



Item No. 14a

AGENDA ITEM MEMORADUM

Development Services

Linda Connors LC

Department

Town Planner LC

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> August 21, 2012	August 10th

*Subject to Change

- | | | | |
|---------------------------------------|---|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input checked="" type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC

SUBJECT TITLE: Mixed Use Approval/Flex Allocation for 239 Commercial Boulevard.

EXPLANATION: In June, the property owner submitted a building permit application to convert the 2nd floor office space at 239 Commercial Boulevard to a single unit residence. The property is located in the B1 Commercial zoning district, which allows mixed-use development as a conditional use. The applicant applied for approval under the conditional use/mixed use provisions. If the conditional use is approved to allow the residential use, then the Commission will also need to approve the allocation of one (1) flex unit to meet the requirements of the Broward County Land Use Plan. The Flexibility Rules allow the Town to approve the location of residential uses in a Commercial Land Use designated property, so long as the Town first confirms that flexibility units are available to be assigned to the property, and that the Broward County Land Use Plan rules and restrictions regarding the allocation of flexibility units are met.

Staff reviewed the applications and found that the request for mixed use of the subject property is in compliance with the:

- a. Broward County Flexibility Rules, as provided in the Broward County Land Use Plan; and Town of Lauderdale-By-The-Sea certified adopted Comprehensive Plan; and
- b. Town's Code of Ordinances, Chapter 30 Unified Land Development Regulations.

The application was presented to the Planning and Zoning Board at their July 18, 2012 meeting (**Exhibits 1 and 2**). The Planning and Zoning Board recommended approval of the application.

RECOMMENDATION: Staff recommends **APPROVAL** of the:

- a. Allocation of one (1) flexibility unit from Flex Zone 39 per Section 30-56 (h) Allocation of Flexibility Units; and
- b. Site Plan for mixed use of the subject property per Section 30-271 (b) (7)(e) B-1 Business Zoning District, Section 30-56 Conditional Use, Section 30-56 (h) Allocation of Flexibility Units, and per the requirements for a Major Site Plan Application as provided in Article IV Site Plan Procedures and Requirements, Chapter 30 Unified Land Development Regulations; and



c. Conditional Use Development Order (**Exhibit 3**) with the following conditions:

1. The applicant provides potted landscaping approximately every four feet along the east and south vehicular use area (VUA) perimeter as a condition of site plan as a means to reduce the legal nonconformity with respect to landscape requirements of the code, and in recognition of the need to preserve the existing handicap parking. The landscaping shall be subject to approval by the Town Manager or Designee.
2. The applicant shall be required to secure a building permit that meets all permit requirements except for Section 30-318 and 30-478 within 90 days of the approval of the Conditional Use Order in accordance with the submitted plans for the hearing entitled, "Narain Residence, 239 Commercial Blvd.," dated 5/25/12, except as modifications may be required by the Building Official.
3. This development order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense.
4. Failure to secure a certificate of occupancy for the construction within two (2) years from the date of the building permit issuance will nullify the approval of this conditional use application.
5. Failure to provide to the Town a certified recorded copy of the conditional use order within 30 days of approval will nullify the approval of this conditional use application.

EXHIBITS: Exhibit 1 – Planning and Zoning Board Staff Report
Exhibit 2 – Planning and Zoning Board July 18, 2012 Meeting Minutes
Exhibit 3 – Conditional Use Development Order

Development Order Reviewed by Town Attorney
 Yes No

Town Manager Initials CA



STAFF REPORT

To: Planning & Zoning Board
Thru: Bud Bentley, Assistant Town Manager
From: Linda Connors, Town Planner
Date: July 13, 2012
Re: 239 Commercial Investors, LLC /Conditional Use Application for Mixed Use Development in the B-1 Zoning District.

Planning and Zoning Board Meeting Date: July 18, 2012

The purpose of this memorandum is to provide staff's analysis and recommendation on the request to allow one (1) residential dwelling unit to be located in the same building as a commercial use, located at 239 East Commercial Boulevard which has a Commercial Land Use Designation and is zoned B-1 Business.

To approve the request, the following provisions of the Town's Unified Land Development Code must be met:

- Mixed Use Development per Section 30-271 (b) (7) (e);
- Conditional Use Review and Approval per Section 30-56;
- Allocation of Flexibility Units subject to requirements of Section 30-56 (h); and
- Major Site Plan Review and Approval, per Article IV Site Plan Procedures and Requirements.

In support of the request, the applicant submitted an application for Conditional Use on June 11, 2012 (**Exhibit 1**) and an application for a Major Site Plan dated July 12, 2012 (**Exhibit 2**). The concurrent review of the Conditional Use application and Major Site Plan application are further discussed herein.

Background and Code

In 1956, a one story structure was built at 239 East Commercial. The original plan had three retail bays fronting Commercial Boulevard with three residential units at the rear of the building. In 1973, the building was remodeled by adding a second story and converting one of the existing first floor residences into office space. The building suffered damage from Hurricane Wilma and, in 2008, the building was again renovated. The plans on file show the entire building as office use.

Presently, 239 Commercial Boulevard is an existing 5,590 square foot, two-story building. It is zoned B-1 and has a Commercial land use designation. The current use of the property is commercial, with 2,795 square footage of commercial office/retail space on the first floor and the same square footage of office space on the second floor. The proposed mixed use will continue to utilize the first floor for office/retail use. On the second floor, the applicant is proposing to convert the office space into one (1) three-bedroom residence, which accounts for one (1) residential dwelling unit.

Parking Requirements

As per Section 30-315 - Requirements for general commercial uses, in the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately. Per Section Sec. 30-318, retail uses are required to provide one parking space per every 225 square feet, while office space requires one parking space for every 250 square feet.

Single family dwellings are required to provide two parking spaces. Multi-family dwellings are required to provide two parking spaces plus one guest parking space. As the request is to permit one dwelling unit, the parking standard for a single family dwelling is the most appropriate parking standard to be applied to the proposed second floor use.

The estimated minimum required number of parking spaces for the proposed "mixed - use" is shown in Table One below.

Table One

	239 East Commercial Blvd	Square footage	Current Parking Requirement	Proposed Parking Requirement
1.	Building First floor – retail/office			
	Retail (1 space: 225 square feet)	940	4	4
	Office (1 space: 250 square feet)	1,670	7	7
	Building Second floor			
	Office	2,795	11	
	One dwelling unit - 3 Bedroom Apartment	N/A		2
	Total Required Spaces		22	13
	Total Number of Parking Spaces on Site		3	3
	1995 Credits		19	10

Landscape Requirements

Section 30-478 of the Town's code establishes the landscape requirements for vehicular use areas. The Town's mixed use provision requires perimeter landscaping of the vehicular use area (VUA) at a minimum depth of 2.5. Table Two establishes the required landscaping for the parcel.

Table Two

	Square footage	Existing	Required
Vehicular use area	800	0	160

Mixed Use Development

Section 30-271 (b) (7) (e) of the Town's land development code allows the Town's approval of a conditional use development in B-1 zoned property when the property has a commercial land use designation only if certain other criteria are met. These criteria and staff's analysis and findings regarding the application are listed below.

1. Approval is obtained of an allocation of available flexibility units, in accordance with section 30-56(h) Flexibility Rules.

See page 6 of this report for analysis.

2. No mixed use development may be assigned more than ten (10) percent of the flexibility units in its flexibility zone.

The property is located in Flex Zone 39. There are 420 flex units available to allocate and the applicant is requesting one (1) flex unit. The application meets this criterion.

3. The residential floor area of the mixed use development does not exceed 50 percent of the gross floor area of the building.

The property has an equal amount of square footage allocated to residential and commercial uses. The application meets this criterion.

4. Non-residential uses are limited to the floors below the residential uses.

Non-residential uses will continue on the first floor. The application meets this criterion.

5. The property fronts on Commercial Boulevard and is located west of State Road A1A.

The property fronts Commercial Boulevard and is located west of State Road A1A. The application meets this criterion.

6. A major site plan modification or site plan approval is obtained.

See page 7 for analysis.

7. A conditional use approval is obtained.

See pages 4-6 of this report for this analysis.

