

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, DECEMBER 16, 2015 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2015-May 2016	
		Present	Absent
Patrick McTigue, Chair	P	7	0
Leo Hansen, Vice Chair	A	5	2
Theron Clark	P	4	0
Stephanie Desir-Jean (arr. 8:00)	P	7	0
Steven Glassman	P	6	1
Rochelle Golub	P	6	1
Richard Heidelberger	P	4	3
Catherine Maus	P	7	1
James McCulla	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
Jim Hetzel, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Alia Awwad, Professional Engineer (P.E.), Department of Transportation and Mobility
Anthony Fajardo, Chief Zoning Administrator
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 6:33 p.m. and all recited 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 allowed 15 minutes of presentation time, representatives of associations and groups are allowed five minutes, and individual speakers have three minutes.

II. APPROVAL OF MINUTES

Mr. Glassman stated that he believed each recommendation from the Board members, as well as from associations and members of the public, regarding Case Number T15009, would be specifically cited in the November 18, 2015 minutes. He requested confirmation that there would be additional discussion of this Item before changes are made to the City's Comprehensive Plan.

Ms. Parker explained that Case Number T15009 will be advanced to the City Commission and noted that the recommendations made by the Council of Fort Lauderdale Civic Association and the Board members are included in the Staff Report. She confirmed that testimony from the Council of Fort Lauderdale Civic Associations will be provided to the City Commission, as well as other topics raised by the Board and by members of the public. While the motion to approve the Item did not include all specific recommendations, Ms. Parker confirmed that these recommendations are included in the minutes and Staff Report.

Motion made by Mr. McCulla, seconded by Ms. Maus, 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. R14046**	Sage Hospitality, LLC / Holiday Inn Express
2. V15004**	Bruce Paddock / Partial Vacation of SE 7 th Street
3. ID5001** *	TRR Bahia Mar LLC / Bahia Mar
4. T15005*	City of Fort Lauderdale / Amend Unified Land Development Regulations (ULDR)

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 Staff has requested a 60-day deferral for Item 4, which would defer the Item until the February 17, 2016 meeting.

Motion made by Mr. McCulla, seconded by Ms. Golub, to defer. In a voice vote, the **motion** passed unanimously.

2. Applicant / Project: Bruce Paddock / Partial Vacation of SE 7th Street

Request: **	Right-of-Way Vacation
Case Number:	V15004
General Location:	1837 SE 7 th Street (Ponce De Leon Drive)
Legal Description:	A portion of the SE 7 th Street (Ponce De Leon Drive) right-of-way, adjacent to a portion of Lots 43, 44 and 45, Blk 31, RIO VISTA ISLES, UNIT 4, PB 6, P 19, of Broward County, FL. containing 1,298 square feet or 0,0298 acres more or less (abbreviated).
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.

Nectaria Chakas, representing the Applicant, stated that the Applicant is constructing a single-family home on the subject property, which includes a nearly 90-degree angle with the property border along 7th Street and Ponce de Leon Drive. This area is considered to be right-of-way and includes an existing sidewalk. The area between the sidewalk and property line is approximately 1300 sq. ft. Because this is considered right-of-way, the Applicant would be required to maintain this area under City Code.

Ms. Chakas continued that the Applicant, Bruce Paddock, had considered whether or not he could incorporate the right-of-way into his property, as he would be expected to maintain it. She noted that other properties along Ponce de Leon Drive have 50 ft. rights-of-way, which placed the Applicant at a disadvantage because his property is located on the corner. The area to be vacated is 742 sq. ft. The sidewalk and travel lanes will remain with no changes. All utility companies have been contacted and have no objection to the vacation request. The City and the Rio Vista Civic Association also did not object. The Applicant's narrative argues that there is no public need for the subject property.

Mr. Heidelberger asked if the property owner would pay the City for the land. Ms. Chakas replied that the City may not charge to vacate property; however, once vacated, the property will go back onto the tax rolls. Eric Engmann, representing Urban Design and Planning, also confirmed that the City is certain the subject area will not be needed in the future, as it was vetted by both the Public Works and Engineering Departments. Letters have been provided by these Departments.

Mr. Glassman observed that only one individual attended the public participation meeting with the Applicant. Ms. Chakas advised that she had communicated with the Rio Vista Civic Association Board in an attempt to bring more residents to this meeting; however, only one Association Board member attended, and reported back to his Board that there was no reason to object to the Application. The individual also sent an email from the Association confirming that there was no objection.

Mr. Engmann stated that the request would vacate a 742 sq. ft. portion of NE 7th Street, as it does not conform to the natural contours of the roadway. The vacation will not affect traffic and serves no public purpose. Public participation documentation has been provided by the Applicant. Staff recommends approval of the Application, subject to the three conditions found in the Staff Report.

Mr. Glassman asked if Staff encourages formal responses from civic or neighborhood associations as part of the public participation process. Mr. Engmann replied that when Staff meets with the Applicant, they provide a summary sheet listing the necessary steps of the process, which reflect that the Applicant's best response is to procure a letter of support from this association. Even if the association does not appear to take issue with a project, the Applicant must still hold a public meeting.

There being no other questions from the Board at this time, Chair McTigue opened the public hearing. As there were no individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. McCulla, seconded by Ms. Maus, to approve with Staff conditions. In a roll call vote, the **motion** passed 7-0.