4. 9Z12\*\* \* New Mount Olive Missionary Baptist Church, Inc.
5. 10Z12\*\* \* New Mount Olive Missionary Baptist Church, Inc.
6. 11Z12\*\* \* New Mount Olive Missionary Baptist Church, Inc.
7. 2P13\*\* New Mount Olive Missionary Baptist Church, Inc.
8. 3P13\*\* New Mount Olive Missionary Baptist Church, Inc.
9. 65R12\*\* New Mount Olive Missionary Baptist Church, Inc.
10. 45R13\*\* 69<sup>th</sup> Street Properties LP / Aldi
11. 28R13\*\* AZDD, LLC / Aquarium
12. 9P13\*\* Lofts at Tarpon River LLC / Pinnacle at Tarpon River  
Plat
13. 7T13\* City of Fort Lauderdale
14. Election of Chair and Vice Chair
15. Communication to the City Commission
16. For the Good of the City

### Special Notes:

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

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

Chair McTigue called the meeting to order at 6:30 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.

Chair McTigue stated that Applicants and their agents are allowed 15 minutes of presentation time for an Item; representatives of associations and groups are allowed five minutes, and individuals are allowed three minutes.

Ms. Desir-Jean arrived at 6:35 p.m.

**Motion** made by Mr. McCulla, seconded by Vice Chair Hansen, to approve the minutes of the May 14, 2013 special meeting. In a voice vote, the **motion** passed unanimously.

**Motion** made by Ms. Tuggle, seconded by Mr. Witschen, to approve the minutes of the May 15, 2013 meeting. In a voice vote, the **motion** passed unanimously.

Chair McTigue advised that the Applicant of Items 3, 4, 5, 6, 7, 8, and 9 had requested that these Items be deferred until the July 19, 2013 meeting.

**Motion** made by Mr. Witschen, seconded by Ms. Desir-Jean, to defer [Items 3 through 9] as a group to [July] 19. In a voice vote, the **motion** passed unanimously.

Mr. Welch arrived at 6:39 p.m.

1. Premier Developers V, LLC. / Galleria Landings Yvonne Redding 47R13

**Request: \*\*** Site Plan Level III – Waterway Use

**Legal Description:** All that portion of the north 400 feet of the south 903.85 feet of the Government Lot 7, section 36, Township 49 south, Range 42 east, Broward County, FL, lying east of Us. Highway No. 1 (Federal Hwy).

**General Location:** 1180 N. Federal Hwy

**District:** 2

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

Courtney Crush, representing the Applicant, introduced the developer of the proposed project and his team. She showed a PowerPoint presentation on the project, Galleria Landings, which would include 100 condominium units, a paddleboard retail store and rental facility, and waterfront offices. The mixed-use aspect of the project is permitted in the ULDR, pursuant to B-1 zoning regulations, as a conditional use, and is subject to adequacy requirements and neighborhood compatibility. The project requires the allocation of flexibility units, of which approximately 2400 are available for mixed-use projects in the subject zone.

Ms. Crush stated that the project is designed primarily as a glass structure. She described the irregular shape of the property, which sits on the water and introduces a residential component into the surrounding area. B-1 zoning permits mixed-use development, which means the property offers a mixture of residential and commercial uses in either one or two buildings. Galleria Landings offers mixed use in one building.

She continued that the Applicant wishes to improve and provide public access from Federal Highway to the water, which is suggested by the 2008 North US-1 Master Plan and is consistent with the City's goals regarding waterway use. She showed public perspectives of the proposed development, which will include a 7445 sq. ft. public plaza. The public, including cyclists, will be encouraged to come to the water, particularly by the paddleboard retail and rental store on the ground floor of the building. The property has more than 400 ft. of waterfront use, which will be activated by the public plaza.

Ms. Crush noted that one component of waterway use and mixed use is the consideration of adverse impacts, including neighborhood compatibility. She stated that the Applicant has attempted to design the project to the required Code for B-1 zoning districts, and has met twice with the project's immediate neighbors to the south, including residents of a two-building residential complex, to discuss their concerns regarding the proposed project.

Ms. Crush showed a visual of the site plan, explaining that the intent of the project is not to "tower over" the Middle River. At 40 ft., the building steps back nearly half the width of the property, and is slightly curved and oriented to the west. The property's western setback is required by Fire Code, as it abuts a turnaround.

Lane Kerr, land planning consultant for the Applicant, stated that he reviewed the City's ULDR and Comprehensive Plan in relation to the proposed project. He pointed out that the property has a commercial land use designation that allows residential development and mixed use. He asserted that the Applicant's documents comply with all required elements, including waterway use and neighborhood compatibility, and noted that the North US-1 Master Plan considers the surrounding area to be "the gateway." Mr. Kerr read the description of the gateway area, which lies across the waterway from George English Park. He concluded that the proposed project should promote the area.

Ms. Crush continued that the project is expected to be an amenity to the City in general and the gateway area in particular. She called the Board's attention to the curve and stepbacks of the property, noting that the building steps back 59 ft. to 90 ft. from the waterway and allows views from both the northern and southern neighboring properties. While no setback to the south is required by Code, a 14 ft. to 18 ft. setback is included to provide approximately 50 ft. of separation from the adjacent property. She concluded by showing different perspectives on the building from the north and south.

The Board agreed by consensus to provide the Applicant's team with five minutes for rebuttal if needed.

Mr. Witschen expressed concern with the nearby structured parking on the waterway, as it would set a height precedent in an area expected to have lower buildings than the adjacent East Point Towers. Mr. Kerr replied that the property lies across from a park, which is unique to its location; he felt the site was ideal for a higher structure which fit in well with the surrounding area.

Mr. Witschen reiterated that his concern focused on the structured parking, which he did not feel was the highest and best use for the site. He asked if the School Board had expressed an opinion on the project, as it is the closest adjacent

neighbor to the property. Mr. Kerr said the School Board has not commented on the project.

Yvonne Redding, representing Urban Design and Development, stated that the subject property is in and surrounded by B-1 zoning districts, with the exception of a nearby parcel including a church, which is zoned CF. The height limitation within B-1 zoning is 150 ft., although in some cases this may be exceeded with a conditional use permit if the property does not abut the waterway. There is no limitation to the massing and length of mixed-use developments, and the Application does not exceed 150 ft. in height. Developments are evaluated to determine compliance with neighborhood compatibility and the appropriate Master Plans.

