

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MARCH 16, 2016 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2015-May 2016	
		Present	Absent
Patrick McTigue, Chair	P	10	0
Leo Hansen, Vice Chair	P	8	2
Theron Clark	P	6	1
Stephanie Desir-Jean	P	9	1
Steven Glassman	P	9	1
Rochelle Golub (dep. 8:01)	P	9	1
Richard Heidelberger	P	7	3
Catherine Maus (dep. 8:02)	P	8	2
James McCulla	P	8	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 & Planning
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 6:30 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 agents are allowed 15 minutes for presentations; representatives of associations and groups are allowed five minutes, and individuals are allowed three minutes.

II. APPROVAL OF MINUTES

Motion made by Ms. Desir-Jean, 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. 7P13**	PDKN P-4 LLC / Bokamper's Sports Bar and Grill
2. ZR15007** *	WB Divine Investments LLC / Benedetti Medical Office Building

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.

<u>2. Applicant / Project:</u>	WB Divine Investments LLC / Benedetti Medical Office Building
Request: ** *	Site Plan Level IV, Parking Reduction, Rezone the northern portion of the site from Residential Mid Rise Multifamily /Medium High Density District (RMM-25) to Exclusive Use Parking Lot (X-P) with Flex Allocation of Commercial to allow for a proposed parking lot associated with the new medical use.
Case Number:	ZR15007
General Location:	3025 E Commercial Boulevard
Legal Description:	Lots 5, 6, 7, 8 and 31, Block 4, Coral Ridge Commercial Boulevard Addition, according to the plat thereof, as recorded in Plat Book 43, Page 13, of the public records of Broward County, Florida.
Case Planner:	Eric Engmann

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

Lawrence Martineau, representing the Applicant, stated that the subject property includes a building that was vacated in 2007 and gutted in 2009. The Applicant hopes to renovate the existing space for an orthodontic practice, with another dental or medical practice in the adjacent tenant space. The property also includes a small lot across from an alleyway. The lot is currently zoned RMM-25.

The existing building previously provided 12,000 sq. ft. of restaurant use. The proposed building is 7935 sq. ft. of medical office use, with a smaller footprint planned for the site. Medical office use requires one parking space for every 150 sq. ft., which means 53 parking spaces would be required. The Applicant has determined that the design of the facility would allow 26 parking spaces on the site. A traffic study has been done in order to request a parking reduction and use the public parking provided in a right-of-way on Commercial Boulevard.

Staff Conditions for the Application include rezoning the back lot to XP in order to allow the parcel to continue to be a surface parking lot, as well as landscaping and sanitation requirements and neighborhood compatibility. The Applicant is seeking approval for Site Plan Level IV. The proposed use is allowable under CB zoning.

The Applicant has also received preliminary approval from the Florida Department of Transportation (FDOT) to relocate driveway access into the parking lot adjacent to the building. The Site Plan will include two Americans with Disabilities Act (ADA)-accessible parking spaces and five regular parking spaces, which, in addition to the 19 spaces in the back parking lot, will total 26 parking spaces. The total reduction requested is 27 spaces.

While no tenant has been found thus far for the adjacent space, it will be classified as Medical Office Use, as this is a more restrictive use for parking requirements. Mr. Martineau clarified that the existing building is a two-story structure with exterior stairs and a raised portion to accommodate vaulted ceilings.

Vice Chair Hansen requested clarification of the dimensions of the original building's kitchen and serving area. Mr. Martineau replied that this is difficult to determine, as the original building was gutted; however, he estimated that kitchen space came to approximately 7000 sq. ft. The building's hours of operation will be from 8 a.m. to 5:30 p.m. through the week and 9 a.m. to 1 p.m. on Saturdays.

Mr. Engmann of Urban Design and Planning stated that the Application requests Site Plan approval, rezoning of the northern portion from RMM-25 to XP with commercial flex allocation, and a parking reduction. The Application seeks to construct a new medical use on the property. The proposed 7932 sq. ft. medical building is zoned CB. The northern half of the site is zoned RMM-25 and contains a nonconforming parking lot. Public parking in front of this strip of Commercial Boulevard is partially owned by FDOT and partially owned by the City.

When the existing building is replaced, the site must conform to current Code. The Applicant proposes parking spaces in front and renovation of the space in back, with the same amount of commercial parking spaces as previously provided. When renovation is complete, parking of commercial vehicles may not park in the RMM-25 zoned parcel, which is the purpose for rezoning this parcel to XP.

Mr. Engmann noted that the City's Department of Transportation and Mobility has analyzed the Applicant's information, which shows three parking lots located within 700 ft. of the subject property. This is considered sufficient at all times to handle the proposed use. The Applicant has addressed all criteria for the request and has completed the public participation process as documented in the Staff Report. Staff recommends approval of the Application.

Mr. Glassman requested additional information on the City's comfort level with the proposed parking reduction. Mr. Engmann replied that of the 53 spaces required, 26 will be provided off-site. In the three parking areas available, there would never be fewer than 73 spaces.

