

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, NOVEMBER 20, 2013 – 6:30 P.M.**

Cumulative

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

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

Staff

D'Wayne Spence, Assistant City Attorney
Thomas Lodge, Urban Design and Development
Yvonne Redding, Urban Design and Development
Dr. Jay Sajadi, Engineering Department
Anthony Fajardo, Chief Zoning Examiner
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

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- | <u>Case Number</u> | <u>Applicant</u> |
|---|---|
| 1. Pledge of Allegiance | |
| 2. Approve October 16, 2013 Minutes | |
| 3. 13Z12** * | Lauderdale Yacht Club |
| 4. 56R13** | Lauderdale Yacht Club |
| 5. 5Z13** * | Harbor Park Warehouse, LLC |
| 6. 17P13** | Harbor Park Warehouse, LLC |
| 7. 60R13** | Harbor Park Warehouse, LLC / Harbor Park Apartments |
| 8. 11T13* | Downtown Master Plan Amendment |
| 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 6:34 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.

Attorney Spence noted a correction to p.7 of the October 16, 2013 minutes: the final paragraph, which mentions conditions of approval, should be clarified to state that the Board should consider Staff conditions when making a motion.

Motion made by Ms. Tuggle, seconded by Mr. Welch, to approve as [corrected]. In a voice vote, the **motion** passed unanimously.

Chair McTigue noted that the Applicant of Item 8 has requested this Item be moved to a date certain of December 18, 2013, which is the next scheduled Board meeting.

Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, that Item 8 be moved to the next meeting. In a voice vote, the **motion** passed unanimously.

The Board agreed by unanimous consensus to hear Items 3 and 4 together, although they would vote on each Item separately.

5.	<u>Harbor Park Warehouse, LLC.</u>	<u>Planner</u> Yvonne Redding	<u>Case #</u> 5Z13
Request: ** *	Rezone from Heavy Commercial/Light Industrial (B-3) to General Business (B-2)		
Legal Description:	PARCEL "A", BLOCK 24, RESUBDIVISION IN BLOCKS 21, 24, 25, AND 28, LAUDERDALE FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 56, PAGE 40 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS: PARCEL 1: PARCEL "A", LESS THE EAST 335 FEET THEREOF, PARCEL 2: THE WEST 110 FEET OF THE EAST 335 FEET OF PARCEL "A", PARCEL 3: THE WEST 110 FEET OF THE EAST 225 FEET OF PARCEL "A", PARCEL 4: THE EAST 115 FEET OF PARCEL "A".		
General Location:	981 SE 20 Street		
District:	4		

6. **Harbor Park Warehouse, LLC.** **Planner** **Case #**
Yvonne Redding 17P13

Request: ** Right-of-Way Vacation

Legal Description: A portion of SE 10th Avenue lying south of SE 19th Street and north of Se 20th Street, east of and adjacent to Block 24 of the Resub. Of blocks 21, 24, 25, 28 LAUDERDALE FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 56, PAGE 40 of RBCF.

General Location: 981 SE 20 Street

District: 4

7. **Harbor Park Warehouse, LLC./ Harbor Park** **Planner** **Case #**
Apartments Yvonne Redding 60R13

Request: ** Site Plan Level III; Mixed Use development, Residential Flex Allocation

Legal Description: PARCEL "A", BLOCK 24, RESUBDIVISION IN BLOCKS 21, 24, 25, AND 28, LAUDERDALE FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 56, PAGE 40 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS: PARCEL 1: PARCEL "A", LESS THE EAST 335 FEET THEREOF, PARCEL 2: THE WEST 110 FEET OF THE EAST 335 FEET OF PARCEL "A", PARCEL 3: THE WEST 110 FEET OF THE EAST 225 FEET OF PARCEL "A", PARCEL 4: THE EAST 115 FEET OF PARCEL "A".

General Location: 981 SE 20 Street

District: 4

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

Attorney Spence noted that the Applicant is requesting rezoning in Item 5 and Site Plan Level 3 approval in Item 7. He stated that as before, while the Site Plan Level 3 Review should be based upon the existing zoning regulations, the Applicant has requested that the Board evaluate the site plan based upon the proposed rezoning. Should the City Commission make any changes to the rezoning request, this would require Site Plan Level 3 Review to come before the Board once more for approval.

He continued that the Board members' information packets do not include comment from the City Attorney's Office regarding whether or not the right-of-way vacation meets the criteria necessary for public purpose use. The Applicant has been asked to address this issue.

