

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

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2014-May 2015</b>	
		<b>Present</b>	<b>Absent</b>
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. <b><u>Applicant / Project:</u></b>	Holman Automotive, Inc. / Holman Rezoning
<b>Request: ** *</b>	Rezone from Planned Residential Office (ROC), Residential Office (RO) and Residential Mid Rise Multifamily /Medium High Density (RMM-25) to Boulevard Business (B-1)
<b>Case Number:</b>	Z14003
<b>General Location:</b>	410, 414 and 418 SE 14 Court and 421, 501, 505 and 509 SE 15 <sup>th</sup> Street
<b>Legal Description:</b>	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
<b>Case Planner:</b>	Yvonne Redding
<b>Commission District:</b>	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).

It was determined that Items 2 and 3 would be heard together.

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|--------------------------------|--|
| <b>2. Applicant / Project:</b> | All Aboard Florida, LLC. / All Aboard Air Rights Vacation  |
| <b>Request: **</b>             | Air Rights Vacation over potion of NW 2 <sup>nd</sup> Avenue   |
| <b>Case Number:</b>            | V14005   |
| <b>General Location:</b>       | 101 NW 2 <sup>nd</sup> Avenue  |
| <b>Legal Description:</b>      | An Aerial Vacation being 30 feet in height, having lower elevation limit of 29.44 feet, and upper elevation of 59.44 feet, said vacation lying over a portion of NW 2 <sup>nd</sup> Avenue, a 40 foot wide public right-of-way, as shown |

on the plat of the Town of Fort Lauderdale, as recorded in Plat Book B, at Page 40, of public records of Dade County, Florida (abbreviated)

**Case Planner:** Jim Hetzel

**Commission District:** 2

3. **Applicant / Project:** All Aboard Florida, LLC. / All Aboard Right-of-Way Vacation

**Request: \*\*** Vacate portion of NW 2<sup>nd</sup> Avenue

**Case Number:** V14006

**General Location:** 101 NW 2<sup>nd</sup> Avenue

**Legal Description:** A parcel of land lying on a portion of NW 2<sup>nd</sup> Avenue, a 40 foot wide public right-of-way, as shown on the plat of the Town of Fort Lauderdale, as recorded in Plat Book B, at Page 40, of public records of Dade County, Florida, containing 698 square feet, more or less (abbreviated)

**Case Planner:** Jim Hetzel

**Commission District:** 2

Disclosures were made, and any members of the public wishing to speak on these items were sworn in. Mr. Cohen also stated his disclosure relating to Item 1.

Debbie Orshefsky, representing the Applicant, introduced the members of the Applicant's team. Jose Gonzalez, Vice President of All Aboard Florida's parent company, Florida East Coast Industries (FECI), showed a PowerPoint presentation on the project, which is intended to reintroduce passenger rail service on the FEC railway. It will use 195 existing miles and 40 new miles to establish this inner-city passenger rail system from Miami to Orlando.

Mr. Gonzalez explained that Fort Lauderdale's station, which will be located north of Broward Boulevard, will feature a raised, center-loaded platform with level boarding, full amenities, surface parking lots, and Americans with Disabilities Act (ADA) compliance. Tri-Rail's platform will also be integrated into the All Aboard Florida station. The area will include improvements associated with quiet zones, such as crossing and safety upgrades that will not require the trains to sound their horns in urban corridors. The station is expected to be complete by June 2016, with operations beginning at the end of that year.

Ms. Orshefsky showed the project's site plan, which is currently before the Development Review Committee (DRC), explaining that at present, NW 2<sup>nd</sup> Avenue stops at 2<sup>nd</sup> Street. 2<sup>nd</sup> Street is the only crossing that needs to be closed in order to accommodate the project. All Aboard Florida has acquired a former Florida Power and Light (FPL) parcel in that area, and is obligated to construct an extension of NW 2<sup>nd</sup> Avenue, which will connect Broward Boulevard with NW 4<sup>th</sup> Street. This will provide a new corridor not

only for the All Aboard Florida facility, but for the community at large. The extension will include a 9 ft. sidewalk.

She showed a rendering of the project, noting that the pedestrian bridge, which includes a column, will extend into the air rights area over NW 2<sup>nd</sup> Avenue. The column may not be moved to the east without intruding upon the railroad's right-of-way; for this reason, it will remain within a portion of the NW 2<sup>nd</sup> Avenue right-of-way.

Jim Hetzel, representing Urban Design and Planning, advised that the Applicant proposes to construct a pedestrian concourse bridge as part of the future All Aboard Florida rail station. The bridge will connect the proposed station to the train platform. The vacated air rights would approve the construction of this bridge over NW 2<sup>nd</sup> Avenue. Staff requests that the Application be subject to three conditions included in the Staff Report. Mr. Hetzel noted a correction to the wording of condition #2.

