CITY OF FORT LAUDERDALE

PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, FEBRUARY 21, 2018 – 6:30 P.M.

Cumulative

		June 2017-May 2018	
Board Members	**Attendance**	**Present**	**Absent**
Leo Hansen, Chair	P	9	0
Catherine Maus, Vice Chair	P	8	1
John Barranco	P	9	0
Howard Elfman	P	8	1
Rochelle Golub	P	8	1
Richard Heidelberger	P	6	3
Alan Tinter	A	8	1

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

Staff
Ella Parker, Urban Design and Planning Manager
Lynn Solomon, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Linda Mia Franco, Urban Design and Planning
Karlanne Grant, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Tyler Laforme, Urban Design and Planning
Christine Fanchi, 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 Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Vice Chair Maus, seconded by Ms. Golub, to approve. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Chair Hansen advised that individuals representing boards or associations have five minutes to speak, while individuals representing themselves are allotted three minutes. Any individuals wishing to speak on any Items on tonight's Agenda were sworn in at this time.

IV. AGENDA ITEMS

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	Case Number	Applicant
1.	PL17005**	Leigh Robinson Kerr & Associates, Inc.
2.	R17037**	Florida Power & Light
3.	Z17010* **	Gospel Arena of Faith, Inc.
4.	V17010**	Gospel Arena of Faith, Inc.
5.	Z17009* **	Development 4Life Partners, LP
6.	PL17007**	Development 4Life Partners, LP
7.	L17003* **	City of Fort Lauderdale and Envision Uptown, Inc.
8.	T18001*	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.

Chair Hansen advised that there has been a request for Item 7 to be heard first on tonight's Agenda. The Board members had no objection to this request.

Chair Hansen also noted that the Applicant of Item 2 has requested that this Item be deferred until the March 2018 meeting.

Motion made by Vice Chair Maus, seconded by Mr. Elfman, to defer Item 2 to the next meeting date. In a voice vote, the **motion** passed unanimously.

The following Item was taken out of order on the Agenda.

7. CASE:	**L17003**
REQUEST: * **	Land Use Plan Amendment: Amend City's Future Land Use Map from Employment Center, Commercial, Office, and Industrial to Transit Oriented Development for the Uptown Urban Village Project
APPLICANT:	City of Fort Lauderdale and Envision Uptown, Inc.
PROJECT NAME:	Uptown Urban Village
GENERAL LOCATION:	Area generally bound by I-95 to the east, Powerline Road to the west, Canal to the north, and NW 57th Street
CASE PLANNER:	Jim Hetzel, AICP

Disclosures were made at this time.

Jim Hetzel, representing Urban Design and Planning, pointed out that the City and Envision Uptown are co-Applicants in this case. The Item would amend the underlying land use of the area generally known as Uptown.

Cary Goldberg, representing Envision Uptown, stated that the effort to implement a Text Amendment is the result of local businesses and major employers banding together to establish an area where their employees may live. The team worked with City Staff to develop a long-term plan for this area, resulting in the creation of Envision Uptown, which includes members from many of these major employers, as well as governing entities with an interest in the area.

The intent is to develop and take advantage of infrastructure that will function best within transit-oriented development (TOD). The Uptown area's daytime employment is at the highest level in Broward County. A visioning plan was developed to create an urban village through land use plan modifications, rezoning, and input from stakeholders, as well as to connect the Uptown and Downtown employment centers.

Mr. Hetzel showed a PowerPoint presentation on the Application, explaining that the Urban Land Institute (ULI) assembled a technical panel to look closely at the area and make specific recommendations. This step resulted in a report produced in August 2014, which recommends features such as mixed-use land designation, parking studies, and a market and economic analysis.

The City Commission passed Resolution 15-215, which took action based on the ULI report and accepted its recommendations as a framework in which subsequent projects could be identified as priorities. The size of the subject area is 353 acres on higher ground with multimodal access. There are few housing options in the project area.

The Land Use Amendment proposes to move from a variety of land uses, which include Commercial, Office, Employment Center, and Industrial to arrive at a single land use designation of TOD, which is permitted by both the County and City Land Use Plans. Staff proposes designations of TOD for the City and Activity Center for the County.

Goals and intentions for the TOD designation include promotion of connectivity, mix of uses, pedestrian amenities, and affordable housing. The proposal suggests that 15% of residential use within the area be constructed for affordable housing.

A planning analysis has been completed to study the market in which the Cypress Creek Mobility Hub is included. Mr. Hetzel pointed out that this shows what the market can bear within the subject area. Another factor is underused land, such as surface parking lots, vacant lots, and land that has not yet been developed. The final factor is a lack of certain uses within the area, including housing, parks and open space, and hotel use.

Land Use Amendments must take existing development into account, as well as what is being proposed for the future. The analysis also directs the City to look at current land use for the area and what it allows. The Comprehensive Plan must identify the intensity of an area. In this case, it defines intensity according to a floor area ratio of 3. Mr. Hetzel noted that this is relatively high for the area and provides a baseline analysis of what may be built under the current land use. Subtracting this ratio from what is currently in the ground shows the potential effects of additional new development on public services. Two significant effects are open space and public education.

Mr. Hetzel continued that the City exceeds this level of service as a whole; however, there is no public space within the specific Uptown area. An amount of 6.5 acres of parks and open space has been identified within this project area. With regard to public education, only one school serves the subject area and will be affected. Three other nearby schools have sufficient capacity to handle more students.

Vikas Jain of T. Y. Lin and Associates, representing the Applicant, reviewed the analysis of traffic impacts. Transportation planning efforts within the subject area include the I-95 Project Development and Environmental (PD&E) study, which is conducted by the Florida Department of Transportation (FDOT); the Cypress Creek Mobility Hub Streetscape Improvements study; and a County study examining the possibility of installing a signal on 59th Court and Powerline Road. City Staff has met with FDOT, the Broward Metropolitan Planning Organization (MPO), the Broward County Planning Council, and other stakeholders. The traffic issues expected to arise are not significant.