Because the subject property lies along the US-1 corridor, Ms. Redding explained that the North US-1 Urban Design Plan was accepted by the City Commission in 2008, although it has yet to be adopted. This Plan was intended to be design-oriented rather than prescriptive in order to allow flexibility in the creation of the best possible urban environment. Guidelines focus on the relationship of new buildings to their surroundings, including massing, scale, articulation of façades, and ground floor activity.

Ms. Redding continued that the Application includes public access to the waterway, 400 ft. of boat dockage, seating, viewing, and recreational areas, retail activity, and a proposed activity deck. The project's layout fosters a pedestrian-friendly environment by linking Federal Highway to the Middle River in a manner that does not currently exist. Pedestrian access to the waterway is encouraged, including an open vista to the base of the building, a sidewalk connection lined with landscaping, and bicycle racks.

The building's orientation places its narrowest side toward the existing East Point Towers and incorporates significant glass and balconies, which provide variations in the building's façade and reduce the appearance of mass. Parking for the project is internalized and not visible from the surrounding areas. The building pedestal is set back 20 ft. from the waterway, while the tower portion is set back further. Ms. Redding noted that the conditions of approval are listed in the Staff Report, and may be addressed by City engineers, as they relate to traffic concerns. Correspondence to the Board from East Point Towers, dated May 29, 2013, and other emails from individuals are included in the members' information packets.

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

Marcie Oppenheimer Nolan, representing East Point Towers, advised that she had submitted a letter to Chair McTigue, requesting 15-20 minutes' presentation

time. She noted that while most residents of East Point Towers had waived their speaking time in order to allow for the presentation, some unit owners also wished to speak in response to the Application. The Board agreed by consensus to grant Ms. Nolan the requested presentation time.

Ms. Nolan showed a PowerPoint presentation, explaining that East Point Towers includes 274 residential units. Its two buildings are located immediately to the south of the proposed Galleria Landings and are zoned B-1, with 100% residential use. East Point Towers are 123 ft. in height and occupy a parcel of 4.13 acres. Residents and members of the condominium board have met with the Applicant on two separate occasions to discuss scale, massing, and height, which are the residents' three main concerns with the Application. The Applicant had advised the residents at the second meeting that the design of the site was "fully fleshed out" and represented the best possible use for the parcel.

Ms. Nolan observed that the North US-1 Master Plan is a vision for one of the City's neighborhoods, and is concerned with promoting and protecting the public interest, encouraging orderly growth, and ensuring that the overall vision for the area is based on community input. She asserted that the East Point Towers residents were very involved in the creation of this Master Plan. She noted that the neighborhood with which the Application must be compatible is not only the gateway area, but includes US-1 from Sunrise Boulevard to the City line.

She continued that the North US-1 Master Plan was approved by the City Commission in 2008, although it is not currently included as part of City Code. Ms. Nolan stated that this Master Plan is part of this Code, however, due to its requirement for neighborhood compatibility, which means the Master Plan must be considered when designing and reviewing a building. She advised that the Application is not a permitted as-of-right use, but requires the application of residential flexibility to a commercially zoned parcel as well as conditional use approval.

Ms. Nolan noted that the gateway node of the US-1 Master Plan, which includes the subject parcel, is very prescriptive: staggered buildings, setbacks, massing, and scale from the waterway are included as part of this Plan. She pointed out that many Master Plans, as well as ULDR Code, within the City require compatibility of transition in scale and massing when two uses are adjacent to one another. She cited examples of these requirements, noting that this Code requirement was described at a recent Board meeting when a "transition zone" was proposed within the Sistrunk Boulevard area. Transition between existing and proposed uses is critical in establishing harmony within a neighborhood environment.

Ms. Nolan stated that the specific concerns cited by East Point Towers include the proposed building's 387 ft. length within a 405 ft. parcel; its 150 ft. height,

which she noted was 178 ft. if rooftop equipment is included in the measurement; and its massing, which does not include articulation in its façade. Air and light circulation and view corridors from the waterway are also areas of concern, as the North US-1 Master Plan refers to neighborhood intent, the vision of the area, and the existing development already in place as aspects of compatibility. She concluded that area residents had a reasonable expectation that the North US-1 Master Plan would be followed.

She continued that the next-longest building in the immediate vicinity of Galleria Landings is 260 ft. in length, which is 33% shorter than the Application. Ms. Nolan listed the lengths of other existing buildings in the area, including East Point Towers, which are of significantly less length than the proposed project.

With regard to massing and volume, Ms. Nolan asserted that the total volume of Galleria Landings is 4.8 million cubic ft., while the total volume of East Point Towers is 4.73 million cubic ft. She advised that the volume over acreage of Galleria Landings is 2.417 cubic ft./acre, while the volume over acreage of East Point Towers is 1.1 cubic ft./acre. In context, this is more than a 100% increase from the proposed project to the currently existing adjacent building.

Jill Cohen, certified planner, advised that she had reviewed the project in terms of massing and the existing character of the neighborhood, which includes lower buildings. While she agreed that the building was attractive, she did not believe it was a good fit with the surrounding community, particularly as compared with East Point Towers. Ms. Cohen noted that there are only 14 ft. of open space between the edge of the Galleria Landings building and the edge of East Point Towers' property. The Application includes massing on 96% of the land along the waterway, with no openings. This would have a significant impact on view, light, and air, including shadows that would extend across the waterway toward George English Park.

Ms. Cohen stated that the intent of the North US-1 Master Plan is to promote connectivity and provide a tranquil area. She felt placing a large building on the subject parcel would include too much massing to meet this intent. She observed that while the residents of East Point Towers may not dislike the proposed building, they feel it is inappropriate in context with the conditions of the existing community, which includes residential use within a B-1 zoning district. If the East Point Towers parcel were zoned residentially, 85 ft. of setbacks would be required, which is significantly more than the 14 ft. she had noted earlier.

She also pointed out that the providing connectivity to US-1 is 14 ft. in width, including a 4 ft. wide sidewalk. Ms. Cohen stated that this was insufficient width to provide significant connectivity.

