

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

PLANNING AND ZONING BOARD MEETING

MINUTES

SEPTEMBER 1, 2020

- 1. CALL TO ORDER BY CHAIRMAN** – Vice Chair McKay called the meeting to order at 6:36 p.m.
- 2. ROLL CALL** – Clerk took roll. There was a quorum.
Christine McKay, Chair
Dr. Enjoli R. Paul, EdD, Vice Chair
William Albright
Barbara Thomas
Alfredo Marriaga
City Attorney Brian Sherman
Deputy City Clerk Elizabeth Garcia-Beckford
- 3. APPROVAL OF MINUTES**
 - a. July 7, 2020** – Board Member Albright moved to approve the Minutes. Seconded by Board Member Paul. Minutes approved unanimously.
- 4. OLD BUSINESS** – None.
- 5. NEW BUSINESS**

QUASI-JUDICIAL ITEMS:

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| a. SPECIAL EXCEPTION USE: | SEU 20 – 07 |
| NAME OF APPLICANT: | Liannet Rodriguez, Social Bar and Lounge |
| PROJECT NAME: | Social Bar and Lounge |
| PROJECT LOCATION: | 1401 S. State Road 7 Bay A1 -3 (Champion Plaza) |
| PROJECT DESCRIPTION: | Special exception use request to allow a free standing bar within a restaurant in accordance with Chapter 86-110 (7) and to allow liquor sales in accordance with Chapter 106 - 467 (9) of the City Code within a General Business (B-3) zoning district. |

Attorney Sherman read the item. He swore in any witnesses present to speak on the item. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum. The bay was previously known as "*Hot Limon*" but is under new ownership and the applicant would like to expand the use to include the sale of alcoholic beverages in addition to beer and wine and the use of two freestanding bars. Mr. Disbury provided background information on the requirement of the SEU. The space has operated as a restaurant previously with the accessory bar sales with the type of parking to accommodate this type of use. The business has met some violations in terms of the new Executive Order and following the closing and COVID-19 procedures as included as part of the information in the back up. Mr. Disbury pointed out that this location will never be a bar or a lounge which is prohibited in the City. Staff is asking the applicant to consider changing the business name due to the name has a connotation that is a prohibited use in accordance to Section 106-468, "Master Business List". Attorney Sherman clarified that the terms and conditions with the recommended requirements is to change the name. Mr. Disbury advised that the applicant needs to adhere to their hours of operation, appropriate approvals and review for the receipts totaling no more than 40% of the business alcohol sales as well as the sixteen (16) separate conditions listed in the memorandum. Rafael Santos, Senior Code Officer was also present to answer any questions. Tammy Reed-Holguin, Community Development Director, provided history on the establishment with regards to the change of management and ownership as it pertains to the SEU as provided in the back up memorandum. Ms. Reed-Holguin made reference to multiple violations also noted in the back up memorandum. At this time the applicant has a license to operate as a restaurant only. She referenced the current Executive Order advising that restaurants cannot operate past 11 p.m. and they have to abide by the seating requirements of only 50% capacity. Ms. Reed-Holguin expressed concerns that the applicant is asking for an SEU permit to expand the uses outside of a restaurant when the applicant has not demonstrated to staff that they can operate as a restaurant abiding by the Executive Order. **Board Member Thompson connected virtually to the meeting.** Mr Disbury stated that the violations on record occurred during the last couple of weeks and the information on record is current. Chair McKay questioned if this is all occurring with the new ownership and not the old ownership. Mr. Disbury responded that is correct. Chair McKay inquired if the previous owner and restaurant had an SEU to serve alcohol and liquor. Mr. Disbury replied that the "*Hot Limon*" restaurant did not have a SEU. The SEU was filed by a former owner of the Top Chef restaurant. Applicant, Liannet Rodriguez, with Social Bar and Lounge presented herself to board members. She commented on wanting to change the name of the business and selling food as a restaurant. She remarked that they did not have problems operating the restaurant prior to COVID-19. Ms. Reed-Holguin interjected to advise that the applicant was previously operating with out a business license and doing work without a permit which had nothing to do with the Executive Order. Chair McKay questioned if the applicant is in agreement and read the sixteen (16) recommendations from the City. Ms. Rodriguez inquired on the sixteen conditions. Mr. Disbury confirmed that the applicant was given the application with the sixteen (16) conditions to review prior to the meeting. Ms. Rodriguez began to review the sixteen (16) conditions. **Board Member Thomas confirmed that she was present with audio and that she heard the entire presentation by City staff on the item.** Attorney Sherman inquired if the applicant had an opportunity to review and to agree with all the recommendations by the City. Ms. Rodriguez proceeded to continue to review the recommended conditions. Attorney Sherman explained that the board members can choose to proceed to continue the item, provide Ms. Rodriguez additional time, or table the item. Chair McKay inquired on the option of moving the item in order to start the next item on the Agenda. Ms. Rodriguez questioned changing the percentage of liquor sold. Mr. Disbury explained that the criteria for the code cannot be modified. There was discussion on the hours of operation under the Executive Order and providing a letter of intent. Board Member Albright inquired if the sixteen (16) recommendations supercede any other previous times that the applicant was previously open. Ms. Reed-Holguin responded that the applicant did not have a prior SEU to operate. The applicant's business was open later [hours] but not legally. Chair McKay inquired if the applicant will have to change the documentation with the City to amend the hours of operation. Mr. Disbury responded that is correct. There was a discussion to table the item to