Mr. Jain further explained that to conduct an analysis of the proposed land use program, the project team converts this information into population, new residents, and additional jobs that will be created in the area. This is added to a regional travel demand forecasting model, which has determined the proposed land use conversion would add approximately 2800 households, 7000 residents, and 2000 jobs. By the year 2022, 11,000 daily trips are expected, with a.m. and p.m. peak hour trips increasing by roughly 1000.

Mr. Jain advised that any level of service below E is acceptable to the Comprehensive Plan, while any level of service below D is acceptable to FDOT. There are no adverse effects on traffic within the study area.

Mr. Hetzel concluded that if the Board approves the Land Use Amendment, it will then go before the City Commission for first reading, after which it would be transmitted to the County. After it has gone before the Broward County Planning Council, it will be reviewed by State and other agencies. He recognized that there is a concurrent effort regarding the area's Master Plan which would develop form-based codes. A public open house will be held on March 8, 2018 to discuss this effort.

Vice Chair Maus asked what would be subtracted or redeveloped within the subject area. Mr. Hetzel replied that no elements are being subtracted: the Amendment is intended to encourage an urban village setting with mixed-use development. From a Master Plan perspective, Staff is looking at sub-areas of different characters within the overall project area. This will affect where certain types of development may be implemented.

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

Ray Cox, private citizen, expressed concern for the area's existing sewer system, asking if the proposed urban village would be expected to contribute toward improvements to this infrastructure. He also shared his concern for the area's share of school funding and the effect of local and tourist traffic on South Florida. Mr. Cox concluded that he did not feel the proposed affordable housing would be sufficient to address the City's need.

Miguel Andre, private citizen, asked if the Board's focus for this Item addressed each individual project per area per zone. Chair Hansen replied that the Board votes separately upon each case that comes before them.

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 stated that the issues Mr. Cox had raised are included in the backup documentation provided to the Board.

Motion made by Vice Chair Maus, seconded by Ms. Golub, to approve with Staff conditions. In a roll call vote, the **motion** passed 6-0.

1. CASE:	**PL17005**
REQUEST: **	Plat Review
APPLICANT:	Leigh Robinson Kerr & Associates, Inc.
PROJECT NAME:	Bridge FLL Plat
GENERAL LOCATION:	3033 and 3233 SW 12th Avenue
ABBREVIATED LEGAL DESCRIPTION:	Parcel A, School Site 0410, according to the plat thereof, as recorded in Plat Book 147, Page 39, of the public records of Broward County, Florida.
ZONING DISTRICT:	Community Facilities (CF)
LAND USE:	Community Facilities (Pending concurrent application for change of land use to Industrial Use)
COMMISSION DISTRICT:	4 – Romney Rogers
CASE PLANNER:	Tyler Laforme

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, advised that the Application is for a 10 acre parcel. Other applications related to the site have recently come before the Board, including a Land Use Plan Amendment to convert the property from Community Facility to Industrial and a rezoning request that has since been approved by the City Commission.

The site is currently used to store portable educational units. The plat will restrict the property to industrial use. At present, the site provides access into the surrounding neighborhood through two entrances. The Application will modify this by removing the access points on the west side and placing a landscape buffer at the north access point. Access will only be provided onto 12th Avenue on the southern portion of the parcel.

Tyler Laforme, representing Urban Design and Planning, advised that the proposed plat will be for a logistics and distribution center/warehouse. The plat note will restrict development to a maximum of 180,000 sq. ft. of industrial use. This restrictive language has been approved by the Broward County Planning Council. The Applicant plans to redevelop the parcel by removing the existing school building and modular classrooms and constructing a distribution center/warehouse building with associated right-of-way improvements. All adequacy requirements have been addressed.

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

Ray Cox, private citizen, asked if the City can afford to give up space previously designated for community facilities and expressed concern on the site's effects on quality of life. Chair Hansen clarified that rezoning is not part of the current request.

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 Vice Chair Maus, seconded by Mr. Heidelberger, to approve. In a roll call vote, the **motion** passed 6-0.

3. CASE:	**Z17010**
REQUEST: * **	Rezoning from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) to North West Regional Activity Center-Mixed Use east (NWRAC-MUe)
APPLICANT:	Gospel Arena of Faith, Inc.
PROJECT NAME:	The Six13
GENERAL LOCATION:	613 NW 3rd Avenue - North of NW 6th Street, west of NW 3rd Avenue, south of NW 7th Street and east of NW 4th Avenue
ABBREVIATED LEGAL DESCRIPTION:	Lots 17, 18, 31, and 32, Block 322, PROGRESSO, according to the Plat thereof, as recorded in Plat Book 2, Page 18, of the public records of Dade County, Florida.
CURRENT ZONING:	Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
PROPOSED ZONING:	North West Regional Activity Center-Mixed Use east (NWRAC-MUe)
LAND USE:	Northwest Regional Activity Center (NW-RAC)
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Linda Mia Franco, AICP

4. CASE:	**V17010**
REQUEST: **	Right-of-Way Vacation: Alley Vacation
APPLICANT:	Gospel Arena of Faith, Inc.
PROJECT NAME:	The Six13 Alley Vacation
GENERAL LOCATION:	613 NW 3rd Avenue -15-foot wide North/South alley, north of NW 6th Street, west of NW 3rd Avenue, south of NW 7th Street and east of NW 4th Avenue
ABBREVIATED LEGAL DESCRIPTION:	The West 7.50 feet of Lots 17 to 23; AND the East 7.50 feet of Lots 26 to 32; AND ALSO that portion of Lot 25, lying North of the North right-of-way line of N.W. 6th Street, All in Block 322, PROGRESSO, according to the Plat thereof, as recorded in Plat Book 2, Page 18, of the public records of Dade County, Florida.
ZONING DISTRICT:	North West Regional Activity Center-Mixed Use east (NWRAC-MUe) and Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
LAND USE:	Northwest Regional Activity Center (NW-RAC)
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Linda Mia Franco, AICP

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, requested that Items 3 and 4 be heard in a single presentation and voted upon separately. The Board agreed to this request.