8. Vehicular use area requirements per Article VII Landscape Code of Chapter 30 for non-residential use only.

The subject property is legal nonconforming as to compliance with the Vehicular Use Area requirements per Article VII Landscape Code of Chapter 30 for non-residential use. To improve the appearance of the existing VUA area consistent with improvements recently made to adjacent properties, staff recommends including landscaping in the vehicular use area to lessen the non-conformity. The parking area includes three parking spaces, one of which is a handicap space. To maintain legal sized spaces, there is only one foot available for landscaping. Therefore, staff is recommending that the property owner provide potted landscaping approximately every four feet along the east and south VUA perimeter as a condition of site plan approval.

Conditional Use Application

The Development Service Department staff reviewed the application and supporting documents (**Exhibit 1**) pursuant to the requirements of the Section 30-56 of the Town's Land Development Code. The code allows the Development Services Director to waive application requirements and many of the requirements not related or necessary for the evaluation of the conditional use application were waived. The traffic study was waived as the staff determined there would be no traffic impact to the site. A survey, floor plan, building plan and demolition plan were submitted as part of the application.

Section 30-56 of the Town's Unified Land Development Code outlines the specific criteria for approving a Conditional use. These criteria are listed below with staff's analysis and findings regarding the application in italics.

1. **Land Use Compatibility.** *The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:*

The change in use of the second floor of the existing commercial building removes a commercial use and replaces it with a residential use. While this change reduces the amount of commercial use that exists in this area, it only results in the addition of one dwelling unit to the area. Mixed use development is encouraged along "main street" type of commercial corridors, such as Commercial Boulevard, as it reduces the demand on traffic and parking, which lessens the impact on surrounding residential areas, and encourages more pedestrian activity by virtue of creating residential dwellings in close proximity to the commercial uses that serve the area.

- i. Permitted uses, structures and activities allowed within the land use category.
Residential use is permitted in the Town's Commercial Land Use Category, subject to compliance with the Flexibility Rules.
- ii. Building location, dimensions, height, and floor area ratio.
There is no change to the existing building location, dimensions, and floor area ratio proposed as part of this application.
- iii. Location and extent of parking, access drives and service areas.
Legal nonconforming parking has been reduced by ten (10) spaces, as a result of the proposed change in use of the second floor from commercial to residential use. There is no change proposed to access drives or services areas proposed as part of this application.
- iv. Traffic generation, hours of operation, noise levels and outdoor lighting.
As provided in the traffic statement (Exhibit 3) the change in use of the second floor from commercial to residential will result in reduction of traffic demand. There is no noise or outdoor lighting issues associated with this application.
- v. Alteration of light and air.
There is no alteration of light and air associated with this application.
- vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment.
There is no change in setbacks and buffers or open space treatment associated with this application.
- vii. The architectural and site design are compatible with the character of the surrounding area.
There is no change in the architectural or site design associated with this application.
- viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.
There are no commercial signs on the second floor level. There is no change in lighting that would adversely affect surrounding areas or vehicular traffic resulting from this application.

Staff Finding: *The proposed conditional use, including its scale, intensity, traffic generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses.*

2. **Sufficient Site Size, Site Specifications and Infrastructure.** Sufficient site size, site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

There are no changes proposed to the site or changes needed in infrastructure to accommodate the proposed use.

Staff Finding: *There is sufficient site size, site specifications and infrastructure to accommodate the proposed use.*

3. **Compliance with the Comprehensive Plan and Code of Ordinances.** The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

The application for conditional use complies with environmental, zoning and concurrency and other applicable regulations of the Town Code of Ordinance as described in this report. The Department also finds that the request for mixed use of the subject property is consistent with the Town's adopted Comprehensive Plan, as further described in Exhibit 4.

Staff Finding: The conditional use complies with the applicable regulations of the Town's Unified Land Development Regulations and is consistent with the Town's Comprehensive Plan.

4. **Proper Use of Mitigative Techniques.** The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

There are no mitigative techniques needed to be addressed as a result of this application.

Staff Finding: The conditional use application requires no mitigative techniques and therefore the application meets this requirement.

Allocation of Flexibility Units

The assignment of flexibility units is subject to meeting the provisions and requirements of the Broward County Land Use Plan, as incorporated into the Town's Certified Land Use Plan. The Flexibility Rules allow the Town to approve the location of residential uses in a Commercial Land Use designated property, so long as the Town first confirms that flexibility units are available to be

assigned to the property, and that the rules and restrictions regarding the allocation of flexibility units, as established by the Broward County Land Use Plan, are met.

Simply stated, flexibility units are the difference between the number of dwelling units permitted within a flexibility zone by the Broward County Future Land Use Plan and the lesser number of dwelling units permitted by the Town's certified Future Land Use Plan.

Flex Zone boundaries are established by Broward County. There are two flexibility zones that encompass the Town - Flex Zone 39 and Flex Zone 24. The subject property is located in Flex Zone 39.

In order to allocate flexibility units, the Town must first determine if there are available flexibility units in the Flex Zone, and track the allocation of flexibility units on a case by the case basis and provide such report annually to the County. Flex Zone 39 has 420 Flexibility Units available for allocation.

Additionally, the Town can only allocate flexibility units by an official action as established in the Town's Unified Land Development Regulations and subject to compliance with the provisions for mixed use development as contained therein. The flex unit may be allocated as part of the Commission's approval of the conditional use and site plan application.

Site Plan Application

The Town Code's conditions to approve a mixed use development require the approval of a major site plan modification or a site plan approval is obtained for the property. This application is unique in that the owners of an existing building are requesting to convert commercial space to residential. The general requirements of a site plan do not apply to this existing property and therefore staff has waived the majority of the site plan submittal requirements since the improvements to the property will be internal and will not impact the surrounding properties. We have requested a survey and are utilizing the documents submitted with the conditional use application to complete our review.

Recommendation and Conditions

Notification was published in the Sun-Sentinel on July 5, 2012 (**Exhibit 5**) and mailed to effected parties within 300 feet. It will also be published in the Sun-Sentinel and mailed to effected parties within 300 feet as required by the Town's Code of Ordinances 30-13 (d) (2) at the time it goes before the Commission.

Staff has reviewed the applications submitted in association with this request and has found that the request for mixed use of the subject property is in compliance with the:

- a. Broward County Flexibility Rules, as provided in the Broward County Land Use Plan; and Town of Lauderdale-By-the-Sea certified adopted Comprehensive Plan; and
- b. Town's Code of Ordinances, Chapter 30 Unified Land Development Regulations.

Staff recommends **APPROVAL** of the:

- a. Application Conditional Use for mixed use of the subject property per Section 30-271 (b) (7)(e) B-1 Business Zoning District, Section 30-56 Conditional Use,

- b. Application for one (1) flexibility unit from Flex Zone 39 per Section 30-56 (h) Allocation of Flexibility Units; and
- c. Application for Major Site Plan for mixed use of the subject property per Section 30-271 (b) (7)(e) B-1 Business Zoning District, Section 30-56 Conditional Use, Section 30-56 (h) Allocation of Flexibility Units, and per the requirements for a Major Site Plan Application as provided in Article IV Site Plan Procedures and Requirements, Chapter 30 Unified Land Development Regulations.

with the following conditions:

- 1. The applicant provides potted landscaping approximately every four feet along the east and south VUA perimeter as a condition of site plan as a means to reduce the legal nonconformity with respect to landscape requirements of the code, and in recognition of the need to preserve the existing handicap parking. The landscaping shall be subject to approval by the Town Manager or Designee.
- 2. This development order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense.
- 3. Failure to provide to the Town a certified recorded copy of the conditional use order within 30 days of approval will nullify the approval of this conditional use application.

