

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, JUNE 18, 2014 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2014-May 2015</b>	
		<b>Present</b>	<b>Absent</b>
Patrick McTigue, Chair	P	1	0
Leo Hansen, Vice Chair	P	1	0
Brad Cohen	P	1	0
Stephanie Desir-Jean (arr. 6:42)	P	1	0
Michael Ferber	P	1	0
James McCulla	P	1	0
Michelle Tuggle (6:34-9:06)	P	1	0
Tom Welch	P	1	0
Peter Witschen	P	1	0

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 Planning  
Jim Hetzel, Urban Design and Planning  
Randall Robinson, Urban Design and Planning  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair McTigue called the meeting to order at 6:31 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. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

Chair McTigue advised that Applicants and their agents have 15 minutes in which to make their presentations to the Board; representatives of associations and groups are allotted five minutes, and individual speakers have three minutes.

## II. APPROVAL OF MINUTES

**Motion** made by Mr. Ferber, seconded by Mr. Welch, to approve. In a voice vote, the **motion** passed unanimously.

## III. AGENDA ITEMS

### Index

<u>Case Number</u>	<u>Applicant</u>
1. V14002**	Thomas Luken / NE 54 <sup>th</sup> Court Vacation
2. R14018**	Tropical American Properties LLC / Pineapple House
3. V14003**	Tropical American Properties LLC / Pineapple House
4. R14006**	Luigi Toter / Serafina Restaurant

### 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.

<b>3. <u>Applicant / Project:</u></b>	Tropical American Properties LLC / Pineapple House
<b>Request: **</b>	Right-of-Way Vacation
<b>Case Number:</b>	V14003
<b>General Location:</b>	Alley located on the north side of NE 5 <sup>th</sup> Street between NE 2 <sup>nd</sup> Avenue and NE 3 <sup>rd</sup> Avenue.
<b>Legal Description:</b>	Portion of the 15 FT Wide Alley Lying Within Block 4, "Amended Plat of Blocks 1, 2, 3, 4, 5, 6, 7, 8, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of North Lauderdale", According to PB 1 P 182 of PRDC, Florida.
<b>Case Planner:</b>	Eric Engmann
<b>Commission District:</b>	2

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Hope Calhoun, representing the Soleil Condominiums, which are adjacent to the subject parcel, requested that the Item be deferred until the next Board meeting. She clarified

that the developer has met with the President of the condominium association, but not with its full membership.

Courtney Crush, representing the Applicant, added that the President of Soleil Condominiums had originally indicated that he was not receptive to meeting with the Applicant. At the intervention of the District Commissioner, the Applicant expressed willingness to meet with the President, as well as with two members of the condominium's Board. She noted that while the proposed use of the property may be explained in greater detail, it will not change.

It was clarified that a presentation was made by the Applicant to the Flagler Village Civic Association in March 2014, followed by the presentation of the Application to the Development Review Committee (DRC) and business owners' organization in April. Ms. Crush asserted that it has always been the Applicant's intent to meet with the condominium's membership.

**Motion** made by Mr. McCulla, seconded by Mr. Witschen, to defer. In a roll call vote, the **motion** failed 0-9 (unanimous dissent).

It was determined that the Board would hear Items 2 and 3 together, and that the Applicant would be allowed three minutes for rebuttal following the public hearing.

Ms. Crush explained that the Applicant, Pineapple House, proposes a development in an area with access to various amenities, including multiple forms of transit such as the Wave Streetcar, the Sun Trolley, and Broward County Transit (BCT). The property's zoning is Regional Activity Center-City Center (RAC-CC), which is the City's most flexible zoning district in terms of uses.

The proposed facility would include 92 multi-family residential apartments, 56 of which will be assisted living units and 30 of which will provide memory care. The facility will also include roughly 12,000 sq. ft. of ground-level retail to serve the surrounding neighborhood. The building features 41,000 sq. ft. of outdoor greenery.

Ms. Crush continued that the memory care unit will be located on a self-contained area of the building's second floor. It will share a lobby with the assisted living facility and will include additional security. The assisted living community will also be located in a self-contained area, while the building's top floors will include multi-family apartments with their own entrance and elevator access.

The building's garages have one-way ingress and egress and the entrances have been reduced from 24 ft. to 15 ft. The loading dock is located internally in the northwest corner of the property and is adjacent to Soleil Condominiums' loading dock. Although City Center zoning does not have a parking requirement, the Applicant is providing the Code requirement for the property's retail spaces, as well as 110 spaces for the 92 residential units.

