

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, JULY 19, 2017 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2017-May 2018</b>	
		<b>Present</b>	<b>Absent</b>
Leo Hansen, Chair	P	2	0
Catherine Maus, Vice Chair	A	1	1
John Barranco	P	2	0
Stephanie Desir-Jean	A	0	2
Howard Elfman	P	2	0
Steven Glassman	P	1	1
Rochelle Golub	P	2	0
Richard Heidelberger	A	1	1
Alan Tinter	P	2	0

It was noted that a quorum was present at the meeting.

**Staff**

Anthony Fajardo, Director, Department of Sustainable Development  
D'Wayne Spence, Assistant City Attorney  
Gus Ceballos, Assistant City Attorney  
Jim Hetzel, Urban Design and Planning  
Nicholas Kalargyros, Urban Design and Planning  
Benjamin Restrepo, Department of Transportation and Mobility  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Hansen called the meeting to order at 6:32 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members present, and Jim Hetzel, Principal Planner from Urban Design and Planning introduced the Staff members present.

The following Items were taken out of order on the Agenda. [Item II, Joint Meeting with the Planning and Zoning Board and the Affordable Housing Advisory Committee, is documented separately.]

## V. PUBLIC SIGN-IN / SWEARING-IN

At this time all individuals wishing to speak on Agenda Items were sworn in.

## III. ELECTION OF BOARD CHAIR / VICE-CHAIRPERSON

**Motion** made by Ms. Golub, seconded by Mr. Elfman, to defer [this Item] to the August meeting. In a voice vote, the **motion** passed unanimously.

## IV. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Mr. Tinter noted a correction on p. 15, paragraph 5: the number of spaces that must be provided for guest parking, listed at 2.5 spaces, is not correct.

Mr. Glassman noted a formatting error on p. 3, Item 3.

**Motion** made by Mr. Tinter, seconded by Mr. Elfman, to approve the minutes subject to Mr. Tinter's correction. In a voice vote, the **motion** passed unanimously.

## VI. AGENDA ITEMS

### Index

	<u>Case Number</u>	<u>Applicant</u>
1.	V17001**	2980 Investments, LLC
2.	ZR17003* **	2980 Investments, LLC
3.	PL17003**	Project Andrews, LLC
4.	V17004**	Project Andrews, LLC
5.	T17008*	City of Fort Lauderdale
6.	T17009*	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. CASE:	V17001
REQUEST: **	Right-of-Way Vacation
APPLICANT:	2980 Investments, LLC.

<b>PROJECT NAME:</b>	2980 Retail and Restaurant Building Alley Vacation
<b>GENERAL LOCATION:</b>	Portion of alley right-of way that runs north and south lying adjacent to Lots 4 and 5 of Block 66 and Lot 2 of Block 61, east of Federal Highway and west of Middle River Drive
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	That portion of the 15 Foot alley lying adjacent to Lots 4 and 5, Block 66, and Lot 2 Less the South 141 Feet, Block 61, "Coral Ridge Galt Addition No. 1", according to the plat thereof as Recorded in plat Book 31, page 37, of the public records of Broward County, Florida
<b>ZONING DISTRICT:</b>	Boulevard Business (B-1) and Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
<b>LAND USE:</b>	Commercial and Medium-High Density
<b>COMMISSION DISTRICT:</b>	1
<b>CASE PLANNER:</b>	Jim Hetzel

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**2. CASE: ZR17003**

**REQUEST: \* \*\*** Site Plan Level IV Review: Rezone from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) District to Exclusive Use- Parking Lot (X-P) District with Allocation of 0.49 acres of Commercial Flex for 5,100 Square-Foot Restaurant and 2,465 Square-Foot Retail Building and Parking Reduction

**APPLICANT:** 2980 Investments, LLC.

**PROJECT NAME:** 2980 Retail and Restaurant Building

**GENERAL LOCATION:** 2980 N Federal Highway

**ABBREVIATED  
LEGAL DESCRIPTION:** Coral Ridge Galt Add No 1 32-37 B Lot 2 Less South 208 Block 61

**CURRENT ZONING:** Boulevard Business (B-1) and Residential Multifamily Mid Rise/ Medium High Density (RMM-25)

**PROPOSED ZONING:** Boulevard Business (B-1) and Exclusive Use- Parking Lot (X-P)

**LAND USE:** Commercial and Medium-High Density

**COMMISSION DISTRICT:** 1

**CASE PLANNER** Jim Hetzel

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Disclosures were made at this time.

