

**CITY OF NORTH LAUDERDALE  
COMMUNITY DEVELOPMENT DEPARTMENT  
701 SW 71<sup>st</sup> Avenue**

**MEETING OF THE  
PLANNING AND ZONING BOARD**

**MINUTES**

**MARCH 3, 2020**

The Planning and Zoning Board met on Tuesday, March 3, 2020 at the Municipal Complex.

1. **CALL TO ORDER BY CHAIRMAN** – Vice Chair McKay called the meeting to order at 6:38 p.m.

2. **ROLL CALL** – Clerk took roll. There was a quorum.

Christine McKay, Chair

Dr. Enjoli R. Paul, EdD, Vice Chair

William Albright (excused)

Barbara Thomas

Alfredo Marriaga

City Attorney Brian Sherman

City Clerk Patricia Vancheri

3. **APPROVAL OF MINUTES**

**a. February 4, 2020**

Chair McKay noted two minor corrections to the Minutes. She referenced the word “He” to be corrected to “She”, at the bottom of the second page in the last paragraph. The second correction referenced the name of the person to be inserted after the word “Mr.”, in the middle of the top paragraph under item 5c. City Clerk Vancheri stated the recording will be reviewed to confirm the name of the person referenced under item 5c. of the Minutes. **Board Member Thomas moved to approve the amended Minutes upon the City Clerk reviewing the recording. Seconded by Board Member Paul. All were in favor. None were opposed. Amended Minutes were unanimously approved by voice vote.**

4. **OLD BUSINESS** – None.

5. **NEW BUSINESS**

**QUASI-JUDICIAL ITEMS:**

Vice Chair McKay advised Agenda item 5b. and 5c. will be heard first before item 5a. Attorney Sherman reviewed the process of quasi-judicial items. Attorney Sherman swore in any witnesses present to testify.

a. **ORDINANCE:**

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO ASSEMBLY USES; AMENDING CHAPTER 106, "ZONING," AS SET FORTH IN EXHIBIT "A" TO THIS ORDINANCE, TO AMEND ARTICLE II, "ADMINISTRATION AND ENFORCEMENT," DIVISION 4 – NONCONFORMING USES AND STRUCTURES, SECTION 106-101, "EXISTING USES," RELATING TO CHURCHES AND RELIGIOUS INSTITUTIONS; TO AMEND ARTICLE IV, "SPECIAL EXCEPTIONS," SECTION 106-158, "APPLICATION PROCESS," TO REDUCE APPLICATION REQUIREMENTS FOR CERTAIN SMALL SCALE ASSEMBLY USES, AND TO AMEND SECTION 106-159, "STANDARD GUIDELINES AND REVIEW CRITERIA," TO EXEMPT CHURCHES AND OTHER RELIGIOUS INSTITUTIONS FROM CERTAIN STANDARDS IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS; TO AMEND ARTICLE XV, "BUSINESS DISTRICTS," DIVISION 2, "MASTER BUSINESS LIST," SECTION 106-467, "SUPPLEMENTAL REGULATIONS," TO ELIMINATE SUPPLEMENTAL REGULATIONS FOR CHURCHES AND OTHER RELIGIOUS INSTITUTIONS, AND TO AMEND THE LIMITATIONS ON NON-BUSINESS USES IN COMMERCIAL ZONING DISTRICTS; TO AMEND SECTION 106-468, "MASTER BUSINESS LIST," TO AMEND THE MASTER BUSINESS LIST IN THE B-1, B-2, B-3 AND B-4 ZONING DISTRICTS IN ORDER TO MAKE ALL USES THAT ARE CONSIDERED ASSEMBLY USES TO REQUIRE SPECIAL EXCEPTION APPROVAL IN THOSE DISTRICTS WHERE THEY ARE PERMITTED, AND TO PROHIBIT ASSEMBLY USES IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Sherman read the item into the record. Tammy Reed-Holguin, Community Development Director presented the item based on the back up memorandum. Ms. Holguin- Reed advised that City staff is seeking recommendation for approval of the proposed amendments for changes in the City's zoning code for consistency with the City's Comprehensive Land Use Plan. She provided information on a preliminary investigation by the Department of Justice (DOJ), on the City's zoning laws which focused on differences in the secular and religious areas of assembly based on the *Religions Land Use and Institutionalized Persons Act*, (RLUIPA). The DOJ requested that the City look further into their zoning code requirements for special exception use permits pertaining to assembly uses. Ms. Reed-Holguin provided background information on the City previously hiring Linda Strutt Construction, Inc., a professional planning firm to complete a study of assembly uses with consideration of RLUIPA. Ms. Struts firm was hired again to review the city zoning code for clarification on how to correctly apply the law as it exists today. The City staff is recommending amendments to the code to have an equal application to all assembly uses. The DOJ advised the City that the proposed amendments did satisfy their inquiry. City staff is moving forward with the recommendation of the proposed ordinance which is consistent with the City's Comprehensive Plan and Land Use Plan element that speaks to the mix of uses within the City and the location of different types of uses. Ms. Reed Holguin-Reed indicated that one of the main amendments of the zoning code will define assembly uses that did not previously require a special exception use permit. Chair McKay questioned if any assembly use will automatically require a special exception use permit now and what are the exceptions. Ms. Reed-Holguin responded yes, and the special exception use would apply to situations for a use that may not be allowed in a district or may create significant impacts to a district. The special exception permit use allows the City to consider conditions for the location of an assembly such as hours of operation and parking. There was discussion on special exception uses pertaining to assembly uses for commercial zoning districts and community facility districts. Attorney Sherman clarified the proposed ordinance as it applies to

