

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MAY 15, 2013 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2012-May 2013	
		Present	Absent
Patrick McTigue, Chair	P	11	1
Leo Hansen, Vice Chair	A	10	2
Brad Cohen	P	9	0
Stephanie Desir-Jean	P	10	2
Michael Ferber	P	10	2
James McCulla	P	11	1
Michelle Tuggle	P	12	0
Tom Welch	P	10	2
Peter Witschen	P	10	2

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
Eric Engmann, Urban Design and Development
Anthony Fajardo, Urban Design and Development
Linda Mia Franco, Urban Design and Development
Yvonne Redding, Urban Design and Development
Al Battle, Northwest CRA Director
Tom White, City Landscape Architect
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

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	<u>Case Number</u>	<u>Applicant</u>
1.	6T13*	City of Fort Lauderdale
2.	3Z13*	City of Fort Lauderdale
3.	43R13* **	City of Fort Lauderdale / Coral Ridge Park
4.	5P13**	Retail Plaza Properties LLC / Karam Plat
5.	10R13A	CTA Properties, Ltd. / Broward Financial Center
6.	6P13**	BAC Home Loans

7. 27R13** Esposito Enterprises Inc. / Sunrise Spa
8. 47R13** Galleria Landings
9. Communication to the City Commission
10. For the Good of the City

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

Chair McTigue called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.

Motion made by Ms. Tuggle, seconded by Mr. Welch, to approve the minutes of the April 17, 2013 meeting. In a voice vote, the **motion** passed unanimously.

Chair McTigue noted that the Applicant of Item 8 had requested deferral of this Item until the June 19 Board meeting.

Motion made by Mr. McCulla, seconded by Mr. Welch, to defer to June 19th. In a voice vote, the **motion** passed unanimously.

Chair McTigue advised that Item 2 was withdrawn from tonight's Agenda.

6. **BAC Home Loans**

Yvonne Redding

6P13

Request: **	Right-of-Way Vacation; 5-foot by 74.5-foot portion of NE 27th Avenue
Legal Description:	CORAL RIDGE GALT ADD 27-46 B, LOT 9 BLK 13
General Location:	2401 NE 27 Avenue
District:	1

John Fontana, representing the Applicant, stated that the request would vacate a 5x75 ft. right-of-way on NE 24th Street, per the recommendation of the City's Property and Right-of-Way Committee in January 2011. He noted that the vacation was also approved 38 years ago when the property was originally

constructed. Approval of the vacation would allow for the completion of the current project.

Mr. Witschen asked if the vacation fee came from the Applicant's property or from the City's right-of-way. He explained that there should be a transfer of the real estate value of the right-of-way. He also asked if there would be an ongoing issue with encroachment into a setback, which would require the Applicant to go before the Board of Adjustment.

Ms. Redding advised that there is no requirement to go before the Board of Adjustment if the vacation of the right-of-way is approved. The vacation will go before the City Commission for final approval. She concluded that ownership of the right-of-way would go to the property owner, which would increase the property value accordingly.

Ms. Redding continued that the vacation is requested for a 5x74.5 ft. portion of the right-of-way, where the property's deck, pool, and wall encroach outside the setback. It was approved in error several years ago due to a mistake regarding the survey line. The owner now wishes to sell the property and correct this issue.

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

Motion made by Ms. Desir-Jean, seconded by Mr. Cohen, that the Board approve the Item.

Mr. Witschen proposed the **amendment** that the owner would pay the City the *de minimis* value upon vacation. Mr. Fontana stated that the Applicant was willing to accept the amendment. Ms. Desir-Jean and Mr. Cohen also accepted the **amendment** to their **motion**.

In a roll call vote, the **motion** passed 7-0.