

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MARCH 19, 2014 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2013-May 2014	
		Present	Absent
Patrick McTigue, Chair	P	10	0
Leo Hansen, Vice Chair	P	10	0
Brad Cohen	P	9	1
Stephanie Desir-Jean	P	8	2
Michael Ferber	P	9	1
James McCulla	P	8	2
Michelle Tuggle	P	10	0
Tom Welch	P	8	2
Peter Witschen	P	8	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 Planning
Anthony Fajardo, Chief Zoning Administrator
Yvonne Redding, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

The Board agreed by unanimous consensus that, as Downtown Fort Lauderdale has been listed as the seventh best Downtown in the United States, Planning Staff should receive some of the credit for this distinction.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair McTigue called the meeting to order at 6:33 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.

II. APPROVAL OF MINUTES

Ms. Parker advised that tonight's Agenda had not been advertised in the *Sun-Sentinel*. This does not invalidate the hearing, but allows Items to be heard at the individual Applicants' discretion. In addition, insufficient mail notice was provided for Item 4; for this reason, Staff requested that this Item be deferred.

Motion made by Ms. Tuggle, seconded by Mr. Witschen, to approve. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, to defer [Item 4] until the next meeting. In a voice vote, the **motion** passed unanimously.

III. AGENDA ITEMS

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<u>Case Number</u>	<u>Applicant</u>
1. PL14001**	610 SW 15 ST, LLC / Midtown Fifteen
2. PL14003**	1055, LLC / 1055 Federal Plat
3. V14001**	John T. Loos / Sylvan Lane Vacation
4. Z14001** *	Church of the Intercession, Inc. / Wilton Arbor
5. T14002*	City of Fort Lauderdale

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.

- 1) **Applicant / Project:** 610 SW 15 ST, LLC/ Midtown Fifteen
- Request:** ** Plat Approval
- Case Number:** PL14001
- General Location:** 610 SW 15 Street; The south side of SW 15th Street between SW 6th Avenue and SW 7th Avenue.
- Legal Description:** W 88.30 fet of the E 198.30 feet of Lot 2, ESMONDA TERRACE, Amended Plat, PB 16, P 14 of the PRBC. Less the N 50 (Abbreviated).
- Case Planner:** Eric Engmann
- Commission District:** 4

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

Jerry McLaughlin, representing the Applicant, stated that the request is for approval of a plat, which will be restricted to two duplexes with four units.

Eric Engmann, representing Urban Design and Planning, advised that the property to be platted is .35 acres in size and currently vacant. It is zoned RD-15 with a future land use category of Medium Density. Up to four units may be developed on the site. Any project consisting of more than two units will be required to come before the Board under a separate application. Staff recommends approval of the request.

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

Steve Cook, private citizen, objected to the notice for the Item, which was posted on the property on February 11, 2014, and listed the date of tonight's meeting as March 20, although this was later corrected. He stated that two duplexes would need to be built under Cluster Development guidelines, which would require a change of plat. Mr. Cook also noted that not all water lines in the neighborhood were replaced as a result of the WaterWorks 2011 project. He asserted that placing four units instead of two on the lot would create a burden on the system.

Mr. Cook concluded that the project is incompatible with the surrounding neighborhood. He provided three letters of opposition to the project by residents who could not attend tonight's meeting.

Maxine Streeter, private citizen, asserted that Staff had informed her that notice was provided with the correct date well in advance of the meeting, but could not provide the exact date on which notice was changed. She concluded that she did not support the project as currently submitted.

Mr. Engmann clarified that the correct meeting date was posted on March 3, which was more than 15 days in advance of the meeting. The Application constitutes the first plat for the property, as the entire side of the street was originally a single plat.

With regard to the sewer issue raised by Mr. Cook, Mr. Engmann explained that more specific information is typically provided by an Applicant during the next phase of development. The materials submitted by the Applicant state that the site will tie into the City's sewer system in accordance with all applicable requirements.

The Board briefly discussed the type of development that may be constructed on the property. Mr. Engmann explained that the Applicant had originally applied to the Development Review Committee (DRC) for a cluster development; the Application is before the Board because the County required the site to be platted. Site Plan Level III for a cluster development will come before the DRC, the Board, and final DRC approval at a later date before any building permits are issued. Because there was no previous

plat for the property, any request for more than two units is subject to the platting process.

Mr. Engmann also clarified that most lots on the street have already been platted as single-family lots. The property's zoning will determine its density. He noted that cluster homes are similar to town homes, with additional criteria for setbacks and design elements. RD-15 zoning is already in place for the subject property.

Vice Chair Hansen requested more information from Mr. McLaughlin in response to the issues raised by the public. Attorney Spence advised that the Board is charged only with reviewing the criteria for ULDR Section 47-24.5, Subdivision Regulations, and whether or not the plat meets these criteria. Consideration of other information would be outside the Board's purview at this time.

Attorney Spence added that the platting process does not grant density to a given parcel: that parcel is vested with the density provided by the zoning district, based upon its acreage. In order to identify the impact of development, the County and City require new developments to meet certain criteria, including going through the platting process to determine the impact a development will have on the community. The Applicant is responsible for demonstrating that the restrictions on the plat meet these criteria. If a development meets the technical requirements outlined in Code, there is no valid basis for denying the plat.

Mr. Cook asserted that town homes are not allowable. Attorney Spence explained that the County, and not the City, requires plat restrictions and provides the language for restrictive plat notes. It was also clarified that while the plat note may allow up to four units on the parcel, this does not mean four units may be constructed if the project does not meet neighborhood compatibility standards.

Jean Hartmann, private citizen, stated that the neighborhood's lifestyle may be affected by the type of development enabled by the plat. She felt the Application represented an exception rather than the standard for her neighborhood.

Bonnie Coltrane, private citizen, described the effect of a platting change next door to her home, which affected her privacy. She advised that a plat change would provide a platform for future development that was not wanted by the community.

Paul Hartmann, private citizen, asked how homeowners could best ensure that the development of the subject parcel is compatible with the neighborhood. Chair McTigue recommended that neighbors reach out to the developer of the proposed project, review the plans for the site, and seek a compromise if possible. Mr. Cohen advised that the residents may wish to consult an attorney who has knowledge of what is legally objectionable.

Craig Edewaard, private citizen, requested that the plat list four units rather than two duplexes. He felt limiting the parcel to four units, such as four cluster homes in a single building, would result in a better product for the neighborhood than two duplexes with two units each.

Vice Chair Hansen asked if the developer would be able to construct either two duplexes or four units on the property under the plat notation. Mr. Engmann said the City would allow either option, although he could not speak to the County's restrictions. Ms. Parker confirmed that if the Applicant had specified four units, he would have the option of either type of construction; however, if the plat note specified two duplex units, development would be restricted to these structures.

Mr. McLaughlin stated that the verbiage on the plat note comes from the County Planning Council, which defined two duplexes as the way to construct four units on the parcel; he pointed out that if the plat was restricted to four units, the Applicant would still be able to construct two duplexes if he wished.

Ms. Parker observed that because the City Commission has ultimate approval of the Application, the plat note could be amended at this time to refer to four units rather than two duplexes if requested by the Applicant and approved by the Board.

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.

Mr. McLaughlin confirmed that the Applicant was willing to amend the plat note reference from two duplexes to four units.

Motion made by Mr. McCulla, seconded by Vice Chair Hansen, to approve as amended. In a roll call vote, the motion passed 9-0.