INDEX OF MINUTES

REGULAR MEETING OF THE PLANNING AND ZONING BOARD

WEDNESDAY, JULY 17, 2002

PLACE OF MEETING: City Hall, 1st Floor
City Commission Chambers
100 North Andrews Avenue
Fort Lauderdale, FL 33301

TIME OF MEETING: 6:30 P.M.

Pledge of Allegiance

Approval of June 19, 2002 Meeting Minutes

		Case #	Page #
1.	**City of Fort Lauderdale/ Engineering Services** Request: Vacate a portion of S.W. 18 Ct. abutting Lot 1, Block 59, Croissant Park, P.B. 4, P. 28 Location: S.W. 18 Ct., north of S.E. 20 St. between the FECRR and S.W. 1 Ave.	3-P-02	2
	ACTION: Approval recommended to City Commission (6-0)		
2.	**Ness Trailer Park, Inc.** Request:** Plat Approval in Acreage in Sec. 22-50-42 "Ness Plat" Location: 3301 S. Andrews Ave.	7-P-02	1
	ACTION: Deferred to 8/21/02 meeting (6-0)		
3.	**Broward Barron, Inc.** Request:** Rezone RM-15 to X-P-R Colee Hammock, P.B. 1, P. 17 Block 40, Lot 5 Location: 1514 S.E. 2 Ct.	8-ZR-01	1
	ACTION: Deferred to 8/21/02 meeting (6-0)		

4. **Brett Tannenbaum**

Request:	a)	Vacate a portion of N.E. 17 Way abutting Lots 1 thru 5, Block 167 and Lots 20 thru 24, Block 166, Progresso, P.B. 2, P. 18 (D)	**1-P-02**	**5**
	b)	Vacate a portion of N.E. 17 Terr. abutting Lots 3 thru 6, Block 168 and Lots 19 thru 22, Block 167 Progresso, P.B. 2, P. 18 (D)	**2-P-02**	**5**
Location:		N.E. 17 Way and N.E. 17 Terr., south of N.E. 11 St. between N.E 17 Ave. and Victoria Park Rd.		

ACTION: **Approval w/conditions recommended to City Commission (5-1)**

5. **Habec Company, LLC** **132-R-01** **20**

Request:** Parking Reduction Approval/B-1/Walgreens
Acreage in Sec. 14-50-42
Location: 1680 S.E. 17 St. and 1717 Eisenhower Blvd.

ACTION: **Approval (5-1); subject to 30-day City Commission call-up**

6. **City of Fort Lauderdale/ Rahn Bahia Mar, Ltd.** **81-R-02** **23**

Request:** Site Plan Approval/SBMHA (Replacement/Reconfiguration of Existing Marina Docks)
Bahia Mar, P.B. 35, P. 39
Less Parcel 1 and
a portion of Parcel 34
Location: 801 Seabreeze Blvd.

ACTION: **Approval recommended to City Commission (6-0)**

7. **City of Fort Lauderdale/ Construction Services** **4-T-02** **25**

Request: * Amend Chapter 47 of the ULDR to create a Planned Unit Development (PUD) Zoning District

ACTION: **Denied (2-4); return to the Board with the necessary amendments**

8. **"For the Good of the City"**

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

**** - These items are quasi-judicial. Board members disclose any communication or site visits they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on a quasi-judicial matter will be sworn in and will be subject to cross-examination.**

NOTES

Please be advised that **all materials, drawings and/or models used in presentations** to the Board **become public record.** Photo reproductions of all such presentation materials shall remain with the Board's Recording Secretary following the presentation. If photo reproductions are not available at the conclusion of the presentation, applicants shall submit all such presentation materials to the Recording Secretary and may, at a later date, arrange with staff to have these presentation items photographed or reproduced for the **public record**.

Board members are advised that plans and renderings used in presentations may deviate from the plans provided to the Board that have been reviewed by the Development Review Committee and staff. Plans proffered by applicants during presentations to the Board **may not** reflect a proposal that meets the ULDR provisions.

http://www.ci.fort-lauderdale.fl.us/documents/pzb/pzbagenda.htm

Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk at 954-828-5002, and arrangements will be made to provide these services for you. A turnkey video system is also available for your use during this meeting.

CITY OF FORT LAUDERDALE, FLORIDA
MINUTES OF PLANNING AND ZONING
BOARD REGULAR MEETING

WEDNESDAY, JULY 17, 2002

Board Members	Attendance	Cumulative from 9/11/01 (P)	(A)
Gerry Cooper, Chairman	P	9	1
Carolina Wiebe, Vice Chair	P	9	1
Barbara Curtis	P	9	1
Kenneth Hawkins	A	8	2
Sharon Zamojski	A	8	2
Mary C. Fertig	A	1	1
Alan Gabriel	P	9	1
Jim McCulla	P	8	2
Alysan Childs	P	3	0

Planning Staff: Chris Barton, Principal Planner & Liaison to the Board
Bruce Chatterton, Planning & Zoning Services Manager
Angela Csinsi, Planner
Lois Udvardy, Planner
Donald Morris, Planner

Legal Counsel: Sharon Miller, Assistant City Attorney

Court Reporting Service: Margaret A. D'Alessio

NOTE: ALL INDIVIDUALS WHO PRESENT INFORMATION TO THE BOARD DURING THESE PROCEEDINGS AFFIRM TO SPEAK ONLY THE TRUTH

After calling the meeting to order at approximately 6:40 p.m., Chairman Cooper asked everyone to stand and recite the Pledge of Allegiance led by Alan Gabriel. Chairman Cooper then proceeded to introduce the Board members to the audience.

The first order of business was the approval of the minutes from the June 19, 2002 meeting. Chairman Cooper asked if any of the Board members had any additions or corrections to the minutes. Alan Gabriel moved to approve the minutes of the June 19, 2002 meeting and seconded by Alysan Childs. Board unanimously approved.

The next order of business was withdrawal and referral of items on the agenda. Chris Barton stated that staff received a letter from the applicant's representative on Item #2 requesting this be deferred until next month. Barbara Curtis moved for deferral of Item #2 and seconded by Carolina Wiebe. Board unanimously approved. The next item was Item #3. Geneva Ferraro, attorney representing the applicant, requested a deferral of this item until next month. Alan Gabriel moved for deferral of Item #3 and seconded by Carolina Wiebe. Board unanimously approved.

