



CITY OF FORT LAUDERDALE

**MEETING MINUTES
PLANNING AND ZONING BOARD
CITY HALL COMMISSION CHAMBERS**

**100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, NOVEMBER 18, 2020 – 6:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Present</u>	<u>Absent</u>
Catherine Maus, Chair	P	5	0
Mary Fertig, Vice Chair	P	5	0
John Barranco	P	5	0
Brad Cohen	P	5	0
Coleman Prewitt	P	5	0
William Rotella	P	5	0
Jacquelyn Scott	P	5	0
Jay Shechtman	P	5	0
Michael Weymouth	P	4	1

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Urban Planner
Trisha Logan, Historic Preservation Planner
Yvonne Redding, Urban Design and Planning
Adam Schnell, Urban Design and Planning
Raj Verma, Director of Public Works
Tom Lawrence, Public Works
Igor Vassiliev, Public Works
Benjamin Restrepo, Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, ProtoType, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:00 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

~~The project was presented to the Lake Ridge Civic Association, which provided a letter of support.~~

~~Ms. Parker noted a correction to p.1 the Staff Report: the correct density for the site is 50 units per acre.~~

~~**Motion** made by Ms. Scott, seconded by Vice Chair Fertig, to make the Staff Report part of the record [as corrected]. In a voice vote, the **motion** passed unanimously.~~

~~There being no questions from the Board at this time, Chair Maus opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.~~

~~Mr. Weymouth asked if the Applicant intends to activate the waterfront in the future. Mr. Lochrie replied that activation includes outdoor seating and an amenity area. The Applicant also plans to come back before the Board in the future to install docks so visitors may access the property by boat. No long-term transient dockage is planned.~~

~~**Motion** made by Vice Chair Fertig to approve a Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, approving a conditional use permit for Level IV Social Service Residential Facility, known as Holden Fort Lauderdale Senior Living, and the rest of the Resolution, and adopt the findings.~~

~~Vice Chair Fertig confirmed that her **motion** would also approve the four conditions listed in the Staff Report.~~

~~Mr. Weymouth **seconded the motion**.~~

~~Mr. Lochrie advised that a Staff condition requiring the valet parking agreement should be tied to submittal of the project's building permit rather than final DRC approval. Ms. Parker read the condition into the record:~~

~~Condition #2: prior to final DRC, the Applicant shall execute a valet parking agreement, record the agreement at its own expense in Broward County Public Records, and provide a copy of the recorded agreement to the Department of Sustainable Development.~~

~~Mr. Lochrie explained that the Applicant requests that this condition apply prior to submittal of the building permit rather than prior to DRC approval. It was confirmed that Staff approved the change. Vice Chair Fertig and Mr. Weymouth accepted the change to this condition.~~

~~In a roll call vote, the **motion** passed 9-0.~~

4. CASE: V19008

REQUEST: ** Right-of-Way Vacation
PROPERTY
OWNER/APPLICANT: Holman Automotive, Inc.
AGENT: Deena Gray, Esq., Greenspoon Marder
GENERAL LOCATION: Portion of NE 8th Street, 127.50 Feet in Length, and 40 Feet in Width, East of NE 1st Avenue and West of Progresso Drive.
ABBREVIATED LEGAL DESCRIPTION: Beginning at The Southwest Corner of Block 257 Running South to An Intersection with The Southerly Right-Of-Way Line Of Said N.E. 8th Street
COMMISSION DISTRICT: 2- Steven Glassman
NEIGHBORHOOD ASSOCIATION: Progresso Village Civic Association, Inc.
ZONING DISTRICT: Northwest Regional Activity Center (NWRAC)
LAND USE: Northwest Regional Activity Center- Mixed Use Northeast (NWRAC-MUone)
CASE PLANNER: Adam Schnell

Disclosures were made at this time.

Deena Gray, representing the Applicant, showed a PowerPoint presentation on the Application, which requests right-of-way vacation of a portion of NE 8 Street. The subject area has been closed off with fencing on both ends since 1987. It has been used for car storage and overflow inventory for the Holman Automotive dealership.