Ms. Nolan stated that neighborhood review analysis requires the Board to consider the City's Comprehensive Plan, which establishes the context for land development, future development, and Code. Policy 1.19.8 of the Comprehensive Plan states that the scale and mass of new development should be consistent with existing neighborhoods. She noted that East Point Towers have existed on the adjacent parcel since 1974. Similarly, objective 1.20 requires protection of residential neighborhoods from impacts created by non-residential uses; if Galleria Landings was a residential rather than a mixed-use building, it would not be permitted in the B-1 zoning district. Policy 1.24.1 states that marine resources, including the Middle River view, also require protection.

She concluded that the character of the existing gateway neighborhood is dissimilar to the proposed project in terms of height, width, bulk, and setbacks. The form and mass of the proposed building were not consistent with the existing neighborhood and were out of context with the requirements of the North US-1 corridor. Ms. Nolan stated again that the project is incompatible with the surrounding neighborhood, does not adhere to the intent of the North US-1 Master Plan, and does not provide a transitional zone between adjacent buildings.

Vice Chair Hansen commented that the proposed building is not stepped back from the Middle River from a vertical viewpoint, although it is stepped back horizontally. He asked if Staff had taken this into consideration as part of their review. Ms. Redding replied that the building's tower is stepped back further from the waterway; the example cited in the North US-1 Master Plan, which includes a 35 ft. setback, takes the entire width of the property into consideration, which means a taller building could be built closer to Federal Highway. The Master Plan also points out that some parcels are fragmented, which means this setback may not be possible on every parcel.

Ms. Desir-Jean asked if Staff could explain how the project meets neighborhood compatibility standards with specific reference to the North US-1 design plan. Ms. Redding said the proposed project is a mixed-use development, while East Point Towers is a residential building located in a B-1 zone. The North US-1 Master Plan encourages mixed-use development, with a high percentage of residential use and quality of architecture. Staff had determined that the project was compatible with the neighborhood, particularly considering the residential parcel to the south. She pointed out that the proposed building does not exceed the height requirements of the B-1 zoning district or the North US-1 Master Plan.

Mr. Ferber asked if the East Point Towers building, which is residential, might have required conditional use approval as a residential building within a B-1 district in the 1970s. Ms. Redding advised that she could not speak to whether or not mixed-use criteria were in place at that time, but stated that were East Point



Towers proposed during the present day, they would be required to meet setbacks and other criteria to which Galleria Landings is currently subject.

Ms. Parker pointed out that the North US-1 Master Plan states that narrow, shallow parcels in the area may have difficulty being redeveloped into other uses due to limited accessibility. This led to the encouragement of mixed use within the area. She advised that when neighborhood compatibility is reviewed in the context of this Master Plan, the character of the gateway area is seen as in proximity to buildings with similar mass and scale rather than in proximity to residential, low-scale development.

Greg Brentlinger, President of the East Point Towers condominium board, stated that residents of this building and others along the corridor had been active participants in the development of the North US-1 Master Plan. Their interest was in the entire corridor, and particularly in what might happen to East Point Towers in the future as the gateway neighborhood developed. He recalled that the Applicant's narrative states small lots were not considered when the Master Plan was designed, and did not agree with this, pointing out that small lots are graphically identified as part of the Master Plan. He showed a visual of these graphics, asserting that the City had made a commitment to the participants in the Master Plan's design by including the graphics as requested.

Mr. Brentlinger continued that the Master Plan's graphics show a 35 ft. setback, as well as a lower-rise building, close to the East Point Towers buildings. He declared that the Applicant's intent does not accurately interpret the graphics included in the Master Plan, which show that structures moving closer to US-1 may be as high as 150 ft. but does not show similar height close to the waterfront. He stated that the Master Plan provides an introduction to how the subject parcel should be developed, and calls specifically for restaurants along this corridor. He also pointed out that the nearby bridge will soon be replaced, which will increase the height beneath it from 6 ft. to 10.5 ft. This will allow much larger boats to travel back and forth to the Downtown area on the Middle River.

Mr. Brentlinger added that while the Applicant commissioned a shadow study for the subject parcel, which was shared with neither the City nor East Point Towers, as it was not considered necessary. He asserted that traffic in the area has been hazardous to cyclists, and that the parcel is not accessible from the north without making a U-turn, which contributes to this hazard. He felt traffic and line-of-sight studies should be conducted to show the effect of the proposed building on nearby traffic. He concluded that one level of the proposed garage lies 8 ft. 8 in. below grade, which is also a concern to the residents of East Point Towers, as it will need to be dug to 4 ft. from the edge of their property line.

Mr. McCulla observed that the neighborhood in which both East Point Towers and the proposed Galleria Landings are located includes car dealerships,

restaurants, and shopping centers. He advised that this meant the concept of neighborhood compatibility would include these developments as well as East Point Towers, and noted that many of the conditions cited by Mr. Brentlinger already exist, such as the necessity of a U-turn. Mr. Brentlinger said adding 100 families who may have to enter and exit the subject property multiple times per day was a concern, as they would also have to make the U-turn he had described.

Mr. McCulla noted that the Applicant has addressed this concern to the satisfaction of the Florida Department of Transportation (FDOT). Mr. Brentlinger reiterated that no traffic study was done with respect to the Application. Mr. McCulla stated that there were five conditions associated with the Application, many of which note the Applicant's requirement to meet with both FDOT and the City regarding the U-turn, pedestrian safety, and other concerns in relation to traffic before a building permit may be issued.

Mr. Brentlinger stated once again that another concern was a shadow study. Mr. McCulla declared that shadows from the subject property will not affect East Point Towers, which are located to the south. Mr. Brentlinger said the shadows will affect waterway activity, as well as George English Park, as studied at 5 p.m. on December 21. Mr. McCulla commented that he did not feel water activity would be high at this time. Mr. Brentlinger did not agree with this suggestion, stating that individuals were likely to engage in water activity on this date.

Mr. Brentlinger continued that a quarter of East Point Towers' residences face north, which meant a quarter of its residents would look "into the side of this building." Mr. McCulla commented that the proposed building bisects East Point Towers at its halfway point, which meant any residences east of its elevator towers would be either minimally affected or not affected at all. Mr. Brentlinger said these residents' view of the waterway would be obstructed.

He added that the "gentle use" of the surrounding neighborhood, which includes parks and a school, would also be adversely affected, and stated again that no line-of-sight study has been conducted with regard to the subject property; however, some East Point Towers residents would still lose substantial portions of their view. Another issue is the 14 ft. space between the proposed building and the condominium's property line. He concluded that all space from the second floor up is 100% residential, and that these residents had purchased their units with the expectation that the intent of the North US-1 Master Plan would be followed.