Conditional Use Permit Application

Application # 2012-CU-16

Development Services
Town of Lauderdale by the Sea
4501 Ocean Drive
Lauderdale by the Sea, FL. 33308
www.townoflbts.com (954-776-0576)

Date application submitted 6-11-2012
Date Application found to be completed 6-11-2012
Planning and Zoning Date July 18, 2012
Commission Date Aug 21, 2012
Application fee paid \$ 900. -

General Information

Applicants Name Sookrani S. Narsani Address 2001 N. Ocean Blvd unit Phone # 954-303-1110
Owners Name if not the same as the Applicant Same As Above
Owners Address Same As Above Phone # 954-303-1110
Property address where use will be conducted 239 E. Commercial Blvd Lauderdale FL 33308

Current Property Information

Folio # 49-43-18-07-0450 Zoning District B1 Lot 10 Block K Subdivision Silver Shores
Present Use office unoccupied
Hours of operation for each use 0
Existing total floor area per use (sq. ft.) 2595
Required number of parking spaces for current use -
Existing number of parking spaces 3

Proposed Use Information

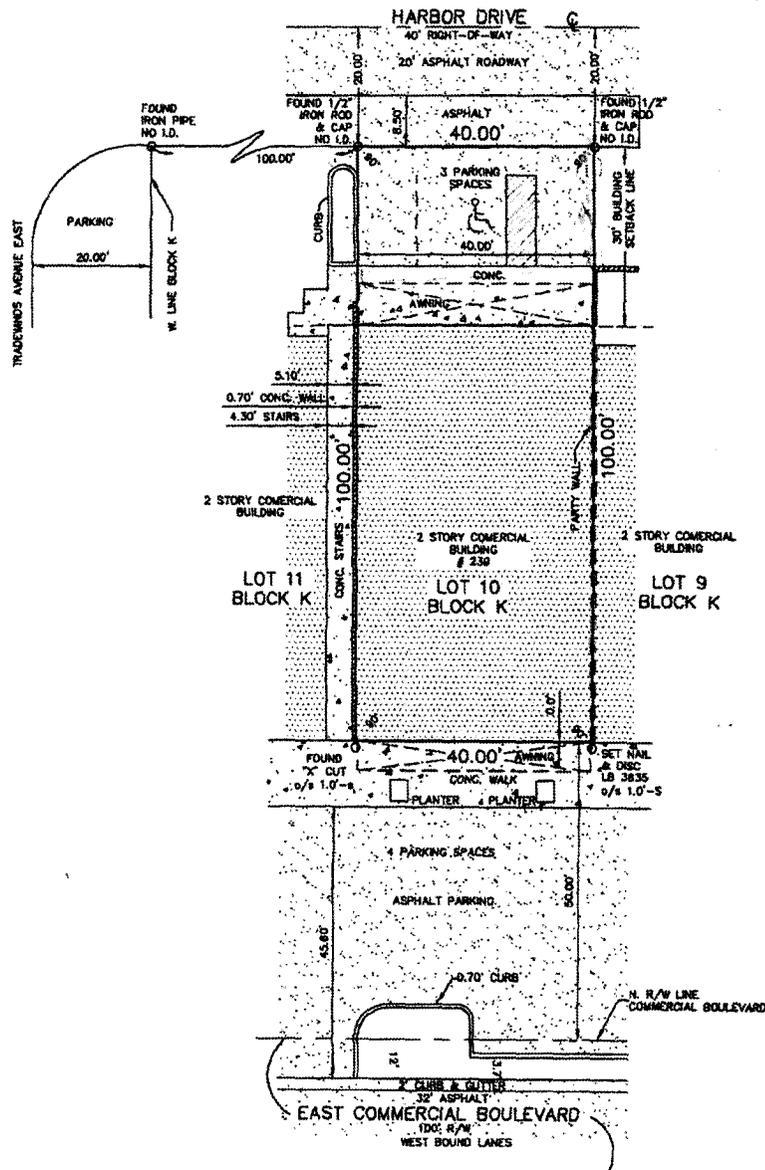
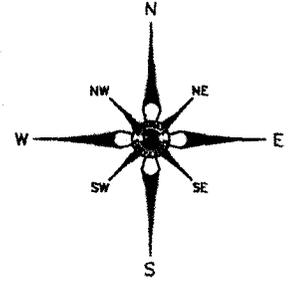
Type of Use requested Residential Apt. ①
Hours of operation for the proposed use 24 hours Aday
Estimated number of individuals to be employed NA

Applicant shall include a site plan and all applicable information outlined in Article IV of Chapter 30 of the Town's Code of Ordinances. Non applicable information outlined within Chapter 30 may be waived by the Development Services Director.


Date 06 11-2012
Signature (Owner/Authorized Agent)
Sookrani S. Narsani
Printed Name

This form is available at www.lbts-fl.gov/town/docs.htm

Received
6/11/12
LC



THIS SURVEY IS MADE FOR MORTGAGE AND TITLE PURPOSES ONLY AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.



NOTES:

1. UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
2. BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N/A.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OF RECORDS BY ACCURATE LAND SURVEYORS, INC.
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7. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON, TO BE VALID ONE YEAR FROM THE DATE OF SURVEY AS SHOWN.
8. THIS SURVEY IS MADE FOR MORTGAGE AND TITLE PURPOSES ONLY AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.

CERTIFICATION:

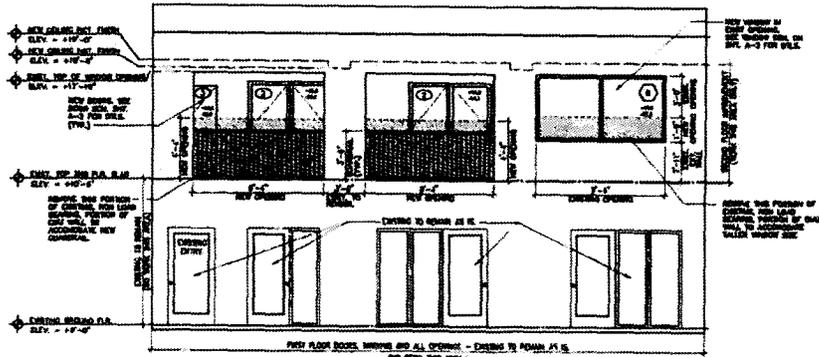
THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS UNDER RULE 61G17-6 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, MAY 1993.



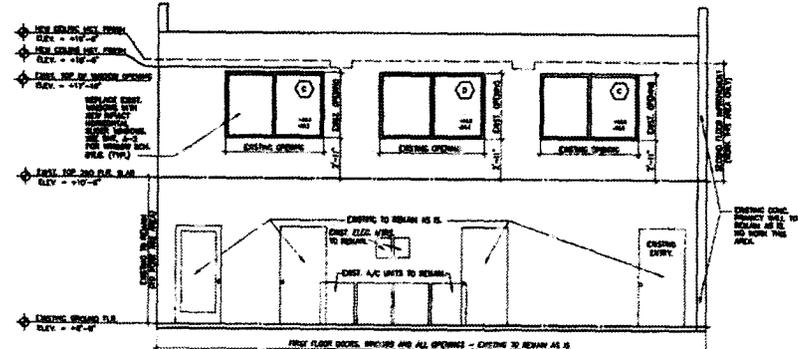
Robert L. Thompson 2-12-10
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER No. 3888 - STATE OF FLORIDA

REVISIONS		DATE	BY
UPDATE SURVEY SU-10-0321		02-11-10	AL/RLT
DATE OF SURVEY 07-15-89	DRAWN BY SP	CHECKED BY MLW	FIELD BOOK 588-83

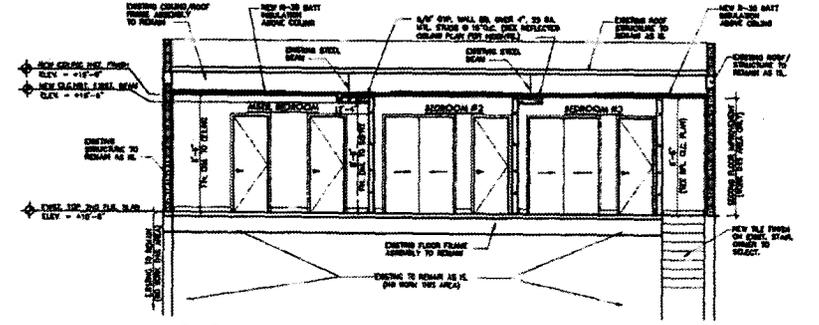
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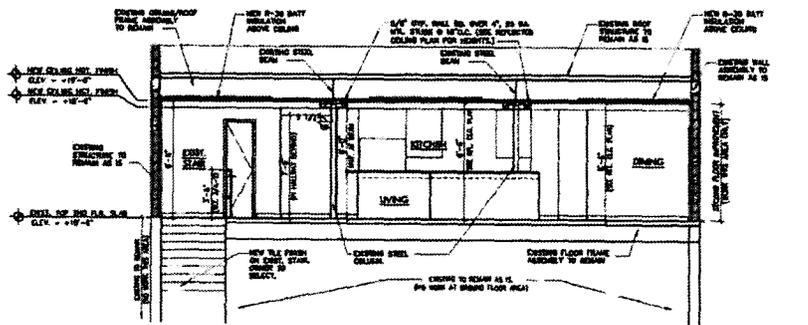
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1/4"=1'-0"



