

DRAFT
PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
THURSDAY, DECEMBER 18, 2014 – 5:30 P.M.

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	7	0
Leo Hansen, Vice Chair	P	7	0
Brad Cohen	A	6	1
Stephanie Desir-Jean	A	5	2
Michael Ferber	P	7	0
James McCulla	P	7	0
Michelle Tuggle (arr. 6:36)	P	6	1
Tom Welch	P	6	1
Peter Witschen	P	6	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
Tom Lodge, Urban Design and Planning
Gene Dempsey, Urban Forester, Public Works Department
Adrienne Ehle, Public Works Department
Glen Hadwen, Public Works Department
Jim Koeth, Public Works Department
Kimberly Pearson, Chief Landscape Plans Examiner
Mohammed Malik, Chief Zoning Examiner
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Witschen, seconded by Vice Chair Hansen, that Staff look into additional initiatives that emphasize the reuse of water in relation to passage of the amended Landscape Ordinance. In a voice vote, the **motion** passed unanimously.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair McTigue called the meeting to order at 6:31 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 are allowed 15 minutes to present their items; representatives of associations or groups are allowed five minutes to speak, and individuals are allowed three minutes.

II. APPROVAL OF MINUTES

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

III. AGENDA ITEMS

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<u>Case Number</u>	<u>Applicant</u>
1. T14013*	City of Fort Lauderdale / Unified Land Development Regulations (ULDR) Amendment
2. PL14011**	New Prime Land, LLC / "New Prime Land" Plat
3. PL14009**	McElliot Development Inc. / "Jacob's Hammock" Plat
4. Z14007** *	Broward County Board of County Commissioners / Broward Addiction Recovery Center (BARC)

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>	City of Fort Lauderdale / Unified Land Development Regulations (ULDR) Amendment
Request: *	Amendments to ULDR Section 47-21, Landscaping and Tree Preservation Requirements, to provide for requirements for Florida-Friendly Landscaping™ criteria.
Case Number:	T14013
General Location:	City-wide
Case Planner:	Anthony Fajardo / Adrienne Ehle / Kimberly Pearson
Commission District:	City-wide

Kimberly Pearson, Chief Landscape Plans Examiner, explained that the Item includes amendments to the City's Tree Code that will incorporate Florida-friendly landscape principles, including decreased water consumption, into Code. It represents a collaborative effort between the Public Works Department and the Department of Sustainable Development to lower water use for landscape requirements.

Ms. Tuggle arrived at 6:36 p.m.

Gene Dempsey, City Forester, stated that the amendment is part of the first phase of a revision to the Landscape Ordinance. At present, roughly 50% of water used by the City goes toward irrigation of landscaping. He cited multiple efforts by Broward County, the South Florida Water District, the State of Florida, and other environmental entities encouraging reduced water use, which is also promoted by the City's Strategic Plan. The amendment will also align the City more closely with Broward County architects and professionals who are designing local landscapes.

Mr. Dempsey described Florida-friendly landscaping as including the following key principles:

1. Right plant, right place
2. Water efficiency
3. Appropriate fertilization
4. Use of organic mulch
5. Reduce stormwater runoff
6. Protect the waterfront
7. Attract wildlife
8. Responsible pest management
9. Recycling yard waste

Some of the major topics addressed in the Landscape Ordinance were aligned with efforts by other government agencies, including the Florida Department of Environmental Protection and South Florida Water Management. The Ordinance will also address the measurement of trees, increase the percentage of native plants used in landscaping, reduce the amount of turf grass, and require street trees in all zoning districts. Irrigation systems will be designed to meet plant needs. Definitions are updated and clarified to focus on sustainability, address the tree canopy, and reflect the standards of sustainability promoted by the City's Vision Plan.

Adrienne Ehle, representing the Public Works Department, reviewed the City's outreach process, which began in June as a conference meeting presentation to City Commission focusing on Florida-friendly principles for sustaining the City's long-term water supply. In September, the City reached out to several landscape architects including meetings scheduled upon request and created the ordinance web page, followed by an open house in October and a presentation to the Council of Fort Lauderdale Civic Associations. Comments from the public were incorporated into the proposed revision. Next steps include two appearances before the City Commission.

