

**CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT
701 SW 71st Avenue**

**MEETING OF THE
PLANNING AND ZONING BOARD**

MINUTES

JULY 2, 2019

The Planning and Zoning Board Meeting met on Tuesday, July 2, 2019 at the Municipal Complex.

1. CALL TO ORDER BY CHAIRMAN – Vice Chair McKay called the meeting to order at 6:33 pm.

2. ROLL CALL

Present

Christine McKay, Vice Chair

William Albright

Barbara Thomas

Dr. Enjoli R. Paul, EdD

Montfort Alexis

Alfredo Marriaga

City Attorney Samuel S. Goren

City Clerk Patricia Vancheri

Absent:

Alex Ortiz (*Alternate -Excused*)

3. APPROVAL OF MINUTES

a. June 4, 2019 - Board Member Thomas moved to approve the Minutes for June 4, 2019. Seconded by Board Member Albright. Minutes were unanimously approved by voice vote.

Board Member moved to add the Minutes for the May 7, 2019 meeting to the agenda. Seconded by Board Member Albright. Minutes were unanimously approved by voice vote.

Board Member Thomas moved to approve the Minutes for May 7, 2019. Seconded by Board Member Albright. Minutes were unanimously approved by voice vote.

4. OLD BUSINESS – None.

5. NEW BUSINESS

- a. **SIGN WAIVER REQUEST:** SWAV 19-04
NAME OF APPLICANT: Aldi Florida, LLC.
PROJECT NAME: Aldi
PROJECT LOCATION: 1180 South State Road 7
PROJECT DESCRIPTION: To allow:
- **75 square feet of freestanding sign face area on the property where 50 square feet is allowed by code according to section 94-16 (b)(1) (b)**
 - **17 inch high letters on a freestanding sign where 16 inches is the maximum allowed by code according to section 94-16 (b) (1) (d)**
 - **To allow for a maximum of 2 wall signs where 1 is allowed by City code section 94 – 16 (c) (1) (a) within a General Business (B-3) Zoning District.**

Vice Chair McKay read the title of the item. Attorney Goren swore in any witnesses present to speak to testify under items on the Agenda. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. He advised that the Applicant is asking for three (3) waivers. One of the waivers involves the free standing monument sign to capture the traffic from the road on 441 on both sides. The Applicant is asking for an extra 25 square feet, and the additional one inch letter height from the 16 inch allowed by code to the 17 inch letter height on the free standing monument sign. This is a B3- General Business district and by code they are allowed a minimum of 50 square feet but they are asking for 75 square feet to increase visibility of the free standing sign. He referenced the location of the sign on the parking island along 441 which will have the required landscaping around it and will be back lit and visible at night. Mr. Disbury advised that the third sign waiver the Applicant is requesting is for the wall signs. There are two wall signs on each corner of the building. He indicated that the placement of the signs by definition of code have to be on two major roadways and they are not and that is why the Applicant is asking for a waiver to get a second sign on the south elevation of the building. Mr. Disbury stated that staff is recommending approval of the three sign waivers as the current proposal is in line with the nature of the building and for the business to get exposure. Mr. Disbury submitted the power point presentation and the memorandum along with the backup for the record. **Vice Chair McKay noted for the record that Board Member Alexis arrived for the meeting at 6:44 pm.** Attorney Dickerson, with the Dunay, Miskel, and Backman law firm, presented himself on behalf of the Applicant. He referenced the previously approved Aldi site plan, and the two separate parcels in respect to the monument sign location. He indicated that they are utilizing the existing access point as a joint access to minimize conflicts to and from the site based on existing traffic patterns. He stated that they are asking for the sign variances to make sure to safely accommodate traffic in both directions. Attorney Dickerson explained that the request for the monument sign to be larger is due to the location and that they want to make sure that the signage can be seen before arriving to the monument sign in order to make the right turn. Additionally, he advised that they have worked with the city landscape architect, Bill Sotesauro, to make sure they have mature landscaping in the swale area on the west of the