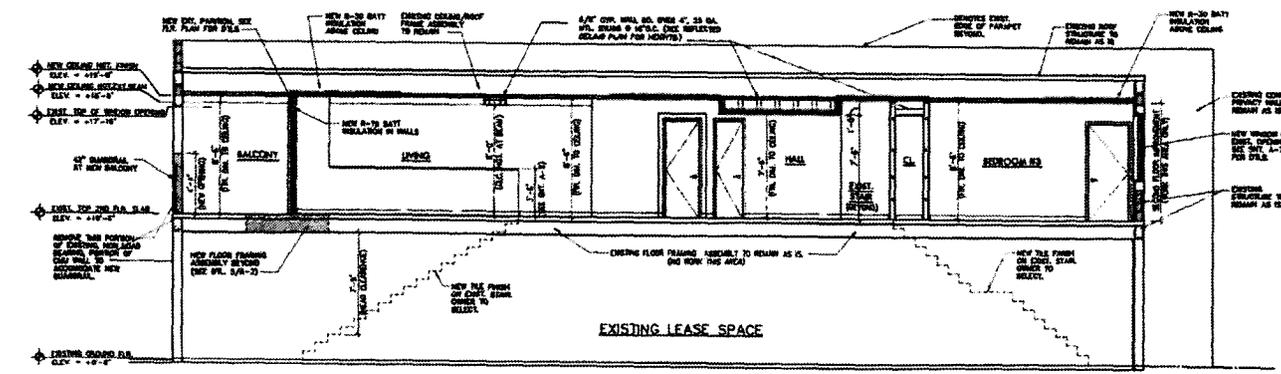
2 NORTH ELEVATION
1/4"=1'-0"



3 BUILDING SECTION
1/4"=1'-0"



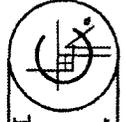
4 BUILDING SECTION
1/4"=1'-0"



5 BUILDING SECTION
1/4"=1'-0"

GENERAL NOTES

- **PLUMBING** - All new plumbing and vent or exhaust FLORIDA PLUMBING CODE - 2007. All plumbing shall be done in a good workmanlike manner. All new water supply lines to be copper with a raincoat solder used at connections. All supply lines exposed to freezing temperatures to be insulated. All new sewer/drain lines to be schedule 40 plastic pipe. Remodelers are to have all unnecessary gas and water lines removed or capped off.
- **ELECTRICAL** - All new electrical shall meet or exceed FLORIDA ELECTRICAL CODE - 2007. All electrical shall be done in a workmanlike manner. Remodelers shall have an existing condition that are not to current codes and are part of the project scope will be brought up to code. Any existing condition that is not part of the project scope that is found not to meet current code shall be brought to the attention of the Owner for further evaluation. The Contractor doesn't assume responsibility for anything not in the specifications or on the drawings and included in the project scope. All other work will be done with the knowledge of a change order.
- **MECHANICAL** - All new mechanical shall meet or exceed FLORIDA MECHANICAL CODE - 2007. All new air conditioning units shall have high-efficiency air-handling units (AHU's). A minimum of 1000 cfm of air is to be used and when used to be insulated properly without placing or disturbing ductwork. All A/C vent locations to be approved by the Owner or Architect. Owner to approve manufacturer of equipment before installation.
- **MOISTURE CONTROL** - Provide moisture barrier over exterior with a 6" min. overlap. Roof and any roofing shall be 24 gal. galvanized steel. All doors and windows shall have guaranteed best dip cap and proper weatherstripping.
- **INSULATION** - All insulation shall have a flame spread rating of not more than 25 and a smoke developed rating of not more than 450 (FAC-2007, section 703.3.1). All wall insulation is to be a min. of R-11. All other wall/floor insulation is to be a min. of R-10, unless otherwise noted.
- **CEILING** - All ceilings to be 1/2" gypsum board unless otherwise noted. All ceiling pipe to be taped, sealed and insulated. Finish to be smooth, level and free of defects. Owner to approve and furnish this before application.
- **WALLWORK** - All masonry shall be done in a good workmanlike manner with all edges and corners square and finished. All finished surfaces level or plumb, and all non-ferrous metal shall be colored and then protected to be good quality without defects. All iron and steel to be used (steel). All painted surfaces to be per the paint product unless noted. Doors shall be wood (mahogany) except where indicated otherwise.
- **GLASS** - All glass in doors and windows, where required by FAC-2007 section 2405.3.1.1 is to be approved safety glass. All glass mullion and bolts and fasteners, where required by FAC-2007 section 2405.3.1.1 is to be approved safety glass.
- **FINISHES** - All finishes to be of good quality and completed in a good workmanlike manner. All finishes are to be free of defects and imperfections when reasonable judgment. Owner can expect quality equal to or exceeding the products shown to him by the Contractor.
- **PAINTWORK** - All surfaces are to be painted (primer and wood) unless noted. All primers to be the products of high quality. Sherwin-Williams, Mohr's Finishes, and Devcon are suggested brands.
- **TRIMWORK** - All trimwork to be applied under individual supervision, evenly spread and smooth. Round wood trim, stool, or excessive brush marks. Surfaces shall be clean, smooth, dry and properly prepared.
- **WALLER PAPER** - Two coats of orange peel paper shall be applied with sanding in needed after each coat. All defects will be remedied during this stage. After priming, two thin coats of light neutral color will be applied. Owner is to determine desired color.
- **WALLER PAPER** - All surfaces shall be properly cleaned, sanded, caulked and primed. All trim to be "block-bred" or needed. One primer coat and two finish coats are to be applied. All new wood is to be pre-primed as soon as possible after installation. All trim is to be "block primed" before installation.