Cary Goldberg, member of the City's Economic Development Advisory Board, stated that Staff has demonstrated that the Application meets Code. He agreed with Mr. McCulla that neighborhood compatibility extends beyond adjacent buildings, and the US-1 corridor on which the project would be located is very

retail-oriented. He felt the architectural design of the proposed building would enhance the surrounding area, and concluded that nearby businesses would benefit from the project.

Bruce Loewe, private citizen, said he is a resident of the Coral Ridge neighborhood. He remarked that Staff's perspective seemed to lean toward facilitating the maximization of the Land Use Plan, and that the Land Use Plan itself seemed to be intentionally objective in order to allow Staff and the Board to make decisions based on community input. He felt the primary question regarding the Application was whether or not it is the City's goal to maximize every piece of property in the City with respect to the number of units, size of the building, and economic development. He asked the Board to consider the residents' concerns about this and other large-scale projects proposed for Fort Lauderdale, and to reject the Application as too massive for the neighborhood.

Mr. Witschen asked how the project could be modified in order for Mr. Loewe to feel he could support it. Mr. Loewe replied that it would need to include fewer units and residents, as well as additional setbacks and a 30%-40% reduction in height. He added that he would also increase the commercial use and reduce the residential use.

Melissa Milroy, Director of Marketing for The Galleria, stated that she spoke in representation of the owner and manager of the mall. While they typically do not take a public position on projects within the community, she was speaking in support of Galleria Landings, which would bring an additional residential base to Federal Highway and support its commercial establishments as well. The public plaza and retail spaces included in the project are expected to provide a connection between Federal Highway and the Middle River in an area that is otherwise blocked from the waterways. She concluded that the proposed building could help define the gateway corridor, and would have significant economic impact on the surrounding neighborhood through both its tax base and spending impact.

Tim Smith, former City Commissioner, said he had spoken to the project's developer and viewed the subject property, which he felt had a very good view of the waterway and the park on its other side. They had discussed the potential impact of the project, which Mr. Smith felt would not affect the existing auto dealerships in the surrounding neighborhood and would contribute to the redevelopment of the area. He advised that while he understood the opposition of East Point Towers to the project, he did not feel this was sufficient reason to deny the project, as residents are not guaranteed a view.

Chad Gray, private citizen, stated that he resides on the west side of US-1 and was in favor of the Galleria Landings project. He felt it would enhance the appearance of the gateway corridor, and that a mixed-use development would

break up the predominance of the existing auto dealerships and "big box" retail stores in the area. He concluded that the building's appearance would enhance the view of the Middle River and George English Park.

Eugenia Ellis, private citizen, said she was in favor of the project due to its aesthetic appearance. She noted that the City's Master Plans are not intended to limit development to what currently exists, but to consider what may happen in the future. She added that George English Park will also benefit from the proposed project.

Frank Herhold, member of the City's Marine Advisory Board, recalled that the Applicant had recently shown a presentation on Galleria Landings to this Board. The members had agreed that the project would provide improved water access through its docks, the paddleboarding rental store, and the public plaza. He added that raising the bridge would make this portion of the Middle River even more popular.

Dan Teixeira, private citizen, read a letter he had sent to the Board earlier in the day, which stated his support of the Galleria Landings project. He pointed out that he resides to the east of the proposed project and felt it will enhance the visual experience from both the Sunrise Boulevard and US-1 corridors. He also felt strongly that the public plaza would be "enjoyed by everyone."

Ashley Walker, private citizen, said she is a homeowner in the community, and is supportive of the project, as it will replace an eyesore and help revitalize the area.

Jonathan Bridges, private citizen, said he is supportive of the project because it is ideal to a neighborhood with several types of use within it. He also felt the building's architecture would be a pleasant addition to the area, and that the public access to the waterway was needed. Mr. Bridges added that many local businesses had been shuttered due to the recent recession and were now beginning to come back, and the project would contribute to this renewal.

Norma Scala stated she is the Chair of the Committee of Concerned Owners of East Point Towers, and had been active in plans to redevelop the area from the gateway to McNabb Road, which called for low-rise, low-density waterfront development. She said while the proposed building is very attractive, it is too large for the parcel on which it is planned and would dwarf other buildings on both sides of the river. She also expressed concern with its ability to schedule deliveries, trash removal, and ordinary maintenance due to the lack of space in which vehicles can turn around, and stated that she was concerned about traffic congestion on Federal Highway as well. Ms. Scala concluded that the project was incompatible with the surrounding neighborhood and would have a negative effect on the area.

Steve Dolgin, resident of East Point Towers and member of its board, said he found the proposed building to be attractive, but pointed out that it would be one of the longest buildings within the City and would be 36% higher than the next-highest building in the surrounding area. He found this to be incompatible with the neighborhood in which the project is proposed, and requested that the Board defer the Item until the developer can change its scale.

Joshua Vajda, private citizen, stated that his office is located to the north of the proposed development. He said he was supportive of Galleria Landings, as it will enhance public access to the Middle River and beautify the area while offering a residential option and activating the waterfront.

Gunther Galloway, resident of East Point Towers, said he objected to the project because insufficient information has been provided by its developer to allow the project to proceed as a mixed-use development. He pointed out that this designation would allow the project to be exempt from the guidelines that would apply to a single-use building, although approximately 97.7% of the use is residential and 2.3% is non-residential.

He added that the Development Review Committee's (DRC's) report requested that a traffic impact statement be provided for the property; however, the Applicant had provided a trip generation statement instead, and responded that the project would generate fewer than 1000 trips per day. Mr. Galloway noted that the residents of East Point Towers had not seen this document, and added that the area's "unfriendly" pedestrian environment could be expected to result in greater use of vehicles by residents of the proposed building.

He concluded that the Application's narrative states that older condominiums to the south and auto dealerships to the north can be mitigated by the exceptional design and aesthetics of the Galleria Landings project. Mr. Galloway asserted that he found it insulting for the project to describe these structures, which he felt included East Point Towers, as uses to be mitigated.

John Siegfried, resident of East Point Towers, said he would be directly affected by the project, as he lives on the condominium's 10<sup>th</sup> floor. He felt the project would take away approximately one-third of his view from this level, and would adversely affect his investment in the 10<sup>th</sup> floor unit. Mr. Siegfried explained that one reason he had moved into East Point Towers when he became a full-time resident of the City was its view. He pointed out that the project would result in the creation of a "concrete canyon" on Federal Highway.