Mr. Lochrie stated that the property is the subject of a development agreement, and its conceptual plans have gone before the Northwest Community Redevelopment Agency's (CRA's) Advisory Board and the CRA Board. The Northwest Regional Activity Center's (RAC's) zoning was previously approved by both the Planning and Zoning Board and

the City Commission as a means to provide the opportunity for positive redevelopment along the Sistrunk Corridor and Northwest RAC.

The zoning district in which most of the subject property is located is the Northwest RAC Mixed-Use East (MUE) District. The project is one of the first to be brought forward using the guidelines and Master Plan requirements included within this zoning district. The rezoning and alley vacation before the Board tonight are necessary in order to advance the project through Site Plan review.

Rezoning is necessary to unify the single parcel, which is owned by a single entity but divided into two zoning districts. The southern portion of the property is zoned Northwest RAC MUE, while a northern portion is zoned RMM-25. The Applicant requests rezoning of the entire parcel to Northwest RAC MUE, which is consistent with the zoning located east of the property.

An alley reservation currently runs through the center of the property, although this area was never dedicated nor used as an alley and the City has determined the reservation is no longer warranted. The Applicant agrees with all Staff conditions.

Linda Mia Franco, representing Urban Design and Planning, noted a minor correction to the Staff Report: in both cases, the only Applicant is the Gospel Arena of Faith, Inc.

Ms. Franco reviewed the criteria for rezoning, which include the following:

- Proposed zoning of Northwest RAC MUE is consistent with the City's Land Use Plan and Comprehensive Land Use, and furthers redevelopment efforts in the Northwest RAC
- Site Plan review is underway to ensure that design standards in the Northwest Master Plan are met
- Character of the proposed rezoning will not adversely affect the character of development in or near the area under consideration
- Proposed use is consistent with the underlying Land Use and neighborhood zoning districts and neighborhood Master Plan
- Character of the area is suitable for the uses permitted by the proposed zoning district

Ms. Franco noted that the proposed right-of-way vacation has gone before the Development Review Committee (DRC) and all comments have been addressed. She reviewed the criteria for right-of-way vacation, which include:

- Right-of-way and other public place is no longer needed for public purposes
- Right-of-way is not currently used for pedestrian or vehicular traffic
- Closure of the right-of-way provides safe areas for vehicles to turn and exit the area
- Closure of the right-of-way shall not adversely affect pedestrian traffic

- All utilities located within the right-of-way or other public place have been or will be relocated pursuant to a relocation plan, and the owners of the utilities have consented to the vacation
- Adequacy and neighborhood compatibility have been addressed

Staff recommends approval of the requests, with the conditions that any known or unknown City infrastructure within the vacated area shall be relocated at the Applicant's expense. Relocated facilities will be required to be inspected by the City's Public Works Department. The vacating Ordinance will be in full force or effect on the date of certificate as provided by the City Engineer and recorded in the public records of Broward County, Florida.

Mr. Elfman asked if the Applicant has had any conversations with the resident located in the RMM-25 zoning district directly behind the subject property. Mr. Lochrie replied that the Applicant has held meetings with the neighborhood association and will continue to reach out to the project's direct neighbors.

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

Ron Centamore, President of the Progresso Village Civic Association, advised that the project has been presented to and approved by the neighborhood membership. They feel it is a strong starting point to spur further development west of the railroad tracks. The developer worked closely with the neighborhood on various design concepts.

J. J. Hankerson, Vice President of the Progresso Village Civic Association, stated that the neighborhood has met with the Applicant several times and feels the project will have a positive effect on the community.

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 Vice Chair Maus, seconded by Mr. Elfman, to approve Item Z17010. In a roll call vote, the **motion** passed 6-0.

Motion made by Vice Chair Maus, seconded by Ms. Golub, to approve Item V17010 with Staff conditions. In a roll call vote, the **motion** passed unanimously.

5. CASE:	**Z17009**
REQUEST: * **	Rezoning from Residential Single Family / Medium Density District (RDS-15) and Residential Low Rise Multifamily / Medium-High Density District (RML-25) to Residential Single Family Cluster Dwellings / Medium Density District (RC-15)
APPLICANT:	Development 4Life Partners, LP.
PROJECT NAME:	Gardenia Park
GENERAL LOCATION:	501 NW 17th Street
ABBREVIATED LEGAL DESCRIPTION:	Lot 3, Boniello Park, according to the plat thereof, as recorded in Plat Book 45, Page 15, of the Public Records of Broward County, Florida.
ZONING DISTRICT:	Residential Single Family / Medium Density District (RDS-15) and Residential Low Rise Multifamily / Medium-High Density District (RML-25)
PROPOSED ZONING:	Residential Single Family Cluster Dwellings / Medium Density District (RC-15)
LAND USE:	Medium Residential
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Nicholas Kalargyros

6. CASE:	**PL17007**
REQUEST: **	Plat Review
APPLICANT:	Development 4Life Partners, LP.
PROJECT NAME:	Gardenia Park
GENERAL LOCATION:	501 NW 17th Street
ABBREVIATED LEGAL DESCRIPTION:	Lot 3, "Boniello Park", according to the plat thereof, as recorded in Plat Book 45, Page 15, of the Public Records of Broward County, Florida.
ZONING DISTRICT:	Residential Single Family / Medium Density District (RDS-15) and Residential Low Rise Multifamily / Medium-High Density District (RML-25)
LAND USE:	Medium Residential
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Nicholas Kalargyros

Disclosures were made at this time.