L.I. COOPER ARCHITECT
ARCHITECTURE AND PLANNING
TALLAHASSEE, FLORIDA
P.O. BOX 1070
TALLAHASSEE, FLORIDA 32302-1070

Lee T. Cooper

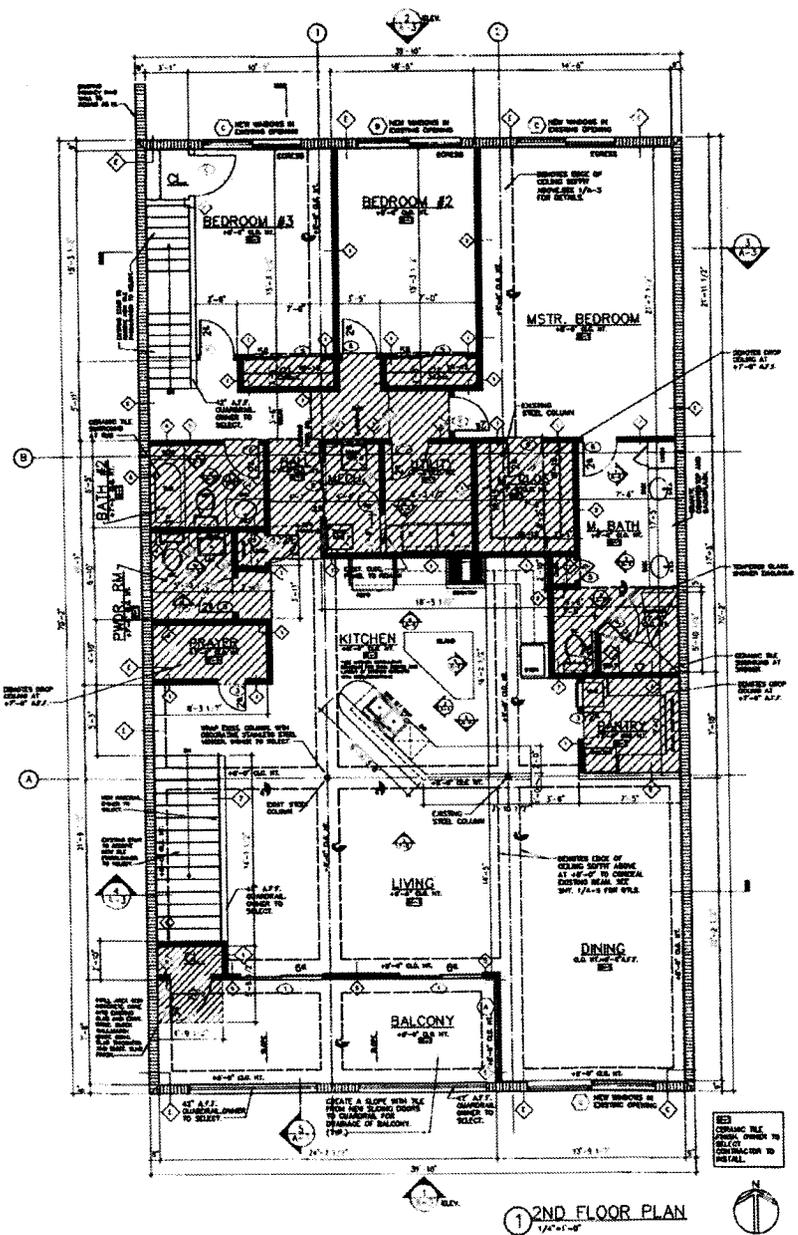
AR 94252

NARAIN RESIDENCE
239 COMMERCIAL BLVD.
LAUDERDALE-BY-SEA, FLA

BUILDING ELEVATIONS
BUILDING SECTIONS

DATE	BY	REV

PROJECT NO: 41,200
SHEET: **A-3**
OF: 5



WINDOW SCHEDULE

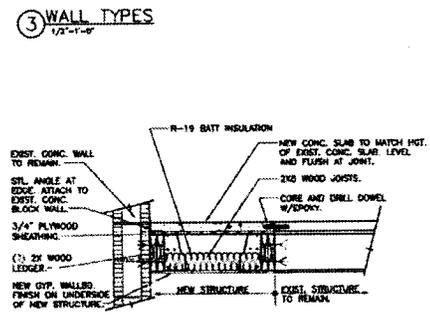
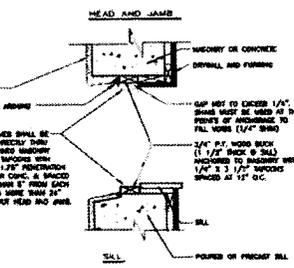
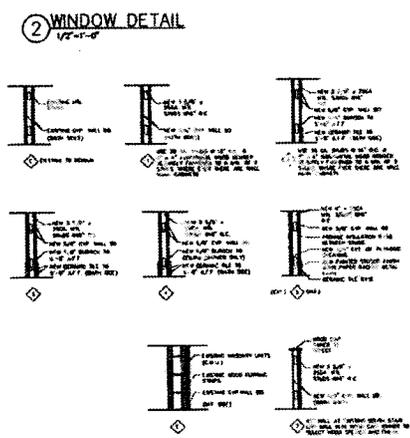
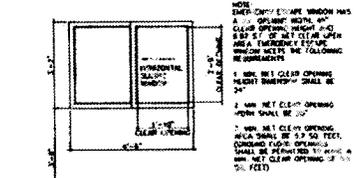
MARK	QTY.	SIZE	TYPE	FRAME	GLAZING	REMARKS
1	1	72" x 84"	FIXED	ALUM.	ALUM.	YES
2	1	108" x 36"	W.C.	ALUM.	ALUM.	YES
3	2	36" x 36"	W.C.	ALUM.	ALUM.	YES
4	1	36" x 48"	W.C.	ALUM.	ALUM.	YES

NOTES:
 1. ALL WINDOWS TO HAVE TINTED GLAZING.
 2. REFER TO ELEVATIONS FOR HURD PRECISES (TYP).
 3. ALL OPENINGS AND DIMENSIONS TO BE FIELD DERIVED BY CONTRACTOR WITH WINDOW AND DOOR MANUFACTURER FROM A TO CONSTRUCTION. ADJUST OPENING DIMENSIONS AS REQUIRED PRIOR TO WINDOW INSTALLATION. VERIFY THAT OPENING DIMENSIONS MEET PER WINDOW MANUFACTURER (TYP).
 4. ALL EXISTING WINDOW SIZES AND DIMENSIONS TO BE VERIFIED WITH WINDOW MANUFACTURER. EACH MANUFACTURER SHALL BE THE ONLY ONE TO BE NOTIFIED THE WINDOW SIZE REQUIREMENTS WHICH MIGHT CHANGE THE WINDOW DIMENSIONS SYSTEM (TYP).
 5. SHUTTERS NOT REQUIRED UNLESS ALL EXTENSION GLAZING TO BE AIR-TIGHT RESISTANT (TYP).

DOOR SCHEDULE

MARK	QTY.	SIZE	TYPE	MATERIAL	HURD	FINISH	REMARKS
1	1	3'-0" x 6'-8"	SLIDING	GLASS	MTL.		
2	1	3'-0" x 6'-8"	SLIDING	GLASS	MTL.		
3	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		
4	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		
5	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		
6	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		
7	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		
8	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		
9	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		
10	1	3'-0" x 6'-8"	SLIDING	WOOD	WOOD		

NOTES:
 1. SOLID BARRIERS JAMBS FROM 2" MIN. SELF-CLOSING.
 2. ALL SLIDING GLASS PARTS, SLIDING GLASS PARTS, SUELIGTS & SHOWER ENCLOSURE WITHIN 80" AFF. OF BATH & SHOWER. SHALL HAVE CERT. 2" SAFETY GLAZING AS PER F.C.I. 2411.3 & 2411.3.1 (D) & (E).
 3. EVERY EXISTING EXTERIOR LATCH SHALL BE SUCH THAT CHILDREN CAN OPEN THE DOOR FROM THE INSIDE OF THE DOOR AS PER 2411.3.1.
 4. EXISTING BATHROOM DOOR SHALL BE EXTERIOR TO ALLOW OPENING FROM THE OUTSIDE DURING AN EMERGENCY WHEN LOCKED.
 5. CONTRACTOR TO FIELD VERIFY ALL INTERIOR DROP OPENINGS AND DIMENSIONS PRIOR TO INSTALLATION OF PARTS AND IF THE REPAIRS ARE NOT CORRECT, CONTRACTOR SHALL NOTIFY ARCHITECT SO OPENING DIMENSIONS MAY BE ADJUSTED.





L.T. COOPER ARCHITECT
 ARCHITECTURE AND PLANNING
 230 COMMERCIAL BLVD
 LAURELDALE, MD 21054
 TEL: 410-528-1100
 FAX: 410-528-1101

Lee T. Cooper
 AR 94282

PROJECT:
 NABAYN RESIDENCE
 230 COMMERCIAL BLVD
 LAURELDALE, MD 21054

CONTENTS:
 FLOOR PLAN
 WINDOW/DOOR SCHEDULE
 WALL SECTION DETAILS

DRAWN BY: LTP
 CHECKED BY: LTP
 DATE: 11/1/2012

REVISIONS:

NO.	DATE	DESCRIPTION
1		
2		
3		
4		

SHEET:
A-2
 OF: 5



-14-



-15-



**TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
SITE PLAN APPLICATION**

To be completed by Town *Permit Number Assigned:* _____

Date Application submitted: _____

Date Application found complete: 7/12

Pre-Application meeting date: _____

Town Commission meeting date: 8/21

APPLICATION TYPE AND FEES

			TOTAL DUE
Site Plan:	\$ 900.00	Consultant Fee: \$2600.00	\$3500.00
*Single Family Home/Duplex	\$ 350.00	Deposit: \$ 500.00	\$ 850.00
Rezoning:	\$ 900.00	Consultant Fee: \$2600.00	\$3500.00
Land Use Plan Amendment:	\$ 900.00	Consultant Fee: \$2600.00	\$3500.00
Preliminary Plat:	\$ 900.00	Consultant Fee: \$2600.00	\$3500.00
Final Plat:	\$ 900.00	Consultant Fee: \$2600.00	\$3500.00

The Town Code provides for cost recovery of outside consultants, legal advertising costs, direct mail notice costs, etc. and depending on the scale of the project, additional fees may be incurred. For Single Family Homes a \$500.00 deposit will be required for third party fees. Any unused portion of the consultant fee or deposit will be refunded to the Applicant.