He continued that Item 3 is a request to vacate NW 2<sup>nd</sup> Avenue between NW 2<sup>nd</sup> Street and north of Broward Boulevard, to construct support columns for the pedestrian concourse of the future All Aboard Florida site. The bridge will connect the proposed train station with the train platform. The columns will stand within the vacated right-of-way. He noted a correction to condition #3, stating that the phrase "and maintain" will be removed.

The Board members discussed the Application, clarifying that the closure of NW 2<sup>nd</sup> Avenue is governed by Florida Department of Transportation (FDOT) regulations. There is a possibility of relocating a fire station from this area. The new road will be constructed within a six-month timeline.

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 Vice Chair Hansen, seconded by Mr. Witschen, to approve #2, V14005, with Staff conditions. In a roll call vote, the **motion** passed 9-0.

**Motion** made by Mr. Witschen, seconded by Mr. Ferber, to approve Item #3, V14006. In a roll call vote, the **motion** passed 9-0.

4. **Applicant / Project:** City of Fort Lauderdale / ULDR Amendment
- Request: \*** Amendments to ULDR Section 47-27, to create requirements for *Public Participation Notice*. This amendment is intended to ensure that applicants seeking approval of Site Plan Level III or Site Plan Level IV development applications pursue early and effective public participation in conjunction with a proposed development.
- Case Number:** T14010
- General Location:** City-wide

**Case Planner:** Eric Engmann

**Commission District:** City-wide

Eric Engmann, representing Urban Design and Planning, stated that the Application would amend three sections of the ULDR. It would codify procedure requiring a separate public participation meeting that officially recognizes civic associations within 300 ft. of projects seeking Site Plan Level III and Site Plan Level IV approval. At present, Staff strongly recommends that applicants reach out to civic associations; however, this outreach is not required for the application to proceed.

The Amendment would establish a specific date by which notices of a project must be sent to abutting civic associations. Affidavits must be submitted to Staff to show that this notice was provided. Before the submittal of an application to the Planning and Zoning Board, a notice indicating the date, time, and location of this extra meeting must be sent out. The meeting may occur before the DRC process, but a summary must be submitted no later than 30 days prior to the Planning and Zoning Board meeting. The summary must include the time and date of the meeting, participants, materials, and substance and comments expressed. An affidavit attesting to the meeting must also be provided.

The requirement of this meeting will not add to the length of the approval process. The Amendment is intended to encourage early stakeholder involvement in the development and approval process, and to foster good working relationships and community engagement. Staff recommends approval of the amendment.

The Board discussed the proposed Amendment, noting that the scheduling of meetings may depend in part on the responsiveness of a given civic association. Vice Chair Hansen pointed out that an applicant may schedule a meeting at which members of a civic group are not in attendance. Mr. McCulla noted that he has attended several public meetings of this nature, many of which do not generate strong public attendance. Mr. Witschen agreed that it is possible the leaders of some civic associations are not disseminating information to their memberships.

Ms. Parker explained that the proposal would affect only Site Plan Level III and Level IV applications. The intent is to formalize a process that already exists, as well as to streamline this process by providing applicants with the opportunity to hold a meeting even if a civic entity does not meet regularly. Civic association Presidents are expected to disseminate information if there is an item affecting their group.

Mr. Ferber asserted his strong opposition to the Amendment, which he felt was proposed by elected officials rather than by Staff and was "not part of the cure, [but] part of the disease." He pointed out that current notification requirements began as a courtesy to civic associations, and would continue to expand further if allowed, to the

detriment of property owners. He concluded that he felt this Item was best characterized as "*Vox populi, vox humbug.*"

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

Marilyn Mammano, President of the Fort Lauderdale Council of Civic Associations, confirmed that the Amendment was originally proposed by the City Commission as a way to make the approval process smoother for developers and neighbors. She characterized the proposal as a compromise, which was supported by the Council as a step in the right direction.

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. Witschen, seconded by Ms. Desir-Jean, to approve. In a roll call vote, the **motion** failed 0-9 (unanimous dissent).

#### IV. COMMUNICATION TO THE CITY COMMISSION

None.

#### V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker advised that the Board members were sent an email asking if they would be open to a Friday meeting to discuss potential regulations for the Northwest Regional Activity Center (RAC) in advance of the next regular Board meeting. The proposed dates were November 7 and November 14. It was instead decided that instead of scheduling an additional meeting to discuss this Item only, the Board would hear the Item during a regular meeting, which would begin at 5:30 instead of 6:30 p.m. to allow more time to hear the Item.

**Motion** made by Mr. Cohen, seconded by Mr. McCulla, to tack [this Item] onto the beginning of the meeting [and] start at 5:30. In a roll call vote, the **motion** passed 8-1 (Ms. Desir-Jean dissenting).

There being no further business to come before the Board at this time, the meeting was adjourned at 8:19 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



*Paul E. McGuire*

Chair

*Brigitte Chapman*

Prototype

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