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

Ms. Crush introduced Molly Hughes, traffic consultant for the Applicant, who explained that she had performed a trip study as well as an extensive survey and information collection on Federal Highway. She had then accompanied Staff to discuss the Item with FDOT in order to identify any possible improvements the project could make. Ms. Hughes acknowledged the difficulty of motorists leaving the site to move into the northbound left-turn lane, and advised that FDOT had not expressed concern about this condition. An offer to provide a signalized pedestrian crossing at the location was declined by FDOT as well.

She noted that FDOT has recently concluded a study on Sunrise Boulevard to the west of the project, but has made no safety recommendations for the subject area. She explained that while no extensive studies were required for the Application, Staff had requested that the Applicant address the questions noted above.

Ms. Crush noted that both the mixed use and waterway use aspects of the proposed development are subject to neighborhood compatibility, and pointed out the orientation and stepbacks of the building. She advised that the project will be part of a collective neighborhood that includes a mix of uses, in which a height of 150 ft. is appropriate, subject to conditional use approval. She felt the project met all the necessary criteria for mixed, conditional, and waterway use, including neighborhood compatibility.

Ms. Desir-Jean asked if the developer plans to add a restaurant to the proposed project. Ms. Crush replied that he does not, as he was not convinced the use would be viable due to the large number of restaurants already existing in the area. She noted that there is existing office space in addition to the paddleboard rental facility, which could house a takeout restaurant in the future if that was the developer's desire.

Mr. Witschen remarked that he was conflicted with regard to the Application, as it is a high, long building with impressive architecture. He suggested that in the future, additional design standards be provided within B-1 zoning districts, as well as for other redevelopment parcels. While he felt Staff's evaluation of the project was generous, and the mixed-use element is nominal, he felt they were the experts in interpreting Code. He noted that he did not feel traffic is an issue, and pointed out that a forthcoming auto dealership in the area mitigates the issue of a view corridor from Federal Highway.

Mr. Witschen continued that he would like to see further evaluation of the B-1 zoning districts, in this and other areas, in order to arrive at more specific criteria for them.

**Motion** made by Mr. Witschen, seconded by Mr. McCulla, to recommend approval [of the Item] with the conditions.

Mr. McCulla added that while the proposed building is large, Federal Highway is a commercial corridor. He continued that he found the concept of mixed use to be a difficult one, although he noted that the surrounding neighborhood includes residential buildings, auto dealerships, retail stores, and restaurants. He felt that the relatively minimal mixed use within the proposed building was less relevant than this mixture of uses within a relatively pedestrian-friendly neighborhood.

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

Ms. Desir-Jean left the meeting at 8:39 p.m.

The Board took a brief recess from 8:39 p.m. to 8:50 p.m.

2. Tiffany House LP / Tiffany House/The Escape Hotel Randall Robinson 1ZPUD08A1

Request: \*\* \* Site Plan Level IV – Amendment to approved PUD development plan

Legal Description: Lots 1, 2, 3, and 4, Block 8, BIRCH OCEAN FRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 19, Page 26, of the public records of Broward County, Florida, and Lots 15, 16, and 17, BIRCH ESTATES, according to the plat thereof, as recorded in Plat Book 23, Page 24, of the public records of Broward County, Florida.

General Location: Southwest corner Riomar Street and Birch Road

District: 2

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

Dev Motwani, Applicant, stated that the property was purchased approximately two and a half years ago, but had remained idle while he worked with its neighbors to modify the design. He stated that the Central Beach Alliance (CBA) ultimately offered overwhelming support for the project, after which time final plans were submitted to the DRC.

Robert Lochrie, representing the Applicant, clarified that the request is for an amendment to an existing PUD, zoning, and site plan approval that were approved by the City Commission for The Escape Hotel in 2009. The amendment returns the hotel use to the historic structure located on the site. The project includes a 12-storey residential component, a restaurant, and retail uses in the residential portion.

The subject property is a 2.6 acre located within the Central Beach District. The property was originally built in 1951 as a hotel, and was later converted into an assisted living facility and renamed The Tiffany House. When this facility closed, the property remained dormant for several years. In 2009, although a PUD plan was approved to use the property as residential, it did not proceed.

The intent of Mr. Motwani's group in purchasing the property is to save the historic structures and add new residential and retail uses while renovating the hotel structure and bringing it back up to Code. The new residential building will be surrounded on all sides by active uses, including town homes and retail. The Applicant will put in new sidewalks all around the site, as well as extensive new landscaping with shade trees.

Because the property is historic, the Application was presented to the City's Historic Preservation Board (HPB), where it received unanimous approval for three certificates of appropriateness. The HPB requested that the Applicant consider lowering the angle of the entranceway canopy and lighten its appearance. Both these requests were accommodated.

Mr. Lochrie showed renderings of both the existing and proposed conditions of the property, stating that the building's structures would remain the same. The residential use increases gradually in height from two to eight to twelve stories. The retail component will be placed on a portion of the property that is currently a vacant lot. The result will be a new and active use within the neighborhood.

Mr. Lochrie concluded that he would enter several letters of support from members of the CBA and others into the record.

Randall Robinson, representing Urban Design and Development, stated that the Application is for Site Plan Level 4 review. Staff recommends approval for several reasons, including the fact that the proposal goes further than realizing a PUD, includes a retail aspect to create a mixed-use project, and is consistent with the vision of the draft Beach Master Plan, which encourages more active uses within the central beach area. The project also returns a historic resource to its original use.

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

Steve Glassman, Vice President of the Broward Trust for Historic Preservation, stated that this organization supported the proposed project. He recalled that more than nine years ago, the Broward Trust and the CBA began working cooperatively to seek a historic designation for the site, and were finally successful in 2009. Mr. Glassman advised that a great deal of work went into its historic designation, with the hopes of partnering with an entity that would bring



about responsible restoration and development. The developer has worked closely with preservationists and neighborhood residents before going to DRC with the Application.

Mr. Glassman continued that the historic structure covers roughly 60% of the site, despite being only two stories in height. This allows an odd-shaped parcel of land for the remainder of the development. He added that the developers own the entire block on which the subject parcel is located, with no immediate neighbors. Streets provide ample setbacks for the new residential tower, and wide sidewalks and significant landscaping provide an additional buffer while encouraging pedestrian activity.