Project Name: 239 Commercial Mixed Use

Address: 239 Commercial

Legal Description: Lot 10 Block K Subdivision Silver Shores

Property Owner's Name: Sookani Sathe Nargin

Property Owner's Address: 239 E. Commercial Blvd Lauderdale FL 33311

Phone Number: 954-303-1110 Fax: 877-580-4549

Agent/Applicant's Name: NA

Address: NA

Phone Number: 954-303-1110 Fax: 877-580-4549

DESCRIPTION OF PROJECT:

Convert existing 2nd story office space to residential

Applicant/Agent Signature: 

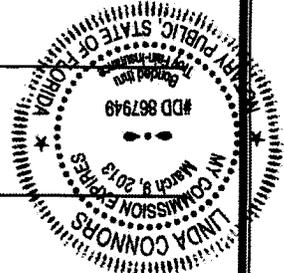
THE ABOVE PERSON PRODUCED AS IDENTIFICATION:

OR IS PERSONALLY KNOWN TO ME

THIS 13 DAY OF July, 20 12

NOTARY PUBLIC: Linda Connors, COUNTY OF Broward

***If Agent/Applicant is not Owner, a notarized letter is required from Owner.**



PROJECT CHARACTERISTICS

For Proposed Residential Projects:
Unit Type

Single Family	Number of Units _____	Plot Size _____	Density _____
Duplex	Number of Units _____	Plot Size _____	Density _____
Townhouses	Number of Units _____	Plot Size _____	Density _____
Condominiums	Number of Units <u>1</u>	Plot Size _____	Density _____
Motel Units	Number of Units _____	Plot Size _____	Density _____
Hotel Units	Number of Units _____	Plot Size _____	Density _____

For Proposed Non-Residential Projects:

Primary Land Use Type

Commercial _____	Gross Floor Area _____	Plot Size _____	# of Stories _____
Office <input checked="" type="checkbox"/>	Gross Floor Area _____	Plot Size _____	# of Stories <u>1</u>
Restaurant _____	Gross Floor Area _____	Plot Size _____	# of Stories _____
Medical _____	Gross Floor Area _____	Plot Size _____	# of Stories _____
Other or Accessory Uses _____	Gross Floor Area _____	Plot Size _____	# of Stories _____

Existing Site Characteristics

Existing Zoning B-1 Land Use Plan Designation Commercial

Existing Land Use Commercial

Presently Vacant _____

In Residential use 0 Last Date Occupied _____ To Be Demolished _____
 Number of Units _____ Plot Size _____ Density _____

In Non-Residential use _____ Last Date Occupied _____ To Be Demolished _____
 Gross Floor Area _____ Plot Size 40x100 # of Stories 2

July 13, 2012

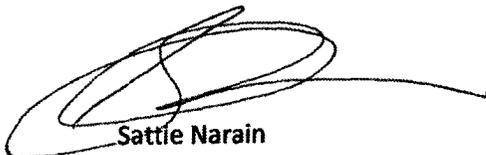
Linda Connors
Town Planner
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

Dear Ms. Connors:

We are requesting to convert the second floor commercial use to residential use. We, the owners of the building, intend to live on the second floor. Our office is on the first floor of the building. Since we will no longer be commuting to work, the change in use of the second floor from commercial to residential will result in a reduction of traffic demand.

Thank you for your consideration of this application.

Sincerely,



Sattie Narain

Town of Lauderdale-By-The-Sea
Comprehensive Plan Adopted March 22, 2011

Future Land Use Element

Goal 1.0

To maintain a coastal, resort oriented residential community characterized by a land use mix which reflects a balancing of year round, seasonal and tourist population needs with minimal disruption to natural systems that discourages urban sprawl, is energy efficient and reduces greenhouse gas emissions.

Objective 1.2.

To maintain the Town's year round residential character, with particular emphasis on preserving the single family areas.

Policy 1.2.3 Approve density increases or *mixed use designations* only after determining the proposal will *have minimal negative impacts to existing residential areas and are consistent with the Comprehensive Plan and the Town Charter.*

Objective 1.5

To provide for the coordinated redevelopment of the Town.

Policy 1.5.13 *Mixed use land uses shall not exceed a residential density of 25 dwelling units per acre.* The percentage of commercial and office land uses may vary. The maximum height of mixed uses shall be consistent with the Town's Charter.

Objective 1.10

The Town will promote "Smart Growth" type initiatives providing for energy efficient development and land use patterns which also account for existing and future electrical power generation and transmission systems in an effort to discourage urban sprawl and reduce greenhouse gasses.

Policy 1.10.02 The Town will *encourage and implement the use of compact building design principles* which preserve more open space, *contain mixed use*, support multimodal transportation options, make public transportation viable, reduce infrastructure costs and take advantage of recycled building materials.

Objective 4.10

Encourage quality redevelopment and in-fill development throughout the Town.

Policy 4.10.2 *Encourage mixed use* and transit oriented developments which support increase transit ridership, *pedestrian movements*, bicycling and other non-auto travel modes thereby promoting the reduction of greenhouse gas emissions.

1 | Mixed Use B-1 / Flex Allocation
C Ward - Consistency with LBS Comprehensive Plan Excerpts 7.1.12

Section 3. Zoning as to Permitted Uses and Densities

3.01 Town zoning as to permitted uses and densities must be in compliance with or be more restrictive than the requirements of the Land Use Plan. For purposes of this section "more restrictive" means zoning which permits less than all of the uses permitted by the Land Use Plan on a parcel of land, or, for a parcel of land designated residential by the Land Use Plan Map, a lower residential density than permitted by the Land Use Plan.

3.02 Town zoning as to permitted uses and densities shall be in compliance with the Town's Land Use Plan if the following requirements are met:

b. Each parcel of land within an area designated in a *commercial land use* category by the Town's Land Use Plan Map must be zoned in a zoning district which permits any one or more of the following uses, but no other uses:

7. Residential uses are permitted in the same structure as a commercial use provided that the Town applies flexibility or reserve units to the parcel and:

a.) The residential floor area of mixed commercial/residential structures does not exceed 50% of the total floor area of the building; and/or

b.) The first floor of mixed commercial/residential structures is totally confined to commercial uses and/or

c.) For parcels 5 acres in size or less, free standing multi-family residential uses are permitted; within areas designated on the County Plan as Urban Infill, Urban Redevelopment or Downtown Revitalization Areas or Chapter 163 Redevelopment Areas, free standing multi-family residential uses are permitted on parcels 10 acres in size or less; and/or

...

e.) Residential units within the same structure as commercial uses for the owner, manager or caretaker of the commercial uses may be located in areas designated commercial without the application of flexibility units or reserve units.

234.65

SUN-SENTINEL
PUBLISHED DAILY
FORT LAUDERDALE, BROWARD COUNTY, FLORIDA
BOCA RATON, PALM BEACH COUNTY, FLORIDA
MIAMI, MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED BRITTNEE LYNCH, WHO, ON OATH, SAYS THAT SHE IS A DULY AUTHORIZED REPRESENTATIVE OF THE CLASSIFIED DEPARTMENT OF THE SUN-SENTINEL, DAILY NEWSPAPER PUBLISHED IN BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, THAT THE ATTACHED COPY OF ADVERTISEMENT, BEING A

NOTICE OF PUBLIC QUASI JUDICIAL HEARING

THE MATTER OF:

TOWN OF LAUDERDALE-BY-THE-SEA
JULY 18, 2012 AT 6:30 P.M.
AUGUST 21, 2012 AT 7:00 P.M.
RE: APPLICATION Number 2012-CU-16

IN THE CIRCUIT COURT, WAS PUBLISHED IN SAID NEWSPAPER IN THE ISSUES OF:

JULY 5, 2012

14100506

AFFIANT FURTHER SAYS THAT THE SAID SUN-SENTINEL IS A NEWSPAPER PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, AND THAT THE SAID NEWSPAPER HAS HERETOFORE BEEN CONTINUOUSLY PUBLISHED IN SAID BROWARD/PALM BEACH/MIAMI-DADE COUNTY, FLORIDA, EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MATTER AT THE POST OFFICE IN FORT LAUDERDALE, IN SAID BROWARD COUNTY, FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST PUBLICATION OF ATTACHED COPY OF ADVERTISEMENT: AND AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID, NOR PROMISED, ANY PERSON, FIRM, OR CORPORATION, ANY DISCOUNT, REBATE, COMMISSION, OR REFUND, FOR THE PURPOSE OF SECURING THIS ADVERTISEMENT FOR PUBLICATION IN SAID NEWSPAPER.

