

I hereby certify that this is a true and correct copy of the minutes of the July 28, 2015 meeting of the Planning and Zoning Board

Melville Herron  
Chairperson

**City of Lauderdale  
Planning and Zoning Board  
Regular March Meeting  
Held  
July 28, 2015  
Commission Chambers  
5581 West Oakland Park Blvd.  
Lauderhill, Florida**

**MINUTES**

**A. CALL TO ORDER**

Chairman Melville B. Herron called the meeting to order at 7:30 p.m.

**B. PLEDGE OF ALLEGIANCE**

Chairman Melville B. Herron led those present in the Pledge of Allegiance.

**C. ROLL CALL**

Ms. Ozegovich called the roll and the following members were in attendance:

<b>MEMBER</b>	<b>PRESENT</b>	<b>ABSENT</b>
Chairman Melville B. Herron	X	
Vice-Chairman Yacinthe	X	
Ms. Ruth Roman Lynch	X	
Dr. Leland K. Hall, Sr.		X
Mr. Win Hoffman	X	
Mr. Doug Crumpler	X	
Kenneth Lewis, Esq.	X	

**ALSO PRESENT:**

W. Earl Hall, City Attorney  
Steve Tawes, Interim City Planner  
Marilyn Ozegovich, Secretary to the Board  
County Commissioner Dale Holness  
City of Lauderhill Commissioner Howard Berger

**D. PROOF OF PUBLICATION**

***MOTION by Vice-Chairman Yacinthe***

To accept and file proof of publication.

***SECOND by Mr. Hoffman.***

The motion passed 6-0.

**e. APPROVAL OF MINUTES**

***MOTION by Mr. Hoffman***

To approve the minutes of June 23, 2015

***SECOND by Mr. Lewis.***

The motion passed 6-0.

**F. CITY PLANNER'S REMARKS**

**Mr. Tawes** introduced himself and briefly summarized his planning experience.

**G. PUBLIC HEARING**

1. An ordinance of the City Commission of Lauderhill, Florida amending the Land Development Regulations (LDR) by amending the standards and procedures applicable to houses of religious worship and other public assembly uses in all affected zoning districts, to conform to the federal religious land use and institutionalized persons act; providing for findings and

**conclusions; providing for conflicts; providing for codification; and providing an effective date (sponsored by the City Manager).**

**Mr. Tawes** read the title and gave a brief introduction to the proposed ordinance. He asked that Attorney Hall speak about the legal aspects of the proposed ordinance.

**Mr. Hall** said that there was no need for a formal presentation, that the proposed ordinance and backup was straight forward; its purpose was to bring the city's land use laws into compliance with the federal law.

**Mr. Crumpler** said that after reading the materials it seemed that this was a reaction to the chain of events that occurred when a second house of worship wanted to enter Corporate Park. He also asked if someone in a residential community could use their house for a church. He said that he could foresee problems with noise and parking.

**Mr. Hall** said that this wasn't a reaction so much as it was a desire upon the part of the City to bring their laws into compliance. He said that a person could use his home as a church but that this ordinance does not negate other City laws such as the ones which govern noise and parking.

**Chairman Melville B. Herron** opened the discussion to the Public.

**Mr. Robert Siu** spoke on behalf of the owner of Corporate Park. He raised several points. He took issue with that part of the ordinance that said that the church's administrative offices had to be housed at the church. He said that not allowing churches to have their administrative offices apart from their places of worship amounts to an "uneven burden" because that standard is not uniformly applied to other "assemblies." The second issue is that the proposed ordinance eliminated parking requirements for churches. He also spoke about the Fire regulations that governed fixed seating and how this affected the parking requirements for churches.

**Mr. Lewis** asked if Mr. Hall had discussed these issues with Mr. Sieu.

**Mr. Hall** said that Mr. Siu had contacted him with the Fire department related issue too late in the day for him to research it and form an opinion for tonight.

**Chairman Melville B. Herron** asked Mr. Hall if he thought it necessary to table the item.

**Mr. Hall** said that it would not be necessary to table but that the item could be amended for the City Commission meeting.

**Mr. Lewis** requested that the Board be apprised of the results of his research and discussion on these two issues.

**Chairman Melville B. Herron** asked if there were any further questions. Hearing none he called for a motion and closed the discussion to the Public.

***MOTION by Mr. Crumpler***

To approve Item G.1.

***SECOND by Vice-Chairman Yacinthe .***

**ROLL CALL VOTE**

<b>MEMBER</b>	<b>YES</b>	<b>NO</b>
<b>Chairman Melville B. Herron</b>	<b>X</b>	
<b>Vice-Chairman Yacinthe</b>	<b>X</b>	
<b>Ms. Ruth Roman Lynch</b>	<b>X</b>	
<b>Mr. Win Hoffman</b>	<b>X</b>	
<b>Mr. Doug Crumpler</b>	<b>X</b>	
<b>Kenneth Lewis, Esq.</b>	<b>X</b>	

**The motion passed 6-0**

2. An Ordinance of the Commission of the City of Lauderdale, Florida granting to Konover Acquisition Corporation a development order amending the Zoning District Map identified in Land Development Regulations (LDR) Article III., Zoning Districts, Part 2.0., District Regulations, Subsection 2.2.1., Adoption of Zoning District Map; changing from Commercial Entertainment (CE) to General Commercial (CG) the zoning district of a 5.33+ acre parcel legally described as a portion of Parcel "A", Carishoca Plat, according to the plat thereof, as recorded in Plat Book 178, Pages 161, 162, and 163, of the public records of Broward County, Florida, and more fully described in Exhibit 1; providing for findings and conclusions; providing for conflicts; providing for an effective date (Sponsored by Charles Faranda, Jr., City Manager).