Alysan Childs stated they were talking about transporting 21' long pipes and when the transporting device was used did it have to travel in a straight line. Hector Castro stated it could be transported in different ways, but he was looking at the worse case scenario and designed with those thoughts in mind.

Carolina Wiebe asked if the waste water pump station was to scale on the map. Hector Castro stated this was a good point and he visited the site and insured that the sketch was reasonably accurate. He also stated that in any future vacation since FECRR owned Parcel "A" they received the north half of the right-of-way, and if you looked at the road in that area there would be very little impact on Mr. Jordan's rights.

James McCulla asked what the minimum requirement was for a two-way street. Hector Castro explained that the City Commission agreed in certain cases for 9' lanes, but normally they were 12' or 11' lanes. James McCulla stated that the margin of adjustment if they were to put in a 24' street, would be 2' on Mr. Jordan's property. Hector Castro clarified it was 1' on Mr. Jordan's property and 1' on the school's property.

Chairman Cooper stated that the pump station would be expensive to move. Hector Castro agreed. Chairman Cooper asked why it was placed in the middle of the street. Hector Castro stated that it was one of the oldest stations and when it was built in the 60's, this appeared a logical location since it was an unimproved piece of right-of-way.

Chairman Cooper opened the public hearing, there being no individuals who wished to speak, he closed the public hearing and brought it back to the Board for discussion.

James McCulla moved to approve the application as submitted and seconded by Carolina Wiebe.

ROLL CALL ON MOTION: YES - Alan Gabriel, James McCulla, Carolina Wiebe, Barbara Curtis, Alysan Childs, Gerry Cooper. NO - None. Motion carried 6-0.

Items #2 and #3 on the Agenda were deferred.

4.	**Brett Tannenbaum**		**Angela Csinsi**	**1-P-02**
	Request: (a)	Vacate a portion of N.E. 17 Way abutting Lots 1 thru 5, Block 167 and Lots 20 thru 24, Block 166, Progresso, P.B. 2, P. 18(D)		
	(e)	Vacate a portion of N.E. 17 Terr abutting Lots 3 thru 6, Block 168 and Lots 19 thru 22, Block 167 Progresso, P.B. 2, P. 18(D)		**2-P-02**
	Location:	N.E. 17 Way and N.E. 17 Terr., South of N.E. 11 St. between N.E. 17		

Ave. and Victoria Park Rd.

Allison Goodwin, attorney representing the applicant, stated they were requesting vacations of portions of N.E. 17th Terrace and N.E. 17th Way. She remarked that this application addressed the five requirements of the applicable ULDR section.

Ms. Goodwin proceeded to show renderings of the site. The applications were north of Sunrise Blvd. and south of N.E.11th Street which was the area adjacent to Lake Ridge. Ms. Goodwin stated this was an area that came before the City years ago because many roadways were closed due to concerns about the health of the Lake Ridge neighborhood. After investigation, the City decided to cut down on the traffic flow through the area. The two streets mentioned in this application were closed to vehicular traffic years ago. They came back to the City in October, 2001 for permanent closure which was granted. The only reason permanent barricades were not in place on these roads was because the applicant was planning this development and specifically requested they not be put in place, and in fact, put up $10,000 in an escrow account to cover those costs.

Ms. Goodwin explained that the reason for the vacations was for the applicant to bring a controlled-access community east of I-95 to Broward County. The area was an eyesore and a magnet for crime. Currently, the use is weekly hotel rentals which is not compatible with the neighborhood adjacent to this area. The proposed development would increase the ad valorem taxes from approximately $80,000 to an excess of $1Million, cut down on crime, improve the neighborhood, improve the quality of life, and also have a spill-over effect on property values for the neighboring landowners. The Lake Ridge Civic Association supported this project and were present at tonight's meeting.

Ms. Goodwin stated that the requirements of ULDR, Section 47-24.6(a) required "The right-of-way or other public place is no longer needed for public purposes." This issue had been addressed with the City closing the streets. This proposal would replace a commercial area with a residential neighborhood and would serve the public purpose. She proceeded to (b) "Alternate routes if needed are available which do not cause adverse impacts to surrounding areas." The streets had been closed and there had been no adverse impact on the area. Section (c) required "The closure of a right-of-way provides safe areas for vehicles to turn around and exit the area." Ms. Goodwin reminded the Board the roads had been closed with no turn-arounds provided. Currently, they have no vehicular turn around at all. Streets were marked with signs saying "No Outlet" or "Dead-End." Ms. Goodwin explained that on the north end of N.E. 17th Way the closure abuts N.E. 11th Street, so therefore, the intersection would go from a 4-way to a 3-way intersection. On the south end, this would be the main guardhouse approach. After many meetings with staff, it was determined there would be a cul-de-sac behind the security guardhouse so if anyone ignored the signs and turned on the street, access would be granted by the guard for turn-around in the cul-de-sac area.

Ms. Goodwin continued stating that on the south end of N.E. 17th Terrace an "I" turn-around was proposed and if this was not sufficient for commercial vehicles, there would be a sign which had been approved by staff saying: "Commercial vehicles do not back up. Please buzz the guardhouse for assistance." This would permit them to drive through the gate going north to N.E.11th Street for access.

Ms. Goodwin explained that the remaining issue was on the north end of N.E. 17th Terrace. There was a City easement paralleling the gate which consisted of gravel and provided access for turn-arounds. The lot owner immediately north was Archways and had a parking lot for public use that could be used for turn-arounds.

Lastly, Ms. Goodwin explained that an application has been submitted for the vacation of the last piece going north which was a co-application with Archways. The north end of N.E.17th Terrace would then become a 3-way intersection.

