

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, SEPTEMBER 17, 2014 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	4	0
Leo Hansen, Vice Chair	P	4	0
Brad Cohen	P	4	0
Stephanie Desir-Jean (6:44-9:09)	P	3	1
Michael Ferber	P	4	0
James McCulla	P	4	0
Michelle Tuggle	P	3	1
Tom Welch	A	3	1
Peter Witschen (dep. 10:45)	P	3	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
Eric Engmann, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Anthony Fajardo, Zoning Administrator
Alia Awwad, Department of Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

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 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.

Chair McTigue stated that Applicants and their agents have 15 minutes in which to make their presentations to the Board; representatives of associations and groups are allowed five minutes, and individual speakers have three minutes.

II. APPROVAL OF MINUTES

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

III. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. R14033**	Stephen K. Tilbrook, Esq. / Aquablu Fort Lauderdale
2. R14032**	Venice Ventures 29, LLC / Aquamar Las Olas
3. Z14003** *	Holman Automotive, Inc. / Holman Rezoning
4. V14004**	Sarah Owen Del Negri / Flagler Residential Alley Reservation Vacation
5. T14009	City of Fort Lauderdale / ULDR Amendment
6. Z14005	City of Fort Lauderdale / Rezoning Executive Airport Parcels 25, 26, 27, and 19-B

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.

- Applicant / Project:** Stephen K. Tilbrook, Esq. / Aquablu Fort Lauderdale

Request: ** Site Plan Level III; Waterway Use; 45-unit Multi-family Residential Development with Yard Modifications & Conditional Use for height exceeding 150 feet

Case Number: R14033

General Location: 920 Intracoastal Drive

Legal Description: Lot 7, Block 1, SUNRISE, according to the plat thereof, as recorded in plat book 28, page 42 of the public records of Broward County, Florida AND parcel "B", resubdivision of lots 3, 4, 5 and 6, block 1, SUNRISE, according to the plat thereof, as recorded in plat book 68, page 41 of the public records of Broward County, Florida.

Case Planner: Randall Robinson

Commission District: 1

Yvonne Redding, representing Urban Design and Planning, stated that the project is within the RMM-25 zoning district and requests a waterway use modification to allow a pool and deck in the rear yard. The Application also requests a modification to allow the fire stairs to encroach into the 27.5 ft. rear yard requirement. The project will include clear vistas between the individual buildings. Dockage shown on the Site Plan will be applied for under a separate permit.

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 brought the discussion back to the Board.

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

3. **Applicant / Project:** Holman Automotive, Inc. / Holman Rezoning
- Request: ** *** Rezone from Planned Residential Office (ROC), Residential Office (RO) and Residential Mid Rise Multifamily /Medium High Density (RMM-25) to Boulevard Business (B-1)
- Case Number:** Z14003
- General Location:** 410, 414 and 418 SE 14 Court and 421, 501, 505 and 509 SE 15th Street
- Legal Description:** Lots 8, 9, 10, 18, 19, 20 and 21 along with ½ of the vacated alley to the east of Lot 21, of Block 51-L, CROISSANT PARK, according to the plat thereof, as recorded in plat book 4, page 28 of the public records of Broward County, Florida
- Case Planner:** Yvonne Redding
- Commission District:** 4

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

Steve Wherry, representing the Applicant, stated that the request is for rezoning a portion of property from various residential zoning designations to B-1, which would allow an auto dealership at the location. The Applicant has met with the Poinciana Park Civic Association and prepared conceptual site plans that met with the Association's endorsement. He showed a layout of the property, noting that the surrounding uses on the Federal Highway corridor are commercial, with only small pockets of residentially zoned property. The Applicant plans to add a small coffee shop inside the sales facility in order to encourage pedestrian activity.

Mr. Wherry advised that mail notice was sent to all neighboring properties within 300 ft., although the Applicant has not reached out door-to-door for support from neighbors outside the block. Representatives of Holman Automotive have been regularly attending

Civic Association meetings. The property is intended to be a sales facility with a parking structure and will not include service, which would take place at another location.

Ms. Redding stated that the Applicant plans to add seven new lots to the parcel rezoned B-1 the previous year. Because the corridor is very narrow, they hope to expand B-1 zoning further into the neighborhood. She noted that another auto dealership to the north similarly extends B-1 uses into the surrounding neighborhood.

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

Camille Fenn, private citizen, stated that the Application before the Board tonight is very different from the presentation shown the previous year. She pointed out that the site is in one of the most congested areas in the City, and advised that the Applicant is in negotiations to move another dealership to the nearby area, which would bring an estimated total of 680 cars in the neighborhood. She concluded that many residents of the surrounding neighborhood had not received notice of tonight's hearing.