She noted that the assisted living portion of the building is before the Board because it falls into the zoning category of a Social Service Residential Facility-Assisted Living, which is a conditional use. The Board must determine if these uses are permitted at the subject location, or if they will have an adverse effect that makes them less suitable for that location. Ms. Crush concluded that the project was presented to the Flagler Village Civic Association, as well as the Flagler Village Improvement District.

It was clarified that an existing north-south alley on the subject block, which has been partially vacated, is no longer needed for public purpose use, as it is a dead end. The Applicant's request in Item 3 would vacate the remainder of this alley.

Randall Robinson, representing Urban Design and Planning, stated that the request is for Site Plan Level III Review with conditional use approval for an 86-room, seven-story Social Service Residential Facility (SSRF) in addition to 92 multi-family units and 13,442 sq. ft. of retail/office use. The City must ensure that any SSRF has met all the requirements within its specific zoning district before it may be approved. The project has demonstrated compliance with all applicable sections of the ULDR as well as with the Downtown Master Plan.

Mr. Robinson advised that conditional use criteria include the project's impact on abutting properties as evaluated under neighborhood compatibility requirements; access, traffic generation, and road capacities; and incorporation of on- or offsite improvements into the Site Plan to minimize adverse effects. He concluded that Staff recommends approval of the Application.

Eric Engmann, representing Urban Design and Planning, stated that the Applicant also requests vacation of a 15 ft. by 150 ft. City alley. If the development is approved, the alley will serve no public purpose, and pedestrian and vehicular traffic have alternative access around the block. The Staff Report includes the condition that any City or private utilities located within the alley must be relocated at the Applicant's expense. Staff recommends approval of the vacation.

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

Attorney Spence requested that any member of the public speaking on the project clarify which Item they are addressing: Item 2, Site Plan III Review with conditional use, or Item 3, vacation of the alley.

Dan Lindblade, President and CEO of the Greater Fort Lauderdale Chamber of Commerce, addressed both Items, stating that the Chamber is pleased with the proposed improvements. His only concern was for street parking in the area, which is already at a high demand.

Bob Eisenberg, President of the Board of Soleil Condominiums, stated that he represents 247 owners and 450 residents. He asserted that the condominiums did not have sufficient information regarding all the issues related to Pineapple House and were not notified when a presentation was made to the Flagler Village Civic Association. Mr. Eisenberg cautioned that the condominiums' structure, including walls and balconies, could be negatively affected by nearby construction. He concluded that the project was not compatible with the young urban professional market the Flagler Village area is attempting to attract.

The Board members requested clarification of Mr. Eisenberg's specific concerns regarding the project. Mr. Eisenberg replied that the proposed development was too massive for its location and could affect the condominiums' amenities, including green space and view. It was noted that the Soleil Condominiums are built to the property line with no setback, which is also proposed for Pineapple House.

Mr. McCulla asked if the condominium association has taken an official position on the proposed development. Mr. Eisenberg stated that the condominium's Board has held several meetings to discuss the project, at which owners were present. He confirmed that neither the Board nor the association voted to take a position on the project.

Mr. Cohen asked if the objection was to the use of the property rather than the project's physical structure. Mr. Eisenberg reiterated that the Soleil Condominiums were "a young building" whose owners felt the proposed project was incompatible with the vision of Flagler Village; however, he asserted that he did not object to the use, but to the potential ancillary issues.

Ms. Desir-Jean requested clarification of the reason Mr. Eisenberg had not previously met with the developer. Mr. Eisenberg replied that he had only been informed of the project six weeks ago, when the Applicant met with two Soleil Board members and two representatives of the building's management. He stated that although the developer reached out to the condominium, he had not felt he could meet with them until the condominium had retained an attorney.

Marlene Melendez, resident of Soleil Condominiums, stated that her primary concern regarding the project was its parking. She pointed out that the beautification of Sistrunk Boulevard has already reduced parking in the area.

The Board members discussed the parking issue, noting that current parking by the Soleil could be considered trespassing. Ms. Melendez also raised the issues of the project's density and its medical facility, which she felt added to the parking concerns. She felt the project's plans should include on-street public parking spaces due to the existing lack of parking.

Elizabeth Fernandez, private citizen, stated that she was in favor of the project, but shared the previously stated concerns about parking, which she characterized as

severely limited in the subject area. She noted that vacation of the alley would exacerbate this issue.

Karin Verschoo, resident of Soleil Condominiums, felt the density of the surrounding area is too great, and expressed concern with the effect of the property's commercial aspect on traffic.