provide the applicant time to review the recommendations and to take care of outstanding items. **Public discussion was opened. No one from the public spoke. Public discussion was closed.** Ms. Rodriguez inquired on changing the name of the business. She explained they already have signs with the current name on it. Mr. Disbury stated they cannot move forward with the business name since it is a prohibited use. Attorney Sherman inquired with the applicant if they would like to have the item tabled to the October meeting to allow time to review the recommendations and to address the issues with the board. Ms. Rodriguez responded yes. Board member Albright questioned if the business will be allowed to continue to operate if the item is tabled. Ms. Reed-Holguin responded that the applicant has a license to operate as a restaurant as long as they abide with the Executive Order. Board Member Albright inquired if there are beer and alcohol sales. Ms. Reed-Holguin advised that they have a beer and wine license to serve with meals. Board Member Marriaga questioned minimum distance requirements for restaurants and bars according to the City code. Ms. Reed-Holguin advised bars, saloons and taverns are all prohibited by code. The distance requirements are based on package goods; a liquor store would be prohibited from being near a daycare center or a school. Chair McKay commented that the license they are seeking is to sell liquor only up to 40% of their total sales with anything further not allowed in the City. Mr. Disbury responded that is correct, and the liquor sales is an accessory use. **There was no further discussion. Board Member Thomas moved to table the item time certain to October 6, 2020. Seconded by Board Albright. Clerk took roll. All YES. MOTION PASSED UNANIMOUSLY.**

MOTION – to make recommendation to the City Commission for consideration and approval to allow a free-standing bar within a restaurant in accordance with Chapter 86-110 (7) and to allow liquor sales in accordance with Chapter 106 - 467 (9) of the City code within a general business (B-3) zoning district.

b. REQUEST FOR PLATTING:	PLAT 20-01
NAME OF APPLICANT:	Murphy Oil USA
PROJECT NAME:	North Lauderdale Murphy
PROJECT LOCATION:	5480 N. State Road 7
PROJECT DESCRIPTION:	To plat the land generally known as portion A of the “TP PROSPECTOR PLAT” to restrict the said plat to 2,824 square feet of convenience store and to allow fuel dispensing.

Attorney Sherman swore in any witnesses present to speak on the item. Attorney read all three items into the record and specified that the three items will require a separate public hearing and vote. Andrew Disbury, Community Development Specialist presented all of the three items based on the back up memorandum.

Staff is recommending approval of the PLT 20-01 (Preliminary and Final Plat Approval), for applicant Murphy Oil USA. Mr. Disbury provided information on the proposed plat, plat location and proposed plat language. Chair McKay questioned what the plat stated before and if the plat is an update due to the age or a change in use. Mr. Disbury responded both; to plat the land and to restrict the note on the plat. There was brief discussion on the existing plat.

