



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, SEPTEMBER 21, 2022 – 6:00 P.M.**

Board Members	June 2022 – May 2023		
	Attendance	Present	Absent
Michael Weymouth, Chair	P	4	0
Brad Cohen, Vice Chair	P	3	1
John Barranco	P	4	0
Mary Fertig	P	4	0
Steve Ganon	P	4	0
Shari McCartney	P	1	3
Patrick McTigue	P	2	0
William Rotella	P	4	0
Jay Shechtman	P	3	1

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Yvonne Redding, Urban Design and Planning
Adam Schnell, Urban Design and Planning
Dr. Nancy Gassman, Assistant Director, Public Works
Leslie Harmon, Recording Secretary, Prototype, Inc.

Communication to City Commission

Motion made by Ms. Fertig, seconded by Mr. Shechtman, to create a Sea Level Rise Task Force. In a roll call vote, the **motion** passed unanimously (9-0).

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Weymouth called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board and Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Ganon, seconded by Mr. Rotella, to approve the minutes from last month's meeting. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Any members of the public wishing to speak at tonight's meeting were sworn in at this time.

~~which showed that peak demand would need only 18 parking spaces. The Applicant proposes 24 spaces.~~

~~The Applicant has met with the Rock Island Community Development Association, in which area the project is located. Mr. Schein advised that the project received unanimous support from this association. Another public participation meeting was held via Zoom, and a third meeting was held with the neighborhood located south of the project, as it is within 300 ft. of the parcel. He provided letters of support.~~

~~Behind the store will be a 30 ft. to 32 ft. landscaped buffer yard with trees, as well as a 5 ft. retaining wall, in order to lessen any perceived impacts to the neighborhood and meet neighborhood compatibility requirements.~~

~~There being no questions from the Board at this time, Chair Weymouth 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.~~

~~Vice Chair Cohen asked if voting against the parking reduction would also be a vote against Site Plan approval. Yvonne Redding, representing Urban Design and Planning, confirmed that both items are presented together. Should the parking reduction not pass, the Applicant would be able to modify the Site Plan and bring the Application before the Board again.~~

~~Motion made by Mr. Ganon, seconded by Mr. Barranco, to approve.~~

~~Assistant City Attorney Shari Wallen requested clarification that the motion was based on the findings of fact in the Staff Report and the testimony heard at tonight's meeting. Mr. Ganon confirmed this was the case.~~

~~Attorney Wallen read the following Resolution into the record:~~

~~A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III development permit and a parking reduction for the property located at 2525 NW 19 Street, Fort Lauderdale, Florida, Community Business zoning district, for the development of a 7500 sq. ft. retail business, Case Number UDP-S22006.~~

~~In a roll call vote, the motion passed 7-2 (Vice Chair Cohen and Ms. McCartney dissenting).~~

~~The Board agreed by unanimous consensus that Items 2 and 3 would be presented together and voted upon separately.~~

2. CASE: UDP-Z22014

REQUEST: * Rezoning from Community Facility (CF) District to Residential Multifamily Low Rise/Medium Density (RM-15) District**

APPLICANT: 1700 N Andrews, LLC

AGENT: Debbie Orshefsky, Esq.
PROPERTY ADDRESS: 1700 North Andrews Avenue (Eastern Portion of Parcel)
ABBREVIATED LEGAL DESCRIPTION: A Portion of Lots 12 and 29 and all of Lots 13 and 30, of PLACIDO PLACE RESUBDIVISION, According to the Plat Thereof, as Recorded in Plat Book 34, Page 36, of the Public Records of Broward County, Florida.
ZONING DISTRICT: Community Facility (CF)
PROPOSED ZONING DISTRICT: Community Business (CB)
LAND USE: Commercial
COMMISSION DISTRICT: 2 – Steven Glassman
NEIGHBORHOOD ASSOCIATION: South Middle River Civic Association
CASE PLANNER: Adam Schnell

- 3. CASE:** UDP-Z22015
REQUEST: * ** Rezoning from Community Facility (CF) District to Community Business (CB) District
APPLICANT: 1700 N Andrews, LLC
AGENT: Debbie Orshefsky, Esq.
PROPERTY ADDRESS: 1700 North Andrews Avenue (Western Portion of Parcel)
ABBREVIATED LEGAL DESCRIPTION: A Portion of Lots 14, 15, 27, 28 and 29, of PLACIDO PLACE RESUBDIVISION, According to the Plat Thereof, as Recorded in Plat Book 34, Page 36, of the Public Records of Broward County, Florida.
ZONING DISTRICT: Community Facility (CF)
PROPOSED ZONING DISTRICT: Community Business (CB)
LAND USE: Commercial
COMMISSION DISTRICT: 2 – Steven Glassman
NEIGHBORHOOD ASSOCIATION: South Middle River Civic Association
CASE PLANNER: Adam Schnell

Disclosures for Items 2 and 3 were made at this time.