Mr. McCulla expressed concern with the proposed amendment, asking at what point in the permitting process a property owner would be required to comply with the amended Ordinance. Ms. Pearson explained that if an owner's plans for his or her property include improvements that cross a set threshold, they must comply with the Ordinance. Ms. Parker clarified that this could include improvements to more than 50% of the property or its value.

Mr. McCulla asserted that he did not support the level of regulation included in the proposed amendment. Mr. Ferber agreed with Mr. McCulla, stating that he felt the existing Ordinance overstepped the boundaries of a Supreme Court ruling related to the police powers of a municipality.

Ms. Parker clarified that while the use of gray water is not mentioned in the current amendment, it may be included in future considerations as a means to improve sustainability. Mr. McCulla emphasized the need to address gray water in the City's landscaping strategy. Chief Zoning Examiner Mohammed Malik added that some strategies will be implemented over a longer time frame.

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

Dennis Ulmer, private citizen, stated that he had attended the open house held by City Staff on October 14, 2014. He felt the amendment will provide the City with best practices from the Broward County Code of Ordinances and bring the City closer to the goals and objectives of its Strategic Plan. He recommended approval of the proposed amendment.

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. Welch, to approve. In a roll call vote, the **motion** passed 5-2 (Mr. Ferber and Mr. McCulla dissenting).

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| 2. <u>Applicant / Project:</u> | New Prime Land, LLC. / "New Prime Land" Plat |
| Request: ** | Plat Approval |
| Case Number: | PL14011 |
| General Location: | 1300 SE 17 th Street |
| 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.

Jerry McLaughlin, representing the Applicant, advised that the proposed plat will be restricted to a maximum of 30,000 sq. ft. of commercial space. No site plan is available thus far. The plat has been reviewed by the Development Review Committee (DRC), and the Applicant has addressed the Committee's comments.

Tom Lodge, representing Urban Design and Planning, stated that the parcel consists of .68 acre. Staff recommends approval of the Application.

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. Witschen, seconded by Mr. Welch, to approve. In a roll call vote, the **motion** passed 7-0.

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| 3. <u>Applicant / Project:</u> | McElliot Development Inc. / "Jacob's Hammock" Plat |
| Request: ** | Plat Approval |
| Case Number: | PL14009 |
| General Location: | 1429 SW 31 st Court |
| Case Planner: | Thomas Lodge |
| Commission District: | 4 |

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

Mr. McLaughlin, representing the Applicant, advised that the subject property is currently vacant and is zoned RD-15. The plat will be restricted to six townhouse-type units. The site plan is not currently available. All comments made by the DRC have been addressed by the Applicant.

It was clarified that while notice was posted in the surrounding neighborhood, it did not specifically refer to plans for six town homes.

Mr. Lodge stated that the subject parcel consists of .43 acre. The Applicant will dedicate a 5 ft. right-of-way along SW 21st Court. Staff recommends approval of the Application.

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. Witschen, seconded by Mr. McCulla, to approve. In a roll call vote, the **motion** passed 7-0.

4. **Applicant / Project:** Broward County Board of County Commissioners / Broward Addiction Recovery Center (BARC)
- Request: * * *** Rezone from Heavy Commercial/ Light Industrial (B-3) to Community Facility (CF)
- Case Number:** Z14007
- General Location:** 325 SW 28th Street
- Legal Description:** A Parcel of Land Being All of Lots 1, 2, 3, 4, 5, 6, 22, 23, 24 and 25, Block 12 of the Corrected Plat of Everglades Land Sales Company's Second Addition to Lauderdale, Florida, as recorded in Plat Book 1, Page 52, of the Public Records of Miami-Dade County, Florida, and a Portion of that Certain Vacated Alley per City of Fort Lauderdale Ordinance No. C-92-22, as Recorded in Official Records Book 19751, Page 442 of the Public Records of Broward County, Florida.
- Case Planner:** Eric Engmann
- Commission District:** 4

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

Scott Backman, representing the Applicant, explained that the Application would rezone a parcel owned by Broward County that is the intended site of the Broward Addiction and Recovery Center (BARC). The Broward County Commission and the Fort Lauderdale City Commission have entered into an interlocal agreement that requires the rezoning of a portion of this property from B-3 to Community Facility (CF). The site plan for the property is currently being reviewed by the DRC. The Applicant agrees with all of Staff's recommendations.