Ms. Goodwin stated that the 4th requrement was that "The closure of a right-of-way shall not adversely impact pedestrian traffic." The requirement was specific in terms of addressing pedestrian issues, it was not specific in defining negative impact. When streets are vacated, you normally were asking for pedestrians to reroute their normal flow of traffic. In this case vacating the closed streets could be asking pedestrians to only walk two blocks out of their way. The neighborhood was in favor of this proposal. The access areas would be allowed for pedestrian use by buzzing the guard for entrance and would be available on a 24-hour basis.

Ms. Goodwin stated the last section pertained to utilities. "All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan; and the owner of the utility facilities has consented to the vacation; or a utilities easement has been retained over the right-of-way area or portion thereof; or an easement in a different location has been provided for the utility facilities by the owner to the satisfaction of the City; or any combination of same and utilities maintenance shall not be disrupted." They have received consent pertaining to the utilities and would be relocated to underground facilities. Letters have been received consenting to this. The City would receive the water and sewer easement where they currently exist, together with a Hold Harmless Agreement in case work had to be done on the streets, and would not be held accountable for damage to the roadway. The guardhouse would be movable and would be built to the City's requirements.

Ms. Goodwin also stated that the site plan went to DRC and was receiving final comments at this time. The project is good for everyone, but the vacations were critical to the project. This project also could not be done unless it was a controlled access community due to the atmosphere of the neighborhood.

Angele Csinsi stated that this was an application for vacations for portions of N.E. 17th Way and N.E. 17th Terrace and were reviewed by the Development and Review Committee on January 22, 2002 and the Property and Right-of-Way Committee on January 17, 2002. The vacations were in association with the development of a 119 unit townhouse complex. They were proposing to block off three points with a 6' shadow box fence and at one point with a monitored security gate. Letters were provided regarding the utilities. Ms. Csinsi stated that the City Commission had approved the closure of the streets and there were 15 in all that had been closed. They were closed as permanent, but did not specify them to be privatized.

Ms. Csinsi stated that staff was concerned about the turn-around at the north end of N.E. 17th Terrace because they were proposing to turn around on private property, and Staff had no records that this was a City easement. Also, pedestrian traffic would be inhibited. Gates were being proposed, but staff

was not comfortable about the proposed buzzer system. Ms. Csinsi stated that she did receive 4 calls from residents Tom Hess, Scott Craver, John Nash, and Mike Martos giving their support of the vacations. Ms. Csinsi stated that Staff did provide a list of conditions regarding this application.

Barbara Curtis stated that she was able to drive from Sunrise to N.E.11th on both roadways today. Even though the Commission deemed them closed, they were not closed. Angela Csinsi confirmed and stated they were working on the actual construction for permanent enclosure on the streets. Barbara Curtis also stated that the impact on pedestrians actually would not be known since vehicles were still driving through the area. She asked if there was another project similar to this one in the City where the public was prohibited from entering. Angele Csinsi stated she was not aware of any similar projects at this time. James McCulla stated that a similar project was Regal Trace.

Chris Barton stated there were a number of places that were enclosed such as Victoria Mews, City View, Regal Trace and Mediterranean Village.

Alysan Childs asked when they were discussing about privatizing vacated streets, what type of precedent would this set for other developments. Sharon Miller explained it was like any other vacation that meets the criteria listed in the Code. Privatization was another word which meant after vacation, the abutting owners owned to the center line. Alysan Childs clarified it was just being enclosed with a fence. Sharon Miller stated that in this case due to the site plan, this was what the applicant was proposing to do, if vacated.

Carolina Wiebe asked if the projects given as examples of gated communities involved street vacations or did they work within an established city block. Chris Barton stated that Regal Trace and City View had vacations and were on City land. There was a street closure needed for Mediterranean Village. Carolina Wiebe asked if the streets closed were dead-ends or part of a larger street. Chris Barton stated that in regard to Regal Trace it was part of the old City street pattern, but in the case of Mediterranean Village they were dead-ends or cul-de-sacs.

Carolina Wiebe asked if the units were going to be rentals or for sale. Ms. Goodwin replied they would be homes. Carolina Wiebe continued to ask about the price ranges for the homes. Ms. Goodwin stated they were looking at about $400,000, but the site plan had not yet been finalized. Carolina Wiebe stated that by integrating a community with homes at such prices, this could oust the "bad element" in the area. She explained that she was concerned about creating a gated community that could create division between Sunrise Blvd. and the community to the north, instead of integrating it and helping the community increase in value. Ms. Goodwin stated that it was not possible to get financing without a controlled access because of crime in the area. Also, she stated that in regard to impacting the neighborhood, she would let the neighbors give their input and stated they had received no objections from any landowners in regard to this project.

James McCulla asked where the property lines were for the applicant. Ms. Goodwin showed the area on another rendering. She explained the line on the east was N.E. 17th boundary and goes north along N. E. 11th Street and carves out the area around Archways, and proceeds along N.E.11th Street to the middle of the block on the east end of N.E. 17th Way. It then proceeds west across N.E. 17th Way and

ends up on N.E. 17th Avenue. She explained the vicinity map that had been distributed shows their location in relation to Sunrise Boulevard.

James McCulla clarified that the entrance to the neighborhood would be off E. Sunrise Boulevard. Ms. Goodwin confirmed. She remarked that it was the applicant's intention to fence in the complete neighborhood. She stated that they did not do pedestrian traffic flow studies. He stated that he did not agree with Ms. Goodwin's comment regarding that by closing the streets, you closed pedestrian access. He felt that this could be done only by erecting a wall. Ms. Goodwin clarified that she did not mean close the street, but was saying that in the past when vacations occurred, they resulted in some form of re-routing pedestrian flow. Normally, people sought vacations because they needed the land for a specific purpose.

Allison Goodwin stated that her client advised her that police did monitor the roadways and gave out $87 tickets to people caught driving on the roads since they were considered closed. Barbara Curtis replied they were opened and not closed, and no signs were posted saying tickets would be given. She also remarked that no police officers appeared to be in the area at the time when she drove through it.

Carolina Wiebe asked for an explanation of the turn-around being provided for the north end of N.E. 17th Terrace. Ms. Goodwin explained this on the map shown to the Board members. She stated it was her understanding there was an existing gravel alleyway at the north side of the property line with Archways, and this would be used for turn-arounds. Ms. Goodwin reiterated that an application had been submitted this week to vacate the section with Archways as the co-applicant. A private driveway would be supplied for Archways. Ms. Goodwin remarked that their walls would not change and there would be a cross-access to the property.