It was noted that Items 5 and 6 would also be discussed together but voted upon separately.

Hope Calhoun, representing the Applicant, stated that the subject property is 4.86 acres. The request is to rezone the property from RDS-15 and RML-25 to RC-15, which includes residential cluster homes and medium density. The Applicant proposes 49 two-story town homes for the property, or a density of 10.10 units per acre.

Ms. Calhoun addressed the three rezoning criteria as follows:

- Proposed zoning district is consistent with the City's Comprehensive Plan

- Changes anticipated by the proposed rezoning will not adversely affect the character of development in or near the area under consideration
- Character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses

Ms. Calhoun explained that the property is partially vacant and underused. The intent is for new development to serve as a catalyst for further improvement. The proposed development is considered to be consistent with other development in the area.

Ms. Calhoun advised that the greatest difference between RDS-15 zoning and RC-15 zoning is in what is permitted. Both zoning districts allow single-family homes, and the existing zoning category also allows cluster dwellings and permits two-family duplex units. RML-25 also permits medium/high residential density. RC-15 zoning also permits single-family homes, cluster dwellings, two-family duplex dwellings, and town homes. Public purpose uses are also permitted in both zoning districts.

Ms. Calhoun recalled that this site has come before the Board more than once in the past two years. Beginning in April 2017, the Applicant requested feedback from the community regarding residents' concerns for the site. The greatest concerns were the speed of cars traveling on NW 17th Street, parking in the area, and number of potential occupants per unit. The Applicant made changes to the Site Plan to address these concerns, including additional landscaping and on-street parking. Parallel parking is intended to serve as a traffic calming measure.

Ms. Calhoun continued that while Code requires two parking spaces per unit, the Applicant will provide three spaces as well as supplemental on-street parking. The Applicant also proposes a four-way stop at the main entrance to the property. A homeowners' association will be created to address other concerns, such as the number of occupants per unit.

Chair Hansen asked how many bedrooms can be constructed in a single-family residence. Ms. Calhoun advised that the town home units will have three bedrooms. There is no provision in Code that would allow more residents to occupy a town home than a single-family residence.

Mr. Heidelberger asked why the Applicant was requesting a zoning change if it is allowable to construct cluster housing under the existing zoning. Ms. Calhoun replied that the current zoning only allows existing cluster homes rather than new homes. The Applicant also prefers to build town homes rather than cluster homes.

Mr. Heidelberger asked if clustering town homes would allow for more green space between buildings, including existing trees and a green buffer between the proposed project and adjacent space. Ms. Calhoun confirmed this, adding that the site is adjacent to a City park and also plans a small community park area.

Nicholas Kalargyros, representing Urban Design and Planning, stated that the Applicant proposes to rezone approximately 4.85 acres of land from Residential Single-Family Medium Density (RDS-15) and Residential Low-Rise Multi-Family Medium/High Density (RML-25) to Residential Single Family Cluster Dwellings Medium Density to allow for future town home development. Staff has not yet reviewed the Applicant's Site Plan, as the permitted uses do not yet match the zoning district. Any proposed development on the site would be reviewed as part of the Site Plan approval process. The plat associated with this parcel is also on tonight's Agenda.

Rezoning applications are subject to the following criteria:

- Proposed zoning district is consistent with the City's Comprehensive Plan
- Changes anticipated by the proposed rezoning will not adversely affect the character of development in or near the area under consideration
- The character of the area proposed is suitable for the uses permitted in the proposed zoning district and compatible with surrounding district uses

The Applicant has held public participation meetings as part of the South Middle River Civic Association's monthly meetings in April and October 2017. The current property owners also hosted a meeting on the site in November 2017 to present changes based on previous neighborhood input. Staff recommends approval of the request.

Chair Hansen asked if the Applicant reached out to only one neighborhood association. Mr. Kalargyros confirmed that the association noted in the Applicant's documents is the only such entity within a 300 ft. radius of the subject property. Staff received letters expressing both support for and opposition to the project.

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

Elly du Pre, Convenor of the South Middle River Civic Association's Planning Committee, stated that she has submitted a comment to the Planning and Zoning Board advising that the Association declared its opposition to the project at its October general membership meeting by a vote of 27-7. Many members feel the proposed project will become rental units. Other objections were expressed regarding the likely increase in traffic and greater stress on the area's sewer and stormwater systems. Ms. du Pre added that many members felt the project would be cheaply designed and incompatible with the surrounding area.

Chair Hansen commented that the Applicant could have constructed 79 units by right under the existing zoning instead of 49 units. Ms. du Pre replied that the current property owner has stated that it is not possible to build the parcel out to 79 units due to its configuration.

Ms. du Pre also expressed concern that nearby residents were told the site's retention area could not accommodate large trees. Chair Hansen advised that this would be addressed at a later time when the project's Site Plan comes before the Board. Mr. Barranco commented that the Board may designate the retention area as landscape and drainage areas through the property's plat note.

Mr. Elfman asked if most Association members objected to the specific project presented or to any project that might be built on the subject site. Ms. du Pre asserted that the members objected to the possibility of traffic issues, sewer and stormwater issues, and new residents they feel will be less invested in the surrounding neighborhood. Chair Hansen noted that the City will review sewer and stormwater facilities and determine if they are capable of serving the neighborhood.

Aaron Beiswinger, private citizen, reiterated that most homeowners in attendance at Civic Association meetings were opposed to the project. He did not feel the project was properly presented, as RDS-15 zoning is appropriate for detached single-family dwellings. For this reason, it would not be possible to construct 79 units that meet setback requirements on the parcel.

