

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MARCH 18, 2015 – 5:30 P.M.**

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	9	1
Leo Hansen, Vice Chair	P	10	0
Brad Cohen	P	9	1
Stephanie Desir-Jean (arr. 6:37)	P	8	2
Michael Ferber	P	10	0
Richard Heidelberg	P	3	0
James McCulla	P	10	0
Peter Witschen (arr. 6:40)	P	9	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
Thomas Lodge, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

Motion made by Mr. McCulla, seconded by Vice Chair Hansen, that the Ordinance regarding rezoning be reworded to require that the applicant meet two of the following three criteria, not all of them:

1. The zoning district proposed is consistent with the City's Comprehensive Plan;
2. Substantial changes in the character of development in or near the area under consideration support the proposed rezoning;
3. The character of the area proposed is suitable for the uses permitted in the zoning district and is compatible with surrounding districts and uses.

In a roll call vote, the **motion** passed 8-0.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

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. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

II. APPROVAL OF MINUTES

Motion made by Vice Chair Hansen, seconded by Mr. McCulla, to approve. In a voice vote, the **motion** passed unanimously.

III. AGENDA ITEMS

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<u>Case Number</u>	<u>Applicant</u>
1. PL14015**	EW Townhouses, LLC / "Reserve at Edgewood" Plat
2. R14035**	900 VP, LLC / Residence 900
3. Z15001**	Shelini Hospitality FT., LLC / Comfort Suites
4. PL15003**	Pine Crest Preparatory School / "PCS Plat No. 2"

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 advised that the Applicant of Item 3 had requested that this Item be deferred to a date certain. The Board approved its deferral to the April 15, 2015 meeting by unanimous consensus.

1. <u>Applicant / Project:</u>	EW Townhouses, LLC / "Reserve at Edgewood" Plat
Request: **	Plat Approval
Case Number:	PL14015
General Location:	2807 SW 15 Avenue
Legal Description:	A portion of tracts 25 and 26, "F.A. Barrett's Subdivision" of the west one-half of section 21, Township 50 South, Range 42 East, according to the plat thereof, as recorded in Plat Book 1, Pg. 46, of the Public Records of Dade County, Florida; And a portion of lots 1 and 2, Block 13, and the 10 foot alley contiguous to the north line of said lot 1, and the west line of said lots 1 and 2, block 13, "Lauderwood", according to the plat thereof, as recorded in Plat Book 9, Pg. 61, of the Public Records of Broward County, Florida; And a portion of Parcel "A", "Lauderwood Amended", according to the plat thereof, as recorded in Plat Book 36, Pg. 14, of the Public Records of Broward County, Florida.

Case Planner: Thomas Lodge

Commission District: 4

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

Jane Storms, representing the Applicant, stated that the Applicant has read the conditions of approval determined by the Development Review Committee (DRC) and is agreeable to them.

Thomas Lodge, representing Urban Design and Planning, advised that the proposal is for the plat of a 309,564 sq. ft. parcel of land, including a plat note restriction limiting the plat to 106 cluster townhouse units as well as 1700 sq. ft. of recreational use. The proposed plat has been reviewed for adequacy and conformity, and its internal layout is currently under DRC review. Staff recommends approval of the Application with the condition that access easements shall be required at the time of Site Plan approval.

Ms. Desir-Jean arrived at 6:37 p.m.

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 returned the discussion to the Board.

Motion made by Mr. McCulla, seconded by Mr. Cohen, to approve. In a roll call vote, the **motion** passed 7-0.

2. **Applicant / Project:** 900 VP, LLC. / Residence 900

Request: ** Site Plan Level III – Eleven (11) Multi-Family Residential Units with Yard Modification

Case Number: R14035

General Location: 900 NE 4 Street

Legal Description: Lot 21, 22, 23 and 24, Block 9
Resub Blks 9-12 HOLMBERG & McKEE”S 3-115 D

Case Planner: Yvonne Redding

Commission District: 2

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

Mr. Witschen arrived at 6:40 p.m.

Nectaria Chakas, representing the Applicant, explained that the request is for Site Plan Level III approval with a yard modification. She showed a PowerPoint presentation on

the Application, noting that the subject property is located in an RMM-25 zoning district, which allows multi-family use, town homes, and single-family duplexes with a density of 25 units per acre. The site is roughly two blocks from the Downtown Regional Activity Center (RAC).

Ms. Chakas pointed out that the project's initial plan included backout parking; however, when the project came before City Staff, it was recommended that the site be designed with internal parking. She showed the original and current Site Plans, clarifying that the project now includes one curb cut and internal parking. The addition of internal parking resulted in the reconfiguration of the buildings, which brought them closer to the property line and required a yard modification request. The project also features continuous landscaping, uninterrupted sidewalks, and the preservation of seven mature oak trees on the site.

