A regular meeting of the Planning and Zoning Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:00 p.m. in the City Commission Chambers by Chairman, Dan Poitier. Roll Call showed:

Present: Dan Poitier, Chairman
          Gerald Alter
          Allen Davis
          Linda Mooney
          Alphonso Nero
          Dan Saraceno
          Robert Brown, Alternate

Also Present: Marcia Stevens, Senior Planner
              Charles Seaman, Assistant City Attorney
              Vernadette Fuller, Minutes Secretary

Absent: Martha Mc Geary, Vice Chairman
        Ray Lavoie, Alternate
        Barbara Moriarty, Alternate
        School Board Representative

SEATING OF ALTERNATES

Mr. Brown was seated to serve at tonight’s meeting.

APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING

Chairman Poitier requested either approval or corrections to the minutes of the Planning and Zoning Board meeting of March 3, 2009.

Motion was made by, Mr. Saraceno, and second by, Mr. Davis to approve the minutes of March 3, 2009 as submitted. The motion CARRIED unanimously.

OLD BUSINESS

NONE

NEW BUSINESS
PUBLIC HEARING – APPLICATION 08-RM25-92

Applicant: STEALTH CONSTRUCTION USA, by T. Ray Patterson
Proposal: Site plan to construct a three-unit multi-family residential building totaling 9,600 square feet.
Location: A 0.26-acre parcel, described as Lots 14 & a5, less the East 25 feet of Lot 15, Block 1 DEERFIELD BEACH, more particularly described in file and located at 1919 N.E. 1st Street.

Ms. Stevens summarized the application and advised that 46 property owners were notified and 0 letters were returned undeliverable. No letters of objection or approval were received. She stated that an application was before the Board in December 2008 for this property requesting a variance in the front yard. The application was denied by the Board and revisions have been made to the plan to remove the variance. This is a request to demolish a single family building and construct a three-unit condominium building. Per Section 98-3 and the definition of yard, all required yards shall be open and obstructed from the ground to the sky; unless certain yard encroachments are permitted. The front yard balconies are located 22.33 feet from the front property line, rather than 25 feet as required by Code. Therefore they encroach 2.67 feet into the front yard setback. **Revised 3-24-09: The building has been revised to meet the front yard setback requirement.** Parking spacers must have a minimum clear area of 9’x18 feet. The entry door into garage “C” encroaches into the parking space 3-feet. Swing the door into the lobby, away from the parking space. The application is subject to school concurrency. The school district issued a SCAD letter on October 20, 2008 stating that the project will not generate additional students. Therefore the application is exempt from public school concurrency requirements. The Community Appearance Board approved this application with the stipulation that high windows are installed on the blank west wall, the orange body color is toned down, the building lighting fixtures are compatible with the architecture and that they return for final approval. CITY LANDSCAPE ARCHITECT states that the plan has been approved with the following conditions: A tree survey is required to be submitted with the landscape plan per Section 98-13 (b) 1. and Section 98-13 (b) 3 (a). Increase amount of flowering trees to meet Code. Two (2) are required, per Section 98-80 (i) (1), (10% of 20) only one is provided. Per Section 98-80 (m) and Section 98-81 existing healthy trees must remain, or be relocated or mitigated. Specify all shade tree per Section 98-80 (j) (1).