Chair Hansen asked if anyone has examined the site and made a factual determination of the number of single-family homes it could accommodate. Mr. Beiswinger estimated that the site was unlikely to include more than 25 to 30 homes. He felt the proposed development would not match the characteristics of its surrounding neighborhood.

Vice Chair Maus observed that the existing zoning includes cluster dwellings. Mr. Beiswinger replied that the site may only include cluster dwellings that were already present when RDS-15 zoning took effect.

Ms. Golub pointed out that part of the existing zoning permits multi-family dwellings, and the Applicant could have requested that RML-25 zoning be applied to the entire property and erected a multi-story building on the site.

Marion Brown, private citizen, advised that she was concerned with the increase in traffic generated by development of the property. She noted that there is only one entrance and one exit on the parcel, and concluded that its proposed landscaping would not be consistent with the surrounding community.

Steve Kantner, private citizen, commented that there is currently no wild space in the South Middle River neighborhood. He requested that the Board consider the need to retain this space, which was previously used as a community garden.

P.J. Espinal, private citizen, asserted that the Applicant had previously stated he would not construct a large number of homes on the property. She also expressed concern that if the parcel's zoning is changed, a new plan could be developed to accommodate

the new zoning. She did not feel the presentation by the Applicant to the Association had been entirely accurate.

Chad Maxey, private citizen, stated that he had spoken to many residents in the subject neighborhood who felt strongly about the project and the effect it could have on the community. He recalled that at an earlier time, the Applicant had proposed constructing a park on part of the site, although negotiations for these plans had failed. He concluded that the City is continuing to grow, and some of its space should be reserved for park space.

Gerry Scanlon, manager of Development for Life Partners, the investment company that owns the property, explained that the property was purchased in 2014 after a previous application fell through. After purchasing the subject parcel, he also bought three adjacent properties and demolished the buildings on them, increasing the lot size. He advised that he had originally proposed a four-story project for the site, but discarded this plan because adjacent homeowners were not in favor of it.

Mr. Scanlon continued that he had sought to decrease the site's density and was not interested in constructing a larger number of homes on the parcel. The result was the low-density project that seeks to balance the differing interests of the community.

Chair Hansen asked if the Applicant would be willing to preserve the tree area east of the property. Mr. Scanlon replied that he would defer to the developer on this issue.

Michael Prendergast, private citizen, noted that many commuters from outside the neighborhood use the residential through streets to get to work. He provided a document including nearly 140 signatures in opposition to the project.

Jeff Bor, private citizen, stated that the proposed project is inconsistent with the standards of the surrounding community. He called the Board's attention to four unoccupied lots near the subject parcel, which are zoned for mixed use and higher density. He felt an increase in density would not promote the safety of the neighborhood.

Blendi Turkil, private citizen, stated that he opposed the proposed zoning change, as town homes were not appropriate for the surrounding neighborhood and would contribute to traffic in the area. He added that he was opposed to the possibility of renting the units.

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.

Chair Hansen recalled that some members of the public had stated they submitted comments or letters to City Staff in advance of the 48 hour deadline. Ms. Parker replied that the administrative assistant forwarded these documents to the Board members

earlier in the day. She advised that in the future, these documents would be printed and provided to the Board members.

Ms. Calhoun addressed some of the statements made during public comment, noting that the Applicant plans to install new sidewalks in the area and develop what is now a vacant lot. She reiterated that the Applicant could have sought higher density for the entire site, but did not wish to overdevelop. The proposed plat is restricted to 49 town homes and would require a subsequent appearance before the Board if the Applicant wished to change this.

Regarding drainage, landscaping, and trees, Ms. Calhoun advised that the City's arborist and landscape architect have walked the site with the Applicant and will save as many trees as possible. Trees that cannot be saved will be mitigated on-site. The Applicant's traffic statement is provided in the Board's backup materials. The City will provide a letter stating that sewer capacity in the area is sufficient.

Ms. Golub asked why 49 town homes should be permitted at the subject site. Ms. Calhoun reviewed the zoning of adjacent parcels around the subject site, which are zoned RDS-15, RMM-25, and CB, and pointed out that the proposed zoning is not inconsistent with the potential pattern of development in the area.

Mr. Heidelberger commented that he did not feel it was appropriate for the Board to approve rezoning for the parcel simply to allow its current owner to sell it, as this would mean there is no guarantee of what would be built on the site. Ms. Calhoun replied that plans for the site are consistent with recently adopted neighborhood design criteria, and that the City will fully evaluate the Site Plan once rezoning has been approved.

Vice Chair Maus asked if allowing the rezoning request would establish a precedent of converting a single-family neighborhood into a higher-density area. Ms. Calhoun pointed out that a portion of the subject property is already zoned RML-25. The rezoning would make the entire site consistent with the area's underlying land use.

Mr. Barranco observed that while the Applicant could build single-family homes on the site, the lots would be wider and could take up all of the parcel's green space. He felt the construction of smaller buildings, as well as the small park, would be more compatible with the surrounding neighborhood.

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.

Mr. Barranco requested more information on the history of RDS-15 zoning, which provides for up to 15 units per acre but restricts development to single-family homes. Karlanne Grant, also representing Urban Design and Planning, advised that when Code was adopted in 1997, the entire subject area was zoned RD-15. Shortly thereafter, the neighborhood decided they did not want further duplex or cluster development in the

area, and requested that the City Commission amend zoning so no more duplexes or cluster development would be constructed. This led to the change to RDS-15, which allowed only existing duplexes and cluster development to remain.

Ms. Parker added that there are a great many existing duplexes in the area for this reason, which led to the conclusion that duplex or town home development is supported in the subject area. The underlying land use of the neighborhood has a density of 15 units per acre.