Brittnee Lynch
(SIGNATURE OF Brittnee Lynch, AFFIANT)

SWORN TO AND SUBSCRIBED BEFORE ME
ON 10 JULY 2012 A.D.

Linda M. Hill
(SIGNATURE OF NOTARY PUBLIC)



(NAME OF NOTARY, TYPED, PRINTED, OR STAMPED)

PERSONALLY KNOWN (X) OR PRODUCED IDENTIFICATION ()

Notice of Public Quasi Judicial Hearing
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

NOTICE IS HEREBY GIVEN that the Town of Lauderdale-By-The-Sea will hold public hearings on the request below at Jarvis Hall, 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida, 33308, as follows: Planning and Zoning Board July 18, 2012 6:30 PM
Town Commission August 21, 2012 7:00 PM

The following request shall be considered at a public hearing which any person may attend and/or speak at, regarding:

Application Number 2012-CU-16
Applicant Sookrami S Narain
239 Commercial Investors, Inc.
Location 239 E Commercial Boulevard Lauderdale-By-The-Sea, FL 33308
Zoning District B-1 Business Zoning District Request

(1) For conditional use approval, under Section 30-56 of the Town Code to allow mixed use development pursuant to Section 30-271 (b) (7) (e) of the Town Code. The request is to utilize flexibility units to permit a residential dwelling unit to be located in the same building as a commercial use, on property that has a Commercial Land Use Designation and that is zoned B-1-Business.

(2) Major Site Plan by the Town Commission per Town Code Article IV, Site Plan Procedures and Requirements.

The agenda packet and related materials concerning this request are available for review at the Town Clerk's Office, 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308.

PURSUANT TO SECTION 30-13, CODE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, THE APPLICATION WILL BE PRESENTED AND CONSIDERED AT THE COMMISSION MEETING ON THE DATES SET FORTH ABOVE. AFFECTED PERSONS WILL BE ALLOWED TO PRESENT EVIDENCE AT THE HEARING, BRING FORTH WITNESSES, AND CROSS EXAMINE WITNESSES PROVIDED NOTIFICATION AND FILING OF SUCH INFORMATION IS MADE WITH THE TOWN CLERK PRIOR TO THE ABOVE HEARING.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORDS INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICAN WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO DAYS PRIOR TO THE MEETING AT (954)-776-0574 FOR ASSISTANCE. You may also submit written comments to:
Development Services Department
c/o Town Clerk
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida
33308
July 5, 2012



Notice of Public Quasi Judicial Hearing TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

NOTICE IS HEREBY GIVEN that the Town of Lauderdale-By-The-Sea will hold public hearings on the request below at Jarvis Hall, 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida, 33308, as follows:

**Planning and Zoning Board
Town Commission**

**July 18, 2012
August 21, 2012**

**6:30 PM
7:00 PM**

The following request shall be considered at a public hearing, which any person may attend and/or speak at, regarding:

Application Number: 2012-CU-16
Applicant: Sookrani S. Narain.
239 Commercial Investors, Inc.
Location: 239 E. Commercial Boulevard
Lauderdale-By-The-Sea, FL 33308
Zoning District: B-1 Business Zoning District

Request:

- (1) For conditional use approval, under Section 30-56 of the Town Code to allow mixed use development pursuant to Section 30-271 (b) (7) (e) of the Town Code. The request is to utilize flexibility units to permit a residential dwelling unit to be located in the same building as a commercial use, on property that has a Commercial Land Use Designation and that is zoned B-1 - Business.
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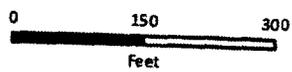
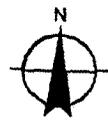
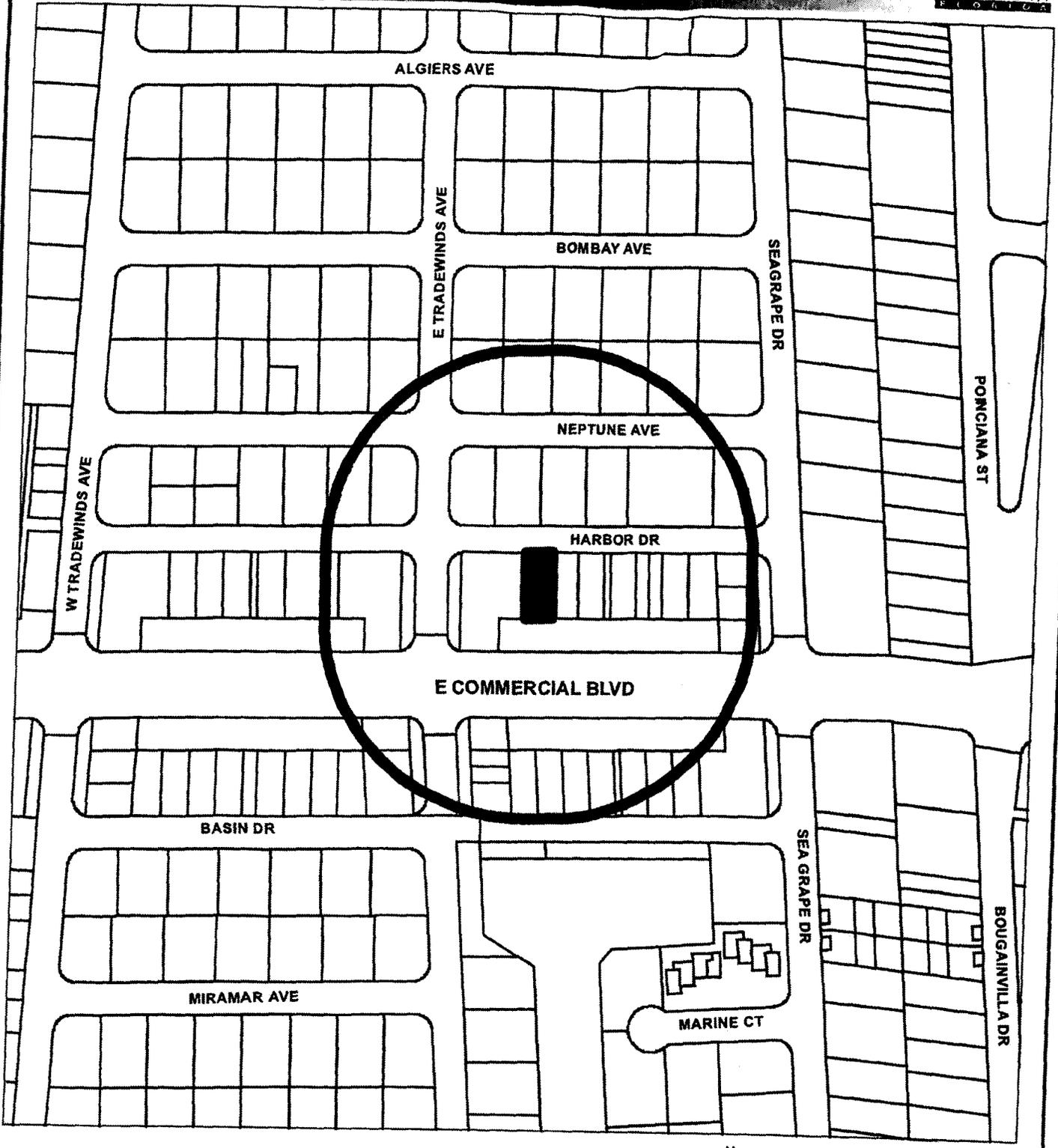
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You may also submit written comments to:
Development Services Department
c/o Town Clerk
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308

239 E Commercial Blvd, LBS

BROWARD COUNTY
PLANNING



This map is for conceptual purposes only and should not be used for legal boundary determinations.

Prepared By:

Broward County GIS

Planning and Environmental Regulation Division

#12157 tdb/bbs 06/2012

TOWN OF LAUDERDALE-BY-THE-SEA

PLANNING AND ZONING REGULAR MEETING MINUTES

Town Commission Meeting Room

Wednesday, July 18, 2012

6:30 P.M.

I. CALL TO ORDER

Chairperson Alfred Oldaker called the meeting to order at 6:30 p.m. Members present were Chairperson Alfred Oldaker, Vice Chairperson, Avi Braverman, Patrick Murphy and first alternate Eric Yankwitt. Also present were Town Planner Linda Connors, Assistant Town Attorney Kathryn Mehaffey. Eleanor Norena, Senior Office Specialist was present to record the minutes of the meeting. Vice Chairperson David Chanon and Board member William Brady were absent.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES - Planning and Zoning Meeting of May 16, 2012

Mr. Murphy made a motion to approve the minutes of May 16, 2012. The motion was seconded by Mr. Yankwitt. The motion carried 4-0.