Courtney Crush, representing the Applicant, requested that Items 1 and 2 be presented together and voted upon separately. The Board agreed to this request by consensus.

Ms. Crush explained that this project was originally scheduled for presentation at the Board's June 2017 meeting. The proposals are for the partial vacation of a dead-end alleyway and Site Plan Level IV review on B-1 property with rezoning to XP parking. The subject property is currently vacant.



The Applicant proposes to vacate a portion of the alley that bisects the property and comes to a dead end at the northern property line of the parcel. This will result in a unified Site Plan. A building formerly located on the site has been demolished and the parking lot appears to have been present for some time.

The Site Plan is for a proposed 5100 sq. ft. restaurant and an accompanying general retail building. The site will be unified and the parking lot replaced, maintaining access onto Federal Highway and an access point on Middle River Drive. The alley dead-ends at the neighboring property to the north.

Ms. Crush advised that the proposed rezoning for the parcel to the right of the alley is to XP, which is appropriate for parcels that are adjacent to related uses or separated from them by no more than 20 ft. This zoning district was created to allow for buffer parking with certain parameters, including:

- Parking does not extend more than 300 ft. into a neighborhood
- Parking has been designed in a manner that creates no adverse effects on neighboring properties.

In the past, the alley has served as a middle ground for the existing parking on the site. It was determined by Staff that the alley is not necessary for public access, as its only function is to bisect the subject property. The Applicant proposes to dedicate a 20 ft. wide access easement off the secondary ingress from Middle River Drive. This provides an alternate means of access for utility vehicles as necessary.

In addition to the Site Plan, the Applicant proposes to follow the Institute of Transportation Engineers (ITE) trip generation rates for parking purposes. If the individual uses were parked according to the ULDR, the site would need 88 spaces. The Applicant proposes 68 spaces. This is because the restaurant's square footage includes an approximately 30% customer service area, which is atypical for most restaurants. For the retail use, the ULDR would require 9.8 parking spaces, while the ITE suggests 9.2 spaces. The Applicant feels the ITE generation rate is more appropriate to the project.

Ms. Crush concluded that the president of the Coral Ridge Homeowners' Association has provided the Applicant with a letter of support.

Mr. Glassman noted that the letter was not included in the members' backup materials. Mr. Hetzel advised that it is available on file.

Mr. Glassman stated that while the required number of parking spaces has increased after changes were made to the Application during the deferral period, the number of parking spaces provided has actually decreased by one. Ms. Crush clarified that the Application has always provided 68 parking spaces; the number of required parking

spaces was modified in relation to the square footage of outdoor dining space, as well as the freestanding nature of the retail component.

Mr. Glassman requested additional information on the restaurant's indoor and outdoor seating capacities. Ms. Crush replied that there will be 12 outdoor seats and 85 interior seats. She noted that the City has recently updated its parking Code to acknowledge the impact of ride sharing services on parking.

Mr. Tinter asked for clarification of where the replacement easement will be located after the right-of-way vacation. Ms. Crush noted this proposed 20 ft. access point on a rendering of the project, stating that it is located off the secondary access point on Middle River Drive and continues south to connect to the alley.

Mr. Tinter also addressed the parking and traffic calculations, asking where the customer service area is defined within the restaurant. Carl Peterson, also representing the Applicant, advised that this area includes indoor and outdoor seating as well as a walkway. Mr. Tinter commented that the restaurant's retail counter should be included in the customer service area and would therefore have an effect on the parking calculation. He continued that his analysis of the parking calculation was based on the delineation of the customer service area according to the site's data table, which also includes the entry/waiting and retail sales areas.

Mr. Tinter also noted that the Site Plan states the sidewalk along Federal Highway will be expanded in the future by the City. He asked why the project does not rebuild this sidewalk at this time. Ms. Crush replied that the existing sidewalk is 5 ft. in width; the Applicant has proposed that when the City plans to widen the sidewalk to 7 ft., the Applicant will widen the sidewalk in front of the property accordingly.

Mr. Tinter observed that the Application includes conflicting information regarding the property's front setback, which is listed at both 20 ft. and at greater than 20 ft. Ms. Crush confirmed that 20 ft. is the correct setback. When the City plans to widen the sidewalk from 5 ft. to 7 ft., the Applicant will provide a 2 ft. easement.