Ms. Golub asked if it would be possible to approve the zoning change while limiting the plat to town homes without allowing all 49 town homes as currently planned. Ms. Parker pointed out that the underlying land use, which allows 15 units per acre, would remain the same, and zoning standards would be the dimensional requirements of the district. Chair Hansen advised that because the proposed plat includes lot designations, limiting the plat note would be counterproductive, as it would take away the developer's options for the site.

Mr. Heidelberger also took issue with the way the proposed plat is drawn, which he characterized as unimaginative. He felt the only development the community may be willing to accept on the parcel is a park. Mr. Barranco stated, however, that he would not be willing to rezone the property without seeing a plat.

Chair Hansen asked if there is a minimum lot width in the subject area, and whether or not that width would change if the property is rezoned. Mr. Kalargyros replied that the minimum lot width of 50 ft. would not change. Chair Hansen also requested additional information on the process for tree removal from a single-family home. Ms. Parker advised that any project would be required to mitigate trees.

Mr. Barranco asked if the Board may vote on the plat prior to voting on the rezoning request. Assistant City Attorney Lynn Solomon noted that if the Board does not approve the rezoning request, the proposed plat may not be legally approved; however, the Board may approve the plat subject to approval of the rezoning.

Motion made by Mr. Barranco to approve the plat with conditions of Staff, subject to the rezoning.

Chair Hansen asserted that the order of the Agenda Items must be changed before a **motion** for approval may be made. Mr. Barranco **withdrew** his **motion**.

Motion made by Mr. Barranco, seconded by Ms. Golub, to change the order of the Agenda and vote on Item #6 first. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Barranco, seconded by Ms. Golub, to approve Item #6 with Staff conditions, conditional on the approval of Item #5.

Mr. Kalargyros advised that the plat note is currently restricted to town home units, which means if the rezoning request fails, the plat will also fail.

In a roll call vote, the **motion** failed 1-5 (Chair Hansen, Vice Chair Maus, Mr. Elfman, Ms. Golub, and Mr. Heidelberger dissenting).

Chair Hansen stated that a motion to deny the Item must be voted upon in order for the Item to be denied.

Motion made by Mr. Barranco to provide the developer with a continuance on this Item.

Chair Hansen clarified that in order to provide a continuance, the only action the Board must take is failure of a **motion** to deny.

Motion made by Vice Chair Maus, seconded by Ms. Golub, to recommend denial of the Item to the Commission. In a roll call vote, the **motion** failed 1-5 (Chair Hansen, Mr. Barranco, Mr. Elfman, Ms. Golub, and Mr. Heidelberger dissenting).

Attorney Solomon explained that when a **motion** to deny fails, another **motion** to approve or continue is appropriate.

Motion made by Mr. Barranco to allow the developer to reapply.

Vice Chair Maus pointed out that this is not an appropriate **motion** from the Board, as further application will be at the developer's discretion.

Ms. Calhoun requested that the plat and rezoning applications be deferred until the next available meeting. The Board agreed to defer Items 5 and 6 by unanimous consensus.

The Board took a brief recess from 9:12 p.m. to 9:27 p.m.

T18001
Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR)

Amending, Section 47-5.10, List of Permitted and Conditional Uses, RS-4.4 Residential Single Family/ Low Density District; Section 47-5.11, List of Permitted and Conditional Uses, RS-8 and RS-8A Residential Single Family/Low Medium Density District; Section 47-5.12, List of Permitted and Conditional Uses, RD-15 Residential Single Family/Duplex/Low Medium Density District; Section 47-5.13, List of Permitted and Conditional Uses, RDs-15 Residential Single Family. Medium Density District; Section 47-5.14, List of Permitted and Conditional Uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District; Section 47-5.15, List of Permitted and Conditional Uses, RCs-15 Residential Single Family/Medium Density District, Section 47-5.16, List of Permitted and Conditional Uses, RM-15 Residential Low Rise Multifamily/Medium Density District; Section 47-5.17, List of Permitted and Conditional Uses, RMs-15 Residential Low Rise Multifamily/Medium Density District; Section 47-5.18,

List of Permitted and Conditional Uses, RML-25 Residential Low Rise Multifamily/Medium High Density District; Section 47-5.19, List of Permitted and Conditional Uses, RMM-25 Residential Mid Rise Multifamily/Medium High Density District; Section 47-5.20, List of Permitted and Conditional Uses, RMH-25 Residential High Rise Multifamily/Medium High Density District; Section 47-5.21, List of Permitted and Conditional Uses, RMH-60 Residential High Rise Multifamily/High Density District; Section 47-13 Regional Activity Center Districts; Section 47-18., Specific Use Requirements, Section 47-20., Parking and Loading Requirements; Creating Section 47-24.13., Reasonable Accommodation Procedures; Creating Section 47-24.14., Community Residences Registration and Conditional Use Permit Requirements; And Amending Section 47-35., Definitions.

City of Fort Lauderdale

Zoning Standards for Community Residences for People with Disabilities

City-Wide

Karlanne Grant

Karlanne Grant of Urban Design and Planning recalled that this Item was originally presented to the Board in January 2018. The proposed zoning Amendments are intended to protect the residents of recovery residences and other Community Residences from unscrupulous operators. They would also protect the surrounding community by preventing new concentrations of Community Residences and preventing existing concentrations of community residences from becoming more intense or expanding. Recovery residences would be required to obtain certification from the state of Florida in order to weed out illegitimate operators who jeopardize both residents and the community.

The Item was deferred to tonight's meeting so Staff could obtain the results of a study intended to determine the existing Community Residences in the City and perform additional public outreach. Ms. Grant introduced consultant Daniel Larber, in attendance via Webex.