Jeffrey Sloan, private citizen, requested clarification of whether the project's residential units would be purchased or rented, and the amounts at which the units would be rented. Ms. Crush advised that the price range of the 92 apartment units would range from \$3500-\$8000/month. Mr. Sloan explained that his concern was with the competition for rental units and the potential for structural damage to the Soleil during construction. It was clarified that this was not relevant to the scope of the Board.

Charles Fishman, private citizen, stated that while he was in favor of the project, his concern was for the vacation of the alley, as utilities for his office were located in a nearby easement. It was reiterated that utilities would be moved at the developer's expense.

Isaura Curiel, private citizen, stated that she wished to know the type of assistance to be provided by the assisted living facility. She also expressed concern that the project did not affect the Soleil Condominiums' amenities, including its sun deck. She concluded that there is not sufficient parking in the area.

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

The Board members discussed the Application, requesting clarification of how they could ensure the proposed project would remain in perpetuity. Attorney Spence explained that in cases of conditional use approval, the use is not permitted by right; this means the Board may attach a reference specifying the type of SSRF found to be compatible with the surrounding neighborhood.

Ms. Crush confirmed that the Applicant is willing to commit to the uses described in the Application, as well as any conditions the City might wish to add. She noted that Pineapple House is expected to require less parking and generate less traffic than most commercial or multi-family uses. She asserted that any adverse effects have been mitigated by the building's design.

Responding to questions from the Board, Mr. Robinson stated that the project's location in the Downtown area would allow residents to go about their daily lives without the need to commute elsewhere to do so. He added that the project exceeds the 23 parking spaces required for its retail uses, as there is no parking requirement for residential units in the City Center.

Vice Chair Hansen expressed concern with the project's parking, pointing out some of the project's facilities will require caregivers, who may need to park at the site. He noted as well that there will be visitors to the facility who may also need parking.

Ms. Crush reviewed the Code requirements for the project, explaining that according to research, 75%-80% of the residents in the facility's 92 units will purchase a parking space, which equals approximately 75 spaces. After the 23 spaces required by the facility's retail component, this means the site will be left with 30 spaces. A maximum of 17 staff members will be at the facility during peak hours, which leaves 12-13 spaces for visitors, most of whom are expected at night. Shared use is anticipated between the retail uses and visitors.

Mr. Ferber requested more information regarding the project's streetscapes. Hugh Johnson, representing the Applicant, confirmed that none of the project's sidewalks on 2<sup>nd</sup> Avenue or 5<sup>th</sup> Street will be narrower than 7 ft.; on 3<sup>rd</sup> Avenue, 11 ft. of pedestrian space will be provided at the elevated storefront level, as well as 10 ft. at grade level. Mr. Ferber pointed out, however, that the steel tree grates are 6 ft. in size, which would limit actual pedestrian space significantly at those points. He suggested that 1 ft. of space could be taken from the elevated level to increase the sidewalk at grade level. Ms. Crush stated that this could be accommodated.

It was also confirmed that the Applicant is asked to place light poles inboard of the sidewalk so they do not conflict with City sewer space on 2<sup>nd</sup> Avenue. Ms. Crush advised that the Applicant will work with City Staff to determine if the poles may be moved between the curb and the sidewalk.

Mr. McCulla asked if it would be appropriate for the Board to deny the Application if they felt it did not provide adequate parking, as the proposed zoning district is parking-exempt in order to promote pedestrian activity and alternate modes of transportation. Attorney Spence replied that one criterion of the conditional use permit is neighborhood compatibility, which means parking could be a factor in the Board's decision.

**Motion** made by Mr. McCulla, seconded by Mr. Witschen, to approve Item 2 as amended by Mr. Ferber's request that they widen the public sidewalk by 1 ft., as well as consideration [of the] sidewalk on 2<sup>nd</sup> Avenue as well as the requirement of a restrictive covenant.

Attorney Spence requested clarification of the restrictive covenant. Mr. Witschen replied that this would mean the property's uses are specific to what was presented at the meeting, and could not be changed without formal action from the City. He further clarified that this referred only to the conditional use portion of the Application regarding the SSRF-Assisted Living use and the population mix planned for the property.

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

It was clarified that the Applicant did not wish the approval of Item 3 to be conditioned upon the approval of Item 2.

**Motion** made by Mr. McCulla, seconded by Mr. Cohen, to approve Item 3. In a roll call vote, the **motion** passed 9-0.

Ms. Tuggle left the meeting at 9:06 p.m.

#### **IV. COMMUNICATION TO THE CITY COMMISSION**

None.

#### **V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

None.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:19 p.m.

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

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Chair

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Prototype

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