Mr. Elfman pointed out that the parking calculation for the restaurant must also take its employees into account. Ms. Crush estimated that there will be between 5 and 15 employees at the restaurant at any given time, and reiterated that the site will have nine spaces to accommodate the neighboring retail use. She expressed confidence that 68 parking spaces would be sufficient for the site.

Mr. Elfman asked if the adjacent residential neighborhood has voiced any objections to the site's exit onto Middle River Drive, which can be used as a "cut-through" street. Ms. Crush advised that the neighborhood reviewed the Site Plan and did not state any reservations regarding this exit.



Ms. Golub asked if consideration has been given to entering into an agreement with a church across the street from the restaurant to provide for staff parking. Cary Goldberg, also representing the Applicant, confirmed that there is an agreement, if necessary, for the Applicant to rent parking spaces from the church; however, these spaces would not be used toward satisfying City parking requirements, but as a contingency only.

Chair Hansen requested further clarification of the dimensions of the dining room and customer service area. Ms. Crush explained that the Applicant's traffic engineer made calculations based upon the entire customer service area rather than the seating area alone. Mr. Tinter added that the ITE parking calculation considers the gross floor area of the entire restaurant rather than the customer service area.

Chair Hansen stated that he would still like to see a calculation of the size of the customer service area. Carlos Cardoso, also representing the Applicant, advised that the customer service area includes the bar area. Chair Hansen disagreed, noting that documentation states the customer service area is 1519 sq. ft., which was not consistent with his calculation of the space.

Mr. Cardoso stated that there is a manner of calculating the customer service area which includes 5 ft. beyond the site's seating location. This means other areas will be included in customer service, even if their square footage is not reflected in the calculation. Mr. Peterson explained that his calculations are based on the site's data table, which lists 1519 sq. ft. of indoor customer service space and 377 sq. ft. of outdoor customer service space.

Ms. Crush noted that the ULDR includes a methodology for the calculation of a customer service area, which includes assumption of a 5 ft. radius beginning at the center of any table. Mr. Hetzel added that no exhibit illustrating this area was provided, but the site data table was used instead.

Mr. Hetzel, representing Urban Design and Planning, advised that the first Item is a right-of-way vacation of a 20 ft. alley, which transects the site. The Item was deferred from the June 21, 2017 Board meeting. The Applicant has provided responses to the appropriate review criteria and has demonstrated compliance with public participation and sign notification requirements.

Staff recommends the following conditions for approval:

- Any infrastructure, known or unknown, found to be within the vacated area shall be relocated at the expense of the Applicant, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department
- Any other infrastructure, known or unknown, found to be within the vacated area shall be relocated at the expense of the Applicant, and the relocated facilities are required to be inspected and accepted by the utility agency or service provider
- The vacated Ordinance shall be in full force and effect at the date of the certification, and executed by the City Engineer in the public records of Broward

County, Florida; the certificate shall state that all conditions of vacation have been met, and a copy of the record certificate must be provided to the City

Mr. Hetzel addressed Item 2, Site Plan Level IV review, which requests rezoning of the property. The Applicant proposes a Site Plan consisting of an approximately 5100 sq. ft. building at the subject site. The eastern parcel would be rezoned from Residential Multi-family Mid-rise Medium Density (RMM-25) to Exclusive Use Parking Lot (XP). The Applicant also requests a parking reduction from 88 to 68 parking spaces. This Item was also deferred from the June 21, 2017 Board meeting.

Mr. Hetzel noted the review criteria for this Item, which address rezoning, X District rezoning, flexibility rules, parking reduction, adequacy requirements, and neighborhood compatibility requirements. The Applicant has responded to each of these criteria, and has met applicable public participation and sign notification requirements. There are no Staff conditions for approval.

Ms. Golub noted that the Staff Report lists the methodology of how parking adequacy is calculated, pointing out that it is unrelated to the customer service area. She asked why the customer service area must be used to calculate adequate parking. Benjamin Restrepo, representing the Department of Transportation and Mobility, replied that the ULDR requires a differential between the retail and dining area space in order to calculate parking.

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

Nancy Rudnik, private citizen, stated that she owns the property directly north of the subject site, and pointed out that there are sometimes parking issues at this site even under current conditions. She expressed concern with the proposed parking reduction, as parking occasionally spills over onto her property.