Mr. Larber provided a PowerPoint presentation on Community Residences, stating that these facilities are intended to provide as normal a living environment as possible with the goal of achieving community integration of residents. These residences began as options for individuals with developmental disabilities or mental illness as well as for individuals in recovery. The proposed Ordinance is intended to help eliminate any illegitimate operators over time.

Mr. Larber showed a map of various areas of the City where clustering of Community Residences has occurred. In writing zoning provisions for Community Residences, the facilities must be reasonably accommodated under the Fair Housing Act. Zoning must achieve a legitimate government interest. He also noted that individuals with disabilities are a protected class. This status does not provide these individuals with an advantage over individuals without disabilities, but would instead serve to level the playing field.

Mr. Larber advised that the Fair Housing Act provides that conditional use permits alone may not be the primary means of providing Community Residences for individuals with disabilities. Zoning provisions may also not be based on false or overly protective assumptions or fears about individuals with disabilities, or on assumptions regarding difficulties the presence of these individuals may cause.

Mr. Larber emphasized that there are times when requirements for spatial distances and licensing have been rejected by the courts unless accompanied by a definition of family that allows unrelated individuals to live together as a single housekeeping unit. The proposed zoning Amendment establishes a cap of three unrelated individuals who may form a single housekeeping unit. Zoning licensing requirements have been rejected when they have been applied to units that fall within this limit, although the state may require licensing for group homes of any size in accordance with safety standards. If an operator is denied a required license by the state, the facility may not operate at all.

Mr. Larber continued that one circumstance that results in the rejection of licensing requirements is when a jurisdiction fails to conduct research that provides factual justification for these requirements. One purpose of the City's study of Community Residences is to examine the current situation, provide a logical rationale for the proposed zoning Amendments, and provide a factual basis for requiring distance and licensing.

The Ordinance as proposed provides that a residence occupied by three unrelated individuals constitutes a family that has the same rights as all other residences with no additional requirements. If the cap of three unrelated individuals constituting a family is exceeded, zoning Code is asked to make a reasonable accommodation for Community Residences. The proposed Amendment includes rules that will achieve this legitimate government interest, such as protecting residents from illegitimate operators and ensuring that homes are not clustered together or concentrated in a limited area. Because residents without disabilities in the surrounding community are intended to serve as role models for residents of recovery communities, concentration of Community Residences would mean they are unlikely to interact with individuals who do not live in those communities.

If a Community Residence has more than 10 residents, it must be one of two types of homes:

- Homes with long-term or permanent tenancy, which are allowed by right in residential districts as long as they are at least 1000 ft. from any existing Community Residence and are licensed or certified by the state of Florida
- Transitional Community Residences for relatively transient occupants of group homes, such as short-term recovery residences or "halfway houses," where actual residency is limited to weeks or a few months; these facilities would be allowed by right in all multi-family districts as long as they are at least 1000 ft.

from any existing Community Residence and are licensed or certified by the state of Florida

In both types of facilities, failure to meet both the distance and licensing criteria would result in the requirement of a conditional use permit, which necessitates heightened scrutiny.

The proposed Ordinance establishes very clear criteria for both circumstances, which must be met by the operator. Mr. Larber emphasized that the key to the Ordinance is the emulation of a biological family, which is difficult with a greater number of residents. In this case, the burden lies with the operator to show that the facility will operate as a family. If no license or certification is available from the state, the operator must also seek a conditional use permit.

Mr. Larber added that the reason for the distance requirement of 1000 ft., which is approximately 1 ½ blocks, comes from a number of studies that have consistently determined that as long as group homes are not clustered together on a block and are properly licensed or certified, they have fewer adverse effects on the surrounding neighborhood, including property values or neighborhood safety. All Community Residences must comply with the same provisions of the City's minimum housing Code, which apply to all residential uses.

Ms. Grant stated that Staff has presented the proposed Ordinance to the Council of Fort Lauderdale Civic Associations earlier in February 2018. The Council's members voted to support the Ordinance, but expressed concerns regarding the grandfathering of existing Community Residences, enforcement, occupancy levels, and parking. She explained that the Ordinance defines the term "family" for purposes of describing and regulating dwelling units. "Community Residence" is defined as a residential living arrangement for more than three unrelated individuals with disabilities, living as a single functional family, for purposes to provide shelter in a family-like environment.

Ms. Grant advised that the term for the relatively permanent living arrangement measured in years is "family community," while "transitional community" refers to temporary living arrangements measured in weeks or months. Both types of Community Residence will accommodate four to ten residents. These residences are allowed in all City residential zoning districts as either a permitted use or a conditional use, depending upon the type of residence, number of residents, and distance requirements.

The City will require certification of all Community Residences by the state credentialing agency, and will establish conditional use requirements for these facilities. A reasonable accommodation process will also be established with the Special Magistrate for Community Residences of 11 or more individuals.

All Community Residences must register with the City and be certified by the state credentialing agency, if such an agency is available for the appropriate type of disability.

Facilities with no state license must obtain conditional use approval that assures their operations are consistent with Community Residences for which a licensing process is available. Community Residences with four to ten residents are allowed in all residential districts as a permitted use if they meet the 1000 ft. distance requirement from another Community Residence or other Social Service Residential Facility (SSRF).

Community Residences are also permitted in multi-family residential districts if they meet the 1000 ft. distance separation from other such facilities. If this distance is not met, the Community Residence must obtain conditional use approval.

The conditional use approval for Community Residences requires them to demonstrate that the residents, in combination with the existing community, will not alter the residential character of the surrounding neighborhood and will not interfere with the normalization and community integration of the facility's residents.

Ms. Grant recalled that when the Item previously came before the Board, issues arose related to parking. Staff has revised the Item so Community Residences are only required to meet standard Code parking requirements for single-family homes.