John Milledge, representing the Applicant, explained that the project, known as Harbor Park, is an urban mixed-use project consisting of 310 multi-family units and 2500 sq. ft. of commercial space with structured parking. It also includes 45,000 sq. ft. to be used by L.A. Fitness on the east side of 10th Avenue. The first request would “downzone” from B-3 to B-2 in order to allow for a mixed-use project including residential.

He continued that the right-of-way vacation would be consistent with a long-standing precedent by City Staff to allow vacation with a re-conveyance of right-of-way. This would allow two projects on either side of a roadway to be combined into a single project. The third item is Site Plan Review. The projects would be combined in order to include additional pedestrian and bicycle improvements and access, and to integrate the two parcels with the surrounding area. The Applicant has met with the Harbordale Civic Association, which voted to approve the project.

Jeff Falkanger, architect for the Applicant, showed an aerial photo of the property, explaining that the project is 8 stories in height, with two parking garages, one inside the Harbor Park complex and a freestanding facility to be used by L.A. Fitness. A roundabout will be added to prevent drivers from turning around in the nearby Village East property. He described navigation of the streets in and around the property, and how to access other nearby roadways, including Miami Road.

Mr. Falkanger added that the project is overparked, as the L.A. Fitness garage includes 314 parking spaces and the Harbor Park complex garage includes 600 spaces. The parking requirement for the project is 848 spaces. There are also 20 on-street parking spaces. A 15 ft. alleyway previously existed on the property; a neighboring property owner has vacated 5 ft. of alley right-of-way, and the Applicant received an alley easement for the remainder of the right-of-way.

Joaquin Vargas the Applicant’s traffic engineer, advised that the traffic study included the L.A. Fitness facility as part of the Harbor Park project. Impacts to the 17th Street Causeway, 10th Avenue, Cordova Road, Miami Road, and the intersection of US-1 and SR-84 were found to be adequate. Access driveways to and from 10th Avenue were also evaluated and projected to operate at an acceptable level of service. Broward County records show that with the current restrictions on 17th Street and SR-84, Miami Road operates at approximately 18% capacity. With the proposed circulation, the proposed project will add roughly 2.5% to this capacity, with a net result of 22%, which is considered to be excellent.

Yvonne Redding, representing Urban Design and Development, stated that the underlying land use of the subject site is Employment Center. The property will be downzoned from B-3 to B-2 in order to develop a mixed-use project. The rezoning criteria include introducing no new uses into the neighborhood and maintaining compatibility with the Comprehensive Plan. Staff feels these rezoning criteria have been met by the Applicant.

She continued that the Applicant is also requesting to vacate a right-of-way of approximately 55 ft. in width and 287 sq. ft. in order to develop the parcel. A roundabout will be developed to serve both the subject site and the Village Condos. On-street parking, a public plaza, crosswalk improvements, dedication of the easement back to the City, and maintenance of the right-of-way and curbs will also be provided by the Applicant.

The Harbor Park mixed-use project will include 310 residential units and 2500 sq. ft. of commercial space. Along with the public plaza, which will be approximately 3300 sq. ft. in size, the Applicant will implement Complete Streets, including comfortable pedestrian environments, on-street parking, tree-lined sidewalks, courtyards, open picket fences for ground-floor units, an internalized parking garage, and a large walking path. Ms. Redding showed a rendering of the site, noting that the Applicant also plans to make 19th Street and 20th Street through streets in order to improve circulation on the site. She concluded that the president of the Harbordale Civic Association provided an email dated October 27, 2013, stating that the Association is supportive of the project.

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

Harold Rodgers, private citizen, stated that he is a resident of Village East. He pointed out that the area suffers from a flooding problem following hard rains, and asked if the Applicant had made any plans to address or resolve this issue. Mr. Cohen advised that the construction of the L.A. Fitness facility is likely to improve this problem rather than exacerbating it. Matt Cigale, civil engineer for the proposed project, explained that at present, the site is entirely paved with minimal drainage, which spills over into the right-of-way. The Applicant's plans will add catch basin, an exfiltration trench, and drainage wells to minimize the project's impact on the surrounding area.

David Wells, private citizen, stated that the notice to the public dated November 1, 2013 did not mention the vacation of the public right-of-way. He explained that he owns a vacant property, zoned B-3, at the southeast corner of Miami Road and SE 20th Street. He asserted that while he is not opposed to the Harbor Park development, the creation of one-way streets will place an inequitable burden on his property, as it will be surrounded by limited-direction roadways on three sides.