As there were no other individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Ms. Golub suggested that requiring the developer to arrange for off-site employee parking has been a condition of approval for similar Applications in the past. Mr. Hetzel observed that this would mean the Applicant must also comply with any sections of Code applicable to offsite parking.

Mr. Barranco referred to the parking analysis, asking if the land use analyses included in the document are consistent with ITE. Mr. Tinter replied that ITE lists a number of additional land uses that might apply to the subject property; however, the land uses listed by the Applicant reflect the most conservative figures found in the ITE.

Assistant City Attorney Gus Caballos cautioned that any questions regarding testimony about the Application must be asked directly of the Applicant rather than of other Board members, as it was not appropriate for Board members to testify regarding the information included in the Applicant's documentation.

**Motion** made by Mr. Glassman, seconded by Mr. Tinter, with Item #1, to approve with Staff conditions on the vacation.

Mr. Tinter requested the following **amendment** to the **motion**: that the Applicant provide an access easement connecting the alley to Middle River Drive. Mr. Glassman accepted this **amendment**.

In a roll call vote, the **motion** passed 6-0.

**Motion** made by Mr. Tinter, seconded by Mr. Glassman, to approve the second Item on the Agenda with one condition: that a 2 ft. easement be provided along the Federal Highway frontage for future sidewalk construction.

Mr. Glassman requested the following **amendment** to the **motion**: to correct the site data to correctly reflect the appropriate customer service area of the restaurant. Mr. Tinter accepted the **amendment**.

Assistant City Attorney D'Wayne Spence advised that based upon the Board's discussion, if the customer service area changes, the number of required parking spaces to be reduced would also change. He asked if it is the intent of the **motion** to compensate for this change by using a specific number. Mr. Tinter replied that the intent is to approve the Site Plan with 68 parking spaces and correct the customer service area so the reduction may be properly defined.

In a roll call vote, the **motion** passed 5-1 (Chair Hansen dissenting).

<b>3. CASE:</b>	<b>PL17003</b>
<b>REQUEST: **</b>	Plat Review
<b>APPLICANT:</b>	Project Andrews, LLC
<b>PROJECT NAME:</b>	Progresso Commons Plat
<b>GENERAL LOCATION:</b>	947 N Andrews Avenue
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Lots 1 and 48, less the north 15 feet of said lots; and lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, in Block 209, of Progresso, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the public records of Miami-Dade County, Florida; said lands situate, lying and being in Broward County, Florida.
<b>ZONING DISTRICT:</b>	Northwest Regional Activity Center – Mixed Use Northeast (NWRAC-MUne), Boulevard Business (B-1), and Residential



Multifamily Mid Rise / Medium High Density (RMM-25)

**CURRENT LAND USE:** Northwest Regional Activity Center (NW-RAC)

**COMMISSION DISTRICT:** 2

**CASE PLANNER:** Nicholas Kalargyros

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**4. CASE:** **V17004**

**REQUEST: \*\*** Right-of-Way Vacation

**APPLICANT:** Project Andrews, LLC

**PROJECT NAME:** Progresso Commons Right-of-Way Vacation

**GENERAL LOCATION:** A portion of NW 1<sup>st</sup> Avenue, south of Sunrise Boulevard and north of NW 9<sup>th</sup> Street

**ABBREVIATED LEGAL DESCRIPTION:** A portion of that 40.00 foot wide right-of-way dedication for NW 1<sup>st</sup> Avenue, lying between Blocks 209 and 210, "Progresso", according to the plat thereof, as recorded in Plat Book 2, Page 18, of public records of Miami-Dade County, Florida.

**ZONING DISTRICT:** Boulevard Business (B-1) and Residential Multifamily Mid Rise / Medium High Density (RMM-25)

**CURRENT LAND USE:** Northwest Regional Activity Center (NW-RAC)

**COMMISSION DISTRICT:** 2

**CASE PLANNER:** Nicholas Kalargyros

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Disclosures were made at this time.

Debbie Orshefsky, representing the Applicant, stated that the subject property has been vacant for several years. She noted a correction to the plat note: the note in the Application lists 35,000 sq. ft. of space rather than the 28,000 sq. ft. listed in the members' backup materials. All reports and analyses are based on a square footage of 35,000. The 16 gas pumps on the site are listed separately from the square footage of the store, as required by Broward County Development Management.