Ms. Fenn noted that most of the properties along 14th Court are single-family residences, and characterized the recent Civic Association meetings as "shutting down" those residents who were opposed to the project. She asserted that many people present at these meetings were not in favor of the development. Mr. Ferber suggested, however, that the residential quality of life in this area might already be affected by its proximity to Federal Highway.

Conrad Akers, private citizen, stated that he did not feel employees of the automotive dealership would limit themselves to Federal Highway rather than driving into the residential area. He noted that there are residential properties planned for the area, including new townhouses and apartments, which he felt might not be constructed if the dealership encroaches into the neighborhood.

Earle Fischer, private citizen, asserted that he did not want to have a parking garage next to his side yard or a significant increase in traffic on his street. He characterized the Applicant's offer on his property as insufficient.

D.J. Parker, Acting Secretary/Treasurer of the Poinciana Park Civic Association, stated that she owns several rental properties in the subject neighborhood. She felt the Applicant would construct a signature building that would be an improvement on the property, and concluded that she is in favor of the project.

Mr. Wherry observed that notices were mailed to 52 households in the area and signs were posted on the property. He clarified that many of the issues raised by members of the public dealt with the property's site plan rather than the proposed rezoning, and that the Applicant has not received counteroffers from Ms. Fenn or Mr. Fischer regarding the offers made on their properties. He pointed out that the original 4-story structure

planned for the site has been reduced to a single story with rooftop parking, and buffers and extensive landscaping will be added, in addition to green and metal screening.

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.

The Board members discussed the Application, noting that the request seems to be for "spot zoning" that would change the character of the residential neighborhood. Vice Chair Hansen advised that he did not feel there was sufficient reason to change the zoning of various lots and affect neighboring properties that were originally planned in a certain way. Mr. McCulla noted that the B-1 zoning along Federal Highway does not have sufficient depth, and suggested that this zoning should be characterized as "expanding" rather than spot zoning.

The members also noted that placing B-1 zoning beside a residential parcel can affect a property owner's quality of life, with Mr. Witschen pointing out that whether or not the Applicant will ultimately be a good neighbor to the remaining residents is in question. There was agreement among the Board members that they would be more comfortable with the Application if the Applicant were able to acquire the entire block. Mr. Ferber noted that the remaining homeowners could seek rezoning to B-1 on their own if they wished to sell their lots.

Attorney Spence clarified that should the Board deny the Application, a two-year time period must pass before an Applicant may request rezoning again. Vice Chair Hansen and Chair McTigue suggested amending the Application to include the four lots furthest to the east but not the lots located to the west at this time.

Robert Bamonte, representing Holman Automotive, stated that the Applicant had made offers to buy the entire block, based on the market value of the properties; however, some homeowners did not make a counteroffer. All contracts to buy include a six-month closing contingency to allow the Applicant to achieve rezoning. This contingency will expire in November 2014. Mr. Bumonti explained that if he cannot acquire the properties under contract, the garage building would have to be made taller in order to hold all the cars on-site. He concluded that he would be willing to accept a 30-day deferral of the Application.

Motion made by Mr. Cohen, seconded by Mr. Witschen, to approve the deferment [to October 15, 2014]. In a roll call vote, the **motion** passed 7-0.

Mr. Witschen left the meeting at 10:45 p.m.

- | | |
|---------------------------------------|---|
| 4. <u>Applicant / Project:</u> | Sarah Owen Del Negri / Flagler Residential Alley Reservation Vacation |
| Request: ** | Vacate portion of Alley Reservation |
| Case Number: | V14004 |

DRAFT
PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 15, 2014 – 6:30 P.M.

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	5	0
Leo Hansen, Vice Chair	P	5	0
Brad Cohen (arr. 6:40)	P	5	0
Stephanie Desir-Jean	P	4	1
Michael Ferber	P	5	0
James McCulla	P	5	0
Michelle Tuggle	P	4	1
Tom Welch	P	4	1
Peter Witschen	P	4	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
Eric Engmann, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Anthony Fajardo, Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

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 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.

Chair McTigue stated that Applicants and their agents have 15 minutes in which to make their presentations to the Board; representatives of associations and groups are allowed five minutes, and individual speakers have three minutes.