Carolina Wiebe asked where along N. E. 17th Terrace was the pedestrian access from N.E. 11th Street to Sunrise. Ms. Goodwin stated that it was proposed that each area on the north and south ends of N.E.17th Terrace, as well as the north end of N.E. 17th Way, would have pedestrian gates with buzzers. She reminded everyone that people would not be screened before entering, but the concept was that the element in the area causing havoc would not be the general element who would buzz for entrance to the area. Ms. Wiebe remarked she did not see the same scenario for N.E. 17th Terrace. Ms. Goodwin stated that the roadway there would stay the same and be a straight shot. Ms. Wiebe stated they needed pedestrian spaces on N.E. 17th Terrace. Ms. Goodwin explained there was a sidewalk and proceeded to show on the map the area in question.

Carolina Wiebe explained that one of the main criteria for vacating a street was public accessibility. Ms. Goodwin stated that where a sidewalk ends should not determine the fate of this project, and if the Board wanted sidewalks on the streets this could be discussed, but she also reminded everyone that people needed to get to parking spaces and those sidewalks would have to have interruptions for normal traffic flow. Carolina Wiebe stated they were doing it on N.E. 17th Way, so do it on N.E. 17th Terrace. Ms. Goodwin clarified that a cobblestone walkway was evidenced which jogged, and therefore, Ms. Wiebe wanted the same thing on the other roadway. Ms. Goodwin replied this could be done.

Barbara Curtis stated that she received a phone call on Monday from a woman who indicated owning Lots 14 and 15 in Block 167 and was against the project. The owner explained that lots 14 and 15 were for sale and were going to be a business. Ms. Goodwin stated they spoke to that property owner and explained the letter she had received about the project. She then withdrew her objection.

Chairman Cooper questioned that $10,000 had been posted in escrow and asked for more details. Ms. Goodwin stated there was a letter from Anthony M. Livoti, Esq., stating the client would offer the $10,000 to the City to erect permanent barricades if this project did not proceed. Sharon Miller stated she was not aware of the agreement.

Chairman Cooper stated that the area was prone to crime due to weekly rentals and asked for a clarification. Ms. Goodwin stated that complaints from the neighbors cited the weekly hotel rentals as part of the areas problem. Chairman Cooper asked if the applicant was renting weekly. Ms. Goodwin stated that presently rentals were done on a weekly basis while waiting for approval on this project. She further explained that the applicant had been accumulating the property for the last 4-5 years.

Chairman Cooper asked that when a city closed a street it was different from vacating. Ms. Goodwin confirmed. Chairman Cooper asked that when the City decided to close a street, it was closed to vehicular traffic, but not to pedestrian traffic. Ms. Goodwin confirmed. Chairman Cooper stated as an example if someone wanted to go to a business on Sunrise, if they were not buzzed into the area, they would have to walk around the gated community. Ms. Goodwin stated that was true and would be about two blocks.

Chairman Cooper questioned the turn-arounds that were being offered, and asked if the property owner of the 2-story apartment building decided to erect a fence was that their legal right. Ms. Goodwin stated he could. Chairman Cooper proceeded to ask where cars would then turn around. Ms. Goodwin stated this was one of the issues and the reason they approached Archways to join them in the application. Chairman Cooper stated he would vote against the closure of N.E. 17th Terrace because a T-turn was not provided as required by staff. He asked if Ms. Goodwin would like to have this matter deferred after the agreement was finalized with Archways. Ms. Goodwin stated that staff gave their approval so far. Chairman Cooper disagreed and stated that criterian (c) as mentioned by staff referred to private property being used which was not owned by the applicant. He stated he would ask staff if they had signed off on this criteria. Ms. Goodwin clarified that Tim Welch indicated that he was comfortable with the matter. Chairman Cooper asked Tim Welch for his comments.

Tim Welch, Engineering Department, stated that he accepted and signed off on the application for this project. They identified that the portion of land shown as an existing alley was private and determined they would require a T-turn around with final DRC approval. This would have to be supplied. Tim Welch further explained there were multiple sign-offs. They did not have final DRC approval at this time and in order to get it, they would have to provide a turn-around. Chairman Cooper stated at this time he could not vote for this closure because a turn-around was not provided. Therefore, this was the reason for his suggestion to having the matter deferred. Tim Welch stated that the Board could condition their approval.

Chairman Cooper stated that he had some concerns about the pedestrians in the area. He was not in favor of the buzzer system. He asked for further clarification on the southend of N.E. 17th Way and how turn-arounds would occur. Ms. Goodwin stated they could pull up to the guard's gate and would be allowed to turn around on the cul-de-sac immediately behind (North of) the guard. Chairman Cooper stated his concern was based on the standing orders for the guard, but if a T-turn around was provided the driver would not be dependent upon the guard.

Ms. Goodwin stated that Staff's condition on this was that they had to agree basically to a covenant running with the land that the guardhouse would be maintained 365 days per year, and 24/7 and vehicular access turn-around would be permitted at all times. Chairman Cooper stated it would be easier if things were designed more fool-proof than having to rely on someone else.

James McCulla asked for a clarification of where the City would erect barricades closing the concerned streets. Tim Welch proceeded to explain the locations on the map and stated the streets currently had uses on them and were partially blocked. Sharon Miller stated it was her understanding that City Commission directed the closing of the streets in question. James McCulla asked if the City was going to permanently barricade the streets, how were they required to provide turn-arounds that were so controversial if they were only going to erect barricades. Tim Welch stated that it was his understanding that there were uses along the streets between the closures so the City could not at this time permanently close the area. James McCulla asked if the City had agreed to close both ends of the streets or just the Sunrise Blvd. end of the street. Angela Csinsi showed on the map the permanent closure of the streets. She stated that N.E. 17th Way would be closed at N.E. 11th Street at one end, and N.E. 17th Terrace at Lot 16. James McCulla asked how the City proposed to provide turn-arounds. Angela Csinsi stated she did not have the answer to his question. James McCulla stated he suspected the answer was they were not going to provide turn-arounds because they did not own the property on either side of the street. Tim Welch explained that within a 40' or 50' right-of-way, a T-turn around could be provided.