special exception use permits for assembly uses as identified by the City and the DOJ for existing and new tenants. Chair McKay inquired on the exemption restriction of no more than 20% square footage and the no more than two such uses per property rule for religious uses. Ms. Reed-Holguin provided a background history on preserving limited commercial property in the City. She explained that a retail [commercial use] that goes into a space creates more jobs as opposed to community facility uses. Religious uses were exempted from the restriction of not more than 20% of the total square footage of a commercial property occupied by a non-business use and no more than two (2) such uses located within commercial properties. The criteria still remains applicable to all other non-business uses within commercial properties. All assembly uses are required to obtain a special exception use permit. **Board Member Thomas moved to transmit a favorable recommendation to the City Commission for approval of the proposed ordinance to modify the City of North Lauderdale code as described in the related ordinance.** There was a brief discussion on the changes of the law on and the process involved for the proposed ordinance. **Seconded by Board Member Paul. All were in favor. None were opposed. MOTION PASSED.**

**b. VARIANCE REQUEST: VAR 20-01**  
**NAME OF APPLICANT: Savannah hills**  
**PROJECT NAME: Savannah hills**  
**PROJECT LOCATION: 441 & SW 55TH Ave FOLIO: 4942 06 22 0010**  
**PROJECT DESCRIPTION: Requesting variances from section 106 – 330 and section 102-63 of the City of North Lauderdale code of ordinances within a Multi-Family Residential (RM-16) zoning district.**

Attorney Sherman read the title of the item in to the record. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. He referenced the summary of waivers as depicted in the power point presentation pertaining to city zoning code section 106-330 with regards to the setbacks. Mr. Disbury advised that the Applicant is proposing to build 46 townhomes east of State Road 7 at approximately SW 14 ST. The setback and variances are needed in order to accommodate the development. The Applicant is asking for the maximum variance to be appropriate with their request. Mr. Disbury pointed out the building development in relation to the green areas and boundary lines as shown on the aerial plan and site plan. He reviewed the side yard variances on the northwest corner and southern yard setbacks of the site as indicated on the diagram provided. Mr. Disbury also reviewed the requested variances under the landscaping vegetation part of the city code section 102-63c and 102-63b. The variances include all yard setbacks and a reduction to the size of the required landscape interior parking areas. The City staff and the City's consultant group agree that the variances are needed for the development of the site. There were no questions by board members to City staff.

*Mr. Disbury proceeded to present item 5c.*

**C. SITE PLAN REVIEW:**

**NAME OF APPLICANT:**

**PROJECT NAME:**

**PROJECT LOCATION:**

**PROJECT DESCRIPTION:**

**SPR 20-01**

**Savannah Hills**

**Savannah Hills**

**441 & SW 55TH Ave FOLIO: 4942 06 22 0010**

**Site plan application to construct 46 new townhome units in accordance with section 98 -136 (Site Plans) of the City code within a Residential Medium (RM-16) zoning district.**

Attorney Sherman read the title of item 5c. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. He explained that the land has been vacant for several years and this is an opportunity to bring 46 new townhomes into the city. The units are a mix of two story three (3) and (4) bedroom units. The Applicant has completed an access agreement with the cemetery and funeral home on 441/ SR 7. There will be a Homeowners Association, (HOA). The HOA documents will need to be presented prior to a certificate of occupancy and final site plan approval. The Development Review Committee, (DRC), required a 100 foot gate due to the controlled access off of 441/ SR 7. There is also a cross access with the cemetery to the south. Mr. Disbury explained that there needs to be some restriction of access to that site to the east as indicated in the City staff's recommendation for conditions of approval in accordance to the DRC traffic comments and the cemetery's request. Mr. Disbury advised the site plan features a central green area with the top lot as an amenity with all the required egress/ ingress accesses to the site.