Janna Lhota, representing the Applicant, stated that both Applications request rezoning of the subject property, which is currently vacant. The property directly abutting Andrews Avenue would be rezoned from Community Facility (CF) to Community Business (CB), and the eastern portion of the property would be rezoned from CF to Residential Multi-Family Low Rise (RM-15).

The parcel being rezoned from CF to CB is roughly 0.42 acre in size. The underlying land use associated with this property is Commercial. The proposed CB zoning is consistent with the City's Comprehensive Plan and builds upon the existing CB uses that are located along the Andrews Avenue corridor.

The larger portion of the property located to the east, which is approximately 7.7 acres, is abutted by RD-15 and RM-15 parcels. The rezoning of the parcel to RM-15 would be consistent with these adjacent zoning districts. The underlying land use associated with the property is Medium Residential. This proposed rezoning is also consistent with the Comprehensive Plan and seeks to expand upon the existing RM-15 zoning to the east and south, creating a transition area between existing residential and proposed and existing commercial uses on Andrews Avenue.

Ms. Lhota provided a conceptual Site Plan for the property, clarifying that no formal Site Plan application has been submitted thus far. The owner proposes up to 5000 sq. ft. of commercial/office uses to serve the adjoining neighborhoods. A townhouse project will be located to the east.

A public participation meeting was held on August 15, 2022. Ms. Lhota noted that she spoke with one of the individuals who provided written comments on the project to the Board, noting that many of the comments relate to the conceptual Site Plan. She reiterated that no formal Site Plan has been submitted thus far.

Mr. Shechtman asked what could be constructed on the parcels under CF zoning. Ms. Lhota replied that options would include schools, Police or Fire Stations, or similar facilities. She anticipated that a full Site Plan may be submitted in the next one to two months following rezoning.

Mr. Barranco asked if Staff knew why the properties were zoned CF. Urban Design and Planning Manager Ella Parker replied that CF zoning had been in place for a long time, although she did not know the specific history behind this.

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

Matt D'Antonio, vice president of the Spanish Spring Town Homes Association, stated that the town homes in this development form a "U" shape around the subject property, spanning three blocks. The owners in this association are supportive of the proposed project if two issues, noise and traffic, can be mitigated in the following manner:

- Adding a "No Through Traffic" entrance monument after the commercial space
- Confirming that new businesses would not subject the neighborhood to noise pollution

Frank Gonzalez, private citizen, advised that he had sent a letter to the Board regarding the Applications. He addressed the history of the subject site, recalling that in 2004-2005, when the Uptown Village was proposed, the developer had promised a new building across the street would be constructed. This was the reason the subject property was zoned CF.

Mr. Gonzalez also stated there is a discrepancy on the zoning map provided during the Applicant's presentation, asserting that the residential properties to the south on both

sides of Andrews Avenue are zoned RDS-15. These include single-family homes and grandfathered duplexes.

Vice Chair Cohen advised that the Applications before the Board tonight are rezoning requests rather than Site Plan review. He noted that comments regarding improvements such as the proposed monument sign are typically made during Site Plan review.

Vice Chair Cohen asked if Mr. Gonzalez had discussed his concerns with the Applicant. Mr. Gonzalez replied that he had spoken to Ms. Lhota earlier in the day and was aware that Site Plan approval was not before the Board tonight; however, he had wished to ensure his concerns were made public from the beginning of the process.

Robert O'Dor, private citizen, expressed concern with the CB portion of the rezoning, noting that traffic would have to drive onto NE 16 Place in order to access the commercial space. He recommended that commercial traffic be able to enter the commercial property directly from Andrews Avenue rather than accessing a residential street. He noted that commercial traffic also has a tendency to exit through the residential neighborhood.

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.

Mr. Shechtman commented that the proposed rezoning made sense, as he felt they were consistent with the character of the surrounding neighborhood. He echoed Vice Chair Cohen's clarification that the Board is not able to attach conditions, such as the monument sign or confirmation of uses, to a rezoning request.