Ms. Orshefsky provided a rendering to illustrate right-of-way vacations associated with the development, including NW 1<sup>st</sup> Avenue and NW 2<sup>nd</sup> Avenue. These vacations were part of a comprehensive program put in place by the City Commission to prevent cut-through traffic from intruding into a residential area. The Applicant proposes no change to traffic flow, as well as the relocation of a barricade on NW 2<sup>nd</sup> Avenue. The Applicant has reached out to each lot owner on this roadway, to which they received only one

limited response. Other alleyways on the subject property have existed since very old previous plats and will be formally vacated as part of the Applicant's activity.

The Applicant plans to make additional dedications to provide required turn lanes on Sunrise Boulevard and wider sidewalks consistent with the design guidelines of the Northwest Regional Activity Center (Northwest RAC). Widening of NW 2<sup>nd</sup> Avenue and Andrews Avenue are planned in order to integrate an adjacent restaurant development with the project on the subject parcel.

Ms. Orshefsky noted that there are Broward County Transit (BCT) bus stops on both Sunrise Boulevard and Andrews Avenue, for which the Applicant plans to provide required easements as part of the plat activity. The barricade on NW 2<sup>nd</sup> Avenue would be moved approximately 50 ft. to the opposite side of a vacant lot. The vacation of NW 1<sup>st</sup> Avenue, which bisects the site, will not affect nearby circulation.

Mr. Tinter observed that a letter from FDOT included in the Application materials expired on May 19, 2017. Noel Barnett, also representing the Applicant, advised that a new letter has been requested. Mr. Tinter asked if a representative of BCT was in attendance at a pre-application meeting, noting that additional right-of-way is typically required to place landing pads around bus stops. Ms. Orshefsky confirmed that the Applicant is prepared to accommodate this need. Jane Storms, also representing the Applicant, advised that this right-of-way is included in the 18 ft. being dedicated for a consolidated bus stop.

Mr. Tinter also asked if Broward County has raised the issue of an interconnect cable located on Sunrise Boulevard. This is a fiber-optic cable that runs beneath the sidewalk and must be relocated when turn lanes are installed. Ms. Orshefsky recalled that the County has issued a standard warning that the Applicant must not disturb this cable.

Mr. Tinter asked for clarification of whether or not the Applicant is requesting joint access with an adjacent restaurant. Ms. Orshefsky explained that the request is not for joint access, although the Applicant would be willing to discuss this issue further with that property owner. She added that there is still time to address this possibility before the project's Site Plan comes before the Board in the future. Mr. Tinter noted that the driveway should also be channelized to protect right turn in/out access.

Mr. Tinter continued that the Department of Transportation and Mobility had requested that the Applicant consider closing a one-way driveway on Andrews Avenue. Ms. Orshefsky replied that the driveway is included on the plat because it may be necessary; if it proves unnecessary or prevents Site Plan approval in the future, it can be removed from plans. The Applicant is evaluating its necessity as the Application goes through the Development Review Committee (DRC) process, and is amenable to a condition that asks them to evaluate the need for the proposed driveway.

Mr. Barranco requested additional information regarding pedestrian access to the site. Ms. Orshefsky stated that this access would be incorporated into the Site Plan in the future, although the Applicant is also willing to delete the access if that is the Board's instruction. It was clarified that the Department of Transportation and Mobility had raised the issue of providing a pedestrian easement. This may be addressed more specifically during Site Plan Review when there is more information about the final design of the site. Mr. Barranco advised that deletion of this easement would be his preference.

Ms. Golub requested clarification of where the barricade will be moved on NW 2<sup>nd</sup> Avenue. Ms. Orshefsky explained that this was not shown on the plat itself, as it is not a platted restriction. The relocation of the barricade provides access onto Sunrise Boulevard for the owner of two lots on this street. The replacement barricade is also intended to be a more attractive structure than the current City barricade.

Mr. Tinter asked when the Broward County Traffic Division plans to remove a pedestrian signal between 2<sup>nd</sup> Avenue and Andrews Avenue in relation to the project's timeline. Mr. Barnett replied that FDOT has not established the timing of the signal's removal. If FDOT has not removed the signal by the time project construction is underway, its removal will be included in the Applicant's plans.

Mr. Tinter also addressed the provision of a turnaround at the end of 1<sup>st</sup> Avenue. Ms. Orshefsky replied that this will be incorporated into the Site Plan. The Applicant will dedicate 5 ft. of space to provide an overall width of 25 ft. Mr. Barnett added that the area immediately south of the subject property will not be affected. The turnaround is a condition of Staff approval for the project's Site Plan.