ENGINEERING DIVISION, PUBLIC WORKS & ENVIRONMENTAL SERVICES - The above site plan is approved by the Engineering Department with the following conditions: During the Engineering permit process, submit a separate paving/drainage plan from the water/sewer plan. Be advised that prior to the issuance of a building permit, the developer/contractor must apply for and receive an Engineering permit. During Engineering permit process, further engineering review will be made and comments provided as required. Responsible developer/contractor must contact Engineering Department at 954-480-4270 for issuance guidelines. SANITATION DIVISION, PUBLIC WORKS & ENVIRONMENTAL SERVICES - The above site plan has been reviewed by the Solid Waste Operations Division and was found to be acceptable as it relates to the location of the garbage/trash containers. Please be aware that all owners will be responsible for bringing the can to the curb by 7:00 am on your scheduled pick up days. Construction of the refuse container enclosure and slab must comply with the City of Deerfield Beach’s Manual of Standard Engineering specifications. If you have any
questions or concern pertaining to this matter please feel free to contact Mario Reboa, SW/Recycling Superintendent at 954-480-4382. FIRE/RESCUE - The proposed site plan to construct a 5-story condominium building is not approved as submitted. Fire hydrant must be 50 to 100 feet of the building FDC. Please identify location of nearest fire hydrant to FDC. All Permitted plans must comply with Broward County Local Amendments to the Florida Fire Prevention Code, NFPA 1-Uniform Fire Code, Florida Edition 2003, and NFPA 101-Life Safety Code, Florida Edition 2003.

Ms. Mooney asked if this project is 4 or 5 stories.

Ms. Stevens replied that it has a parking level and 3 units totaling 4 stories.

T. Ray Patterson, Architect, 7504 Wiles Road, Coral Springs, representing Stealth Construction, stated that his client is seeking approval of a 4-story condominium. The first floor has private garages, the second and third floors are the living spaces and the fourth floor has a swimming pool. He added that the previous submittal encroached into the front setback; however, the building size has been reduced and the request for a variance has been eliminated. Lastly, he said that the colors were toned down and they will adhere to all of the staff’s comments.

Chairman Poitier invited the public to speak for or against the application.

Joanne Aronica, 3660 N.W. 113 Avenue, Coral Springs, stated that she owns the property located at 1917 N.E. 1st Street which is next door to the proposed project. She said that she objects to this proposal and was not notified in writing of this application. She commented that this proposal will destroy the value of her home.

John McCann, 6349 North Federal Highway, Boca Raton, stated that he also just found out about this application and is not sure what is being proposed.

Chairman Poitier advised that the application complies with all of the City requirements and suggested that Mr. McCann and Ms. Aronica meet with the applicant before the application is heard before the City Commission.

In response to Chairman Poitier, Ms. Stevens replied that 46 letters were sent to property owners within 300 feet of the application and none were returned. They also did not receive any correspondence objecting to or approving of the application.

Chairman Poitier closed the public hearing.

Motion was made by, Mr. Alter, and second by Mr. Brown to approve Application 08-RM25-92 with the stipulation that all of the provisions must be met. The motion CARRIED unanimously.

PUBLIC HEARING – APPLICATION 09-RM23-93
Applicant: LA PLACE DU SOLEIL, by Garcia Stromberg Architects
Proposal: Site plan to construct a 17 guest-room hotel totaling 13,512 square feet.
Location: A 0.4-acre parcel described as Lots 2,3 and 4 less the westerly 54.89 feet,
Ms. Stevens summarized the application and advised that 46 property owners were notified and 0 letters were returned undeliverable. No letters of objection or approval were received. This is a request to construct 13,152 square foot hotel with 17 guest rooms and a 991 square foot restaurant. Provide details for the fountain signage wall, including height, dimensions and setbacks. This project is seaward of the Coastal Construction Line. Permits from appropriate state agencies are required prior to City building permits. Per Section 98-49(c)(1), hotels are a conditional use in the RM-25 zoning district. Conditional use approval is required as part of the site plan approval. The Community Appearance Board approved this application on March 11, 2009. CITY LANDSCAPE ARCHITECT - The plan has been approved with the following conditions: Your submitted plan has more than the code allotted 20% palms, this will be allowed due to the difficult site conditions which make it difficult to sustain canopy trees. Per Section 98-80 (j) (4) ensure that all palms meet or exceed the size requirement for palms. Due to harsh site conditions, use Sable Palms or Coconut Palms in lieu of Solitaire Palms. Frangipani will not survive the salt conditions; consider planting Cordia Sebestena, Magnolia Grandiflora or Oleander. Cluster flowering trees at the vehicular entrance as it is somewhat protected from the strong north east winds. The Gumbo Limbos should be replaced with Screw Pine or Pitch Apple specimens; again this is due to the harsh site condition. Jamaican Caper is a low shrub or very small tree and is thus not available locally in the size specified. Choose an alternative like Dahoon Holly. All landscape plant materials, installation, maintenance and preservation shall be in accordance with the City of Deerfield Beach Land Development Code, Section 98-80 and 98-81. Tree removal permits are required for all tree removals, to be obtained from the Building Department. Landscape permits are required before any planting occurs. Permits are obtained from the Building Department. Trees are to be planted at a depth so that the root-flare and top of first order root(s) are fully visible, with 10% of the height of the rootball above grade. Reflect this in planting detail. ENGINEERING DIVISION, PUBLIC WORKS & ENVIRONMENTAL SERVICES - The above site plan is not approved by the Engineering Department until the following conditions are met: Drainage calculations must be provided for review.  
- On civil drawings C-2, the DDVC must be relocated approximately 20’ to the east, just after the 6”x4” reducer.  
- Our engineering records indicate that there are 2 existing sewer cleanout locations on site; therefore the proposed cut-in 8”x6” wye will not be needed. Please contact engineering to further discuss this.  

