

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

Cumulative

Board Members	Attendance	June 2014-May 2015	
		Present	Absent
Patrick McTigue, Chair	P	11	1
Leo Hansen, Vice Chair	P	11	1
Brad Cohen (arr. 6:44)	P	11	1
Stephanie Desir-Jean	P	9	3
Michael Ferber	P	12	0
Richard Heidelberger	P	5	0
James McCulla	P	12	0
Peter Witschen	P	10	2

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
Karlanne Grant, Urban Design and Planning
Tom Lodge, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the 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 advised that Applicants and their representatives are allotted 15 minutes of presentation time; speakers representing associations and groups are allotted five minutes to speak, and individuals have three minutes.

II. APPROVAL OF MINUTES

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

Chair McTigue noted that the Applicant of Item 4 had requested deferral of this Item to the next Board meeting.

Motion made by Vice Chair Hansen, seconded by Mr. Witschen, to defer [Item 4] to the June 17, 2015 meeting. In a voice vote, the **motion** passed unanimously.

III. PRESENTATION

Broward Next Presentation Barbara Blake Boy, Executive Director, Broward County Planning Council and Henry Snizek, Deputy Director, Broward County Environmental Protection and Growth Management Department

Lorraine Tappen, representing Urban Design and Planning, introduced Pete Schwarz and Dawn Teetsel of the Broward County Planning Council, who would provide a PowerPoint presentation on the revision of the Broward County Land Use Plan. This is the Plan's first significant revision since its adoption 30 years ago. This project, called Broward Next, coincides with City Staff's evaluation of Fort Lauderdale's Comprehensive Plan to determine how it can be aligned with the strategic and visioning plans for the City.

Mr. Schwarz advised that Broward Next includes review of the entire Broward County Land Use Plan. He provided a brief overview of planning and development in the County, noting that in the 1970s and early 1980s, County-wide land use planning was established by the Broward County Charter and in the Broward County Land Use and Comprehensive Plans. At this time, the County's character featured lower density and auto-oriented design. He reviewed historical data and photos, noting that the County's population rose above one million in 1980; today it is approximately 1.8 million.

Issues facing Broward County in the 21st century include climate resiliency, affordable and attainable housing, implementation of Complete Streets and transit, protection of the barrier island, post-disaster planning, and intergovernmental relations. The greatest issue facing Broward County is continued population growth, which estimates that by the year 2040 there will be over 250,000 new residents. The Land Use Plan must address this growth and all related infrastructural and other issues.

Broward Next includes an ad hoc steering committee, which consists of members of the Broward County Planning Council, Broward League of Cities, and Broward County Commission. This committee has determined the seven most important areas of focus for Broward Next:

- Intergovernmental coordination
- Statutory requirements
- Redevelopment and housing

- Natural, recreational, and historic resources
- Transportation
- Public facilities
- Disaster prevention and emergency management

Initial feedback from public outreach meetings indicates that the public would like to see a streamlined County Land Use Plan amendment process, as well as the development of thresholds that require amendments to this Plan only when they reach certain significance. There is also a desire to leave more authority to municipalities for smaller Land Use Plan amendments, allow the transfer of property rights, reevaluate and promote transit-oriented, mixed-use land use designations, target new development toward downtowns and major transit corridors, revisit the County's existing general limit of 50 dwelling units per acre, promote multimodal impact analysis for Land Use Plan amendments, prioritize and strengthen Complete Streets policies County-wide, and address the effects of climate change.

Response to surveys indicate that transportation is the number-one planning priority to most participants, followed by climate change, making the County Land Use Plan's text and maps easier to use, and reconsideration of density limitations. The steering committee has developed a framework for the new Land Use Plan, including a section highlighting regional issues and strategies, a policy implementation and incentives section, general land use policies, programs, and implementation definitions, and recommendations, which will address non-regulated items.

The Broward County Commission initiated work on Broward Next in late 2014, and the process is approximately one-third complete thus far. Mr. Schwarz concluded that the team hopes to complete this initiative by the end of summer 2016. More outreach and meetings are planned to vet several issues. He encouraged all present to visit the project's website, BrowardNext.org.