James McCulla asked for an explanation of a "T-turn around." Tim Welch showed a drawing of one to the Board and explained it. James McCulla stated that if the applicant proposed to barricade the streets, they could pave the other side of the street the same way. Tim Welch confirmed. James McCulla reiterated that this could be done without dealing with guards, gravel driveways, and street vacations. He stated that actually the City should provide the T-turn around approaching the applicant's property since they were going to close it off anyway. He felt it was not fair to impose greater conditions on the applicant.

Chairman Cooper asked Chris Barton for his input on this matter. Chris Barton stated that it was up to the approval of the City Engineer's office as to how the turn around could be provided. In Planning, they had only the requirement for the closure for vacations. Chris Barton proceeded to read criterion 47-24.4.A.4.C for a vacation of a right-of-way. He reminded the Board that they were not aware of what had been recommended by the engineers regarding the temporary and permanent barricades. He reiterated that a similar turn around requirement should be on the City since it decided to close the road and erect barricades.

Chris Barton asked the Engineering Department to explain what the criteria was for closures imposed by the City on itself when closing a street. Tim Welch stated that he did not work in Design and worked in Permit Review, but the answer should be the same whether you were a developer or the City, there should be an appropriate turn-around provided.

Alysan Childs asked about the back-up on N.E. 17th Terrace in relation to Archways. She stated that assuming the neighborhood was in transition, if the property went away, what was the plan for turn-arounds. Ms. Goodwin stated that given the impact of the cut-out on their property, they did everything possible to obtain the property and were given every indication that Archways would not turn over to private hands. The neighborhood wants Archways to stay in the area. They provided homes for the mentally ill who needed to live in a structured environment. Ms. Goodwin stated this turn-over will not occur. She reiterated the submission of the application to vacate the right-of-way with Archways this past week.

Chris Barton stated that the criterion states that the closure should provide an adequate and safe turn-around. If the Engineering Department would accept a turn around as they described, the requirement would be met, but the applicant proposed in their drawing on the south end of N.E. 17th Terrace a T-turn around into an area that would be designated for an easement onto land owned by the applicant. They did not do this on the north end of the proposed closure of N.E. 17 Terrace. They could easily put in a small T-turn around in that location on their property to the East. They have proposed the turn-arounds occur on private property to the West which they do not control, and therefore, this did not meet the criteria for a street vacation.

Barbara Curtis asked for an estimate for closing a street permanently. Tim Welch reiterated once again he did not design or estimate them, but has overheard in meetings they were built for about $30,000 to $60,000. Barbara Curtis reiterated that not much would be gotten for $3,000. She believed the City would be paying for the street closures or at least $27,000 for each one. Tim Welch remarked that it was his opinion that $3,000 covered the barricades temporarily and that the $10,000 was bonded for three different ones.

Chairman Cooper clarified that the word "bonded" was not used, but Ms. Goodwin stated the money was held in escrow with an attorney.

Rixon Rafter, President of Lake Ridge Civic Association, stated that tonight was the culmination of 10 years of neighborhood effort in order to improve their quality of life. He stated that he wanted to clarify several erroneous statements which had been made. First of all, the neighborhood was 3 blocks deep from Sunrise to N.E.13th Street. They had few pedestrians walking through the area. He explained they went 18 blocks from east to west. They were closing 15 streets and the City was paying for most of that cost with the Association contributing. The street closures cost approximately $7,000 each, which excludes landscaping. Mr. Rafter explained that on May 1st the City contracted with Signa Corporation to effect the closures. The closures should be completed by the end of July.

Rixon Rafter explained that when City Commission approved the closures, they rejected the turn-arounds proposed by Peter Partington. He continued stating that the streets had been closed for 3

years and no further maintenance had been done on the temporary closures, and therefore, driving through them could be possible. The police were still writing tickets and each street was marked "Road Closed."

Rixon Rafter stated that he was also a Board member for Archways who was a partner with Mr. Tannenbaum in seeking vacation of the land west of N.E. 17th Terrace, thereby permitting the closure up to N.E. 11th Street and change the 4-way intersection to a 3-way intersection. Archways did not intend to sell the facility. Mr. Rafter stated there were no sidewalks in the neighborhood and pedestrian traffic was not heavy. He explained that when the old motels were demolished for this project, there would be less individuals in the area.

Alysan Childs clarified that Archways did enter into the agreement. Mr. Rafter confirmed.

Barbara Curtis asked about the boundaries for the neighborhood. Rixon Rafter stated it went from E. Sunrise to N.E. 13th Street. The eastern boundary was Federal Highway to Flagler Avenue on the west. He explained the neighborhood consisted of about 3,000 people and 400 houses.

Harry MacGrotty stated that he lived in Lake Ridge for 5 years and supported this project. He stated that he was also a member of the Nuisance Abatement Board and felt the City had neglected the area for a long time. He stated that the discussion regarding pedestrians was the biggest discussion over nothing that he had ever heard. He stated people did not walk much in the area because there was no where to go.

Rhett Roy, landscape architect and land planner, stated that he recently became involved with this project. He stated that the City elected to close most streets in the Flagler neighborhood which affected his business and they made no consideration for turn-arounds or pedestrians. It was an effective tool in curtailing crime. Mr. Roy further stated that this neighborhood needed turning around and then they could worry about accommodating any pedestrians who elected to move into the area. He reiterated that they needed to focus on the net benefits of turning the neighborhood around. Street closure had been used to revitalize and redevelop the City.

Alexander Portente, resident, stated that everyone was discussing closing pedestrian access on N.E. 17th Way & Terrace, and most pedestrians would be forced to walk along N.E. 11th Street. He asked if the designer made any provision for pedestrian access going north and south and wanted to see the developer address this issue. He also stated that he would like to see a site plan attached to the package so people could understand more easily the area being discussed.

