

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 16, 2013 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2013-May 2014	
		Present	Absent
Patrick McTigue, Chair	P	5	0
Leo Hansen, Vice Chair	P	5	0
Brad Cohen (arr. 6:32)	P	4	1
Stephanie Desir-Jean	P	4	1
Michael Ferber (arr. 6:41)	P	4	1
James McCulla	P	4	1
Michelle Tuggle (arr. 6:36)	P	5	0
Tom Welch	P	4	1
Peter Witschen	P	4	1

It was noted that a quorum was present at the meeting.

Staff

Cynthia Everett, City Attorney
D'Wayne Spence, Assistant City Attorney
Eric Engmann, Urban Design and Development
Thomas Lodge, Urban Design and Development
Yvonne Redding, Urban Design and Development
Randall Robinson, Urban Design and Development
Anthony Fajardo, Chief Zoning Examiner
Diana Alarcon, Director of Transportation and Mobility
J. Opperee, Recording Secretary, Prototype, Inc.

Communications to the City Commission

Motion made by Vice Chair Hansen, seconded by Ms. Tuggle, that the Planning and Zoning Board recommends that the City undertake a multimodal transportation study of 17th Street and its surrounding areas. In a voice vote, the **motion** passed unanimously.

Index

- | <u>Case Number</u> | <u>Applicant</u> |
|---------------------------------------|----------------------------|
| 1. Pledge of Allegiance | |
| 2. Approve September 18, 2013 Minutes | |
| 3. 16P13** | Gaddis Capital Corporation |

4. 53R13** * Art Institute Investment LLC / Seminole River Landing
5. 12P13** * Coral Ridge Golf Course, Inc. / 3850 Federal
6. 6Z13** * Coral Ridge Golf Course, Inc. / 3850 Federal
7. 7Z13** * Holman Automotive, Inc. / BMW MINI Automotive Sales Facility
8. 10T13* City of Fort Lauderdale / Event Banner Signs
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 6:30 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Chief Zoning Examiner Anthony Fajardo introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.

Chair McTigue advised that Applicants and their agents are allotted 15 minutes of speaking time. Individuals are allowed three minutes, and representatives of civic entities have five minutes.

Mr. Cohen arrived at 6:32 p.m.

Motion made by Mr. McCulla, seconded by Mr. Welch, to approve [the minutes of the September 18 meeting]. In a voice vote, the **motion** passed unanimously.

Robert Lochrie, representing the Applicants for Items 3, 4, 5, and 6, requested that Items 5 and 6 be heard first. The Board agreed to this request by unanimous consensus. Attorney Spence advised that while Items 5 and 6 will be heard together, each Item will be voted upon separately.

The following Items were taken out of order on the Agenda.

7. Holman Automotive, Inc. / BMW - MINI Automotive Sales Facility Yvonne Redding 7Z13
Request: ** * Rezoning from: Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to: Boulevard Business (B-1)

Planning and Zoning Board

October 16, 2013

Page 3

Legal Description: CROISSANT PARK, lot 4 thru 7 according to Plat Book 4 Page 28 of PRBC and together with the west half of vacated alley vacated in official records book 10277, page 786 of PRBC.

General Location: 500 SE 14 Court

District: 4

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

Steve Weary, representing the Applicant, stated that the request would rezone 29,672 sq. ft. of property from RMM-25 to B-1. He characterized this as “cleaning up” existing zoning districts that have been in place for some time. The proposed use for the subject property is an automotive dealership with related accessory uses.

Mr. Weary stated that the rezoning will create a single contiguous B-1 zoning district that is consistent with the underlying land use of South Regional Activity Center (RAC). Following discussions with City Staff, the Applicant has voluntarily agreed to restrict some of the uses allowed in B-1 zoning. This restriction would eliminate uses including bars, nightclubs, liquor stores, and adult gaming centers.

He continued that the Applicant has met with the Poinciana Park Civic Association, which led to further modification of plans for the property. Mr. Weary explained that the Association was concerned with the potential for increased traffic through the surrounding neighborhood. The Applicant plans to instruct his staff to limit test and service drives to major arteries within the area, including Federal Highway, SE 17th Street, Andrews Avenue, and Davie Boulevard. He showed a conceptual site plan of the subject property, noting that a site plan application is currently going through the City’s development review process.

Mr. Witschen asked if automotive servicing would be handled on Andrews Avenue. Mr. Weary confirmed this. Mr. Witschen requested that this be added to the restrictions offered by the Applicant.

Mr. Ferber asked if the automotive use is already existent on the property. Mr. Weary said the property was recently purchased with the intent to develop it into the desired use. At present, there is limited vehicle storage on the property, although this is not entirely a conforming use.

Yvonne Redding, representing Urban Design and Development, stated that the Applicant plans to rezone the property from RMM-25 to B-1. The underlying land use of South RAC encourages a mixture of professional, office, and commercial uses while maintaining the residential character of certain areas. The Federal Highway district is expected to be developed in a manner that will encourage high-quality commercial uses along with other types of developments. Staff feels

the requested rezoning is compliant with the Comprehensive Plan, as it will not introduce new uses into the area.

One additional residential lot will be added as well. The parcels to the west of the subject property have been zoned to Residential Office since 1983, which means additional buffering is not required; however, the Applicant plans a 17.5 ft. landscape buffer for this boundary. Staff is supportive of the rezoning request.