IV. AGENDA ITEMS

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<u>Case Number</u>	<u>Applicant</u>
1. PL15004**	Robert Black / Palm Cove Estates Plat
2. Z15002** *	Holman Automotive Inc. / Holman Automotive
3. PL15001**	Maroone Ford, LLC (contract purchaser 1413 FED, LLC)
4. T15001*	City of Fort Lauderdale

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. **Applicant / Project:** Robert Black / Palm Cove Estates Plat
Request: ** Plat Review
Case Number: PL15004
General Location: 2681 Riverland Road
Legal Description: RIVERLANDS, PB 19, PG 12B, Lot 2 less n 235, Block 1
Case Planner: Eric Engmann
Commission District: 4

Mr. Cohen arrived at 6:44 p.m.

Disclosures were made, and any individuals wishing to speak on this Item were sworn in.

Hope Calhoun, representing the Applicant, stated that the Application would plat the property for the maximum level of development, which would place 14 single-family homes on the subject property. Staff has reviewed the Application and found it to be consistent with all regulations.

Ms. Calhoun observed that some issues have arisen with regard to traffic. The Applicant anticipates generating roughly 172 new trips, which is significantly below the City requirement of 1000 trips to generate a traffic study. The Applicant does not expect development to create any major issues.

Vice Chair Hansen requested clarification of the proposed lot size for the single-family residences, as well as comparison to average existing lot sizes in the subject area. Ms. Calhoun replied that the average lot size for the planned lots is from 10,000 sq. ft. to a maximum of approximately 16,000 sq. ft. She characterized the plans as consistent with the surrounding neighborhood.

Mr. Witschen observed that the subject neighborhood's density does not seem able to support the proposed plat capacity. Ms. Calhoun reiterated that the plat is intended to set a maximum level of development.

Eric Engmann, representing Urban Design and Planning, stated that the Application would divide a 5.19 acre property into 14 single-family lots. The property is zoned RS-3.52, which permits subdivision plats subject to review by the Development Review Committee (DRC) and the Planning and Zoning Board, as well as approval by the City Commission and the County. The site is consistent with the requirements of an RS-3.52 zoning district. The Applicant has demonstrated compliance with ULDR Sections 47-

24.5 and 47-25.2. Staff has received five letters of opposition to the Application, which are included in the Board's backup materials.

Mr. Engmann continued that Staff has also received feedback from the Department of Transportation and Mobility regarding the anticipated number of generated trips, as well as general concerns related to the curve of the roadway. The Department of Transportation and Mobility does not foresee any adverse impacts based on the number of trips generated.

Mr. Witschen asked if the Board is constrained in any way by the Application. Attorney Spence explained that their decision would be constrained to the criteria of Section 47-24.5, which means the Board must determine whether or not the proposed plat meets the requirements of this and other land development sections of the ULDR.

Mr. Heidelberger requested clarification of the Application's anticipated setbacks and building height. Mr. Engmann replied that the proposed plat lies within an area annexed by the City and not originally part of Fort Lauderdale: height is limited to two stories, with a front setback of 25 ft., side setbacks of 7.5 ft. on both sides, and a rear yard setback of 15 ft. He added that sewage and water supply at the site would be typical for single-family development.

Mr. Heidelberger asked if Staff performs a multidisciplinary review of the site as part of its review process. Mr. Engmann advised that several disciplines are represented by the DRC, including engineering and utilities, and participate in review of the project. Ms. Parker added that it is possible that the plat may result in a project with fewer than 14 units once the proposed development plan has undergone the Site Plan Review process; however, a site plan is not required of the Applicant at this point.

Mr. Ferber asked if the property's underlying land use designation changes at 24th Street along with zoning, which changes from RS-3.52 to RS-8. Mr. Engmann stated that the underlying land use is irregular: the property is zoned RS-3.52 because when the area was assessed, this density was applied to the entire annexed area. The subdivision proposed by the Applicant is consistent with the standard for RS-3.52.