Nicholas Kalargyros, representing Urban Design and Planning, stated that the Applicant proposes to plat 211,014 sq. ft. (approximately 4.8 acres) of land on what is currently a vacant lot. The site is being platted as a single parcel to allow for future development of a shopping center to be called Progresso Commons. Staff recommends approval of the request.

Regarding Item 4, the right-of-way vacation, the Applicant requests vacation of an 18,900 sq. ft. portion of public right-of-way, which transects the site for which the shopping center is proposed. The vacation request is subject to the following criteria:

- Right-of-way or other public space is no longer needed for public purpose
- Alternative routes are available and do not adversely affect surrounding areas
- Closure of the right-of-way provides safe areas for vehicles to turn and exit the area
- Closure of the right-of-way does not adversely affect pedestrian traffic
- All utilities located within the right-of-way or other public place have been or will be relocated, and the owner of the utility facilities has consented to the vacation; or a utility easement has been retained over the right-of-way area or a portion thereof; or an easement in a different location has been provided for the utility



facilities by the owner to the satisfaction of the City; or any combination of the above

Mr. Kalargyros continued that because the right-of-way vacation is subject to public participation requirements, a public participation meeting was held on April 17, 2017 to allow surrounding neighbors an opportunity to learn about the project. Staff recommends approval of the request with the following conditions:

- Applicant shall construct a T-turnaround at the terminus of the vacated portion of the right-of-way to provide access to adjoining properties directly south of the proposed segment to be vacated
- Any City infrastructure, known or unknown, found to be within the vacated area shall be relocated at the expense of the Applicant, and the relocated facilities shall be required to be inspected and accepted by the City's Public Works Department
- Any other utility infrastructure, known or unknown, found to be within the vacated area shall be relocated at the expense of the Applicant, and the relocated facilities shall be required to be inspected and accepted by the applicable utility agency or service provider
- Vacating Ordinance shall be in full force and effect on the date a certificate is executed by the City Engineer is recorded in the public record of Broward County, Florida; the certificate shall state that all conditions of the vacation have been met; a copy of the recorded certificate must be provided to the City

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

Ronald Centamore, President of the Progresso Village Civic Association, stated that the subject parcel has been vacant for at least 14 years. The Civic Association unanimously approved the project, and the developer has worked with the neighborhood to accommodate their recommendations and/or requests. He concluded that the relocation of the barricade on NW 2<sup>nd</sup> Avenue will not affect nearby residents, noting that he has heard no feedback from the neighborhood on this issue.

As there were no other individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Glassman, seconded by Mr. Elfman, to approve [case number] PL17003.

Mr. Barranco requested that the **motion** be **amended** so the plat does not define the 10 ft. pedestrian easement, but instead adds it as a note. Mr. Glassman accepted the **amendment**.

Mr. Tinter requested that the **motion** also be **amended** to include the following conditions:

- Development restriction on the plat is amended to read "35,000 sq. ft. of commercial plus the 16 fueling positions"
- Include the phrase "to evaluate the northern driveway on Andrews Avenue to determine if it is absolutely necessary"

Mr. Glassman also accepted this **amendment**.

In a roll call vote, the **motion** passed 6-0.

**Motion** made by Mr. Glassman, seconded by Mr. Elfman, [to approve Item 4] with Staff conditions. In a roll call vote, the **motion** passed 6-0.

**5. CASE: T17008**

**REQUEST: \***

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-13.50, General Regulations; To allow use of flex and reserve units from Flex Zone 56 in the South Regional Activity Center; Section 47-24.1, Development Permits and Procedures Table; To identify review and approval process; and Section 47-28, Flexibility Rules; To provide for regulations specific for use of flex and reserve units.

**APPLICANT:**

City of Fort Lauderdale

**PROJECT NAME:**

South Regional Activity Center (SRAC)

**GENERAL LOCATION:**

City-Wide

**CASE PLANNER:**

Jim Hetzel

Mr. Hetzel stated that this Item is an Amendment to Section 47-13.50, Section 47-24.1, and Section 47-28 of City Code. It takes the remaining 266 flex units and 196 reserve units available within the flex zone of the South Regional Activity Center (South RAC) and condenses them from the entire flex zone into the South RAC only. This also adds development units to the South RAC in order to entice further development. The Amendment is submitted in response to direction given during City Commission development workshops.