property. The enhanced landscaping shields some of the visibility of the building and will hopefully balance with the appropriate signage. He explained trying to capture the south and north bound traffic with signage on the south side and the west to make the left turn in to the access point. Vice Chair McKay commented on the size of the Aldi's logo. Attorney Dickerson clarified that the Aldi's signs are premade at certain sizes and that a one (1) inch change will require a custom made sign at an additional cost which is a burden on the business community. He mentioned the staff policy when looking at sign waivers with regards to approving multiple signs that are tasteful, appropriate and that remain within the total square footage allowed. Attorney Dickerson commented that instead of having one large sign he thinks it is more appropriate to have a sign on the west and south side to split the square footage to remain under the permitted square footage allowed for safety and to accurately identify the building for customers. Vice Chair McKay requested clarification on the dimensions of the monuments signs. Mr. Disbury provided the dimensions as 7 foot, 11 inches and 1/8 wide under 10 feet tall. Attorney Dickerson confirmed that the dimensions meet the code requirements for the height and width of the monument sign. He pointed out that the request is for the "Aldi" 17 inch height letters for the monument sign. There was some discussion on the dimensions of the monument sign and how a free standing sign square footage is calculated. Vice Chair McKay inquired if this sign size is typical for other plazas. Mr. Disbury responded that other buildings of this square footage have larger signs based on his observations but he did not have the actual numbers in front of him. Staff feels that for a building of this square footage it is on par with the nature of the business and the size of the building based on what they see in the community and along State Road 7. Vice Chair McKay commented that this size sign might be more in line for a plaza with a sign with multiple business names on it. Attorney Dickerson emphasized the monument size is appropriate for customers to safely identify a legible sign with minimum distraction on the roadway. There was discussion on the size of the logo in comparison to the "Aldi" letter size. Attorney Dickerson commented that based on research and consumer reports the logo is critical. Board member Marriaga questioned if it would be better to place a buffer at the entrance and exit between the two (2) parcels, (Circle K and Aldi's). Attorney Dickerson assured Board Members that there were multiple jurisdictions and agencies involved in the approval process for the design to determine where a buffer can be placed. Mr. Dickerson stated he would speak to Board Member Marriaga regarding the buffer location. There was clarification that the code allows for one wall sign per major road. There was no further discussion.

Board Member Thomas moved to make recommendation to City Commission for consideration and approval to allow 75 square feet of freestanding sign face area on the property where 50 square feet is allowed by code according to section 94-16 (b)(1)(b). Seconded by Board Member Albright. Clerk took roll. MOTION PASSED 5-1. Vice Chair McKay dissented.

Board Member Thomas moved to make a recommendation to City Commission to allow 17 inch high letters on a freestanding sign where 16 inches is the maximum allowed by code according to section 94-16(b)(1)(d). Seconded by Board Member Albright. Clerk took roll. All YES. MOTION PASSED.

Board Member Thomas moved to make a recommendation to City Commission to allow two main wall signs with the 16 inch high lettering "ALDI" where one is allowed by City code section 94 – 16 (c)(1)(a), within a B-3 general business district. Seconded by Board Member Alexis. Clerk took roll. All YES. MOTION PASSED.

b. SITE PLAN REVIEW: SPR 19-03
NAME OF APPLICANT: Jack Cummings
PROJECT NAME: Nexcar
PROJECT LOCATION: 1752 S. STATE ROAD 7 Folio # 4942 07 09 0010
PROJECT DESCRIPTION: Preliminary and final site plan review to allow a new auto repair building to an existing building within an Industrial (M-1) zoning district.

Vice Chair McKay read the title of the item. Attorney Goren swore in any witnesses present to speak to testify under items on the Agenda. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. He advised the Applicant is requesting to add storage and a prefabricated building to the site. The intended use would be for car maintenance, an auto sales office and the site currently exists as a car lot which is a similar use. They are looking to enhance the site, move equipment inside to properly meet code and function as a business. Mr. Disbury reviewed what is existing and new on the site plan. He advised that the site plan meets and upholds all the site planning and zoning criteria as far as open space for M1 districts and satisfies life safety requirements for ingress and egress on the site as reviewed by Fire Rescue. He described a semicircular driveway that is being redone to accommodate the building as part of the site improvements. Staff is recommending approval to make a recommendation to the City Commission for site plan SPR 19-03 with the six (6) conditions as outlined. Mr. Disbury submitted the power point presentation and the memorandum along with the backup documents as a public record which was accepted by the City Clerk. Mr. Luis Barrera, Architect with A.I.A Inc., introduced himself to Board Members. He described efforts to make the building aesthetically pleasant which is located in the rear of the property against a commercial structure. The front of the property has a sales area with an ingress and egress in case of an emergency and rear parking for workers. Mr. Barrera stated that the Nexcar operation needs the building for servicing in preparation for vehicles to be sold with the object of keeping noise abatement down by having the vehicles serviced inside a ventilated building. The original sales building, middle and rear new building is adjoined as one continuous building to keep the buildings as one. Board Member Marriaga inquired if one accessible parking is enough. Mr. Barrera responded that there are approximately 5-6 [spaces] for the general public to park to look at cars and that one accessible parking is sufficient. Mr. Disbury provided information regarding the striped parking on the site and the access around the site. Vice Chair McKay questioned the reason for the seven (7) additional spaces required. Mr. Disbury explained the additional parking required due to the addition to the building. There was some discussion on the new and existing parking conditions on the site. Board Member Albright questioned the extent of getting the cars ready on the sales lot. Mr. Edward Cyrino, Owner of Nexcar, responded the work being done is for reconditioning of cars involving clean up and small repairs like oil changes. **Public Hearing was opened. No one spoke. Public Hearing was closed.**