Existing conditions include an encroachment agreement between the City and the dealership for overflow parking and inventory purposes. The Applicant feels the request meets ULDR criteria in Section 47-24.6 and Section 47-25.2 for several reasons, including the long-term closure period in which the space has served no public purpose. No traffic patterns would be changed. The Applicant will dedicate an easement back to the City for utilities, pedestrian access, and emergency vehicles.

Ms. Gray noted that a number of safety concerns have been cited with regard to reopening the subject area. ITE standards for intersecting angles on NE 8 Street and Progresso Drive are approximately 45 to 50 degrees.

The Applicant has received letters both objecting to and supporting the Application. Two public participation meetings were held earlier in the year, prior to the beginning of conditions created by the COVID-19 pandemic. These meetings showed a conceptual Site Plan that has since been withdrawn; however, the Applicant wishes to move forward with the vacation request in order to attract a new project. Ms. Gray noted that the southern parcel of the subject property cannot be developed in its current state.

There being no questions from the Board at this time, Chair Maus opened the public hearing.

John Phillips, attorney representing Antonio Curatolo, explained that his client is a longtime property owner in the area and was shown a proposed Site Plan suggesting that the subject vacation is necessary in order to make a project work. After the presentation, it was suggested that if the subject portion was vacated and an encroachment agreement established, it would provide for both emergency vehicles and vehicular traffic.

Mr. Phillips continued that City Staff previously recommended denial of the Application due to development in the Northwest Regional Activity Center (NWRAC) and the need for interconnectivity for pedestrian and vehicular traffic. Staff recommended that the subject portion of 8 Street be returned to the right-of-way for vehicular traffic and that the existing encroachment agreement, dated 1987, be vacated.

The original request for vacation was part of a proposed development; however, at present there is no proposed development. Mr. Phillips asserted that his client would like the vacation to be denied and the encroachment vacated, as it is contrary to the concept of interconnectivity in the area. He also suggested that closing the alleyway would adversely affect his client's property.

Mr. Shechtman requested clarification of how vacation of the alley would adversely affect Mr. Phillips' client. Mr. Phillips noted that NE 8 Street extends from Progresso Drive to Andrews Avenue. He pointed out that the vacation of a portion of NE 8 Street would adversely affect an alleyway between NE 1 Avenue and NE 2 Avenue.

Mr. Shechtman asked if Staff felt reopening the subject area would create danger for vehicles or pedestrians. He also requested additional information on why the area was closed off in 1987. Benjamin Restrepo, representing the Department of Transportation and Mobility, stated that the vacation was reviewed by Staff with pedestrian traffic in mind. The intent was not to allow the vacation to affect pedestrian movement along NE 8 Street. If the vacation is denied and the parcel reopened, this movement would be shortened from roughly 500 ft. to 100 ft.

At the time the Applicant first submitted the vacation request, they did not propose any pedestrian or emergency vehicle easements. The Applicant now proposes both easements, mitigating this issue. Transportation and Mobility is currently in favor of the proposed vacation and pedestrian movement crossing.

Mr. Shechtman asked if Staff agreed that opening the subject parcel to vehicles and allowing them to continue on NE 8 Street to Progresso Drive would be hazardous, as the Applicant suggested. Mr. Restrepo advised that closing the portion of 8 Street would mitigate conflict related to approaches to the intersection point at Progresso Drive.

Tom Moody, private citizen, stated that he owns a property located at 725 Progresso Drive, which is close to the subject parcel. He was in favor of the proposed vacation so the property can be considered a single parcel for future development.

Hernan Gonzalez, private citizen, advised that he owns properties at 831 and 833 NE 2 Avenue. He felt the changing nature of development in the subject area, which promotes high-rise development, would need more street access between buildings. He opposed the vacation request, which he felt would benefit only the Applicant and not the surrounding community.

Antonio Curatolo, private citizen, stated that he owns multiple properties in the area of the proposed vacation. He recalled that the encroachment was put into place in 1987, when the area was zoned B-2 instead of NWRAC-MUne. He felt closing the street would negatively affect the entire neighborhood, as it could restrict accessibility as the area is developed.