Abby Laughlin, private citizen, stated that she felt the Application represented a good compromise by protecting and conserving a historic resource, defining the borders of the North Beach Residential Area (NBRA), and respecting the design principle of transition. The Applicant has also been responsive to input and design changes, and has respected neighbors' concerns with regard to compatibility.

John Weaver, President of the CBA, stated that this organization voted 134 to 47 in favor of the project. He advised that a letter on this topic, as well as minutes of CBA meetings, were submitted to the Board to reflect the detailed analysis that went into this project. While he was not certain that the project's height was compatible with the NBRA, he stated that there were trade-offs that made this compromise worthwhile.

Fred Carlson, private citizen, commented that development such as the proposed project has been necessary within the NBRA for some time. He asserted that the subject property serves as an anchor for the area and will encourage other positive development.

Karen Turner, private citizen, reiterated that the CBA would like the project to be approved. She noted that Mr. Motwani has worked closely with members of this organization in order to accommodate their concerns.

Dan Teixeira, President of Harbor House East, said the Board of his residence approved the proposed project unanimously by a vote of 5-0.

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

Mr. Welch stated that he would like to applaud all involved with the project, as it represented a "win/win" situation.

**Motion** made by Mr. Welch, seconded by Ms. Tuggle, to approve this Item with Staff conditions.

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

10. 69<sup>th</sup> Street Properties LP / Aldi Thomas Lodge 45R13

**Request: \*\*** Parking Reduction

**Legal Description:** All of lots 5, 6, 7, 8, 9 and 10, Block 39, and Parcel "B" of CORAL RIDGE ISLES, according to the Plat thereof, as recorded in Plat Book 45, Page 47, of the Public Records of Broward County, Florida.

**General Location:** Northwest corner of NE 18<sup>th</sup> Avenue and Commercial Boulevard

**District:** 1

Jason Gunther, representing the Applicant, stated that the request is for an Aldi grocery store to be brought to an existing shopping center, where the existing buildings will remain. Façade improvements are planned, and the size of the building will be reduced by roughly 300 sq. ft. The parking in front of the Aldi storefront will be modified to make it more conducive to a grocery store use. This will result in a loss of eight parking spaces, or a reduction to six spaces below Code.

Mr. Gunther continued that the Applicant met with City Staff to determine the appropriate procedure for a parking analysis to ensure the reduction was reasonable. A store with similar demographics to Aldi was analyzed over the course of a Saturday and Sunday afternoon. The result of this analysis determined that a parking rate of three per 1000 was more realistic for the proposed use than the four per 1000 rate required by Code, and would result in an 11-space surplus within the existing site plan.

He added that the existing shopping center has lost several trees and significant landscaping in recent years due to tropical storms. The Applicant plans to bring this requirement back up to Code while improving buffers along the streets.

Tom Lodge, representing Urban Design and Development, stated that the Applicant has requested a six-space parking reduction from the current Code requirement. Accompanying this request is a proposal to reconstruct the store's front façade, add a new pedestrian walkway from the front of the store to the parking lot, and provide new trees in landscape islands and around the perimeter of the site.

The 320 parking spaces proposed for the site represent a 1.8% reduction from the existing Code requirement. The methodology agreed to by the City's Department of Transportation and Mobility used an Aldi grocery store in Coral Springs, which has a similar floor area to the subject property. Staff recommends that the Board approve the request, with conditions as stated in the Staff Report.

There being no questions from the Board at this time, Chair McTigue opened the public hearing. As there were no members of the public wishing to speak on this item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Witschen, seconded by Mr. McCulla, to recommend approval [of the item] with conditions. In a roll call vote, the **motion** passed 7-0.

11. <u>AZDD, LLC. / Aquarius</u>	Thomas Lodge	28R13
Request: **	Site Plan Level III – Waterway Use	
Legal Description:	Lots 3, 4 and 5 of BEACHWAY HEIGHTS – UNIT "B", According to the plat thereof, as recorded in Plat Book 25, Page 27, of the Public Records of Broward County, Florida.	
General Location:	East of Bayview Drive on the south side of NE 14 <sup>th</sup> Street	
District:	1	

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

Courtney Crush, representing the Applicant, stated that the request is for a 15-unit condominium located on an oversized parcel in the Coral Ridge neighborhood. She showed renderings and photographs of the subject property, which is zoned RMM-25 and is located on the waterway. Ms. Crush noted that

proposed waterway uses are subject to neighborhood compatibility requirements. There is an additional request for a yard modification.

She showed a drawing of the proposed structure, which has been designed with generous setbacks. Within the RMM-25 zoning districts, standard yard setbacks must be one-half the height of the building, which in this case would be 23 ft. 10 in. The proposed setbacks are 26.9 ft. on the north side, 30 ft. on the east, 50 ft. on the west, and 24 ft. 4 in. on the south.

The building's design includes three levels of residences and one level of parking. All parking will be internalized and shielded, allowing generous views of the waterway for the structure's surrounding neighbors.

Ms. Crush showed the footprint of the project's site plan, noting that the building itself meets or exceeds all required setbacks; however, continuous balconies that would wrap around the building are proposed. Code allows for 3 ft. balconies on 20% of the façade. Ms. Crush showed a rendering of the portions of the building that would exceed this 20% limitation and allow the balcony to continue. The Applicant is also requesting that its pool and spa be located within the 20 ft. waterway setback.

Ms. Crush concluded that the Application meets Code requirements for modification of yards and waterway use. She advised that the Applicant met with the Coral Ridge Homeowners' Association on June 13, at which time the Association's Board of Governors voted in support of the project.

Mr. Lodge stated that the proposed project will include 15 multi-family residential units. While Code requires a 20 ft. landscape yard adjacent to the existing bulkhead, the request would place a pool 5 ft. 7 in. from the seawall and two spas 8 ft. 4 in. from the seawall, as well as a pool deck extending to the seawall, within this required 20 ft. yard.

He continued that unenclosed balconies with open railings are permitted to have a total combined linear façade no greater than 20% of the total linear length to which they are attached. The Applicant's request is for 58% of the balconies to encroach on the front yard and 26% to encroach in the rear yard. Staff recommends approval of the request with the conditions listed in the Staff Report.