Be advised that prior to the issuance of a building permit, the developer/contractor must apply for and receive an Engineering Permit. During Engineering permit process, further engineering review will be made and comments provided as required. Responsible developer/contractor must contact Engineering Department at 954-480-4270 for issuance guidelines. SANITATION DIVISION, PUBLIC WORKS & ENVIRONMENTAL SERVICES - The above referenced site plan has been reviewed by the Solid Waste Operations Division and was found to be acceptable as it relates to the location of the garbage/trash containers. Please be advised that all cans must be at the curbside by 7:00 a.m. on Monday and Thursday of each week for pickup. Construction of the refuse container enclosure and slab must comply with the City of Deerfield Beach’s Manual of Standard Engineering specifications. If you have any questions please feel free to contact Mario Reboa, SW/Recycling Superintendent at 954-480-4382. FIRE/RESCUE - The proposed site plan to construct a 13, 512 square-foot hotel is approved as submitted. All permitted plans must comply

Ms. Mooney asked if the restaurant will be inside or outside.

Ms. Stevens replied that they will have 30 tables inside and have a limited patio area outside.

Chairman Poitier was concerned about the use of garbage cans for the establishment.

Ms. Stevens noted that the restaurant is only 1,000 square feet and the sanitation department found the application to be acceptable with the use of garbage cans.

Ms. Mooney asked if there is a specific area for delivery trucks.

Ms. Stevens replied that the question should be addressed by one applicant. The restaurant is an accessory use to the hotel and does not warrant a full loading zone area, since it is less than 10,000 square feet.

In response to Chairman Poitier, Jorge Garcia, 8000 North Federal Highway, Boca Raton, replied that the restaurant will be equivalent to a sandwich shop and that the covered garbage cans will meet the required specifications of the Code. He also noted that they will not have an outside service area and the restaurant will be for the hotel clientele only.

Chairman Poitier asked how many garbage cans will be located on the site.

Bo Tao, 8000 North Federal Highway, Boca Raton, replied 10 – 36 x 36 garbage cans.

Mr. Alter asked if the restaurant will be operated by the hotel.

Mr. Garcia replied yes.

Ms. Mooney asked how people will know that the restaurant is for the hotel guests only.

Mr. Garcia replied that the City’s regulations address this issue and they are aware of it.

Mr. Alter asked if the restaurant will be operated in the hotel lobby area and available to hotel guests only.

Mr. Garcia replied yes.

Ms. Mooney asked if room service will be provided.

Mr. Garcia replied that a guest of the hotel can purchase something from the restaurant and take it back to their room.

Mr. Saraceno asked if the swimming pool is located on the second floor.
Mr. Tao replied that, technically, it is a spa.