Vice Chair Hansen asked if Staff discussed how far back into a neighborhood redevelopment should occur. Ms. Redding replied that there is no limit associated with the land use category. Mr. Ferber agreed that the existing residential properties that share the block with the subject property are vestigial, as deeper commercial zoning on Federal Highway has come into the area.

Ms. Desir-Jean stated that she had received an email from a property owner who owns two residential office properties to the west of the subject property. Ms. Redding stated that there are only two remaining residentially zoned parcels in the surrounding area, as others are zoned RO and ROC.

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

Lynn Christine Waterbury, private citizen, explained that she had only recently learned about the Application. She advised that she was approached some months ago by an entity who was interested in purchasing her two properties, which are zoned RO. Ms. Waterbury stated that her properties are located in a quiet portion of the neighborhood that does not have a great deal of cut-through or evening traffic, which means the subject block is predominantly used for residential purposes. Her properties are adjacent to the property to be rezoned.

Ms. Waterbury concluded that she was not made aware of any meetings of the local Civic Association, and was concerned that other property owners in the area might also be unaware of this meeting. She noted that her property lies 5 ft. from the requested zoning. She asserted that the Applicant has already been using the subject property in a manner not compliant with its current zoning.

Mr. Witschen asked if Ms. Waterbury had reported the Applicant's current nonconforming activity to Code Enforcement. Ms. Waterbury said she had not, as she only recently became aware of this use.

Ms. Tuggle asked what Ms. Waterbury hoped to gain with relation to the Application. Ms. Waterbury replied that she felt the Application should be delayed until nearby property owners have been appropriately notified. Ms. Redding observed that required signage regarding tonight's meeting was posted on the

subject property 15 days prior to the meeting, and mailings were sent to property owners within 300 ft. of the property 10 days in advance of the meeting.

Mr. Cohen asked when Ms. Waterbury had purchased her properties. Ms. Waterbury replied that this occurred in 1992; the lots were zoned for residential use. She noted that the individual to whom she had spoken about selling her property had stated the buyer may be interested in a future purchase. For this reason, she felt the plans being presented to the Board may not be the Applicant's final intentions regarding the use of their parcel. Ms. Redding advised that the subject property has gone through the Development Review Committee (DRC) process, and will be a sales location only, not a service center.

Chair McTigue recalled that the Applicant has proposed a 17 ft. landscape buffer to separate the subject parcel from Ms. Waterbury's properties. Ms. Waterbury stated that one of her buildings is 5 ft. from the property line, which she did not consider to be sufficient distance. Ms. Desir-Jean asked if Ms. Waterbury felt another type of business would have a lesser impact on her properties. Ms. Waterbury cited the example of a nearby medical center, which has not affected her properties. She concluded that it was the proposed use to which she objected.

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.

Motion made by Mr. Cohen to approve [Item 7].

Mr. Witschen **seconded** the **motion** and offered the following amendment: that there will be not any service provided on that facility, whether it's allowed for [in] B-1 or not. Mr. Cohen accepted the amendment.

Attorney Spence recalled that the Applicant had also proffered two conditions, and requested that these be stipulated in the **motion** as well. He also asked that the Applicant advise whether or not he was willing to accept the condition proposed by Mr. Witschen. Mr. Weary said the Applicant accepted the **amendment**.

Mr. Cohen restated his **motion** as follows: **motion** to approve with Applicant's proffer [and the restriction to exclude service from among B-1 uses]. Mr. Witschen **seconded** the restated **motion**. In a roll call vote, the **motion** passed 9-0.

9. Communication to the City Commission

Vice Chair Hansen returned the discussion to the issue of 17th Street, stating that while it is not an applicant's responsibility to address traffic at this location, traffic-related problems do exist. He suggested that there might be a long-term study to improve pedestrian conditions at this location.

Mr. McCulla noted that there are additional projects planned for this area as well, which could contribute to ongoing conflict between the area's residents and the corridor. There is also a conflict between the City and the County regarding 15th Street, 17th Street, and Federal Highway. He concluded that he would encourage the City Commission to listen to these concerns, and to direct City Staff to determine how to best coordinate between the City, County, and the Florida Department of Transportation (FDOT) to calm traffic at these locations.

Diana Alarcon, Director of Transportation and Mobility, recommended that any communication to the City Commission direct Staff to consider multimodal forms of transportation. Mr. McCulla agreed with this suggestion.

Ms. Mammano stated that while she is supportive of mixed-use development and multimodal elements of transportation, this type of study would not adequately address the issue currently facing her neighborhood. She asserted that this is an opportune time for the City to implement traffic calming measures on portions of SE 15th Street. While she did not expect these measures to prohibit cut-through traffic, she felt they could provide some relief to the area.

Motion made by Vice Chair Hansen, seconded by Ms. Tuggle, that the Board recommend to the City Commission that they do a multimodal transportation study of 17th Street and the surrounding areas. In a voice vote, the **motion** passed unanimously.

The Board agreed by consensus that the above **motion** would be sent as a communication to the City Commission.

10. For the Good of the City

Attorney Spence introduced City Attorney Cynthia Everett at this time.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:16 p.m.

Chair

Prototype

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