Mr. Shechtman asked if the Applicant would be willing to agree on the record to work with and consider the concerns of the neighborhood, particularly regarding ingress/egress, when proceeding with a Site Plan for the project. Ms. Lhota reiterated that the Site Plan has not yet been finalized; however, another representative of the property has assured her that the Applicant plans to meet with the South Middle River Civic Association once more after the Site Plan has been finalized. She felt the items raised in Mr. Gonzalez's letter would be considered during the Development Review Committee (DRC) process.

Adam Schnell, representing Urban Design and Planning, confirmed that the parcels south and southeast of the subject property are zoned RDS-15, while the parcels to the northeast are RM-15. Mr. Shechtman stated that he found this discrepancy in the presentation to be disappointing and recommended that it be revisited, although he noted that it did not affect his opinion on the project's compatibility.

Motion made by Mr. Shechtman to approve the Item UDP-Z22014, based on Staff's conclusions and conditions and including if the Applicant will agree to continue to work with the adjoining neighbors to ensure that whatever project they propose does not adversely impact.

Assistant City Attorney D'Wayne Spence advised that only the rezoning criteria are before the Board at tonight's meeting. He recommended that comments outside the scope of rezoning be omitted from the **motion**.

Mr. Barranco asked if approval of the proposed units and commercial building would come before the Board again at a later date. Mr. Schnell confirmed that the parcels would be required to go through the DRC process, as they propose CB zoning within 100 ft. of residentially zoned properties. Notice would be sent to the appropriate neighborhood association and they would be able to attend the DRC meeting and provide comments there.

Mr. Barranco continued that he would also like to see additional evidence regarding the map provided to the Board members, as it was not fully accurate. Ms. Parker noted that the information presented to the Board and included in their backup materials was based on the City's geographic information system (GIS) data, which is based on the current zoning district of RM-15. She advised that the misleading information reflecting RDS-15 zoning is on the Broward County Property Appraiser's website. This will be looked into by Staff.

Attorney Wallen recommended that the Board and Staff take a brief recess to review the information. The Board took a recess from 6:37 p.m. to 6:41 p.m. for this purpose.

It was determined that the information provided in the Board's backup materials was correct, and the misunderstanding had occurred due to the color-coding of the map. Ms. Parker pointed out that the Staff Report reflects the correct information, with RDS-15 to the south and RM-15 adjacent to the north.

Mr. Barranco observed that it would be unlikely for the Applicant to gain access from Andrews Avenue to the commercial parcel. He expressed concern with the safety of a residential road accommodating "cut-through" traffic, and recommended consideration of traffic calming measures.

Mr. Ganon encouraged the Applicant and the nearby association to continue to work together throughout the DRC process to ensure concerns are addressed.

Mr. Shechtman restated his **motion** as follows: **motion** to approve UDP-Z220014 with Staff conditions and because I believe it meets the criteria and intention of the ULDR. Mr. McTigue **seconded** the **motion**.

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

Motion made by Mr. Shechtman, seconded by Mr. Rotella, to approve UDP-Z22015 with the conditions and recommendations of Staff, because it meets the ULDR criteria. In a roll call vote, the **motion** passed 8-1 (Mr. McTigue dissenting).

~~Ms. Fertig asked if the failure of the motion would send a message to the City Commission that the Board does not feel the Ordinance is compliant with the Comprehensive Plan. Chair Weymouth stated that he did not wish to "voice how the Commission should take the vote."~~

~~Ms. Fertig asked if the Board should vote to indicate they feel the proposed Ordinance is not in compliance. Attorney Wallen suggested that a motion to recommend denial could indicate Board consensus on why denial was recommended, so if the Commission asks Staff to revisit the Ordinance, they could request specific changes. Chair Weymouth asserted that there may be multiple reasons why the majority of the Board voted against the Ordinance.~~

~~Ms. Fertig suggested that the Board recommend the City Commission seek additional input from the community before bringing the Ordinance forward again. Attorney Spence advised that this would be better addressed as a Communication to the City Commission.~~

IV. COMMUNICATION TO THE CITY COMMISSION

Mr. Shechtman commented that he felt it would also be useful for the City Commission to hear feedback from the Council of Fort Lauderdale Civic Associations after their October meeting, as the proposed seawall Ordinance will be presented again at that time. Ms. Fertig emphasized the need to determine what Fort Lauderdale will do as a City to adequately prepare for sea level rise and ensure that Code supports these preparations.

Motion made by Ms. Fertig, seconded by Mr. Shechtman, to create a Sea Level Rise Task Force. In a roll call vote, the **motion** passed unanimously (9-0).

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 7:47 p.m.

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

Richard Weymouth

Chair

[Signature]

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