Chairman Poitier noted that the applicant needs to install salt tolerant landscaping.

Mr. Garcia said that this has been taken into consideration and noted that they will adhere to all of the staff’s comments.

Chairman Poitier asked where the parking is located.

Mr. Garcia replied, on the first floor.

Chairman Poitier invited the public to speak for or against the application.

Sam Poole, Attorney, 350 East Las Olas Boulevard, Fort Lauderdale, representing the Howard Johnson’s, stated that the proposed hotel will be located in a very congested area. He advised that 2 single-family homes were originally located on this site and this application would require approval as a conditional use. He noted that there are 10 conditions that must be met as required by Section 98-85 of the Code. Continuing, he said that this property is seaward of the coastal construction control line and there are a number of constraints that must be adhered to. He said that the floor ratio is adequate and the minimum landscaping is being provided. He added that the kitchen is 450 square feet and the seating area is 500 square feet with 30 tables. He said that the sidewalk connects to the public walkway and they would have to put in a clear mechanism to keep the public from coming into the restaurant. Lastly, he said that they are providing the required 23 parking spaces and 75% of them are compact in size, however, the property is more of a commercial use than a residential one. The Code stipulates that if a property is 10,000 square feet or more and intended to be occupied by a commercial establishment, they must have one off street loading space. He was also concerned that vehicles will have to back out onto the street and noted that the 8-foot, architectural parapet is not part of the mechanical screening and is not allowed.

Tom Connick, Attorney, 411 East Hillsboro Boulevard, addressed the Board members and suggested that as part of the site plan, it be put into writing that the restaurant is only to service the hotel guests and restrict the use of signs to indicate that a restaurant is located in the hotel. He was also concerned that a loading and unloading area is not available because this will create a problem. He made reference to the conditional use requirement and said that the City can require that a loading and unloading area is part of the plan.

Chairman Poitier closed the public hearing.

In response to Chairman Poitier and the question about conditional use requirements, Ms. Stevens replied that the application is considered compatible with the existing adjacent properties in this area, and meets the 55-foot height requirement by definition. She said that the sanitation department found the application to be acceptable and the restaurant is approved as an accessory use to the hotel. She noted that one of the 23 parking spaces will be used as a turn around, and
she believes that the hotel will not need a large vehicle to service the linen needs for the 17 hotel rooms.

Ms. Mooney asked for clarification of the 8-foot architectural detail mentioned by Attorney Poole.

Ms. Stevens replied that the height of a flat roof building by definition is to the top of the roof, not to the top of the parapet.

Mr. Saraceno said that the attorney representing Howard Johnson’s is objecting to the same things that their client goes through. He noted that they will not be able to get a building permit until the CORE and coastal construction approves the application.

Mr. Alter made reference to the loading and unloading and asked what the elevation is between the grade and the first floor driving into the court yard area.

Mr. Garcia replied that the area is flat.

Mr. Alter asked if the linen will be cleaned on site or will a service be used.

Mr. Garcia replied that the hotel representatives have the option to do the linen themselves on site or hire a service to do the work. He believes only a small vehicle would be needed if they hire someone to do the work.

Mr. Alter asked if the food will be brought in or will someone on staff be responsible for picking up the food that is served in the restaurant.

Mr. Garcia replied that the restaurant area is only 500 feet and is auxiliary to the hotel.

Motion was made by, Mr. Alter, and second by Mr. Saraceno to approve Application 09-RM25-93 with the stipulation that the applicant will not advertise the restaurant to the public and use the facilities within the court yard for loading and unloading and adhere to all of staff’s comments. The motion PASSED 5-2. Chairman Poitier and Mr. Davis voted NAY.

MEMBER’S REPORTS

There were not member’s reports.

STAFF’S REPORT

There was no staff report.

ADJOURNMENT

There being no further business, motion was made by, Mr. Alter, and seconded, Ms. Mooney to adjourn. The motion CARRIED unanimously. The meeting was adjourned at 8:06 p.m.