Mr. Disbury proceeded to present information on VAR 20-03 for applicant Murphy Oil USA. He reviewed the overall site plan and referred to the development of parcel A, the canopy and the store further back from 441. The variance is relating to the convenience store code as referenced in the back up for service stations. There is a 200 foot lot width requirement which this parcel fails to meet. Mr. Disbury explained that the applicant inherited the property this way and the previous use was a restaurant. The applicant is asking for the three feet to make the land a viable option for the use. The code has a chart for how large a convenience store building can be within that same section. The applicant would have to abide by all the City conditions within the document. City staff is still working on the cross access and traffic related analysis to make this site work. The

variance is for the lot frontage and the square footage of the building as shown in the chart in the Power Point presentation. There was brief discussion as to what side the 197 measurement of the property line is located on the site plan.

Mr. Disbury presented information on the Site Plan SPR 20-04, for applicant Murphy Oil USA as provided in the back up memorandum. Staff incorporated elevation that works with the existing 441 corridor and the approval of the site plan is contingent upon the variance and the plat approval. The Development Review Committee board met and after considerable review they moved to have this item reviewed by the Planning and Zoning Board. There are fourteen (14) separate conditions which are typical. He pointed out recommendation #7, outstanding traffic analysis, that needs to be done to coordinate the traffic light on Prospect Road, as well as the cross access with the site and pending parcel B. Mr. Disbury concluded his three part presentation on the items. Chair McKay questioned the division relating to parcel B and if there are two separate parcels. Mr. Disbury responded that they are not platting both, they are platting the large parcel now for future development. Chair McKay questioned if they are technically part of the two acre site and not parcel B. Mr. Disbury advised that whomever purchases the parcel will have to address the parcel at that time. Mr. Disbury clarified that it is still the one acre site.

Dwayne Dickerson, with Dunay, Miskel and Backman, presented himself to board members on behalf of the applicant Murphy Oil USA for this project. He introduced the other participants present representing the applicant, Paul Trembly, with Abreu Development, Contract Purchaser and Developer for the property, Julian Plata, representative with Murphy Oil, Andrew Deegan, CPH Engineering, engineers on record for the project, Jane Storm with Pulice Land Surveyors taking the lead on processing the plat. Mr. Dickerson presented information on the location of the property as seen on an aerial as part of a Power Point presentation. He identified the location of parcel 1 on the westside and location for the future development of parcel 2 on the eastside; with both parcels approximately each one acre. He explained that the entire property is zoned B2, for a commercial business district and it also has a commercial future land use designation. The property was a former restaurant and has been vacant for 16 years. Mr. Dickerson reviewed their proposal and requests for a site plan, variances and plat as listed on their Power Point presentation. He clarified that anytime a principle building is constructed in Broward County you have to plat. The property was not platted at the time that it was developed. He explained that as part of the platting process you have to show dedicated areas of right of way, work out access points and propose a level of development on the property. Mr. Dickerson reviewed plans to demolish the site and the project details of the site plan. He indicated that they have double of the required parking and ample drive isles for better circulation. Mr. Dickerson explained that every property owner is required to provide a cross access easement for vehicles to circulate internally between parcels without having to get back on the state road. Mr. Trembly agreed to provide that cross access. He identified the different access points on State Road 7 and Prospect Road to accommodate traffic from both directions. He also reviewed the setbacks. He discussed the site dimensions and the the distance separation of the variance. Mr. Dickerson stated the reason the variance is needed is due to the amount of property taken to accommodate the right of way. He explained the process involved with the plat and pointed out the restrictive note which is the same language on the restriction on the plat under the surveyors notes. The future development will require an amendment to the note on the plat to add the development of the future parcel. The two (2) acres will be platted for the entire parcel. Mr. Dickerson briefly discussed the upgraded elevations with quality materials as discussed with City staff. Chair McKay requested clarification on the two parcels. The plat only shows parcel A whereas the site plans refer to both parcel A and B. She questioned if that is recognized within the City or County. Mr. Dickerson explained that it is essentially a boundary plat where you lay the ground rules for the entire plat and with each development phase you can add specifics to the plat. He explained the process involved with the parcel development and plat approval. Chair McKay questioned if the next use will show as one parcel with two buildings with description of use or will it be subdivided. Mr. Dickerson explained the options for the larger boundary plats, additional permitted uses to the plat, or parcelizing the plats. There was a discussion on the