Rob Nelms, resident, stated that he lived on Lots 11 and 12 on N.E. 17th Way and was speaking for five owners of Lots 8, 9, 10, 11, 13, and 15. He stated they were having 14 residents on the properties he managed which were 8, 9, 10, 11, and 12. Everyone supported this project and felt the pedestrian access was not an issue. He stated these properties were in the heart of the development and showed the area on the map to the Board.

Bob Shelley stated he was involved in this project and was concerned about the area. He realized

there were technical issues regarding street closures, pedestrians, and access for vehicles. One of the first concerns when going into a community was how to enhance it for the people. He stated this project could only benefit the City and the community. He felt there would be no problem in arriving at solutions regarding the concerns raised by this Board. He felt these issues should not stop a project that would change an entire area.

Chairman Cooper asked if Mr. Shelley had the authority to commit for the applicant. Mr. Shelley confirmed.

Chairman Cooper closed the public hearing and brought it back to the Board.

Barbara Curtis asked to see the map listing the street closures.

(The Board recessed for 10 minutes so copies could be made of a map)

Chairman Cooper reconvened the Board.

Barbara Curtis stated that she had reviewed the various street closures in the Lake Ridge area and all but 2 were close to E. Sunrise. Therefore, since the one on N.E. 17th Way appeared to be the only one at N.E. 11th Street, did the client request the street closure at N.E. 11th Street as opposed to being further south. Ms. Goodwin stated it was a City decision.

Barbara Curtis asked why those two were placed further north than the rest. Rixon Rafter explained that the closures were voted on after a series of meetings with property owners. The decision was made by the residents of the street and they went before the City Commission who then decided to put the closures where the citizens indicated they had wanted them. Rixon Rafter stated that everything south of N.E. 11th Street on N.E. 17th Way was commercial property, and everything north was residential. These factors determined the cutoff for the streets.

Carolina Wiebe asked for a clarification of a statement made in the Board's backup material which read as follows: "With regard to the above, Staff would like to point out that while the City Commission did agree to block these streets off to vehicular traffic at points north of Sunrise Blvd., this did not necessarily suggest they wanted the adjacent streets to be privatized." Angela Csinsi stated that this was based on the definitions of a street closure and a street vacation. She further explained that a street closure blocked vehicular traffic at a single point, while a street vacation was dividing the vacated street in the middle for the use of property owners on either side. Ms. Csinsi stated that when the applicant stated they met criterion A because they closed the street, she was saying that was not necessarily the case because Commission approved a street closure but did not mean they should be vacated.

Carolina Wiebe asked if Staff agreed on having a buzzer for pedestrians to access the streets and didn't that make them privatized. Chris Barton stated they were not agreeing to that, but were saying only that having the buzzer system as proposed did not meet the criterion D that the pedestrian system was not adversely impacted.

Barbara Curtis asked what would happen with a yes or no vote on the vacation. Sharon Miller, Assistant City Attorney, stated that a yes vote went to the City Commission as a recommendation to vacate from the Planning & Zoning Board, and a no vote meant the applicant could appeal the decision to the City Commission.

Alan Gabriel stated that he was concerned about N.E. 17th Terrace. There was a condition in place that put forth certain requirements on the applicant, but there was another application in the works for further vacation of the roadway. He stated that he was not sure how one impacted the other and felt that in accepting the proposed vacation now, what would the impact be when this came back before the Board later on.

Chris Barton stated that tonight was the first time he has heard of the other application, but it was his understanding that such a proposal would be to vacate the next property north on N.E. 17th Terrace up to N.E. 11th Street which would be a more complete vacation similar to the one on N.E. 17th Way. He explained that Staff's position on cases with a second phase was they had to take a conservative view as though the second vacation might never happen. The closure for the vacation being requested tonight had to stand on its own merits in case of an anticipated closure never came to pass.

Alan Gabriel reiterated that he was concerned about the proposal for N.E. 17th Terrace because of the gravel turn-around, but he was in favor of the project. He felt there had to be a balance on how to proceed which had not yet been addressed.

Chairman Cooper stated that Mr. Shelley stated he would agree to put a T-turn around in and address the buzzer system. Mr. Shelley stated that he volunteered to do that. Alan Gabriel stated that the northern portion of N.E. 17th Terrace would be impacted by the second application which will come before this Board.

Chairman Cooper asked if the Board wanted to vote on what was being presented tonight or did they want the applicant to return with a more complete package. Mr. Shelley suggested the Board deal with the proposal being presented tonight with the condition the applicant would put in the T-turn around at their expense whether the second application went through or not. Chairman Cooper clarified that the T-turn around would be placed at the north end of N.E. 17th Terrace and on the east side of N.E. 17th Terrace. Mr. Shelley confirmed.

Alan Gabriel stated that this project would be a great asset to the neighborhood and the Board should support it, but they also needed to follow the law. He stated that he was interested in having a sidewalk or area for pedestrians added to the proposal so both areas would be equal in stature. Mr. Shelley stated they would be willing to take that suggestion and make it comply on both sides. Alan Gabriel reiterated that he felt no one would walk up and be buzzed in. Chairman Cooper disagreed and felt that only a buzzer could present problems and people would be intimidated. If there was only a gate, it would be a symbolic barrier that always opened and would not select who could or could not enter the area. Alan Gabriel stated that he didn't care if it was a buzzer or a gate, that people would see the gate, and not realize it could be opened for them and would walk around the block. Chairman Cooper stated that he felt word would get around regarding its use.

Alan Gabriel stated that many burdens could be placed on the applicant, but the question was whether this would be good for the community and something that should be supported. He felt opportunities should be provided to the applicant and they should not make it so difficult. Chairman Cooper stated that to rely on Code Enforcement was not as good as designing it as "fail proof" as possible from the beginning. Alan Gabriel felt the best way to design this was to have a pedestrian walkway throughout the whole community and not worry about the privacy of the community.

Mr. Shelley stated that he possibly had a solution for the Board's concerns. He stated they could easily meet with the Association to the north and come up with an access card system. Chairman Cooper disagreed and felt that was too selective.