Board Member Thomas moved to approve to make recommendation to City Commission for consideration and preliminary approval of site plan SPR 19-03 to allow a new auto repair building to an existing building within an Industrial (M-1) zoning district in addition to the six (6) recommendations by staff. Seconded by Board Member Albright. Clerk took roll. All YES. MOTION PASSED.

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| c. | REQUEST FOR VARIANCE: | VAR 19-04 |
| | NAME OF APPLICANT: | Robert Gonzalez |
| | PROJECT NAME: | Gonzalez Residence |
| | PROJECT LOCATION: | 6001 NW 43rd Ave. |
| | PROJECT DESCRIPTION: | Requesting a 3.2 foot side setback whereas a 7.5 foot side setback is required and a 13.4 foot rear setback whereas a 15 foot rear setback is required per Section 106-276 (b) & (d) of the City of North Lauderdale code of ordinances within a Single Family Residential (RS-5) zoning district |

Vice Chair McKay read the title of the item. Attorney Goren swore in any witnesses present to speak to testify under items on the Agenda. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. He reviewed the aerial for the existing property with regards to the rear setback; unique nature of the corner lot and the layout of the property lines. He advised that there have been similar cases where a variance was granted. He referenced the survey for the structure. Mr. Disbury advised on the existing conditions and the renovations on the rear portion of the property. He reviewed the criteria [Section 106-79 of the City Code] that the staff uses to review variances. Mr. Disbury stated that staff is recommending approval for recommendation to the City Commission for approval of the two (2) separate variances to address both issues to be code compliant. Mr. Disbury submitted the power point presentation and the memorandum along with the backup documents as a public record. Applicant, Mrs. Luisa Torres, explained that they applied for the variance due to the difficulty of the situation involving the property line. Applicant, Mr. Robert Gonzalez, owner of the property, described the issue with the way the property is angled and built near the fence based on how the house was structured. He explained that they did not construct the house and they are trying to make the improvements to fix the issue by getting the waiver and permits. Mr. Eugenio Torres, neighbor to Mr. Gonzalez, introduced himself to the board members. He spoke on the issues with regards to Mr. Gonzalez obtaining a survey for the house as a point of reference and his concerns with the 3.2 foot setback. Mr. McDonald Ferguson and Ms. Lisa Foster, neighbors to Mr. Gonzalez, requested clarification on the setback possibly encroaching on his property. Mr. Disbury responded that the setback would not be directly encroaching onto his property but closer to what the home would be allowed by code. There was brief discussion on how close the home would be to the property line and the location of the utility easement. Attorney Goren restated there is no physical encroachment of this request onto Mr. Ferguson's property; it just brings it closer to the property line but not over the property line unto his land. **No other members of the public spoke on the item. Public Hearing was closed.** Chair MacKay questioned if the rear addition is existing, a remodel or new construction in the back. Ms. Torres explained that they applied for a permit for existing construction to close a part of the porch to prevent raccoons and rodents from getting inside. There was no further discussion.

Board Member Thomas moved to recommend approval to the City Commission to grant the requested variance from the required side and rear setbacks according to Section 106-276 (b) & (d) of the City of North Lauderdale Code of Ordinances to accommodate the existing side addition and rear addition within a proposed Residential Single Family (RS-5) Zoning District. Seconded by Board Member Albright. Clerk took roll. All YES. MOTION PASSED.

d. Discussion of the City's Code of Ordinances Sec. 78-55. – Providing for Removal of Members and possible motion to recommend removal

MOTION - A motion to recommend approval to the City Commission for the removal of Planning and Zoning Board member Montfort Alexis based on April 2nd, May 7th and June 4th, 2019 unexcused absences.