options that benefit the City. Mr. Disbury stated that one of the reasons they left the division on the site plan is to make sure that the parcel can be developed for future use and it meets the minimum lot size requirement for the general business district code. Mr. Dickerson advised that any future development of the second parcel is required to come back to the City for approval. Mr. Marriaga questioned if the presentation included the size of the signage. Mr. Disbury responded that the signage will have to come back for approval. Chair McKay questioned the previous moratorium on gas stations and regulations on distance from existing gas stations. There was a discussion on the current code requirement pertaining to gas stations. Ms. Reed-Holguin read the code requirement pertaining to service stations located per intersection located on opposite side of the streets. Chair McKay expressed concerns with taking away a potential restaurant use for a gas station. Chair McKay inquired if the gas station is placed in parcel A will there be restrictions for parcel B such as a restaurant. Ms. Reed-Holguin responded that there are no restrictions like that. There was discussion on the well field across the street and the County environmental review process. Mr. Dickerson stated that Murphy Oil will abide by any State, County and City regulations prior to finalizing any building permits and plans. He reiterated that this parcel has been vacant for several years. Chair McKay questioned if Murphy Oil purchased the property. Mr. Dickerson responded that Murphy Oil will be the tenant and that Abreu Development has it under contract to purchase. Chair McKay inquired on the traffic analysis. Mr. Dickerson provided information on the traffic analysis and working with the City traffic consultant to ensure that the access is safe with minimal impacts to State Road 7 and Prospect Road. Mr. Disbury explained that there are multi-jurisdictions and intergovernmental coordination and approvals that take time and City staff is working on the analysis. Chair McKay questioned the removal of the concrete in the back and drainage concerns. Mr. Dickerson replied the back will be sod, properly maintained and that there are no drainage issues. **Public comment was opened for each item. No one from the public spoke on any of the items. Public discussion was closed. There was no further discussion.**

Board Member Thomas moved to recommend approval of PLAT 20-01 to the City Commission with all the terms and conditions as outlined by staff. Seconded by Board Member Albright. Clerk took roll. All YES. MOTION PASSED 4-1 with Chair McKay dissenting.

Board Member Thomas moved to make a favorable recommendation for approval of VAR 20-03 to the City Commission to allow a variance of 3 feet where 197 feet of lot frontage is provided and 200 feet is required and to provide a 2,824 square foot convenience store where 2,500 square feet is allowed by City code section 106-467(8)(a) with a general business B-2 zoning District with all the conditions as outlined by staff. Seconded by Board Member Albright. Clerk took roll. All YES. MOTION PASSED UNANIMOUSLY.

Board Member Thomas moved to recommend approval of SPR 20-04 site plan review to allow a service station and convenience store use with 6 dual pump fueling dispensers totaling 2,824 square feet in accordance with Article VI "Site Plans" Section 98-136 of the City Code within a General Business B-2 zoning district. Seconded by Board Member Albright. Clerk took roll. MOTION PASSED 4-1 with Chair McKay dissenting.

These items will be heard at the City Commission Meeting, September 29, 2020.

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| c. REQUEST FOR VARIANCE: | VAR 20-03 |
| NAME OF APPLICANT: | Murphy Oil USA |
| PROJECT NAME: | North Lauderdale Murphy |
| PROJECT LOCATION: | 5480 N. State Road 7 |
| PROJECT DESCRIPTION: | To allow a variance of 3 feet where 197 feet of lot frontage is provided and 200 feet is required and to provide a 2,824 square foot convenience store where 2,500 square feet is allowed by City |

code section 106-467(8)(a) with a general business B-2 zoning District.