Ms. Crush stated that just prior to the meeting, the Applicant had received correspondence from a neighbor regarding an existing hedge to the west of the proposed site, as well as a fence which the neighbor felt may encroach on the subject property. He has requested that the Applicant allow the hedge to remain, subject to his maintenance of it. She advised that the Applicant was willing to agree to this condition.

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

Tom Paddrik, private citizen, clarified that he is the owner of the property to the west of the subject parcel and vice president of a townhouse homeowners' association in which he resides. He explained that he is concerned with the possible issue on the properties' border, including the hedge. He showed photographs of the 5 ft. non-opaque fence and palm trees along the properties' border, but noted that a 13 ft. hedge is on the townhouses' property as well, including an embedded fence. He stated that the request is to leave the existing fence in place and allow the hedge on the townhouses' side of the property to remain.

Mr. Paddrik showed a rendering of how the proposed building's west side lines up with the townhouse. The amount of glass will result in a great deal of light, which will be mitigated at the ground level but not at the upper levels. He continued that the landscaping proposed to address this is currently a small hedge, palm tree, and fence; however, the townhouse residents felt a better solution would be the inclusion of a taller palm tree as a buffer. He concluded by requesting these two minor design changes.

Ms. Crush reiterated that the Applicant is happy to allow the existing fence and hedge to remain if the neighbors maintain them. She added that the Applicant was likely to agree to replace the proposed palm tree buffer with a larger tree if more specific information could be provided.

Mr. Paddrik said he and his fellow residents proposed a 25 ft. tall tree to adequately obscure the view. Ms. Crush said the Applicant agreed to place a 30 ft. palm tree on the site.

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

**Motion** made by Mr. Witschen, seconded by Mr. Welch, for approval [of the Item] with Staff conditions and with the last offering [of the palm tree] by the developer. In a roll call vote, the **motion** passed 7-0.

12. Lofts at Tarpon River LLC /

Randall Robinson

9P13

Pinnacle at Tarpon River Plat

Request: \*\*

Plat Review

Legal Description: Parcel B of Pat's Plat, Plat Book 54 Page 5  
General Location: Northeast corner SE 9 Street and SE 2<sup>nd</sup> Avenue  
District: 4

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

Keith Poliakoff, representing the Applicant, stated that the project was previously approved by both the City and County Commissions; however, due to a recording error, Broward County asked that this portion of the development be brought back to be recorded on its own plat linen in order to prevent confusion with a different development on a nearby parcel.

Mr. Robinson confirmed that the Item before the Board was plat approval.

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

**Motion** made by Ms. Tuggle, seconded by Mr. McCulla, to approve [the Item] as presented. In a roll call vote, the **motion** passed 7-0.

13. City of Fort Lauderdale

Anthony Fajardo

7T13

**Request: \*** Amendment to City's Unified Land Development Regulations (ULDR) revising Section 47-18.31, Social Service Facility to provide for levels of facilities based on number of clients and types of services offered and to include separation criteria based on the level of facility proposed.

General Location: Citywide  
District: All Districts

Anthony Fajardo, Chief Zoning Administrator, explained that this request is a proposed amendment to ULDR Section 47-18.3.1, Social Service Facility. He noted an error on p.1 of Exhibit 1 of the draft amendment: the first of the two paragraphs reflects the amendment's correct verbiage, while the second paragraph, which began with "A facility providing personal services..." and

ending with "...intensity of care provided," was inadvertently included and should be stricken from the documentation.

The proposed Ordinance would provide for additional material regarding Social Service Facilities, which Mr. Fajardo distinguished from Social Service Residential Facilities. No changes are proposed to the section of Code regarding Social Service Residential Facilities at this time.

The draft amendment would include revised language in the existing Social Service Facility section of Code, adding criteria that divide services that provide food, hygiene, day shelter, and counseling for substance abuse or mental illness into three levels. Level 1 would include Social Service Facilities that may have any number of clients but provide only food, day shelter, and hygiene. Level 2 would include Social Service Facilities with up to eight clients and no more than two staff members, and provide substance abuse or mental illness counseling. Level 3 would include Social Service Facilities that provide the same services listed under Level 2, but allow more than eight clients and two staff members.

Mr. Fajardo explained that the proposed separation criteria would mean a Level 1 facility can exist anywhere Social Service Facilities are presently allowed to exist, as long as they meet the conditional use criteria of the Code in the zoning districts that permit them. Level 2 facilities must be 500 ft. from any other Social Service Facility, and Level 3 facilities must be 500 ft. from any other Social Service Facility, houses of worship, or schools.

Mr. McCulla commented that 500 ft. did not seem to be a significant distance at which to place Social Service Facility uses. Mr. Fajardo explained that the criteria were developed after looking into the regulations used in other municipalities. Staff had noted a good deal of discussion on how these uses should be regulated, but found no evidence of such regulation. The intent is to preserve the existing character of the neighborhoods in which these uses are permitted, and to prevent an overabundance of such uses in a given area.

Mr. McCulla observed that there are not likely to be parks or schools located in areas zoned for business or industrial development. Mr. Fajardo replied that some of these districts abut Community Facility (CF) districts, which may include houses of worship or schools; there can also be a mixture of zoning in certain areas. He noted that it is also possible for a property to be rezoned.

Mr. McCulla asked to know the length of a typical city block. Mr. Fajardo estimated that this is 500 to 600 ft. It was noted that an average city block could be considered as short as 311 ft.

Mr. Witschen said he shared Mr. McCulla's concern with the distance of 500 to 600 ft., and felt this distance could be broadened.

Mr. McCulla asked if drug rehabilitation was considered to be one of the types of services provided by a Social Service Facility. Mr. Fajardo confirmed this, clarifying that such a facility would not be allowed to provide overnight care.

He clarified that at present, Social Service Facilities are only allowed within Light Industrial, B-3, CF, and Regional Activity Center (RAC) zoning districts, with exceptions for the Beach RAC and South RAC. This meant an applicant wishing to place a Social Service Facility in one of these areas would have to apply for rezoning, and would be required to appear before the Board to seek conditional use approval. He advised that the impact of applications of this nature would need to be examined on a case-by-case basis to determine their impact on surrounding neighborhoods.

He added that changes are also planned to the definition of Social Service Facilities: while at one time, these facilities may or may not have included counseling and education services, the proposed changes would broaden the definition so these and other uses are captured along with food, hygiene, and day shelter. The proposed Ordinance would also remove the requirement that only philanthropic or similar organizations may provide these facilities, as there is now recognition that private facilities also provide this function.