Vice Chair Fertig asked Mr. Restrepo for additional information on how easements could mitigate crashes in the subject area. Mr. Restrepo explained that one way to mitigate crashes is to close off access. The intersection of NE 8 Street and Progresso Drive presents a dangerous angle, particularly for drivers making left turns. If the subject portion is vacated, this reduces the volume of traffic accessing NE 8 Street and potentially turning left onto Progresso Drive.

Mr. Cohen observed that he did not know why the City would allow a commercial property to close off a street and use that area as parking in 1987, then give the area to the commercial interest with no pending project on the table. He pointed out that most vacations occur when there is a project underway and the Applicant can show the City some benefit to the vacation. He also noted that property values in the subject area are dramatically higher than they were in 1987. Mr. Cohen concluded that it would be more reasonable for the City to request the area be returned to them.

Mr. Shechtman suggested that as there is no record of why the easement was recorded in 1987, it may be due to the dangerous driving conditions the portion of roadway presented. He also requested more information on the perpetual pedestrian easement proposed by the Applicant and what it might mean for future redevelopment, noting that there had been mention of a forthcoming project by the Applicant.

Mr. Barranco agreed with Mr. Shechtman and City Staff, stating that safety is significantly improved by eliminating a direct connection to Progresso Drive. He noted that NE 8 Street is not a heavily traveled roadway, and that removing it from general use is reasonable; however, he also agreed with Mr. Cohen that it was difficult to approve the vacation without knowing what is planned for the site in the future. He concluded that redevelopment of a blighted site would be a positive change for the entire area.

Ms. Scott agreed with Mr. Barranco and Mr. Cohen that it was difficult to support the proposed vacation without knowing further plans for the site.

Mr. Prewitt asked if the encroachment agreement would remain in place if the Board does not recommend in favor of the vacation. Attorney Wallen confirmed this. She added that should the Board not approve the request, there must be a basis within Code for its denial and it should be stated as part of the record. It was clarified that there was no Resolution attached to this Item.

Vice Chair Fertig stated that she felt there would be potential safety issues at the subject location if it were reopened. Chair Maus advised that she would vote in opposition of the vacation based on Section 47-24.6.A.4, as she was not certain the property is no longer needed for public purpose.

Vice Chair Fertig asked if the Board could recommend denial of the vacation request but approval of retaining the current encroachment agreement. Attorney Wallen advised that the Board may vote solely on the vacation; the encroachment lies outside their purview with respect to advising the City Commission.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Ms. Gray addressed issues raised during public comment, pointing out that Staff had originally opposed the Application until they had suggested the dedication of an easement to the City, which would provide for pedestrian use, utilities, and emergency vehicles. Although subject property is currently serving no public purpose, its formal vacation and dedication of an easement would serve the community.

With regard to the property's impact on the alleyway, Ms. Gray noted that there will be no changes to traffic patterns, as the area has been closed off for over 30 years. In terms of a Site Plan, she reiterated that there was previously a Site Plan on which the Applicant was working at the same time; however, no Site Plan is currently available for presentation. She confirmed that the Applicant is committed to providing the easement to the City.

Motion made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve with Staff conditions. In a roll call vote, the **motion** failed 3-6 (Chair Maus, Mr. Barranco, Mr. Cohen, Mr. Prewitt, Ms. Scott, and Mr. Weymouth dissenting).

5. CASE:	PLN-ULDR-20010001
REQUEST:*	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) By Creating Article XII., Section 47-36; Establishing a Transfer of Development Rights Program
PROPERTY OWNER/APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	City-Wide
CASE PLANNER:	Trisha Logan

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~~Ms. Parker confirmed that the dates before the Board have been updated to avoid any conflict with Yom Kippur.~~

~~In a voice vote, the motion passed unanimously.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 8:45 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



Chair



Prototype

[Minutes prepared by K. McGuire, ProtoType, Inc.]