**Mr. Tawes** read the title and gave a brief presentation on the proposed ordinance. He gave the Board a revised Page 5 of the report.

**Chairman Melville B. Herron** asked if there were any questions of staff.

**Mr. Crumpler** said that he did not agree with the “best efforts” verbiage of the report.

**Mr. Lewis** said that he did not agree with the lack of specificity of the developer’s obligations.

**Chairman Melville B. Herron** called upon to applicant to make his presentation.

**Mr. Hall** swore in those who would testify.

**Mr. Steve Whery** spoke on behalf of the applicant. He explained how this rezoning would meet the criteria contained in LDR, Article IV. The proposed development, including the Walmart Neighborhood Market, is suitable for the proposed General Commercial zoning district. He said that in the conceptual design they have tried to meet the Transit Oriented Corridor Guidelines such as fewer curb cuts, intense landscaping and bringing the building as close to SR 7 as possible. He said that he understood the City’s desire to fill the other spaces with restaurant /night club uses. He said that a tenant such as the Walmart Neighborhood Store was necessary, because this use would help attract people to the Plaza and perhaps support such uses. The current schedule of the PAC would not support these uses. He said that the rezoning of this vacant land within the CRA area would not devalue any other property. The rezoning would improve the gateway. He then spoke about how the CRA is trying to obtain a one million dollar grant. This rezoning would assist the CRA in obtaining that grant. He also spoke about Konover’s dedication of land to the City which would alleviate some of the parking shortage at the Performing Arts Center. He said that the applicant agrees with the staff report conclusion that the proposed development is consistent with the Comprehensive Plan. He said that the original vision for the site which included the Carishoca development is no longer relevant. The plan was conceived prior to the real estate market crisis and as a result, has remained vacant for so many years. A change to zoning is necessary to promote economic development. The Walmart Neighborhood Market would bring at least 50 jobs to the area, increase property values and provide amenities to the neighborhood. The MacArthur Dairy site was rezoned to RT15 and will be complimentary to the proposed rezoning and development. Mr. Whery then showed a Power Point presentation of other Konover South Projects, the proposed development and the Walmart Neighborhood Market.

**Mr. Crumpler** asked what will make this shopping plaza more attractive than the existing ones with vacancies. He noted that there was trouble keeping a restaurant in the Publix Plaza.

**Ms. Lynch** asked whether or not Walmart had surveyed the community?

**Mr. Wilkins** of Walmart described other techniques that they had employed to determine that a Neighborhood Market would suit this location.

**Ms. Lynch** said that in the future they should survey the community. She pointed out that she lives in the community and would like to have a voice in what she has to live with.

**Mr. Wilkins** reiterated that this is a neighborhood market not a supercenter, not a big box store.

**Mr. Lewis** noted that the developer really has no control over how long the Walmart Store would stay. He also asked what the average wage was at Walmart.

**Mr. Whery** replied that Konover has a 20 year lease with the Walmart Neighborhood Market.

**Mr. Wilkins** said that the empty Walmart Store was due to the fact that the demand was so great, they had to move to a larger space. He said that they made a commitment to have a \$9.00 per hour starting salary and he discussed the opportunity to grow within the company.

**Mr. Lewis** asked how flexible Walmart would be with conforming to design guidelines of a given city.

**Mr. Wilkins** said that would be "tough." People expect and look for the Walmart Logo.

**Ms. Lynch** asked what percentage of the jobs will be drawn from the community.

**Mr. Wilkins** said that they want to get the best possible persons for the jobs. He could not say how many persons would be hired from the community.

**Ms. Lynch** and Mr. Wilkins discussed the effect of the Neighborhood Market on smaller minority owned businesses.

**The Board** discussed the conceptual plan for the site and what was meant by "conceptual."

**Chairman Melville B. Herron** opened the discussion to the Public.

**Mr. Andre Parke** spoke on behalf of IMC Property Management (Lauderhill Mall). He entered into the record a letter dated July 27, 2015 addressed to

Mr. Charles Faranda and a copy of Florida Statutes 163.3194 which says that all development orders be consistent with the Comprehensive Plan. He said that the proposed development contains elements that are not consistent with the Transit Oriented Corridor. He argued that a “conceptual” site plan is no more than that and can be changed at any time – it cannot be relied upon like an approved site plan.

**Mr. Whery** rebutted that the proposed development was not consistent with the Comprehensive Plan. He said that certain uses were discouraged, not prohibited.

**Mr. Hall** instructed the Board as to what they were allowed to consider when making a decision about the rezoning.

**Chairman Melville B. Herron** called for a motion. He closed the discussion to the Public.

***MOTION by Mr. Crumpler***

To approve Item G.2.

***SECOND by Vice-Chairman Yacinthe.***

**ROLL CALL VOTE**

<b>MEMBER</b>	<b>YES</b>	<b>NO</b>
<b>Chairman Melville B. Herron</b>		<b>X</b>
<b>Vice-Chairman Yacinthe</b>	<b>X</b>	
<b>Ms. Ruth Roman Lynch</b>		<b>X</b>
<b>Mr. Win Hoffman</b>		<b>X</b>
<b>Mr. Doug Crumpler</b>		<b>X</b>
<b>Kenneth Lewis, Esq.</b>		<b>X</b>

**The motion failed 5-1**

**H. NEW BUSINESS:**

1. Public comments on non-agenda items: None.
2. Planning and Zoning Board member remarks: None

**I. UNFINISHED BUSINESS: NONE**

**J. NEXT MEETING DATE**

The next regular meeting is scheduled for August 25, 2015 at City Hall.

**K. ADJOURNMENT**

The meeting was adjourned at approximately 9:35 P.M.

DRAFT