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

Charlie Leikaof, private citizen, stated that he lives across from the subject property. He expressed concern that although the subject area includes a tree hammock, the developer of the subject property has removed approximately 50% of trees from the site over the last year. He also disagreed with the estimated number of vehicular trips, citing a number of fatalities on the curve that includes ingress/egress to and from the site. Other concerns include a lift station located near the entrance to the subject site, use of an access point other than SW 27th Avenue, and utilities. He noted that most lots in the area are one half-acre or more in size, and there are few to no two-story homes.

Mr. Witschen requested clarification of whether or not tree removal was permitted for the site. Ms. Calhoun replied that the Applicant has not removed any trees from the property in the last year.

Chair McTigue asked Mr. Leikaof if he would be supportive of traffic calming measures, such as speed bumps, instead of signage. Mr. Leikaof said he did not feel these measures would be effective due to the typical speed of traffic in the area.

Jeremy Chancey, private citizen, stated that he also lives across from the subject property. He pointed out that the area was designated on County maps as a sensitive lands area for several years, and includes a very thick oak hammock, which contributed to a much lower density than what is proposed. He asked how the density of the proposed development would affect the long-term tree preservation plan for the neighborhood.

Michelle Sorrentino, private citizen, also expressed concern for the neighborhood's tree canopy. She asserted that the minimum lot size in the area is roughly one half-acre, and noted that many homes in the area use septic service. She also shared her neighbors' concerns with traffic, as well as concern for mangroves and wildlife behind the property. She asked if the proposed community would be gated, and concluded that flooding is not uncommon.

Christian Garbayo, President of the Oak River Homeowners' Association, agreed with previously stated concerns, and characterized the proposed plat as "overdeveloped." He noted that gopher tortoises, which are a threatened species, are not uncommon in the area, and agreed that traffic calming measures would be inadequate. He clarified that he was not opposed to development of the subject property, but did not feel the proposed density was appropriate.

Nancy Smith, private citizen, advised that the tree canopy over the subject property has decreased within the past year. She stated that she was concerned for both the tree canopy and threatened species in the area, and noted that the subject site is a natural drainage basin due to the canopy. She added that an additional 14 homes would serve to lower nearby property values and affect the overall aesthetic of the neighborhood.

Sam Engle, private citizen, expressed concern with traffic in the subject area, which is often used as a shortcut. He suggested that a modified roundabout on the curve could address this issue, and confirmed that there have been several accidents in the neighborhood. He did not feel speed bumps would be sufficient to calm traffic.

Audrey Edwards, private citizen, provided before-and-after photographs of trees in the area, stating that many have been removed. She agreed that the planned ingress/egress for the subject site was located in a dangerous area due to existing

traffic, and estimated the average lot size in the neighborhood at approximately one half-acre.

Ms. Desir-Jean requested clarification of whether or not trees have been cut on the subject site. Ms. Calhoun reiterated that to her knowledge, no trees have been removed by the Applicant, and noted that permits would be required for tree cutting. She added that the proposed density of the plat is consistent with what is permitted by land use and zoning; as the Applicant goes through the site plan process, it is possible that the proposed density may decrease, although she advised it is too soon to speculate.

Jack Hare, private citizen, asserted that Riverland Road is owned by both the County and the City depending upon the location. He stated that the City has requested feedback from residents of the area, asking if they would like to see a park in the neighborhood.

Dierdre Canuet, private citizen, stated that traffic is dangerous in the area, and expressed concern for the neighborhood's tree canopy.

Cheryl Whitfield, private citizen, felt that the Application and Staff Report were missing a great many details, which contributed to unanswered questions for the public. She stated that a traffic report, line of sight analysis, hydrology report, and tree report, among other information, should be included in the Staff Report. She concluded that speed bumps would be a liability in the subject area.

As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and returned the discussion to the Board.

Mr. McCulla requested clarification of the property owner. It was confirmed that the owner is Robert Black, who was not represented by Ms. Calhoun's firm. It was also clarified that the items raised by Ms. Whitfield during public comment will be part of the site plan review process and are not relevant to plat approval; in addition, the County will study traffic on Riverland Road prior to plat approval at the County level.