Eric Engmann, representing Urban Design and Planning, stated that the portion of property to be rezoned consists of 1.64 acres. He described the parcel's location, noting that the site's remaining 1.17 acres are already zoned CF. The site is located in an established sector of CF properties, including uses such as government services and schools. CF zoning and uses also exist to the north and west of the property, with industrial zoning and uses to the south and east. The nearest residential property is more than .25 mile from the subject site.

The rezoning will allow for greater separation of the proposed Social Service Residential Facility (SSRF) use from other uses located to the west. Staff recommends approval of the Application. Mr. Engmann noted that Staff has received six letters in opposition to the project, which are available in the backup materials.

Chair McTigue requested clarification of the proposed facility's proximity to a school. Mr. Engmann confirmed that the property is located 1500 ft. from a child care facility. Mr. Backman pointed out, however, that any day care facility located at the alternative high school is not considered a child day care facility in the ULDR.

Attorney Spence clarified that the Item before the Board is not approval of an SSRF, but a rezoning. Three criteria must be met for its approval:

1. Consistency with the City's Comprehensive Plan
2. Substantial changes in the character of development in or near the area support the proposed rezoning
3. The character of the area is suitable for the uses permitted within the proposed zoning district and compatible with surrounding districts and uses

He noted that while not all the materials provided by the Applicant are relevant to the rezoning request, they will be relevant to future site plan approval. Mr. Engmann added that a conditional use application for the property will come before the Board at a future meeting, and will include the site plan.

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

Kelly Allen, private citizen, stated that she owns several properties in the industrial park bordering the subject property. She opposed the request because she felt the area was not suitable for the facility, as it includes little parking, insufficient security, and a concealed railroad spur. She concluded that most nearby businesses are unaware of the proposed facility, and requested meetings between these businesses and the Applicant.

Cliff Iacino, President of the Edgewood Civic Association, said he felt the County is attempting to convert the entire City block into a campus. He felt the primary issue was one of safety, noting the proximity of the alternative school to the proposed facility, and requested that the Board not approve of the Application.

Lois Wexler, County Commissioner, advised that the criteria for approval of the Application have been met, and requested that the Board vote to approve it.

Debbie Mast, private citizen, read a letter she had written to the Board requesting that approval of the Application be denied, as the business community has not had an opportunity to address its concerns with the proposed rezoning. She also noted the proximity of a public school, a sports facility, and a public park to the proposed facility.

Rocky Rodriguez, President of the Broward County Substance Abuse Advisory Board, stated that BARC has provided detoxification and outpatient services for over 40 years. He emphasized its positive impact on the community, and pointed out that it has existed in a residential neighborhood without any major incidents.

Don Maines, Vice President of the BARC Advisory Board, noted that crime statistics may be inflated because the existing facility is located near the Fort Lauderdale Police Department. He pointed out that 40% of clients served by BARC live within the City.

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.

It was emphasized that the only issue before the Board was the proposed rezoning, which would make the parcel more compatible with the surrounding neighborhood. Use of the site was not under consideration at this time.

Motion made by Ms. Tuggle, seconded by Vice Chair Hansen, to approve. In a roll call vote, the **motion** passed 6-1 (Mr. McCulla dissenting).

IV. COMMUNICATION TO THE CITY COMMISSION

Motion made by Mr. Witschen, seconded by Vice Chair Hansen, that the Board was interested when Staff recommended the passage of the Florida-friendly landscape Ordinance, that there also be other water-saving initiatives considered, which would place further emphasis on the reuse of water. In a voice vote, the **motion** passed unanimously.

V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Chair McTigue advised that Ms. Tuggle will resign from the Board following tonight's meeting, as she will be moving. This is also Mr. Welch's final meeting as a Board member. Chair McTigue thanked both members for their years of service.

The Board agreed by unanimous consensus that the January meeting will be held on Tuesday, January 20, 2015.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:55 p.m.

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

Chair

Prototype

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