James McCulla asked if the map shown was an accurate picture of the owner's property. Ms. Goodwin confirmed. He clarified that the applicant was really asking to have N.E. 17th Terrace closed at both ends and have the area between vacated. Ms. Goodwin confirmed. James McCulla also stated the applicant was similarly asking to close N.E. 17th Way at both ends and vacate that area between. Ms. Goodwin confirmed this statement also. James McCulla asked if the applicant applied to do this, as Chris Barton had stated the road was barricaded at a single point. He also stated that presently ingress to N.E. 17th Way was prohibited from N.E.11th Street, and ingress to N.E. 17th Terrace was prohibited slightly south at the South property line of this applicant's property, but was opened at the other end. Chris Barton confirmed. James McCulla asked if the applicant had fully applied for everything they were asking for. Chris Barton reiterated that the applicant was asking to vacate portions of each of the streets so each roadway could be closed at two points, and that they agreed to provide or allow the vacated areas be retained by the City for utility easement purposes.

James McCulla stated that it was fair to say that the City should have been required to provide two turn-arounds on either side of the closure on N.E. 17th Terrace. Chris Barton confirmed and stated it would be at the north and south sides of the barricades. Regarding N.E. 17th Way, Mr. McCulla stated the City should provide one turn around. Chris Barton confirmed again and stated that would be on the south side of the barricade. James McCulla again reiterated that the obligations for turn-arounds on N.E. 17th Terrace should fall onto the City. Chris Barton stated that the City Commission exempted the City from having to provide such turn-arounds in the closure resolution.

Chairman Cooper stated it appeared that Mr. McCulla and staff disagreed. Chris Barton stated they were not disagreeing and Mr. McCulla confirmed.

James McCulla again reiterated about the burden of turn arounds being placed on the applicant's shoulders and not the City's. He asked if the applicant's attorney was implying in her opening remarks that the streets were already closed in length. Ms. Goodwin stated that was not the idea she meant to convey. James McCulla asked how the barricade proposed by the City on N.E.17th Terrace was further south than where the applicant proposed to wall-off the property. Ms. Goodwin stated that it was her understanding that when the City placed the barricades on the south boundary, they did not take into account that Lot 7 would not have access. Therefore, the applicant and property owner asked it be moved further north. Ms. Goodwin also stated that she was advised that City Commission approved the move further north.

Barbara Curtis stated that it appeared there was a problem on N.E. 17th Terrace which was that four properties would have no access, and she was uncomfortable voting on the vacation and taking away their access. Angela Csinsi stated that she had copies of the minutes, and the map done was accurate. The closure on N.E. 17th Terrace would be placed at the property line of the applicant. She also stated that she was not sure about N.E. 17th Avenue. She remarked that she would not go by the lines of the boundary on the map or the locations of the closures to make decisions on the vacations. Barbara Curtis asked what the Board could rely on. Chris Barton stated they could rely on the resolution to close the streets. Angela Csinsi stated she did not have the resolution, but did have the minutes from the meeting.

Chris Barton stated that if the current closure point on either street was not at the appropriate place to coordinate well with the proposed land development, the Resolution could be amended to relocate the closure point to coordinate with the proposed development. He stated that staff believed the points of closure were at the point needed for the development and concur what the applicant stated that the closure on N.E. 17th Terrace was moved north by the Commission. He reiterated they would not create a situation where certain lots would be restricted from the closures of the street or from the vacations. Barbara Curtis asked if this should be conditioned. Chris Barton confirmed. Barbara Curtis asked him to draft such a condition.

Carolina Wiebe asked if the applicant was waived from complying with established setbacks. Ms. Goodwin stated they were requesting the required vacations at tonight's meeting. She further explained they were still meeting with DRC for the site plan, but she felt they met all the criteria.

Chairman Cooper asked the Board how they wanted to handle this matter.

Ms. Goodwin provided a letter to the Board dated October 12, 2001 from Anthony Livoti, Esq. addressed to Tim Smith, City Commissioner and submitted this as evidence regarding the money being held in escrow for the barricades.

Chris Barton stated that he would like to go over the recommended conditions with the Board. He stated there were four conditions being recommended. Condition A was that utility easements should be retained within the vacated segments of the streets. Condition B was that the vacating ordinance shall be in full force and effect on the date the Certificate is executed by the City Engineers and recorded in the Public Records of Broward County evidencing that all conditions have been met. Chris Barton stated the Board might wish to alter condition C which states "A pedestrian access easement shall be retained within the vacated portion of N.E. 17th Way." Earlier he reminded the Board there was some discussion about sidewalks and they might want to consider a similar pedestrian easement be retained within the vacated portion of N.E. 17th Terrace. The recommended condition by Staff is that it only occur on 17th Way. Condition D stated: "A vehicular turn-around on N.E. 17th Terrace shall be provided within dedicated right-of-way or on properties owned by the applicant." The applicant stated they would redesign and do one of those two alternatives. The applicant could also do something similar on the north end of the proposed vacated area and have agreed to do that.

Finally, Chris Barton stated that a new Condition E would say: "That the applicant apply to the City to amend the Resolution to move any approved closures on N.E. 17th Way or N.E. 17th Terrace to an appropriate location to allow access to all properties on those two roadways. The burden to move those closures would be upon the applicant."

Motion made by Barbara Curtis to move approval with conditions A, B, C and D, as agreed to by the applicant, and to provide on N.E.17th Terrace pedestrian access and sidewalk amenities as provided for on N.E. 17th Way. Also, to add condition E as read by Chris Barton. Seconded by James McCulla.

Carolina Wiebe asked if any sort of conclusion was reached regarding the buzzer criteria. Chris Barton stated that the pedestrian access easement that would be granted would allow the City to require that the openings be opened permanently for free access by pedestrians with or without a buzzer. Carolina Wiebe asked for clarification on this statement. Chris Barton stated that the City could choose to either allow or not allow the buzzer system.

Barbara Curtis asked if this matter was implied in condition C. Chris Barton quoted: "A pedestrian access easement shall be retained." Barbara Curtis confirmed this was implied in condition C, and therefore, her motion stood. Carolina Wiebe disagreed and wanted further clarification.