II. APPROVAL OF MINUTES

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

III. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. Z14003** *	Holman Automotive, Inc. / Holman Rezoning
2. V14005**	All Aboard Florida, LLC / All Aboard Air Rights Vacation
3. V14006**	All Aboard Florida, LLC / All Aboard Right-of-Way Vacation
4. T14010*	City of Fort Lauderdale / ULDR Amendment

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. <u>Applicant / Project:</u>	Holman Automotive, Inc. / Holman Rezoning
Request: ** *	Rezone from Planned Residential Office (ROC), Residential Office (RO) and Residential Mid Rise Multifamily /Medium High Density (RMM-25) to Boulevard Business (B-1)
Case Number:	Z14003
General Location:	410, 414 and 418 SE 14 Court and 421, 501, 505 and 509 SE 15 th Street
Legal Description:	Lots 8, 9, 10, 18, 19, 20 and 21 along with ½ of the vacated alley to the east of Lot 21, of Block 51-L, CROISSANT PARK, according to the plat thereof, as recorded in plat book 4, page 28 of the public records of Broward County, Florida
Case Planner:	Yvonne Redding
Commission District:	4

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

Steve Wherry, representing the Applicant, stated that the Application seeks to rezone parcels from RMM-25, RO, and ROC to B-1. The Application was originally presented to the Board in September 2014, at which time three neighbors of the property expressed concerns regarding the request. Since that time, the Applicant's team has met with all three individuals and has gained their support. The neighbors have either elected to sell their properties to the Applicant or agreed to modifications to the site plan, such as increased setbacks, landscaping, and other concessions.

The Applicant has also approached the owner of an additional parcel on the southwest corner of the block to discuss the possibility of purchasing or rezoning their property. This would result in the rezoning of the entire block, with no remaining residential parcels. No formal response has been received thus far, although the offer is under deliberation by the owner. Only one parcel remains on the block at this time for which the Applicant has been unable to come to terms of sale. It was noted that the use of this parcel is not residential.

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

Mr. Wherry showed a rendering of a two-mile area centering on the Lauderdale BMW dealership, explaining that Holman Automotive has acquired parcels as they have become available and rezoned them to B-1, which is consistent with the automotive sales/dealership use. He showed a rendering of uses within the subject area, pointing out that the number of residential properties surrounding the area is decreasing and may be subject to infill in the future if they are acquired by the Applicant.

Doug Snyder, architect for the Applicant, noted that the concept has been modified as a result of discussions with adjacent property owners. There will be 39 ft., 20 ft., and 25 ft. landscape buffers between the subject site and three adjacent properties. These buffers are at the request of one adjacent property owner, who also asked to be involved in the selection of landscape materials.

Mr. Snyder showed renderings of the site, noting that the Applicant will use solid panels, louvers, and green screens to soften the building's façade. The project will also create a pedestrian walkway along its side streets, including paved storefront areas leading up to the building.

Vice Chair Hansen requested that the Applicant explain which neighboring properties are under contract and which property owners are now on board with the project. Mr. Wherry replied that the Applicant now has the support of Earle Fischer, Robert and Camille Fenn, and Conrad Akers, residential property owners who had expressed concern at the September Board meeting and have since agreed to sell their properties to the Applicant. The owner of a nearby Masonic temple is not yet formally in agreement but is discussing the prospective sale of this property. The owner of a law office has responded to the Applicant's offer with a counteroffer and is not yet considered to be on board with the project.

The Board members discussed the Application, clarifying that the easternmost parking structure is three stories above ground level, while the westernmost structure is one story. Both these facilities include rooftop parking, which features 3.5 ft. parapet walls that must meet impact and safeguard requirements for the vehicles.

Yvonne Redding, representing Urban Design and Planning, recalled that the Application was deferred from the previous month to allow the Applicant to reach out to neighboring property owners.

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

DJ Parker, Treasurer and Secretary of the Poinciana Park Civic Association, clarified that she was speaking as an individual resident and property owner only. She stated that the Holman Automotive project is important to the neighborhood as a whole and would address a current lack of both space and service at the location.

Ed Carlisle, private citizen, advised that he is also a member of the Poinciana Park Civic Association and within the subject area. He stated that both he and the Association are supportive of the project.

Marilyn Mammano, President of the Harbordale Civic Association, asserted that this Association was not approached to discuss the project. She noted that an earlier version of the project was much smaller than the current plan, and expressed concern with the Applicant's plan to rezone the entire block to B-1, and felt the traffic resulting from the proposal was enough to warrant a larger discussion of the project with the surrounding community.

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 Vice Chair Hansen, seconded by Mr. Cohen, to approve. In a roll call vote, the **motion** passed 8-1 (Mr. Witschen dissenting).