Mr. Tinter asked if this Amendment is premature considering the recent discussion of affordable housing and flex units at the joint Planning and Zoning Board/Affordable Housing Advisory Committee workshop meeting. Mr. Hetzel replied that when planning analysis is done for flex units throughout the City, these units will already be allocated to the South RAC through this initiative; however, the City Commission directed Staff to proceed with this effort.

Mr. Hetzel further explained that Code restricts developments to two reserve units per property. This means if a mixed-use project is planned, flex units would be allocated first. The developer is then allowed to request the use of two reserve units.

Ms. Golub requested clarification of density bonuses. Mr. Hetzel advised that the current land use regulatory process limits the density of mixed-use projects. The Amendment allows developers to increase this density under the provisions for affordable housing, or to provide sleeping rooms for a special residential facility. If a mixed-use project includes an affordable housing component, the developer may increase the project's density.

Mr. Glassman commented that there seemed to be certain conflicts inherent in the proposed Amendment. Mr. Hetzel replied that at present, there are no provisions for affordable housing for a developer who wishes to provide 50 units per acre. He characterized the proposed Amendment as more restrictive than current Code, as developers who want to provide flex units could be asked to provide an affordable housing component.

Mr. Barranco commented that one concern of the Poinciana Park Civic Association has been the use of housing converted into drug rehabilitation facilities known as "sober homes." Mr. Hetzel stated that the ULDR includes strict guidelines for the opening of Social Service Residential Facilities (SSRFs) such as sober homes. These guidelines are based on the number of sleeping rooms and include distance requirements and other regulations; however, State Statutes require that the City may not deny these facilities if they comply with the necessary criteria, as they fill a social service need.

Mr. Hetzel continued that one aspect of the flex allocation Amendment deals with design requirements, which adds a layer of regulation to developers who want to use flex units. This means there are additional costs associated with developing a site that is consistent with the City's form-based Code.

Attorney Spence advised that federal law provides for the preemption of local prohibition of sober homes or other SSRFs. These are considered to be residential uses that are specific to individuals in recovery, who are protected from discriminatory treatment with regard to housing. Large-scale SSRFs may not obtain flex units without adhering to the City's regulatory Code; however, regular housing can be purchased and converted to SSRF homes under existing law.

**Motion** made by Ms. Golub, seconded by Mr. Elfman, to recommend approval of the Amendment to the ULDR to the City Commission. In a roll call vote, the **motion** passed 6-0.

**6. CASE: T17009**

**REQUEST: \***

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-13.20, Downtown Regional Activity Center; To identify process of approval for 5,000 residential units approved as part of the City's 2017 land use amendment ; Section 47-38C, Education Mitigation; To identify education mitigation fees for the 5,000 residential units.



<b>APPLICANT:</b>	City of Fort Lauderdale
<b>PROJECT NAME:</b>	Downtown Regional Activity Center (Downtown RAC)
<b>GENERAL LOCATION:</b>	City-Wide
<b>CASE PLANNER:</b>	Jim Hetzel

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Mr. Hetzel explained that this Amendment addresses Section 47-13.20 and Section 47-38.C.2. Following the recent approval of 5000 units for the Downtown Regional Activity Center (Downtown RAC), the Amendment modifies language regarding density. If a Downtown project requests unit allocation, a City Commission memorandum is issued before the allocation is approved. The Amendment would change this process by subjecting the request to a 15-day City Commission call-up period. This means instead of including an Agenda Item on the allocation of Downtown RAC units, it would be placed on the Agenda only if the City Commission wishes to call up the issue.

Mr. Hetzel characterized this change as an economic incentive: if a development goes through the process of demonstrating compliance with the Downtown Master Plan, the approval process will be streamlined.

Chair Hansen requested more information on how this Amendment evolved. Mr. Hetzel explained that this is a response to the development community, and was not drafted as a result of City Commission direction. Staff has found several items placed on the City Commission Agenda to request units for Downtown projects, which were not typically discussed at length by the Commission. The Amendment could apply to very large developments that meet the criteria of the Downtown RAC as well as smaller ones.

Mr. Glassman observed that most Downtown projects do not come before the Planning and Zoning Board because they are located in the Downtown RAC. He felt the Amendment could limit the public's ability to research and fully understand projects.