Chris Barton explained that through this entire process the planning staff had continued to recommend a free and open access to pedestrians be provided at least on N.E.17th Way. The rationale being that the guard would have that entire roadway under observation and did not want to prohibit pedestrian access with any sort of electronic system. Chris Barton further stated staff could understand why this was not wanted by the applicant on N.E. 17th Terrace, but doing it on one road or the other, the walking distance around would not be affected. The extra two blocks of travel distance were added only when both roads were restricted.

Barbara Curtis reminded everyone that the applicant gave a third choice in connection with using the access card. Chris Barton stated that he felt the card would not work and staff recommended against this.

Carolina Wiebe asked for the Board's input regarding the latter option. Chairman Cooper polled the Board. Carolina Wiebe stated that she wanted a discussion with the possibility of suggesting it be tried without a buzzer and see how things worked. Barbara Curtis clarified that when they received the site plan, they would show only an opening and not a gate. Carolina Wiebe confirmed. Barbara Curtis asked when the appropriate time was to do this.

Chris Barton pointed out that Planning & Zoning did not grant approval on the site plan since that was a staff level review.

Carolina Wiebe felt this was a condition which could be added.

Alysan Childs asked the applicant if the Board was discussing an open gate would that preclude them from getting financing since a requirement for financing approval was a closed community. Ms.

Goodwin stated she could not answer with any type of definitiveness, but reported that the inquiries which had already been made indicated there would be difficulty in obtaining commitment financing without a closed community. She stated they did not exhaust every single financing avenue at this time, so therefore, she could not say positively.

Barbara Curtis stated there could be three options, excluding the card. There's an opening and a gate with no lock, which as an example currently exists on the north side of the park in the Sunrise Intracoastal neighborhood. Chris Barton replied it had a latch, but no lock. Barbara Curtis stated the third option was a buzzer. Chris Barton stated that was a controlled latch. Barbara Curtis stated that the middle option could meet with everyone's approval.

Chairman Cooper replied they were going to poll the Board for each member's opinion.

Sharon Miller stated there was a difference from obtaining an easement throught the property versus making a condition with regard to an opening and a gate. If it was a public access easement, the City would always be in control of the vacated property through the development, and if a future Commission decided to do something different, than things could be different. This was opposed to conditioning the vacation on not owning the easement inside, but saying there must always be an opening, a gated opening, or a lock.

James McCulla stated that it was likely that the financing sources were concerned about the marketability of the project. To propose an area that was struggling and crime infested to be marketable at $400,000 if a safe and secure facility was not provided would be questionable. By putting in an unrestricted opening, the marketability would be nil.

Chairman Cooper stated that there would be less crime with the few pedestrians that were in the area than having an open street.

Chairman Cooper stated that he was going to poll the board on having a gate, no gate, a buzzer, or leaving it to staff. Barbara Curtis stated that she was not agreeing to change the condition for pedestrian access easements. A poll of the Board Members was taken as follows: Alysan Childs - controlled access; Barbara Curtis - controlled in some form; Alan Gabriel - buzzer; James McCulla - controlled access; Carolina Wiebe - controlled buzzer; Gerry Cooper - he felt this was wrong.

Alan Gabriel asked what other conditions were recommended by the P.R.O.W. Committee. Chris Barton stated there were 7 points the Property and Right-of-Way Committee recommended and they were as listed in the memo.

Barbara Curtis stated that she would like to add to her motion the conditions recommended by the P.R.O.W. Committee. Alan Gabriel who seconded the original motion agreed.

Carolina Wiebe stated that she was withdrawing her vote and felt it should not have a buzzer access.

ROLL CALL ON MOTION: YES - James McCulla, Barbara Curtis, Alysan Childs, Alan Gabriel,

Gerry Cooper. NO - Carolina Wiebe. Motion carried 5-1.

5. **Habec Company, LLC** **Lois Udvardy** **132-R-01**

**Request: Parking reduction
Approval/B-1/Walgreen's
Acreage in Sec.14-50-42
Location: 1680 S.E. 17St. And
1717 Eisenhower Blvd.

Chairman Cooper announced that this matter was quasi-judicial and stated that Sharon Miller, Assistant City Attorney, would give the definition of quasi-judicial.

Sharon Miller, Assistant City Attorney, stated that certain items on the Board's agenda were quasi-judicial which meant that these matters were treated similar to a court matter, but with less formality. Evidence was presented and reviewed by the Board and decides based on the criteria presented whether to approve or deny the case. It also meant that anyone speaking on such an item would be sworn in and the people testifying can be cross-examined. The Board will also give their disclosures regarding site visits or any communications they had regarding such cases.

Individuals wishing to speak on this matter came forward to be sworn in.

Chairman Cooper asked the Board members for their disclosures on this item. Carolina Wiebe had been to the site. Alysan Childs had been to the site. Barbara Curtis had been to the site and spoke with Commissioner Hutchinson. Gerry Cooper had been to the site.

Tom Hall, Miller Consulting, stated that their firm conducted a study for the applicant of three Walgreen stores similar in nature within the City of Ft. Lauderdale located at State Route 84 around S.W. 4th Avenue, Broward Blvd. at S.W. 7th Avenue, and at W. Sunrise Blvd. and N.W. Andrews Avenue. The distinction between those stores and the one being proposed was that this one would not have a drive-thru window. The study was reviewed by Tim Welch and it indicated that the 46 parking spaces provided on the site plan were more than what would be required. The anticipated peak demand would be 32. Mr. Hall stated that they were requesting a parking reduction. He stated that if all the parking were provided as requested by Code there would be 52 spaces. Due to setback issues those additional six spaces could not be provided.

Lois Udvardy stated that Tim Welch reviewed the study and concurred that the six space reduction was acceptable. The site plan was reviewed, along with the parking study, by the Development Review Committee on December 11, 2001 and all issues resolved, except that the property is acreage and platting would be required prior to final DRC approval. If the parking reduction was granted, staff was recommending the following conditions: (1) A Parking Reduction Order must be executed and recorded in the public records of Broward County at the applicant's expense prior to final DRC; (2) a plat must be approved and recorded in the public records of Broward County prior to Final DRC; and (3) the applicant must apply for a building permit within 18 months and the permit must be issued