Vice Chair Hansen observed that the proposed plat is a re-plat, which divides the subject area into lots. He pointed out that the project would not have to come back for site plan review: the individual lots may be sold and developed into individual single-family residences, which would require only a building permit. He stated that this would change the character of the surrounding neighborhood, which is a unique area of the City due in part to its lot size.

Mr. Witschen commented that without a tree survey, there is no proper way to plat lots on the subject property. He agreed that any development on the site would need to preserve the character of the surrounding neighborhood, and that 14 lots would be too many for the site.

Mr. Heidelberger stated that he did not feel it was appropriate for the Applicant to request the maximum number of lots allowed for the site.

Mr. Cohen noted that once plotted, the site could be sold as single-family lots, which he did not feel was appropriate for the neighborhood. He agreed that the subject area is a unique portion of the City due to its typical lot size.

Mr. Ferber pointed out that in addition to the half-acre lots located to the south of the subject property, there should also be consideration of the development pattern to its north, with which the proposed plat may be more consistent. He did not feel it was inappropriate for the Applicant to request the maximum density for the lot.

The Board also discussed the plat approval process, with Ms. Desir-Jean noting that because the process of development has just begun, much of the discussion may not be applicable to its current phase. She added that Staff has not indicated that the application is not in compliance with the regulations.

It was clarified that RS-3.52 zoning for the subject area has been in effect since 2005. Mr. McCulla stated that because it has been possible since this time to plat one single-family home per 10,000 ft., it was not accurate to suggest this was inconsistent with the character of the neighborhood.

Motion made by Mr. Witschen, seconded by Mr. McCulla, to approve this plat. In a roll call vote, the **motion** failed 4-4 (Vice Chair Hansen, Mr. Cohen, Mr. Heidelberger, and Mr. Witschen dissenting).

Attorney Spence confirmed that this would constitute a negative recommendation to the City Commission.

2. <u>Applicant / Project:</u>	Holman Automotive Inc. / Holman Automotive
Request: * * *	Rezone from Planned Residential Office District (ROC) and Residential Mid Rise Multi-Family/Medium High Density (RMM-25) to Boulevard Business (B-1)
Case Number:	Z15002
General Location:	417 SE 15 Street
Legal Description:	Lots 11 through 17 in Block 51L, CROISSANT PARK, According to the plat thereof, as recorded in Plat Book 4, Page 28 of the Public Records of Broward County, Florida.
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.

Steve Wherry, representing the Applicant, advised that in addition to Holman Automotive, he also serves as agent for the Doric Lodge #140 and for Conrad Akers, property owners in the rezoning application. He explained that this request is a follow-up of efforts that have previously come before the Board and been approved by the City Commission in seeking to rezone areas adjacent to 1441 S Federal Highway.

The purpose of the Application is to expand the area of B-1 zoning to accommodate the construction of an automotive sales facility for the relocated Lauderdale BMW dealership. This dealership will provide sales only, with a service component located on S Andrews Avenue.

The Application proposes rezoning for five properties, three of which are presently owned by Holman Automotive and two of which are not, although the property belonging to Mr. Akers is under contract for purchase. The Application is in response to previous direction from the Board, which recommended that Holman make efforts to rezone the remainder of the lot in order to improve compatibility with the remaining RMM-25 and ROC zoning in place at the subject location.

Mr. Witschen asked if it would be possible to place a restrictive covenant on the lots to ensure that future owners or tenants could not include certain uses. Attorney Spence advised that in cases of rezoning, the Board may make a determination that a project does not meet one or more criteria of Code, and that there are conditions which could bring it into conformity with these criteria. He noted, however, that this could result in contract zoning, which has been invalidated by courts. He concluded that there is very little that could be done by the Board. Ms. Parker pointed out that the Staff Report reviews these criteria, and suggested that criterion #3 may relate to Mr. Witschen's concern.