Ms. Golub suggested that any project going through an expedited approval process as a result of the proposed Amendment could be required to publish notice at the DRC level to the entire City. She did not feel the Amendment provided for sufficient transparency of projects.

Mr. Barranco noted that Downtown projects are already subject to the DRC process, which includes a public meeting. He pointed out that if there are concerns from a surrounding neighborhood, the City Commission retains the opportunity to call up the Item for further discussion. Mr. Glassman noted, however, that DRC meetings occur during daytime hours and can be lengthy, which makes them less accessible to the public. Ms. Golub added that projects typically change a great deal as the result of the DRC process.

Mr. Hetzel advised that in order to call up an item, a Commissioner must make a motion to have that item placed on the Agenda. If no Commissioner does so during the 15-day call-up period after the DRC process, the plan would be effectively approved. This process is already in use for the approval of projects using flex units in the Downtown RAC.

Mr. Tinter commented that the Amendment would serve only to save 15 days from the approval process instead of allowing this time for public review of project plans. He felt a change from a 15-day to a 30-day call-up period would be more consistent with the existing procedure for the allocation of flex units in the Downtown RAC.

Mr. Barranco asked if Downtown projects require the Applicant to comply with the public participation Ordinance as part of the DRC process. Mr. Hetzel replied that this Ordinance does not apply to Downtown projects, as they are subject to Site Plan Level II review.

Mr. Hetzel noted that Exhibit 2 of this Item included a scriveners' error, which must be addressed in any motion regarding the Amendment. Attorney Spence stated that the Board may make recommended changes to the text, including denial or approval of certain language, rather than dividing the Item.

Mr. Barranco asked if the increase from \$1195 per unit to \$1449 would be addressed on a year-by-year basis as costs increase. Mr. Hetzel replied that this change is tied to an existing interlocal agreement between Broward County, the Broward County School Board, and the City of Fort Lauderdale, which locked in a fee amount determined in 2006. During negotiations to amend the agreement for the inclusion of 5000 units, the parties determined that the new units would not be subject to the 2006 cost-per-unit fee. The Amendment updates this fee based upon current costs.

Mr. Glassman asked if other development fees that support infrastructure needs would come before the Board for approval. Mr. Hetzel responded that the City has no jurisdiction over school impact fees, but are subject to the interlocal agreement addressing school concurrency. These fees are established by the County and the School Board. He noted that the County is considering an increase in some fees, including fees associated with high-rise developments, which would directly affect development in Fort Lauderdale. Water, sewer, and other infrastructure fees are handled by the City's Public Works Department, as well as the DRC and permitting processes.

**Motion** made by Ms. Golub, seconded by Mr. Glassman, that the Board does not recommend the language in 47-13.20, but does recommend the Commission to approve the language in Section 47-38.C.2.

Ms. Golub further clarified that her **motion** did not recommend approval of Exhibit 1 but does recommend approval of Exhibit 2.

In a roll call vote, the **motion** passed 4-2 (Mr. Barranco and Mr. Tinter dissenting).

**VII. COMMUNICATION TO THE CITY COMMISSION**

None.

**VIII. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

Mr. Tinter advised that it would be helpful, when reviewing Site Plans, if the Department of Transportation and Mobility includes a letter of approval regarding an Application's traffic studies. He pointed out that all other utilities are asked to provide this documentation.

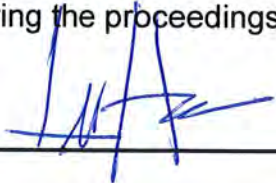
Mr. Hetzel noted that the Department of Transportation and Mobility does not provide letters, but instead signs off on DRC approval, which is consistent with other disciplines. He suggested that Staff look into the possibility of providing the Board with the Department's "sign-off" on the DRC process so the members can see the disciplines that participated in this process.

Mr. Tinter continued that he would also like to see letters from FDOT, including pre-application correspondence and letters to the Variance Committee. Mr. Hetzel replied that while these documents are part of the application file, Staff can pull these items for separate inclusion in the backup materials as exhibits.

Chair Hansen commented that while the Board had approved a street vacation at tonight's meeting, the Applicant was not asked to pay for that land, which represented a financial loss for the City. Attorney Caballos stated that in the Application in question, the Applicant owned both sides of the property, and the City had held the roadway for public use, which meant they were not in a position to request fees for it.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:10 p.m.

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



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Chair



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Prototype

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