The Applicant has met with members of the surrounding neighborhood, many of whom advised that town home developments should include guest parking. The site contains 11 units and 23 on-site parking spaces, as well as three parallel parking spaces on an adjacent street. Ms. Chakas confirmed that the Applicant is willing to work with Staff to consider additional parallel parking spaces.

She continued that the project features carports that are not enclosed in an effort to encourage residents to use this space for parking rather than storage. It has been suggested, however, that the addition of garage doors would improve the units' appearance. The Applicant is open to this possibility, and will include a provision in the homeowners' association documents that recommends use of carport space for parking.

She concluded that because the buildings were narrowed and elongated in order to accommodate internal parking, the result is encroachment into setbacks. The modified Site Plan, however, is considered to use superior design and present a preferable alternative to backout parking.

Vice Chair Hansen commented that while garage doors would improve the units' appearance, they were likely to encourage the use of garage space for storage in a neighborhood that does not include a great deal of excess parking. Mr. Ferber added that as garage or carport space would be internal to the site, it is outside the purview of the neighborhood association.

Ms. Chakas also confirmed that the Applicant would dedicate their portion of an unimproved alley near the site. If the Application is not approved as presented, a return to the original Site Plan with backout parking could be an option. With regard to the potential addition of more parallel parking spaces, Ms. Parker advised that this possibility could be affected by the placement of trees on the site, as well as site triangle specifications and the drive aisle for streets. The City's Engineering Department would take all these issues into consideration to ensure that the project meets Code.

Yvonne Redding, representing Urban Design and Planning, stated that the Application is for an 11-unit multi-family development, with the request for a yard modification to allow internal parking on the site. This modification results in units being moved toward the street and into the setback area, as well as the encroachment of stairways that lead into habitable space. Staff recommends approval of the Application.

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

Carey Villeneuve, private citizen, asserted that he was not in favor of the requested setback modification. While he felt internal parking on the site was an improvement over backout parking, he believed the project would exceed its guest parking allotment, resulting in an overflow of guest parking onto swales and residential areas. He concluded that guest parking should be made internal to the site.

Charles King, private citizen, stated that more on-street guest parking should be added near the site. He spoke in favor of carports as opposed to garages, and expressed concern with how garbage cans would be placed within the development.

Libbie Kienzle, private citizen, advised that the project's contemporary design was not compatible with the surrounding neighborhood, and that parking was already insufficient in Victoria Park. She did not feel the project would be beneficial to the neighborhood.

Dennis Marcella, private citizen, expressed concern with the size of the project, as well as the addition of more traffic to the neighborhood and the effects of construction on surrounding residences. He concluded that the project would have a negative impact on the civil rights of its neighbors.

Donna Sorenson, private citizen, pointed out that one roadway adjacent to the subject site is already heavily traveled to access the neighborhood's schools, and that there are no sidewalks in this area for pedestrians using 9th Avenue. She felt the project would be an irresponsible addition to the neighborhood due to its proposed density.

Mona Monezis, private citizen, also stated her concern with traffic in the neighborhood before and after school hours. She felt the project's density was inappropriate to the area, and noted that parking is already difficult to find in the neighborhood. She added that on-street parking could create difficulty for children walking to school.

Gus Carbonell, architect for the Applicant, clarified that because 4th Street is a through street, the project did not feature driveways adjacent to this street. He noted that RMM-25 zoning allows for buildings up to five stories in height, which he felt provided transition from multi-family to single-family zoning. The City's 35% landscaping requirement prevented the Applicant from including two additional parking spaces on the subject site.

Mr. Witschen requested clarification that in the absence of the proposed yard modification, the project would not come before the Planning and Zoning Board for approval. It was confirmed that the yard modification was the result of partnership between Staff and the Applicant. Mr. Carbonell also agreed that the Applicant would be willing to proffer a construction management plan to address the concerns raised regarding the project's construction phase.

Ms. Desir-Jean requested that the Applicant's representatives address the concern that the project's contemporary design might not be appropriate for the neighborhood. Mr. Carbonell pointed out that the subject site has undergone less redevelopment than other areas within Victoria Park, and that the neighborhood includes several eclectic architectural styles. He described the project's fencing, screening, and building features, concluding that he felt they would be an asset to the neighborhood once constructed.

Chair McTigue asked if it would be possible to include an additional internal parking space on the site. Mr. Carbonell replied that the Applicant's team would like to include additional spaces on 9th Avenue and 4th Street by reducing the size of all on-street spaces.

Catherine Maus, President of the Victoria Park Civic Association, stated that she has met with Mr. Carbonell to discuss the project. She advised that the neighborhood is very dense and includes single- and multi-family zoning districts. She pointed out that parking in the neighborhood is already inadequate, and she felt the parking proposed for the project was also insufficient.

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

Mr. Cohen requested clarification of the status of existing sidewalks in the subject area. Ms. Chakas replied that the Applicant will construct sidewalks, as there are currently none. Mr. Carbonell added that where parallel on-street parking is provided, the Applicant will install curbs, gutters, and on-street drainage. Mr. Ferber noted that this will result in a safer pedestrian environment.