Mr. Glassman noted that no individuals had attended the public participation meeting, and asked if Staff had heard from any neighbors in the nearby residential area. Mr. Engmann referred to an email from a nearby neighborhood association representing this area, which did not take issue with the proposal. He continued that Staff received some calls from individual residents in this area, who expressed concern with access from the subject site onto 51st Street; however, there is no such access, and the Applicant plans to improve the property with hedges and landscaping to reduce light spillover.

He advised that he has received one email from a property owner in the general vicinity of the Application, who expressed opposition to the parking reduction. Both Mr. Engmann and Ms. Parker spoke to the individual who sent the letter to discuss the approval process. The letter is included in the record.

Mr. McCulla asked how individuals are expected to access the back parking lot if there is no access to and from 51st Street. Mr. Engmann replied that there is an alley between the north and south lots, as well as a two-way connection through the Commercial Boulevard side of the property.

Mr. McCulla requested clarification of the zoning of the adjacent parking lots. Mr. Engmann replied that these are zoned RMM-25, and are legal nonconforming uses. He also noted that the 26 spaces in the back parking lot are on private property and are not intended for use by the general public.

Mr. Martineau explained that it is the Applicant's intent for the back parking lot to be used exclusively by employees of their building during office hours; however, the Applicant would not object to public use of this lot during off-hours.

Ms. Golub asked if it would be necessary to access the back parking lot through the alley. Mr. Martineau replied that cars can go through the subject site to reach the back lot. The alley will remain open and drivers may cut through the parking lot to reach other parking.

Ms. Golub pointed out that the 27 spaces to be used to complete the parking requirement may have other daytime uses. Mr. Martineau advised that the parking study was done when nearby restaurants were open for lunch.

Mr. Martineau continued that the orthodontist's office will have 12 to 14 employees, and reiterated that these employees will use the back parking lot. The anticipated adjacent tenant would also have its staff use this back lot.

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

Adam Zucker, owner of Zuckerello's Restaurant, stated that employees of a nearby 12-story building, as well as employees of two other nearby restaurants, park in front of his restaurant in the public spaces. He asserted that the buildings do not have sufficient parking, and advised that he has 42 employees at multiple restaurants who typically park some distance away.

Mr. McCulla requested information on parking during lunch hours. Mr. Zucker replied that at times his patrons have difficulty finding parking spaces at lunch. He added that his restaurants open for dinner at 4 p.m., when the proposed facility will be open.

Mr. Zucker continued that he would like written consent from the Applicant for his customers to use the back parking lot after office hours have ended. Mr. Martineau stated that after redevelopment, the back lot in question will be available for public parking after hours.

Mr. McCulla asked if making the parking lot open to the public after 5:30 p.m. could be made a condition of rezoning the lot to XP. Attorney Spence replied that any condition imposed by the Board must help the Applicant meet one of its required criteria. He felt the request for a parking reduction may serve as the appropriate criterion in this case.

Ms. Golub asked for further clarification of how parking will be handled in the subject area during lunch, as Mr. Zucker had alleged a lack of parking. Mr. Engmann reviewed the analysis, pointing out that during lunch hours, approximately 46 of 85 spaces are taken, which leaves more than the 27 spaces needed by the proposed office for off-site parking. Parking peaks at 6 p.m., when parking difficulty occurs for restaurants; however, the subject facility will be closed by this time, providing additional spaces.

Mr. Martineau noted that the facility will not schedule appointments after 5 p.m. and will close the office doors at 5:30 p.m. All of the office's staff will not be present at that time. He concluded that the Applicant is willing to enter into a written agreement, if necessary, to allow other businesses to use their parking lot after hours.

Mr. Heidelberger commented that there may be additional issues, such as liability, if another business entity is allowed to use space owned and maintained by the Applicant.

He advised that he would recommend a legal agreement in this case. Mr. Martineau stated that there must be a cross-access agreement to address liability and other concerns.

Attorney Spence explained that Code Section 47-20.3.A.6, which addresses parking reductions, states that conditions may be required on parking facilities if they are necessary to preserve the character and integrity of the neighborhood affected by the proposed reduction, and to mitigate any adverse impacts that may arise in connection with approval of a parking reduction. Based on the testimony given, he suggested the Board may impose a condition recognizing the impact of a parking reduction, and which keeps the subject parking lot open to the public in order to address the neighbor's concerns.

He continued that the Board would not be able to enforce any type of private agreement between the Applicant and Zuckerello's Restaurant; however, the parking reduction could be revoked if the Applicant fails to meet this condition.

Patricia McDonnell, private citizen, stated that her office is located in the same center as Zuckerello's. She pointed out that the area includes another vacant two-story office building, as well as an office building occupied by attorneys on its ground floor. She characterized parking in the area as very difficult, pointing out the number of restaurants in the area.

Bruce Wolczanski, private citizen, stated that he lives to the north of the property. While he did not take issue with the building renovation or parking reduction, he expressed concern with traffic that is likely to cut through a lot to the west, which has 31 spaces. It was clarified that this lot is owned by a separate entity.

As there were no other 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 Mr. Clark, to move all three items for approval, adding the condition to the parking reduction that the owner must leave the rezoned parking area open to the public when they are not open for business. In a roll call vote, the **motion** passed 8-1 (Ms. Golub dissenting).