

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 17, 2012 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2012-May 2013	
		Present	Absent
Patrick McTigue, Chair	P	4	1
Leo Hansen, Vice Chair	P	4	1
Brad Cohen	P	2	0
Stephanie Desir-Jean	P	4	1
Michael Ferber	A	4	1
James McCulla	P	4	1
Michelle Tuggle	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

Ella Parker, Acting Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Anthony Fajardo, Urban Design and Development
Tom Lodge, Urban Design and Development
Yvonne Redding, Urban Design and Development
Mohammed Malik, Chief Zoning Examiner
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, to request that Staff develop a process that would not require Items such as 17R12A and 18R12A, both of which relate to sign approval, to come before the Planning and Zoning Board (and also streamline the review process for residential uses in the residential office districts, which currently require the Board's review). Staff has prepared revised code language that will streamline the review process for signage in the Regional Activity Centers and anticipates making additional code improvements in the near future to address the communication in full.

Index

Case Number **Applicant**

1. 17R12A** 1 E Broward Boulevard
2. 18R12A** 200 E Broward Boulevard
3. 41R11** Las Olas Property Management, LLC
4. 50R12** Certain Properties, LLC
5. 12Z12** * Key Village Charter School
6. 1P12** St. Jerome Catholic Church and School
7. 10P12** Ninth Street Property, LLC / French Village
8. 11P12** Ninth Street Property, LLC / French Village
9. 4T12* Neighborhood Compatibility
10. 5T12* Adult Gaming Centers
11. 11T12* Photovoltaic Solar Systems
12. Communication to the City Commission
13. 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 6:32 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Acting Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.~~

~~It was noted that Items 1 and 2 were inadvertently mislabeled, and were not quasi-judicial items.~~

~~**Motion** made by Mr. Welch, seconded by Ms. Tuggle, to approve the minutes of the September 19, 2012 meeting. In a voice vote, the **motion** passed unanimously.~~

~~Attorney Spence noted a correction to the July 18, 2012 minutes: p.3, Item 2 should state "Ms. Parker clarified that the 40 ft. easement noted by Mr. Lochrie would actually be a 27 ft. easement." He requested that the Board move to approve this correction to the previously adopted minutes.~~

~~**Motion** made by Vice Chair Hansen, seconded by Mr. McCulla, to approve. In a voice vote, the **motion** passed unanimously.~~

~~The proposal is consistent with the Downtown Master Plan, which requires very specific setbacks from the center line of the street. The City's Property and Right-of-Way Committee unanimously recommended support for the request.~~

~~Vice Chair Hansen asked why the property line was not uniform in the first place. Mr. Lochrie explained when the property was platted, it did not include all the portions of property that have presently been assembled. He advised that instead of a dedicated right-of-way, the City's preference is now for a 5 ft. easement, which will be provided if the Application is approved.~~

~~Mr. Lodge stated that the Application meets the criteria found in ULDR Section 47-24-6, Vacation of Right-of-Way. Staff has proposed the following conditions:~~

- ~~• The Applicant must dedicate a 5 ft. pedestrian sidewalk to the City, as provided on the site plan, for the associated French Village Multi-Residential Project; and~~
- ~~• Any utilities being required to be removed, replaced, or relocated shall be done at the Applicant's expense, and approved by a City Engineer. All improvements constructed within the easement must conform to City engineering standards.~~

~~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, to approve Item 7 with Staff conditions as presented.~~

~~Mr. Lodge clarified that the conditions apply to both Items 7 and 8.~~

~~In a roll call vote, the **motion** passed 8-0.~~

~~**Motion** made by Mr. McCulla, seconded by Mr. Witschen, to approve Item 8 with Staff conditions. In a roll call vote, the **motion** passed 8-0.~~

9. Neighborhood Compatibility

Anthony Greg Fajardo

4T12

Request: *

Revision to Section 47-25.3, Neighborhood Compatibility, of the Unified Land Development Regulations to exempt park, open space and conservation areas from the requirements of a buffer yard

General Location:

City Wide

District:

All Commission Districts

Anthony Fajardo, representing the Department of Sustainable Development, explained that this Item is an Ordinance pertaining to neighborhood compatibility

requirements. When non-residential uses are within 100 ft. of residential uses, they must be reviewed pursuant to the criteria of Section 47-25.3, Neighborhood Compatibility. When they are contiguous to residential uses, they are required to provide a 10 ft. buffer yard and a 5 ft. wall.