Ms. Desir-Jean addressed the concerns raised regarding traffic generated by schools, asking if Staff had considered implementing traffic calming measures on NE 4th Street. Ms. Parker advised that the City's Department of Transportation and Mobility has created a City-wide mobility map that identifies necessary improvements in different districts. While she did not recall specific improvements planned for 4th Street, she noted that the addition of on-street parking would serve to calm traffic.

Vice Chair Hansen commented that most of the issues raised by the public were outside the scope of the meeting, as the yard modification before the Board creates a better project than the original design. He observed that the proposed on-street parking was a separate issue, and suggested that Staff work with the Applicant to improve this aspect

of the project. He noted that there are also potential issues with the preservation or installation of trees on the site, and expressed concern with the development of projects that add a great deal of on-site parking for their units. Despite these concerns, however, Vice Chair Hansen concluded that RMM-25 was not a new zoning district within the neighborhood, and was less dense than projects that have been developed in the subject area in the past.

Motion made by Mr. Witschen, seconded by Mr. McCulla, to approve [with] Staff contingencies and encourage Staff to work with the developer to develop a system/more workable answer on on-street parking. In a roll call vote, the **motion** passed 8-0.

4. Applicant / Project:	Pine Crest Preparatory School / "PCS Plat No. 2"
Request: **	Plat Approval
Case Number:	PL15003
General Location:	1501 NE 62 Street
Legal Description:	A portion of the East one-half (E ½) of the Southeast one-quarter (SE ¼) of the Southwest one-quarter (SW ¼) of the Northeast one-quarter (NE ¼) of Section 11, Township 49 South, Range 42 East, Broward County, Florida.
Case Planner:	Thomas Lodge
Commission District:	1

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

Ms. Chakas, representing the Applicant, stated that the request was to plat a portion of the Pine Crest Preparatory School campus in order to allow for the permitting and construction of new buildings on the parcel. The plat will be restricted to existing uses, as there are already buildings located on the parcel.

Mr. Lodge of Urban Design and Planning advised that the subject parcel consists of 205,257 sq. ft. The proposed plat note will include a restriction limiting the plat to 63,370 sq. ft. of existing private school, 57,978 sq. ft. of kindergarten through fifth grades, and 5392 sq. ft. of day care/preschool use. The plat meets adequacy and conformity requirements. Staff recommends approval of the Application.

There being no 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 returned the discussion to the Board.

Motion made by Mr. Witschen, seconded by Vice Chair Hansen, to approve. In a roll call vote, the **motion** passed 8-0.

IV. COMMUNICATION TO THE CITY COMMISSION

Ms. Parker advised that the City Clerk's Office had requested clarification of a communication to the City Commission submitted in January 2015, including the wording of the motion as well as confirmation of how many Board members voted in favor of it. The motion suggested that Staff review, improve, or eliminate Condition 2 for rezoning. She requested that the motion and communication be restated with greater clarity.

Motion made by Mr. McCulla to communicate to the City Commission that they consider removing Criterion 2 from the list of code criteria for rezoning a parcel in the City.

Mr. McCulla explained that this criterion states substantial changes must have occurred the subject neighborhood or area to warrant rezoning of a parcel. He pointed out that the Board has often approved or recommended the requested zoning changes even when substantial change is not demonstrated by applicants. Code states that the following three criteria for rezoning must be met:

1. The zoning district proposed is consistent with the City's Comprehensive Plan;
2. Substantial changes in the character of development in or near the area under consideration support the proposed rezoning;
3. The character of the area proposed is suitable for the uses permitted in the zoning district and is compatible with surrounding districts and uses.

He pointed out that any changes required under Condition 2 would also be met by either Condition 1 or 3, and concluded that Condition 2 could be removed from the three required criteria or the Ordinance could be modified to require that two of the three criteria must be met.

Mr. McCulla restated his **motion** as follows: **motion** that the Ordinance regarding rezoning be reworded to require that the applicant meet two of the three presently stated criteria, not all of them.

Vice Chair Hansen **seconded** the **motion**. In a roll call vote, the **motion** passed 8-0.

V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 7:49 p.m.

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

Paul E. McGuire

Chair

Brigitte Chiappetta

Prototype

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>McTigue, Patrick Emmett</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Planning + Zoning Board</i>
MAILING ADDRESS <i>1112 Mango Isle</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Ft. Lauderdale FL. 33315</i>	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED <i>1/20/15</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Pattick E. McTigue, hereby disclose that on January 20th, 20 15:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, Brother, Father, Mother _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

- My brother is the applicant. (Michael Weymouth) Las Olas Co.
- My Father owns properties adjoining the subject property. R. Emmett McTigue
- My Mother is a stock holder in the company my brother is the President of. (Mother: M. Diana McTigue)

Item #4 Case Number: ZR14002

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed January 20th 2015

Signature Pattick E. McTigue

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.