This item was heard under item 5b.

MOTION – To recommend approval to the City Commission to grant the requested variances from the City of North Lauderdale Code of Ordinances to facilitate the construction of a proposed service station and convenience store within a proposed general business (B-2) Zoning District.

- d. **SITE PLAN REVIEW:** SPR 20-04
NAME OF APPLICANT: Murphy Oil USA
PROJECT NAME: North Lauderdale Murphy
PROJECT LOCATION: 5480 N. State Road 7
PROJECT DESCRIPTION: Site plan review to allow a service station and convenience store use with 6 dual pump fueling dispensers totaling 2,824 square feet in accordance with Article VI "Site Plans" Section 98-136 of the City Code within a General Business B-2 zoning district.

This item was heard under item 5b.

MOTION – To recommend approval of SPR 20-04 to the City Commission according to Article VI" Site Plans" Section 98-136 of the City Code.

e. **NON QUASI-JUDICIAL ITEMS:**

- a. **SIGN WAIVER REQUEST:** SWAV 20-05
NAME OF APPLICANT: Tax Office
PROJECT NAME: Tax office at McNab 7 Plaza
PROJECT LOCATION: 1641 State Road 7
PROJECT DESCRIPTION: To allow: Two main wall signs with 30 inch high letters where 16 inch high letters are required and to allow signs totaling 60 square feet where 32 square feet total is allowed within a general business (B-3) zoning district.

Attorney Sherman read the item. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum and a Power Point presentation. Mr. Disbury reviewed the existing signage as it was approved on February 27, 2020 and the proposed signage on the east facing elevation. The applicant would like to have the "Taxes" sign on the northside of the plaza to be visible from the McNab overpass. Mr. Disbury reviewed the three (3) conditions and the highlights of the staff comments as presented in the Power Point presentation. Carl Charles, business owner presented himself to the board members. Chair McKay questioned if there are two separate businesses or are the businesses linked. Mr. Charles confirmed there is only one business. There was discussion on the services provided by the business. Attorney Sherman inquired if the applicant accepts the conditions as outlined by staff as well as the amendment for the 51.83 total square feet of signage. Carl Charles, owner with the tax office accepted the conditions. Chair McKay requested clarification of the location of the business near the McNab Road overpass. Mr. Disbury presented the aerial view of the tax and realty office next to the McNab overpass. **Public comment was opened. No one spoke from the public. Public comment was closed.** Chair McKay questioned if there are any color or size regulations in the plaza. Mr. Disbury responded that there is no uniform signage plan. **There was no further discussion. Board Member Thomas moved to recommend approval to the City Commission of the sign waiver subject to the conditions in the staff memorandum to allow two main wall signs with 30-inch-high letters where 16-inch-high letters are required and to allow signs totaling 60 square feet where 32 square feet total is allowed within**

a general business (B-3) zoning district. Seconded by Board Member Albright. Clerk took roll. All YES. MOTION PASSED UNANIMOUSLY. This item will be heard at the City Commission Meeting September 8, 2020.

- b. SIGN WAIVER REQUEST: SWAV 20-06
- NAME OF APPLICANT: AA Sign lines, Francesco Falchetti
- PROJECT NAME: La Brasa Grill
- PROJECT LOCATION: 7730 W. McNab Road
- PROJECT DESCRIPTION: To allow: Two main wall signs with 20 inches high letters where 16-inch-high letters are required and to allow signs totaling 56.7 square feet where 35 square feet total is allowed within a general business (B-3) zoning district.