Dennis Mele, on behalf of the Applicant, presented himself as well as his client, Greg Brown with Lennar Homes, Architect Andrew Star, Civil Engineer Jay Hubner, Landscape Architect Leo De-Carvalho, and Traffic Engineer Joaquin Vargas. Mr. Mele reviewed the site plan and variance material regarding the subject property based on a power point presentation. He noted that each of the townhomes will be a fee simple lot with a front and rear yard with common areas on the perimeter of the property. The homes will be sold and they will not be a rental community. Mr. Mele explained that measuring the setbacks can be difficult due to having both the lots and common areas which accounts for part of the requests [for variance and setbacks] being made. Mr. Mele referenced other property locations with similar building developments. He mentioned that there was a previous approval for a site plan for 46 townhomes for this property which expired. He referenced the colors and material packages for the property. Mr. Mele also briefly reviewed the access off of 441/SR 7, the analysis on traffic generated by the development and the landscaping for the property.

Board Member Paul inquired on the previous plan for the property mentioned during the presentation. Mr. Mele explained there was an approved site plan for 46 units for the Crossings. The previous site plan expired before there was an approved building permit. Chair McKay questioned how wide the roadway is for the entrance. Mr. Mele confirmed the roadway is 24 feet, which is a standard pavement width. He noted there needs to be a correction on the power point presentation slide that incorrectly referenced the size of the roadway as 23 feet. There was some discussion on the center common area with a top lot, open field and parking. Chair McKay inquired on the required and additional parking for each lot. Mr. Disbury advised that the Applicant has provided the required 138 spaces for parking which includes the 10% guest parking as part of their total calculation for parking as per city code.

Board Member Thomas questioned the seven (7) feet variance for VAR 20-01, Savannah Hills, 441/SR 7 and SW 55 Ave. Mr. Disbury explained that the Applicant provided an eighteen (18) feet front setback from the lot line with the amount of a variance requested of (7) seven feet. Chair McKay inquired on the required distance between buildings. Mr. Mele stated that from the perimeter by the funeral home, the rear lot line of the eastern most units from the property line to the back of the house is seventeen (17) feet. There was some discussion on the measurements of the individual lot, rear yard and common area shown on the colored diagram referenced in the power point presentation. Mr. Mele clarified that there is a fence on the property line and individual rear yards can also be fenced. The five (5) feet of property referenced on the diagram as a green strip will be maintained by the Homeowners Association. The green strip will have a continuous shrub line and a tree every twenty (20) feet. Chair McKay questioned the placement of trees along the property line and the concrete shown on the west side of the property. Mr. Mele agreed to check the pavement area for tree placement options. Mr. Disbury advised in those conditions a root barrier can be placed. There was some discussion on the species of trees used in specific areas on the property. Mr. Marriaga inquired if a small manmade lake can be included in the center of the green area since recreational facilities is limited. Mr. Mele expressed concerns with providing less area for residents to use if they take away green area and put in water. Mr. Mele agreed to look into the proposed idea. There was discussion on the placement of trees in areas between the buildings and driveways. **Public Hearing was opened for Variance 20-01. No one from the public was present to speak on the item. Public Hearing was closed. Public Hearing was opened for SPR 20-01. No one from the public was present to speak on the item. Public Hearing was closed.** Board Member Paul inquired if the residents in the surrounding area were made aware of the development. Mr. Disbury confirmed that residents within 300 feet of the property area were noticed. Mr. Mele advised that they met with neighbors in addition to the notices that were sent out. There was a brief discussion on the rezoning of the property from commercial to residential. Mr. Disbury confirmed that the site is currently zoned for residential.

*Attorney Sherman advised that there will be six separate votes on the variances.*

**Board Member Thomas moved to transmit a favorable recommendation to the City Commission to grant a variance request for Section 106-330b1 for the front yard setback allowing a proposed 18 feet in lieu of the code requirement of 25 feet with the conditions as outlined by staff. Seconded by Board Member Paul. All were in favor. None were opposed. MOTION PASSED.**

**Board Member Thomas moved to transmit a favorable recommendation to the City Commission to grant a variance request for Section 106-330c1 for the side yard setback to allow 14 feet and 8 inches in lieu of the code requirements of 20 feet with the conditions as outlined by staff. Chair McKay clarified that the side yard setback is between each building and not between each unit. Seconded by Board Member Paul. All were in favor. None were opposed. MOTION PASSED.**