Mr. Wherry advised that when the Applicant has met with many of its neighbors in the Poinciana Park Civic Association to request their support, they also expressed concern about what might come later. The Applicant has a track record of retaining property for a long time, and has no intention of flipping or selling the properties at this time. He pointed out that the recently constructed service center on the property cost \$25 million, which is a significant capital investment. This provided sufficient comfort to neighbors in the Civic Association to convince them to write letters of support for the Applicant.

Mr. Wherry added that the nearby Harbordale Civic Association also expressed concern with the Application regarding future plans for the property. This Association also voted in support of the Application after meeting with Holman Automotive.

Mr. Witschen asked if it would be possible to restrict the height allowed in the B-1 properties. Attorney Spence advised that this could also be considered contract zoning.

Mr. McCulla recalled that the Board had suggested the Applicant's expansion would be more favorably received if they sought to rezone the entire block, which would ameliorate many of the Board's concerns. Mr. Wherry agreed, pointing out that the Applicant has made significant effort to accommodate neighboring property owners.

Tom Lodge, representing Urban Design and Planning, entered a letter not included in the Board's information packets into the record at this time. He explained that the Applicant wished to rezone 51,211 sq. ft. of land from Planned Residential/Office (ROC) and Residential Mid-rise Multi-family Medium-High Density (RMM-25) to Boulevard Business (B-1). The proposed zoning district is consistent with the City's Comprehensive Plan. He reviewed the zoning of adjacent and nearby properties, noting that the site's proximity to Downtown Fort Lauderdale encompasses an established commercial corridor. Staff recommends approval of the Application.

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 returned the discussion to the Board.

Motion made by Vice Chair Hansen, seconded by Mr. Ferber, to approve. In a roll call vote, the **motion** passed 7-1 (Mr. Witschen dissenting).

3. **Applicant / Project:** Maroone Ford, LLC (contract purchaser 1413 FED, LLC)
- Request: **** Plat Approval
- Case Number:** PL15001
- General Location:** 1413 N Federal Hwy
- Legal Description:** A parcel of land being a portion of the southwest one-quarter (S.W. ¼) of the northwest (N.W. ¼) of section 36, township 49 south, range 42 east, together with a portion of the northwest one-quarter (N.W. ¼) of the southwest one-quarter (S.W. ¼) of said section 36, township 49 south, range 42 east. Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida, and containing 2, 4860 acres (108288 square feet) more or less).
- Case Planner:** Karlanne Grant
- Commission District:** 2

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

Jessica Joly, representing the Applicant, explained that the subject property is approximately 2.5 acres consisting of a used car dealership building. The Applicant plans to purchase the property, demolish the existing building, and construct a 38,000 sq. ft. furniture store. The property has not previously been platted. The Application has been reviewed by City Staff and the City's Engineering Department.

Karlanne Grant, representing Urban Design and Planning, advised that the proposed plat includes a note restricting it to 40,000 sq. ft. of furniture store use on tract A, with no freestanding or drive-through facilities permitted without the approval of the Board of County Commissioners. The internal layout of the site is currently being reviewed by the DRC. Staff recommends approval of the Application.

Mr. McCulla requested clarification of the precision of the plat note, which refers specifically to furniture store use rather than commercial use. Ms. Joly replied that this is in line with the future proposed use of the property, as the parking requirements for a furniture store are different from commercial parking requirements. This will be addressed further through the site plan process.

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 returned the discussion to the Board.

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

V. COMMUNICATION TO THE CITY COMMISSION

Mr. McCulla requested an update on the status of the Board's last communication to the City Commission, which had recommended rewording the rezoning criteria so an applicant must meet only two out of three criteria. Ms. Parker replied that Staff is analyzing this request, as there may be other criteria that could be implemented to serve this purpose.

Ms. Desir-Jean noted that this would be the last Board meeting for Mr. Cohen, Mr. Ferber, and Mr. Witschen. She thanked them for their service to the community. Ms. Parker and Attorney Spence thanked the members on behalf of Staff as well.

Attorney Spence advised that the Chair and Vice Chair will be elected at the next scheduled meeting.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 8:21 p.m.

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

Chair

Tate E. McZeal

Prototype

Brigitte Chiappetta

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