Vice Chair McKay read the title of the item. Mr. Disbury advised that Mr. Montfort Alexis is in violation of the code Sec. 78.55 due to three unexcused absences. Therefore removal of the board member is recommended. Attorney Goren interceded to advise on Code Sec. 78-55 regarding excused absences and recommending removal of board members to the City Commission. Board Member Thomas inquired on providing notice regarding Code Sec. 78.55 pursuant to the removal of a board member. Clerk Vancheri confirmed that Code Sec. 78.55 was discussed and provided to board members during board meetings and by email which included consequences for unexcused attendance and the need to have a quorum. Mr. Disbury advised that members are contacted before meetings as a reminder. There was brief discussion on the record of attendance. Attorney Goren advised Code Sec. 78.55 never changed and provides for the three (3) absences. The tracking of the absences is different since April. If no action is taken then the City Clerk will reflect back to the Commission as a matter of Minutes that the board decided to take no action against Board Member Alexis. There was a brief discussion on the process involved with the motion of possible removal. Vice Chair McKay questioned if the Commissioner that appointed Mr. Alexis is aware [of the absences]. City Clerk confirmed speaking with the Commissioner. Mr. Disbury stated that staff recommendation is due to the fact that two out of the three meetings that the Board Member missed resulted in no quorum which delayed items on the Agenda. Board Member Paul proposed to allow Board Member Alexis to speak on the matter. Board Member Alexis expressed reasons for his absences with no prior 24 hour notice. He indicated that sometimes it is beyond his control due to traffic when traveling from Miami and that his work responsibilities as a television commentator and employment with Broward County sometimes causes a conflict. Mr. Alexis stated that based on his own background in Public Administration that he understands the importance [of attendance] to the city and the board's choice to remove him. He stated that if the board chooses to keep him on the board that he will do a better job. Board Member Albright commented on the voluntary role of the board, the importance of a quorum and issues that sometimes arise that cause an unexcused absence. He inquired on having more alternate members on the board to be present in the event of an unexcused absence. City Clerk Vancheri reviewed the process of appointing alternate members on the board. Board Member Albright questioned if the board can recommend that Board Member Alexis remain on the board. Attorney Goren confirmed that the board can recommend or make an alternate motion to the Commission that Board Member Alexis remain on the board. **Board Member Albright moved to approve retention of Board Member Alexis on the Planning and Zoning Board.** Vice Chair McKay questioned if most Tuesdays is a regular conflict for Mr. Alexis to attend meetings. Board Member Alexis reiterated reasons for his absences and replied that it is not a conflict on most Tuesdays. **Board Member Thomas seconded the motion to approve retention of Board Member Alexis to the Planning and Zoning Board.** There was brief discussion on a possible substitute motion or taking no action and letting the Commission decide. **There was no further discussion. Clerk took roll. MOTION PASSED 5-1. Vice Chair McKay dissenting.**

6. DIRECTOR'S REPORT - None.

7. GENERAL DISCUSSION – Board Member Paul questioned what constitutes the number for a quorum and inquired on board representation by district. Attorney Goren provided an explanation on a quorum and the Planning and Zoning Board representation of the city at large. City Clerk Vancheri read the code section [Sec. 78-53 (b-c)] pertaining to composition of the board. There was brief discussion on appointing more than one (1) board member from one particular district. City Clerk Vancheri provided information on the composition and appointment of the board members by former officials by district. Attorney Goren advised on the prerogative of Commissioners to change members on the board. City Clerk Vancheri advised on the re-appointment process for board members. Board Members were advised that one (1) full board member for District B and one (1) extra alternate board member are needed for the Planning and Zoning Board. Attorney Goren thanked and commended the board members for their service and commitment to the city. There was brief discussion on a possible recess during the month of August. Mr. Disbury indicated that there were possible Agenda items that would be presented to board members. Board Members did not vote to recess in August. There was no further general discussion.

8. NEXT TENTATIVE MEETING –August 6, 2019

9. ADJOURNMENT – There being no further discussion the meeting adjourned at 8:44 p.m.

Respectfully submitted,

Patricia Vancheri, City Clerk
Transcribed by Deputy Clerk Garcia-Beckford