Mr. Wells asserted that his property rights are being violated, and advised that the proposed changes will transform the southern part of 19th Street into an alley. He requested that two-way traffic be maintained on SE 19th Street and 20th Street, and that the site plan be tabled until it is demonstrated that his property value would not be negatively affected by the proposed changes.

Mr. Cohen asked if Mr. Wells had vacated 5 ft. of the subject alleyway. Mr. Wells confirmed that he had done so 12 years ago, as he had planned to develop the property at that time.

Ilene McMenamín, private citizen, stated that she owns a property on Miami Road. While she was supportive of the project, she did not feel all the facts were presented by the Applicant, such as a proposal to use an alleyway that is currently used by her tenants for parking. She also expressed concern for traffic coming down the alley, and for the proposal to replace two-way streets with one-way streets.

Ms. McMenamín added that while she had received a letter regarding the Application, it had not included any information regarding the proposed right-of-way vacation. She concluded that she hoped the roadways would remain two-way and that the alley would not be blocked for 20 minutes at a time for loading and unloading. It was clarified that the alley for which she had expressed concern was not the same alley that the Applicant has proposed to vacate.

Mr. Fajardo clarified that all loading for the subject property will be done on-site, as a City Ordinance prevents use of City rights-of-way for loading or unloading. He stated that it is not permissible to block a public alley for any amount of time, as had been previously suggested during the presentation.

With regard to changing the alley from two-way to one-way, Mr. Fajardo explained that there is currently no connection to 10th Street from 19th Street or 20th Street. Members of the civic association, in meeting with the Applicant and Staff, had promoted a change to one-way circulation in order to prevent cut-through traffic from the neighborhood to Miami Road. Ms. McMenamín pointed out that this would mean traffic would instead use the alley to cut through the neighborhood. Mr. Fajardo advised that the alley is not currently wide enough to accommodate two-way use.

Mr. Falkanger added that Ms. McMenamín would still have access for parking in the alley, even when it is used to accommodate traffic coming from 19th Street or 20th Street. Ms. McMenamín reiterated her opposition to this plan, stating that it would directly affect her tenants.

Jay Huebner stated that he is a planner and engineer retained by David Wells to review the project. He advised that City Staff had addressed several of the concerns he and Mr. Wells had raised, and had relayed other concerns back to the developer, who responded by making adjustments to the project. He noted, however, that he and Mr. Wells remain concerned with the proposed traffic patterns. Mr. Huebner said he has reviewed the traffic analysis prepared by the Applicant, and pointed out that it does not address the proposed one-way traffic that is of concern to nearby residents.

He showed a rendering of the properties owned by Mr. Wells and Ms. McMenamín, observing that the project will create an additional 36 peak hour trips through the alleyway at night and 30 peak hour morning trips onto Miami Road. He concluded that the proposed traffic configuration would be problematic for residents of Miami Road, as it would generate additional traffic through the alley, which is intended to serve adjacent

buildings and not an entire community. He felt 19th Street and 20th Street should remain two-way roadways.

Jack Loos, developer of the subject property, stated that the alleyway behind Mr. Wells' property is only 10 ft. wide and cannot legally accommodate two-way traffic at present. He asserted that the proposed changes would enhance traffic flow, and he has worked with the neighborhood to minimize cut-through traffic. The one-way access would discourage this traffic, which was encouraged by both the neighborhood and City Staff.

There being 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.

Vice Chair Hansen recalled that the Board had been presented with a similar project at its October meeting, and reiterated that 17th Street should be studied in order to make it a safer roadway for pedestrians and bicycles as well as vehicles.

Attorney Spence reminded the Board that there are three Items for consideration.

Motion made by Mr. Witschen, seconded by Mr. Cohen, to approve Item 5, the rezone. In a roll call vote, the **motion** passed 8-0. (Mr. McCulla abstained. A memorandum of voting conflict is attached to these minutes.)

Motion made by Mr. Witschen, seconded by Mr. Cohen, [for] Item 6, right-of-way vacation, as presented. In a roll call vote, the **motion** passed 8-0. (Mr. McCulla abstained. A memorandum of voting conflict is attached to these minutes.)

Motion made by Mr. Witschen, seconded by Mr. Cohen, [for] Item number 7 as presented, with the caveat that it is contingent upon the rezoning. In a roll call vote, the **motion** passed 8-0. (Mr. McCulla abstained. A memorandum of voting conflict is attached to these minutes.)