Attorney Sherman read the item. Andrew Disbury, Community Development Specialist presented the item based on the back up memorandum and a Power Point presentation. He provided background information and overview of the proposed signage requested by the applicant for the new business, "La Brasa". Mr. Disbury reviewed the three (3) recommendations by staff as provided in the back up memorandum. Ms. Reed-Holguin, Director of Community Development provided additional comments from the staffs perspective. She pointed out that historically two wall signs have been considered for businesses located on two streets. In this case, the wall signs are not. The business is located on McNab Road with the second wall sign facing a building. There is limited visibility at that wall sign but staff is not convinced it is enough justification for a second wall sign. Staff would like the applicant to consider reducing the letter size on that wall sign since it is an interior sign, reducing it down within the sixteen (16) inches allowed by code which would reduce the total square footage of the signage. Applicant, Francesco Falchetti, with AA Sign Lines presented himself to the board members. Mr. Falchetti confirmed hearing and understanding the presentation made by staff and comments by the board. He remarked that the sign on the side of the building which is facing the other building and not the street has more visibility at that angle. He stated that the proportions on the sign is lost on the awning. Mr. Falchetti expressed that the sign on the eastside of the building is more important than the sign facing McNab Road on the northside due to more visibility from the roadway which is important especially at night. Chair McKay inquired if the graphics shown on the Power Point presentation are to scale. Mr. Falchetti confirmed the dimensions shown on the signs are to scale. There was some discussion on the architectural style of the building relating to the awnings. Board Member Paul requested clarification on the size of the inside signage facing the other building. Mr. Falchetti confirmed that the sign is the same size of the main sign, which is 28 square feet with 20 inch high letters. There was discussion on the option of removing the chicken logo or the word "grill" and having the business name, "La Brasa" on one of the signs which would reduce the square footage total of both signs. Mr. Falchetti stated that he believes the preference is to keep the two signs the same with the chicken logo as shown at other locations. Chair McKay questioned if there have been any other businesses with an interior sign within the plaza. Ms. Reed-Holguin and Mr. Disbury confirmed that there have not been any other businesses with interior signs in the plaza. There was discussion on the two logo signs with one interior sign for Burger King with the difference being the sign is located at the entry way and the logo is smaller. There was discussion on the calculations of the total square footage of the two signs. **Public hearing was opened. No one spoke from the public. Public hearing was closed.** Board Member. Marriaga proposed to keep the height of the letters at either 16 inches or 20 inches the same size for both signs. Board Member Albright commented that the logo should be left as it is. Board Member Paul agreed the logo should remain for branding purposes. Dr. Paul also commented in agreement to maintain the same letter height at either 16 inches or 20 inches for both signs. Board Member Thomas expressed agreement to keep the request for the sign waiver the same as the applicant has applied with no proposed changes. **There was no further discussion. Board Member Thomas moved to make a recommendation to the City Commission to allow two main wall signs with 20 inches high letters where 16-inch-high letters are required and to allow signs totaling 56.7 square feet where 35 square feet total is allowed**

within a general business (B-3) zoning district. Seconded by Board Member Albright. Clerk called roll. All YES. MOTION APPROVED UNANIMOUSLY.

MOTION – To recommend approval to the City Commission of the sign waiver subject to the conditions in the staff memorandum.

6. **STAFF REPORT** – None.

7. **GENERAL DISCUSSION**

There was discussion on changing the meeting time to potentially 6 p.m. to be placed on the next Agenda for consideration. Attorney Sherman stated that the Governors Executive Order for virtual meetings is due to expire at the end of September with the exception of budget meetings unless extended. The proposed discussion to change the meeting time would apply to both virtual and or physical meetings. Attorney Sherman will provide information to advise the board on the procedure to change the meeting time at the next board meeting. **Board Member Paul moved to place a time change on the Agenda for the next October meeting to possibly change the time from 6:30 p.m. to 6:00 p.m. Seconded by Board Member Albright. Clerk took roll. All YES. MOTION PASSED UNANIMOUSLY.** Attorney Sherman advised that elections for Chair and Vice Chair will also take place at the next meeting. There was a brief discussion on the terms served. Attorney Sherman indicated that staff will notify the board members if the next meeting will be virtual or live. There was discussion on the CDC social distancing guidelines for a physical meeting with all board members present.

8. **NEXT TENTATIVE MEETING – October 6, 2020**

9. **ADJOURNMENT** – There being no further discussion the meeting adjourned at 9:07 p.m.

Respectfully submitted,

City Clerk, Patricia Vancheri

Transcribed by Deputy City Clerk, Elizabeth Garcia-Beckford