

DRAFT
PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, JANUARY 20, 2015 – 5:30 P.M.

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	8	0
Leo Hansen, Vice Chair	P	8	0
Brad Cohen	P	7	1
Stephanie Desir-Jean (dep. 8:10)	P	6	2
Michael Ferber	P	8	0
Richard Heidelbergberger	P	1	0
James McCulla	P	8	0
Peter Witschen	P	7	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
Yvonne Redding, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

~~**Motion** made by Mr. McCulla, seconded by Mr. Cohen, that his suggestion that the City review, improve, or eliminate Condition #2 for rezoning be sent forth to the City Commission for consideration. In a voice vote, the **motion** passed unanimously.~~

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

~~Chair McTigue called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. He extended a welcome to new Board member Richard Heidelbergberger. 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. McCulla to approve the December 18, 2014 minutes. The Board approved the minutes by consensus.~~

~~III. AGENDA ITEMS~~

Index

<u>Case Number</u>	<u>Applicant</u>
1. R14051**	Broward County Board of County Commissioners / Broward Addiction Recovery Center (BARC)
2. R14052**	Muno 1000 LLC and Brobee, LLC / Beach House
3. R14049**	740 Bayshore LLC / Bayshore 740
4. ZR14002** *	Prestons Holding Land Trust / Parking Lot
5. R14053**	Holman Automotive, Inc. / Lauderdale BMW / Mini Service Facility
6. PL14007**	Premier Riva, LLC / "Riva Residences" Plat
7. L14001*	Angelyn Whiddon, et al / River's Edge
8. Z14006**	Angelyn Whiddon et al / River's Edge
9. T14007*	City of Fort Lauderdale / ULDR Amendment
10. PL15002**	City of Fort Lauderdale / "3110" Plat

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 noted that the Applicants of Items 7 and 8 have requested that these items be deferred.~~

~~Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, to defer until a date certain of February 18, 2015. In a voice vote, the motion passed 7-0. (Vice Chair Hansen abstained. A memorandum of voting conflict is attached to these minutes.)~~

1. **Applicant / Project:** Broward County Board of County Commissioners / Broward Addiction Recovery Center (BARC)

Request: **

Site Plan Level III / Conditional Use

Case Number: R14051

General Location: 325 SW 28 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, recalled that this Item appeared before the Board in December 2014, at which time the Board recommended approval of rezoning the subject property to Community Facility (CF).

Paul Faulk, Director of the Broward Addiction Recovery Center (BARC), explained that the facility has been part of the Broward community for 40 years. It serves approximately 4500 individuals per year who seek assistance for substance abuse and mental health issues. The facility includes a detox unit, non-residential day treatment, and administrative services.

Mr. Faulk described the recovery process at BARC, emphasizing that clients may be only minor felons. There are no recorded issues between clients and nearby businesses, schools, or homes.

Mr. Backman stated that the current BARC facility is located in the Sailboat Bend neighborhood, which is a high-density residential zoning district. Because the existing building is outdated and overgrown, BARC is seeking relocation to a property surrounded on all sides by community facilities or industrial uses, with the closest residential development more than one quarter-mile away. An interlocal agreement between the Fort Lauderdale City Commission and the Broward County Commission determined the parameters for the facility, including orientation and location of the building.

Criteria for Social Service Residential Facilities (SSRFs) include requirement of a State license, satisfaction of conditional use requirements, address of adverse impacts such as noise and traffic, floor area requirements, and 1500 ft. separation from other SSRFs or licensed child day care facilities. BARC has submitted a detailed narrative describing its compliance with the conditional use, which is included in the backup materials. The facility is consistent and compatible with the City's Comprehensive Plan.

Charles Michelson, architect, showed renderings of the facility's site plan, noting that the site is self-contained and surrounded by a fence 6 ft. to 8 ft. in height. A new sidewalk and street lighting are planned as part of the project, as well as off-street parking. The Applicant will also work with Staff to relocate 11 parking spaces currently on the west side of the building.

Susan Nyamora, also representing the Applicant, explained that she is an alumna of BARC. She described her experience at the facility, noting that it provided a supportive environment that allowed her to benefit from treatment. She is now the Executive Director of the South Florida Wellness Network.

Eric Engmann, representing Urban Design and Planning, stated that the Application is for conditional use to allow a Level V SSRF to operate on the subject property. The request would allow the existing BARC facility to relocate to the property. The SSRF use is subject to conditional use requirements, adequacy requirements, SSRF requirements, and neighborhood compatibility criteria. The site is designed to internalize its use, which will contain parking, recreation, and other outdoor uses within the walls of the facility.

Staff has provided two conditions for approval of the request, which are included in the backup materials. They also recommend an additional technical condition that requires the site plan to be conditioned upon the approval of the associated rezoning from B-3 to CF by the City Commission. Staff recommends approval of the proposed use.

Mr. Engmann further clarified that the western portion of the County-owned property will remain open until another project is approved at the location. No SSF or SSRF may be constructed on this lot. Mr. Backman advised that the County's ultimate goal will be to sell this lot. Vice Chair Hansen expressed concern with this plan, as the lot is located across the street from a school, and suggested that street trees or shade structures be added to the property.