IV. PUBLIC COMMENTS

There were no public comments.

V. TOWN PLANNER REPORT

There was no Town Planner report.

VI. NEW BUSINESS

Item #1: Site Plan Approval for 239 E. Commercial Boulevard to allow one residential unit

Item #1A: Flex approval for 239 E. Commercial Boulevard to allow one residential unit

Item #1B: Conditional Use Approval for 239 E. Commercial Boulevard to allow mixed use

Town Planner Connors reviewed the above three items in one presentation as detailed in the backup.

Chairperson Alfred Oldaker desired additional discussion under the mixed use category, specifically item number eight on page four, as it was significant.

Town Planner Connors continued her presentation, speaking on the details of item number eight on page four, as set forth in the backup. She believed a timeframe should be added for the receipt of the permit application, as she was aware the applicant had their permit application ready for submission knowing they had to go through the subject process. The applicant should be required to submit their permit application within 30 days and, within 60 days, they should receive a permit. Town staff would be given leeway to extend that timeframe.

Assistant Town Attorney Mehaffey indicated it might be best to apply for a building permit within a set number of days; she recommended giving the applicants 90 days to obtain the permit after submitting the permit application.

Town Planner Connors concurred, stating the applicant would have 120 days from the present day to apply and receive the permit.

Mr. Braverman asked for further clarification on flex units and why they were needed in the subject project.

Town Planner Connors responded the plan of the applicant was to add residential uses in a business district, which was classified as an incompatible land use. Broward County allowed municipalities such flexibility; that is, to use their quota of residential units wherever they chose to place them. With regard to the flex use, it was not an unlimited amount, as such flex use was only allowed if the municipal sought to increase density, such as where a district was residential at the rate of 25 units per acre and a developer hoped to increase it to 28 units per acre. In the subject case, the developer was in a residential area and desired a mixed use, and they could apply for use from the Town's limited quota of flex usage.

Chairperson Oldaker inquired as to the boundaries of zone 39, questioning if it was determined by Broward County.

Town Planner Connors affirmed this to be the case, and she could provide the Board with a map illustrating the Town's two zones, 24 and 39. She believed zone 24 covered mostly the annexed area of the Town, and zone 39 covered the remainder of the Town.

Mr. Murphy commented he wished the Board to consider the possibility of waiving the landscaping, as large pots sitting on the newly landscaped sidewalks might be obtrusive and not aesthetically pleasing. He suggested Town staff consult with the Miami team to see if they could suggest a plan that was more conducive to the subject surroundings.

Town Planner Connors pointed out the applicant's parking area was to the rear of the property, and they had only one foot to landscape after the required parking spaces were allocated. They would not be touching the front, as that was Town property.

Mr. Murphy questioned if there was a timeframe to complete the project, as there were a few commercial buildings around the Town that sat unfinished.

Town Planner Connors responded once a building permit was pulled in the Town, the developer had 18 months to complete the project, this was a requirement of the Town's Building Code.

Assistant Town Attorney Mehaffey affirmed this to be the case, adding there was also the process of keeping a building permit alive, so the Board has at liberty to impose a deadline for completion of the subject project. That is, for the developer to have final inspection of the project within 18 months from commencement of construction.

Town Planner Connors indicated Section 6-12 of the Town's Building Code applied, reading that portion of the code into the record. The 18-month period began running from the date of issuance of the first building permit.

Chairperson Oldaker reminded the Board the work for the subject project was all interior; there was no exterior work other than putting pots around existing parking spaces. Thus, the timeframe for completion would not have the same effect as it might on other commercial buildings.

Mr. Murphy concurred, stating unless the developer had trucks and other equipment sitting outside at the site, which could become a nuisance and an eyesore to existing businesses and the general area.

Town Planner Connors replied if no final inspection was done after 18 months, the Town's code staff would be at the site.

Chairperson Oldaker queried if the decision as to the matter of the potted plants would be left up to the Town Manager.

Town Planner Connors answered yes. This was similar to what the Board approved for Aruba Café's conditional use, whereby, the Board approved landscaping to the front of Aruba Café conditioned upon the Town Manager's approval.

Chairperson Oldaker asked and received no further input from the Board, suggesting all three items be approved in one motion. He opened the discussion to the public and the applicant and received no input.

Mr. Braverman thought the idea of having a flex use in a commercial zone was a great one, as oftentimes in cities, commercial areas became dead zones, as no one lived there and when businesses closed for the day, the area became deserted. Thus, to combine commercial and residential was progress, as this was a practice in the greatest cities of the world, and the Town should be no exception in following that trend. He hoped to see more of such applications coming to the Board for approval.

Mr. Yankwitt concurred.

Chairperson Oldaker made a motion, seconded by Mr. Yankwitt to approve Items #1, #1A and #1B as recommended and presented by Town staff. The motion carried 4-0.

VII. OLD BUSINESS

None

VIII. BOARD MEMBER COMMENTS

None

IX. ADJOURNMENT

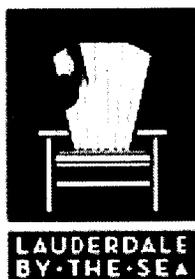
There being no further business to discuss, the meeting adjourned at 7:00 p.m.

Chairman Alfred Oldaker

ATTEST:

Date Accepted: _____

Eleanor Norena, Board Secretary



**CONDITIONAL USE DEVELOPMENT ORDER _____
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA**

PROJECT NAME: 239 Commercial
ADDRESS OF PROPERTY: 239 Commercial Boulevard
FOLIO #: 4943 18 07 0450
PROPERTY OWNER: 239 Commercial Investors, LLC
APPLICANT: Sookrani Narain.
APPLICANT ADDRESS: 239 Commercial Boulevard

REQUEST: To allow one (1) residential dwelling unit to be located in the same building as a commercial use, located at 239 East Commercial Boulevard which has a Commercial Land Use Designation and is zoned B-1 - Business, pursuant to Sections 30-56, Conditional Uses Review, and Section 30-13, Quasi-Judicial Procedures, and Section 30-271(b) of the Lauderdale-By-The-Sea Code of Ordinances.

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE- BY-THE-SEA, Florida, on August 21, 2012, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the TOWN Planning and Zoning Board and administrative staff, finds that the application, as conditioned herein, will promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood and further, that the application does meet all of the criteria in Section 30-56(d), which are as follows:

1. Land Use Compatibility; and
2. Sufficient Site Size, Site Specifications, and Infrastructure; and
3. Compliance with the Comprehensive Plan and Code of Ordinances; and
4. Proper Use of Mitigative Techniques.

SECTION 2. APPROVAL. The request to allow one (1) residential dwelling unit to be located in the same building as a commercial use, located at 239 East Commercial Boulevard with the allocation on one Flexibility Unit from Flexibility Zone 39 is hereby approved.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. The applicant provides potted landscaping approximately every four feet along the east and south vehicular use area (VUA) perimeter as a condition of site plan as a means to reduce the legal nonconformity with respect to landscape requirements of the code, and in recognition of the need to preserve the existing handicap parking. The landscaping shall be subject to approval by the Town Manager or Designee.
2. The applicant shall be required to secure a building permit that meets all permit requirements except for Section 30-318 and 30-478 within 90 days of the approval of the Conditional Use Order in accordance with the submitted plans for the hearing entitled, "Narain Residence, 239 Commercial Blvd.," dated 5/25/12, except as modifications may be required by the Building Official.
3. This development order shall be recorded in the Public Records of Broward County by the applicant, at his/her sole cost and expense.
4. Failure to secure a certificate of occupancy for the construction within two (2) years from the date of the building permit issuance will nullify the approval of this conditional use application.
5. Failure to provide to the Town a certified recorded copy of the conditional use order within 30 days of approval will nullify the approval of this conditional use application.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Development Order shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Development Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Development Order may

be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-13(d)(12) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

APPROVED this ____ day of _____, 2012.

MAYOR ROSEANN MINNET

ATTEST:

June White, Town Clerk, CMC

Approved as to form:

Susan L. Trevarthen, Town Attorney