As defined in the ULDR, Parks, Open Space, and Conservation Areas are considered non-residential uses. This means a buffer yard would be required when these uses are contiguous to residential uses as an unintended result to adequately buffer commercial uses from residential uses. Staff believes that Parks, Open Space, and Conservation Areas should not be enclosed by solid walls; they also believe the standard vegetation requirement is not necessary, as vegetation is an integral part of these uses.

Mr. Fajardo continued that the condition requiring walls and vegetation creates places for hiding and may provide an invitation for graffiti and garbage collection. Staff recommends exempting these three non-residential designations from the buffer yard requirements by excluding them from the buffer yard provision.

Mr. Fajardo clarified that the 5 ft. wall and buffer yard would no longer be required; however, as non-residential uses, they must continue to meet neighborhood compatibility requirements, which will allow Staff to conduct an ad hoc analysis on each compatibility issue as it is presented. This means the opportunity to buffer these uses with a yard or wall will remain if necessary; however, Staff does not feel it is a necessity in all cases.

Mr. Cohen asked whether this revision would affect any future zoning designations other than Parks, Open Space, or Conservation. Mr. Fajardo clarified that the ULDR categorizes golf courses as Open Space; Parks and Conservation Areas are defined terms. If, during the review process, Staff determines that there is a need for an additional buffer area, they may make this requirement.

Mr. McCulla asked if Staff might consider proposing some standards to be used in determining whether specific parks should require some type of buffer. Mr. Fajardo explained that the Board may make this recommendation to the City Commission, and reiterated that Staff may still require additional buffering as part of neighborhood compatibility; the only change proposed by this Item is removing the standard requirement for a buffer wall and landscaped yard. He noted that most other cities within the State of Florida do not require a buffer, but allow parks to stand on their own.

Vice Chair Hansen observed that this Code change would allow any private citizen who would prefer a wall to build one on his or her own property, and to control the wall's appearance, height, ventilation, and other features. If the wall is instead erected by the City, that individual would have no choice in what the wall

looks like. Mr. Fajardo cited Holiday Park as an example of this, pointing out that most of the fencing around this park was built on private property.

Chair McTigue asked if Staff will have the flexibility to determine whether a required wall must be a block wall, a chain-link fence, or another type of structure. Mr. Fajardo said they would have this flexibility if this particular subsection of Code is removed.

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. Witschen, seconded by Mr. Welch, to approve. In a roll call vote, the **motion** passed 8-0.

10. Adult Gaming Centers

Anthony Greg Fajardo

5T12

Request: * ~~Revision to Chapter 15 of the Code of Ordinances, Sections 47-6, 47-18 and 47-20 of the Unified Land Development Regulations to establish Adult Gaming Centers as a use subject to specific criteria~~

~~General Location: City Wide~~

~~District: All Commission Districts~~

~~Mr. Fajardo stated that this Item would define Adult Gaming Centers as a new use within the City. These centers have requested to establish themselves within the City limits in recent years and at various locations. They use sweepstakes, governed by Florida State Statute 849.094, which regulates game promotion in connection with the sale of consumer products or services as a method to allow these centers.~~

~~Under the direction of the City Commission, Staff has drafted specific criteria in order to take a proactive approach to this use, as only minimal regulation exists under current Code. The proposed Ordinance would define Adult Gaming Centers and establish definitions for owners, operators, permittees, electronic gaming devices, and existing adult gaming centers. The use would be permitted under conditional use approval in the CB, B-1, B-2, and B-3 zoning districts.~~

~~A distance separation of 1000 ft. would be required between each adult gaming center, with a 750 ft. separation between these centers and establishments selling alcohol and a 500 ft. separation between these facilities and schools, residences, houses of worship, parks, libraries, or day care facilities. The facilities would be restricted to use by adults 18 years of age or over, and would be permitted to operate between the hours of 9 a.m. and 11 p.m., seven days per week.~~