**Board Member Thomas moved to transmit a favorable recommendation to the City Commission to grant a variance request for Section 106-330c3 for the corner yard setback to have a proposed 14 feet in lieu of the code requirement of 20 feet with the conditions as outlined by staff. Mr. Mele clarified the locations of the corner yard setbacks as presented in the schematic. Seconded by Board Member Marriaga. All were in favor. None were opposed. MOTION PASSED.**

**Board Member Thomas moved to transmit a favorable recommendation to the City Commission to grant a variance request for Section 106-330d1 for rear yard setback to allow for the 12 feet setback in lieu of the 25 feet code requirement with the conditions as outlines by staff.** Chair Mckay expressed concerns with the landscape in the small green area and maintenance issues. Mr. Mele offered to include root barriers. Mr. Brown with Lennar Homes clarified the fencing dimensions of the back yard. Chair McKay inquired on expanding the patio. Mr. Disbury interjected that a modification for multi-family unit developments are subject to an approval of a site plan and the approval of the HOA. Mr. Mele indicated that one of the conditions by staff is to include documents approved by the HOA. **Seconded by Board Member Marriaga. Clerk took roll. MOTION PASSED 3-1. Chair McKay dissenting.**

**Board Member Thomas moved to transmit a favorable recommendation to the City Commission to grant a variance request for Section 102-63(c) for parking area interior to allow for a 6 feet and 8 inches in lieu of the code requirement of 10 feet with the conditions as outlined by staff.** Chair McKay inquired on the parking area interior for the variance. Mr. Disbury responded that they are referring to the landscape island where it abuts the roadway. **Seconded by Board Member Paul. All in favor. None opposed. MOTION PASSED.**

**Board Member Thomas moved to transmit a favorable recommendation to the City Commission to grant a variance request for Section 102-63b for parking area interiors to propose 4 feet in lieu of the code requirement of 5 feet with the conditions as outlined by staff. Seconded by Board Member Marriaga.** Chair McKay clarified that the parking area interiors are between the driveways. **Clerk took roll. MOTION PASSED 3-1. Chair McKay dissenting.**

**Board Member Thomas moved to transmit a favorable recommendation to the City Commission to approve Site Plan SPR 20-01, to construct 46 townhouses in a Residential Multi-Family median density (RM-16) Zoning District with all the recommendations by staff.** Board Member Paul inquired on the average cost of each of the townhomes. Mr. Mele advised if they were opening sales today they would start at the \$200,000- \$300,000 range. **Seconded Board Member Paul. Clerk took roll. MOTION PASSED 3-1. Chair McKay dissenting.** Mr. Disbury stated that these items will be heard by the City Commission on March 31, 2020.

## **6. NON QUASI-JUDICIAL ITEMS:**

### **6. STAFF REPORT**

Tammy Reed-Holguin provided an update on the recent approval by the City Commission for smaller signage for the Mr. & Mrs. Crabs restaurant. The City Commission approved the preliminary and final site plan for Mary Queen of Heaven with direction to staff to look into the maintenance of the area with regards to overgrowth, a metal container on the property and other issues regarding matters pertaining to the right of way and the development of the cemetery. Ms. Reed-Holguin advised that City staff will be returning to the City Commission with recommendations to address the concerns expressed. Ms. Reed- Holguin notified board members that Peter Piper Pizza closed every store in the South Florida region which included the location in the City of North Lauderdale.

**7. GENERAL DISCUSSION**

Board Member Paul expressed concerns with the condition of the grass on the Highland Park field when it rains particularly for children that participate in city sport programs. Board members inquired if an artificial turf is an option for Highland Park. Mr. Disbury advised that the artificial turf option can be discussed further with the Parks and Recreation Department Director Mike Sargis. Board Member Marriaga inquired on the collapsing wire fence located on the canal bordering SW 64 Terr. Mr. Disbury responded that the Public Works department is working on determining who owns the fence and responsible for maintaining it. Board Member Paul inquired on the status of the owl burrows issue. Attorney Sherman replied that the city will provide a relevant update on the issue at the next Planning and Zoning Board Meeting. Board Marriaga inquired on when the construction will begin on east Kimberly Blvd. Mr. Disbury did not have an approximate timeline to provide. He indicated that the project is being handled by the Public Works Department. Ms. Tammy Reed-Holguin provided information on the topics discussed during the recent Community Forum hosted by Vice Mayor Wood. The topics presented at the Forum centered on the Doral traffic study, 2020 Census and Kimberly Blvd East updates.

**8. NEXT TENTATIVE MEETING – April 7, 2020**

**9. ADJOURNMENT** – There being no further discussion the meeting was adjourned at 8:19 p.m.