

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MAY 16, 2012 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2011-May 2012	
		Present	Absent
Patrick McTigue, Chair	P	11	0
Leo Hansen, Vice Chair	A	10	1
Stephanie Desir-Jean (6:45)	P	10	1
Michael Ferber	P	4	0
James McCulla	P	10	1
Michelle Tuggle	A	7	4
Tom Welch	P	10	1
Peter Witschen	P	8	2

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

Staff

Ella Parker, Acting Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Anthony Fajardo, Urban Design and Development
Thomas Lodge, Urban Design and Development
Yvonne Redding, Urban Design and Development
Randall Robinson, Urban Design and Development
Mohammed Malik, Chief Zoning Examiner
Diana Alarcon, Director of Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Witschen, seconded by Mr. Welch, to encourage the City Commission to call a meeting of interested community groups, stakeholders, and City advisory bodies to further discuss the proposed Urban Agriculture Ordinance. It is hoped that these groups would be able to give the City Commission additional direction on the proposed Ordinance by August 2012. In a voice vote, the **motion** passed 5-1 (Mr. McCulla dissenting).

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	<u>Case Number</u>	<u>Applicant</u>
1.	8P11**	Holman Automotive, Inc. / Holman BMW

that the portion to be vacated is located at mid-block; on the east side, the alley does not exist. While it appears as an easement on paper, it is impassable due to trees, junction boxes, and a dead end configuration. The alley itself is 10 ft. in width, which does not meet current standards.

Mr. Lochrie explained that the Applicant has a site plan pending before the City Commission in June for a multi-family apartment project, with mixed-use office space on the ground floor. The project would be comprised of two residential towers and a parking garage. The building would not be constructed on top of the alley, but the vacated alley would be used for amenities, including a pool, patio, and yard area. The Flagler Village Civic Association and the Property and Right-of-Way Committee have both endorsed the project. Letters from the owners of properties to the west are included in the members' documentation.

Chair McTigue asked if letters from utility companies were received as well. Mr. Lochrie said they have issued letters of no objection to the Application. These letters were entered into the record at this time.

Yvonne Redding, representing the Department of Sustainable Development, stated that the Staff Report has been corrected to reflect that the letters from utility companies offered no objection to the project. She confirmed that the alley exists on paper only and is not traversable. The Application was approved by the Property and Right-of-Way Committee on March 16, 2012.

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 brought the discussion back to the Board.

Motion made by Mr. McCulla, seconded by Mr. Witschen, for approval. In a roll call vote, the **motion** passed 5-0.

3. Romelio Riveron

Thomas Lodge

1212

Request: ** *	Rezoning: Industrial (I) to Community Business (CB)
Legal Description:	Lots 31, 32, 33 and 34, Block 328, PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the public records of Dade County, Florida.
General Location:	East side of NW 9 th Avenue between NW 6 th Street and NW 7 th Street
District:	3

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

Valerie Kiffin Lewis, representing the Applicant, advised that the request is to rezone the parcel from Industrial to Community Business. The parcel is currently in use as strip mall/retail, with a land category in the Northwest Regional Activity Center (RAC), which permits commercial use. The adjoining parcel to the north is a restaurant, which is zoned as commercial use. The Applicant hopes to improve and beautify the property in accordance with the Sistrunk Corridor Redevelopment Plan.

Ms. Lewis noted that the project has Staff's support, as they have noted the proposed rezoning is consistent with the City's Comprehensive Plan. The Application also includes a letter from Al Battle, Northwest CRA Director, who sees the rezoning is consistent with the future redevelopment goals of the Sistrunk Corridor.

Tom Lodge, representing the Department of Sustainable Development, said the request is to rezone a .309 acre parcel of land in accordance with its current and existing use. The parcel has never been used for industrial purposes. Staff has recommended approval of the request.

Mr. McCulla asked to know the current use of the property. Ms. Lewis said the building is presently vacant, and has been used for retail in the past.

Ms. Desir-Jean arrived at 6:45 p.m.

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

Jim Brady, representing Winden Development, stated his client is a major residential property owner in the area who felt rezoning to Commercial Business has the potential to negatively affect his residential customers. He asserted that billiard parlors, cocktail lounges, and other businesses might be allowed to use the property. Mr. Brady said his client would like the opportunity to reach out to the property owner and discuss this issue with him. Zoning checks on the area have not yet been completed. For this reason, he said it would be premature to make a decision on the property at this time, and asked that the Board table the Item until his client may sit down with the property owner.

He noted that the residential properties owned by his client lie immediately to the north of the subject property. He also observed that the property is currently used by a church, which is not consistent with existing Code. Mr. Brady felt it was necessary to ensure any negative uses are restricted from the property.

Romelio Riveron, Applicant, said he could address any negative concerns members of the public might have regarding the property. He asserted that he

only wanted positive development in the area, and was not interested in any of the potential uses cited by Mr. Brady.

Ms. Lewis said the Applicant had reached into the community for input, including the chairman of the Progresso Village association, who was not opposed to the rezoning. She said it would improve rather than harm the area. The Applicant is interested in having a church take occupancy of the parcel.

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. Witschen asked if Commercial Business zoning would permit the uses listed by Mr. Brady, and whether or not it was possible to place conditions on the use of the property. Anthony Fajardo, representing the Department of Sustainable Development, said billiard parlors, bars, or restaurants would be permitted; however, these uses have specific parking requirements, and would only be allowed on the site if these requirements could be met. There is currently a moratorium on liquor store uses in the area.

He added that the site has included commercial uses since its inception, although it was zoned as Industrial.

Mr. McCulla asked if the property had been previously rezoned. Mr. Fajardo said the previous use was M-1, which is intensive industrial; once rezoning occurred in 1997, everything zoned M-1 was converted to Industrial. Other properties along Sistrunk Boulevard were zoned the equivalent of CB at that time.

Mr. McCulla asked if the rezoning request would result in spot zoning. Mr. Fajardo said it was Staff's position that the property should never have been zoned for industrial use. Ms. Parker added that the property directly across the street is zoned for residential use, and CB is less intensive than Industrial.

Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, to approve. In a roll call vote, the **motion** passed 6-0.