Mr. Witschen stated that unless Attorney Spence felt it would be inadvisable, he would prefer to extend the proposed distance to 1000 ft. rather than 500 ft.

Attorney Spence observed that the Board's concerns suggested that a distance of 500 ft. was not sufficient to prevent the close proximity of these uses or a "spillover effect" of their clientele from affecting neighboring facilities. He noted that the Board may wish to discuss this issue in terms of a number of city blocks rather than a distance measured in feet.

Mr. Witschen stated that he felt at least two city blocks' distance should be required. Mr. McCulla said he was especially concerned with the facilities' proximity to schools and parks, and suggested that 2000 ft. should be a minimum distance.

Vice Chair Hansen observed that some churches may participate in the establishment of shelters or service facilities. He asked to know the required distance of bars from a school. Mr. Fajardo said this distance is 500 ft. Ms. Tuggle asked what distance an individual considered to be a predator must remain from a school. It was confirmed that this distance is 1000 ft. in the state of Florida, while City Code extends the required distance to 1400 ft.

He continued that the goal of the proposed Ordinance was not intended to create a situation in which churches are not allowed to provide services of this nature;



however, the intent was for a church to be categorized first and foremost as a church and not a Social Service Facility. He noted that churches would still be able to host Alcoholics Anonymous meetings and similar meetings or events. Vice Chair Hansen proposed that this be included in the Ordinance's language, so a church that allowed meetings on its property would not be affected by the amendment.

Mr. Fajardo noted that houses of worship are defined as part of Code, and this would be seen as their primary function. He added that if the Board did not feel the proposed distance is appropriate, Staff could bring revised language before them at a later date.

Chair McTigue suggested that a distinction be made between houses of worship and schools or parks, creating a greater distance between Social Service Facilities and the latter two uses. Mr. Fajardo said Staff could draft this language after conferring with the City's Legal Department to ensure the legality of the proposal.

**Motion** made by Mr. McCulla for the proposed legislation with the amendment that the 500 ft. become 1500 ft. from schools and parks.

Attorney Spence requested clarification of whether or not churches that provide social services would be exempt from the distance requirement, or that Social Service Facility uses did not affect churches in the same way that they might affect schools. Mr. McCulla stated that he was less concerned with the proximity between churches and Social Service Facilities, as churches are more "adult-oriented" than schools or parks and may also be involved in assisting individuals being counseled. He concluded that he would limit the distance requirement for Level 3 Social Service Facilities to schools and parks only.

Vice Chair Hansen **seconded** Mr. McCulla's **motion**.

Mr. Fajardo said Staff would proceed with this recommendation if it was the Board's wish. He pointed out that the requested change would need to be reviewed by the City's Legal Department; if Staff identifies no issues with the Board's recommendation, it will proceed. However, if there are concerns, they will be raised with the City Commission, and may or may not be brought back before the Board at a subsequent meeting.

Mr. McCulla suggested that the **motion** could be deferred until Staff has had sufficient time to review its proposed changes with the Legal Department.

Mr. McCulla **withdrew** his **motion**.

**Motion** made by Mr. McCulla, seconded by Vice Chair Hansen, to defer [this Item] and have the Staff reconsider [it] at 1500 ft. from parks and schools, expressly so [they] can be unified when [the Item] goes to the City Commission. In a voice vote, the **motion** passed unanimously.

Ms. Parker suggested that if Staff did not become aware of any issues with this change, it might not have to come back before the Board. Mr. Fajardo advised that bringing the Item back before the Board would be dependent upon the motion. Mr. McCulla asserted that if the Board and Staff were aligned in their recommendation to the City Commission, the result would be "better politics."

Attorney Spence advised that the chief concern facing Staff may be the legality of increased distance requirements, as they must provide studies to support legal distances. While the Board has expressed valid reasons for the proposed increase in distance, Staff must strengthen these reasons and determine whether or not there are any legal challenges to them.

**Motion** made by Mr. McCulla that [the distance] be amended to be 1500 ft. from parks and schools, scratch out house of worship, and [Staff] proceed[s] to the City Commission, unless [they] find some legal reason that [they] can't, then [they] have to come back.

Molly Hughes, private citizen, advised that if her neighbors and fellow neighborhood association members were present at tonight's meeting, they would be likely to be comfortable with whatever resolution the Board arrives at on this issue. She explained that her immediate reaction to the proposed amendment was that her neighbors would feel "500 ft. is not enough."

Ms. Hughes explained that she wished to applaud addressing this issue through the amendment, as it would provide better regulation of the location of social services. She advised that while she was not aware of any neighbors who opposed social services in the Sailboat Bend neighborhood, they are concerned that there is a disproportionate distribution of social services within the City, and a desire for "equal sharing of the burden." She concluded that there is a large number of social services within her neighborhood, and she wished to encourage the City to study the issue further and add regulations that would result in the support of these services being more evenly distributed throughout the City's various neighborhoods.

Mr. McCulla **restated** his **motion** as follows: move the Item as written, with the following amendment: that the distance for Level 3 [Social] Service Facilities as described [in the amendment] be increased to be 1500 ft. from schools and parks only, subject to Staff's verification that there are no legal or other Ordinance conflicts that might prohibit that distance; and if so, then they have to bring it back with a[n] alternate recommendation.

Vice Chair Hansen **seconded** Mr. McCulla's restated **motion**. In a roll call vote, the **motion** passed 7-0.

**14. Election of Chair and Vice Chair**

**Motion** made by Mr. Welch, seconded by Mr. Ferber, to nominate Mr. McTigue as Chair and Mr. Hansen as Vice Chair. In a voice vote, the **motion** passed unanimously.

**15. Communications to the City Commission**


**Motion** made by Mr. Witschen, seconded by Vice Chair Hansen, to have some better criteria for B-1 zoning, as it is going to come up against residential zoning and [he did not] know that [there are] the review criteria there today. In a voice vote, the **motion** passed unanimously.

Ms. Parker requested clarification of the **motion**, asking if the criteria to which Mr. Witschen had referred meant "B-1 in general or B-1 in respect to mixed-use proposed development in B-1." It was clarified that the criteria referred to the dimensional requirements in B-1 zoning districts.

**16. For the Good of the City**

None.

  
Chair

  
Prototype

There being no further business to come before the Board at this time, the meeting was adjourned at 10:07 p.m.

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