Attorney Spence observed that if the Board wished to make placing trees or other features on the lot a condition of approval, the condition must be tied to the criteria for approval and found to be a necessary requirement. Mr. Backman pointed out that the lot is not included in the current Application, but advised that the Applicant would be happy to work with Staff in the future to address the concerns raised by Vice Chair Hansen.

The Board discussed the concern as well, including the management plan for the property, which would address visitors to the facility. Mr. Cohen reiterated that the empty lot is separate from the Application, and questioned the Board's authority to establish requirements for it. Mr. Witschen stated that he would like to see a full management plan for the new facility.

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

Cliff Iacino, President of the Edgewood Civic Association, stated that locating the BARC facility across the street from two schools could result in negative synergy between its clients and the students at those schools. He noted that neither he nor another representative of the Civic Association has attended Development Review Committee (DRC) meetings related to the Application, nor has the Association seen a presentation on the site plan since 2003. He confirmed that the primary concerns are buffering or landscaping, and expressed a desire to help make the facility work in its new setting.

Mr. Iacino added that the Civic Association does not want the facility to use 28th Street for ingress/egress, and would prefer any egress to be located on 27th Street, as this would prevent vehicles from entering the residential neighborhood.

The Board expressed concern with there being no presentation from the County to the Edgewood Civic Association. Mr. Backman asserted that this was not accurate, as Mr. Iacino had participated in the process that resulted in the interlocal agreement between the City and County, and has been aware of the DRC process. He added that the Applicant was not invited to address the Association regarding the current site plan.

Kellie Allen, private citizen, stated she owns a business in an industrial area near the subject property. She advised that she and other owners within the industrial park were also not presented with a site plan for the facility. She expressed concern with the possibility of crime in this area, as well as the fact that the east/west roads in the area do not have sidewalks and could place pedestrians at risk.

Ms. Desir-Jean asked if burglaries have previously been an issue in the industrial park. Ms. Allen advised that she was not aware of any such issues. She concluded that her concern was primarily with the individuals who would use the BARC facility.

Tim Nast, private citizen, reiterated that the Edgewood Civic Association had not been presented with a site plan for the proposed facility until the previous weekend. He expressed concern with the ingress/egress of the facility, stating that the community would prefer this to be located on 27th Street rather than 28th Street.

Mr. Nast also noted that the facility would be located less than 1500 ft. from the school property, which includes day care for children. It was clarified that the school is not considered a day care facility. Attorney Spence explained that the difference in interpretation of a day care is the basis for the settlement agreement between the City and County.

Maureen Kielian, private citizen, stated that BARC serves individuals with health concerns who need treatment. She emphasized the need to increase the number of beds in the facility in order to serve this need, and pointed out that Joint Commission regulations require safety and a management plan.

Don Maines, Vice President of the BARC Advisory Board, advised that relocating the facility has been an issue for several years because members of the surrounding community do not want it there. He noted that the subject property is appropriately zoned for the facility, and asked that the process move forward so BARC can continue to serve clients.

Rocky Rodriguez, President of the Broward County Substance Abuse Advisory Board, stated that he has served on this board for more than 30 years. He did not feel the sentiments expressed by residents at tonight's meeting were representative of the majority, and emphasized the history of the project, noting that it has prevailed in multiple court cases.

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.

Ms. Desir-Jean asked if the Applicant accepted a condition of approval related to parking spaces. Mr. Backman confirmed this, advising that the Applicant will work with Staff on alternate arrangements that will not affect the rest of the site plan.

The Board discussed the Application further, with Mr. McCulla requesting clarification of what is included in the settlement agreement. Attorney Spence explained that the County originally submitted an application for two sites; however, Staff determined that the distance requirement between these sites and the school would not allow the application to be processed in that form. As a result, the City and County entered into mediation, arriving at the agreement that the BARC facility be pushed farther away from the school and the other proposed SSRF facility would not be included in the application. While Staff did not change its position on the distance requirement, they agreed to allow the current Application to be processed.

Attorney Spence concluded that the Board must review the Application based on the Code criteria for a conditional use, recognizing that approval is contingent upon the City Commission's approval of rezoning the parcel. The interlocal agreement does not interfere with the Board's independence in reviewing the site plan.

Mr. Backman read a provision of the settlement agreement, which notes that the site plan presented in the Application is substantially the same as the site plan previously discussed by the City Commission. Section 2.2 of the agreement states that the County agrees that site plans and permit applications for BARC Central on the eastern parcel of the property shall provide for a front entrance to the facility facing primarily to the south or east, with pedestrian/vehicular ingress and egress from SW 28th Street, with use of 27th Street as needed for safety, delivery, and traffic circulation requirements.

Motion made by Mr. Cohen, seconded by Ms. Desir-Jean, to approve pursuant to Staff conditions. In a roll call vote, the **motion** passed 7-1 (Mr. McCulla dissenting).