Mr. Barranco referred to a section of the draft Ordinance regarding Residential and Residential Office zoning districts, pointing out that neither RO nor ROA zoning is listed in the Ordinance. Ms. Grant replied that all uses allowed in RMH-60 districts would also be allowed in RO districts.

Mr. Barranco asked if the Ordinance would apply to residential mixed-use projects, such as those found in RAC districts. Ms. Grant stated that Community Residences are technically allowed only in residential zoning districts at this time. They have not been proposed for RAC zoning thus far.

Chair Hansen asked for the success/recidivism rate of recovery from alcohol and/or drug addiction by individuals in Community Residences. Mr. Larber responded that 67% to 76% of residents are successfully sober three years after leaving the facility. He emphasized the need to ensure "scam operators" are not allowed to operate.

Mr. Larber also addressed concerns regarding the grandfathering of Community Residences, explaining that there is no way to retroactively apply distance requirements to these facilities. The zoning Ordinance does provide, however, that the facilities must be certified by a set date or must close down. The elimination of scam operators has drastically reduced the number of sober homes proliferating in other states.

Chair Hansen commented that with the stated success rate of 67% to 76%, a Community Residence housing ten individuals would mean three of the ten residents do not successfully recover. This could have serious repercussions depending upon these individuals' specific disabilities. Mr. Larber replied that residents who abuse substances

are removed from the premises as required by the certification process. A plan must be in place to return these individuals to their families or to an institution.

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

Ron Centamore, President of the Council of Fort Lauderdale Civic Associations, stated that the Ordinance was presented to the Council and received a favorable vote.

Christopher Carlson, private citizen, reported that three Community Residences, including one with a suspected scam operator, existed within a limited area in his neighborhood. One such facility plans to house 24 individuals in two duplexes. He expressed concern for parking for these residences, as well as for conditions for families in his community.

Chair Hansen asked if Mr. Carlson had read the proposed Ordinance and was comfortable with the regulation it could provide. Mr. Carlson replied that he has not had time to fully review the Ordinance, but was supportive of action to regulate Community Residences.

Carla Carlson, private citizen, further described conditions in her neighborhood where there are multiple Community Residences, including congregation on the street. She emphasized the need to regulate facilities that would place multiple individuals in Community Residences next to single-family homes. She added that there is a Police presence in the neighborhood by request at least once per week, and that Code Enforcement has not been helpful to address the situation.

Judith Brockman Chiappe, private citizen, cautioned that many sober homes are not properly monitored for the good of the residents. She characterized badly managed facilities as having a revolving door.

Don Chiappe, private citizen, observed that multiple sober homes in his neighborhood have significantly more than ten residents. He expressed concern that these facilities would be home to individuals experiencing drug addiction.

Blendi Turkil, private citizen, took exception to the term "disability" in reference to individuals suffering from addiction. Ms. Golub explained that the term is used in accordance with federal law. Mr. Turkil continued that Community Residences should be distributed equally throughout Broward County rather than clustered in Fort Lauderdale, and proposed that a cap be established on the number of facilities that can be located in one area.

Pat Rathburn, President of the Croissant Park Civic Association, commended the City for taking action to regulate Community Residences through the proposed Ordinance. She pointed out that there are numerous sober homes located in the Croissant Park

neighborhood, and expressed concern with aspects of the Ordinance, including the definition of transitional Community Residences.

Nancy Stroud, representing the City, explained that community residences are considered either family or transitional residences with more than three residents. Community Residences with three or fewer residents would be treated differently than those with four to ten residents.

Ms. Rathburn continued that transitional Community Residences with more than 1000 ft. of separation are permitted by right in multi-family zoning districts, asserting that while portions of Croissant Park are zoned multi-family, the use in these districts is often single-family. The facilities are also permitted within single-family zoning districts subject to conditions. She felt Community Residences should also be subject to conditions in multi-family neighborhoods.

Ms. Stroud clarified that transitional Community Residences are permitted in multi-family zoning districts with distance regulations. They are subject to conditional use if the distance requirements are not met.

Ms. Rathburn concluded that the Ordinance is a step in the right direction, but felt it should be reviewed before it is sent to the City Commission for approval in order to ensure more fairness between single- and multi-family zoning districts.

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.

Vice Chair Maus requested clarification of whether sober homes are regulated differently in multi-family districts than in single-family districts under the proposed Ordinance. Mr. Larber replied that multi-family zoning districts that include a large number of single-family homes should seek to change their zoning designation. Vice Chair Maus stated that this was not a feasible suggestion, and was not in favor of treating single- and multi-family districts differently.

Mr. Barranco commented that although the types of Community Residences do not specify the type of disability they are intended to serve, there may be a difference between individuals in recovery and individuals with physical disabilities. For this reason, he felt it was not inappropriate for zoning requirements to be more restrictive in single-family districts, as zoning addresses the number of individuals who may reside in a house. He pointed out that multi-family zoning districts allow more options for development by right.

Vice Chair Maus asked if the provision requiring at least 1000 ft. of distance between Community Residences could be amended to a requirement for at least 1500 ft. of distance.

Ms. Golub stated that whether a community is zoned primarily for single- or multi-family residential use, the issue is the proliferation of sober homes in a community. Chair Hansen added that while Code makes specific exclusions for groups of ten or more residents, such as fraternities, sororities, or nursing homes, he did not feel it was a good use to place a home for multiple unrelated residents next to a single-family home, duplex, or cluster home.

Ms. Stroud reiterated that if a large number of related individuals are allowed to live in a single-family residence, Code must also allow a large number of unrelated individuals with disabilities in accordance with the Fair Housing Act. Mr. Larber noted that this and other questions are addressed in the study documentation, emphasizing that the zoning Ordinance would establish a cap of three unrelated individuals forming a single housing unit. He stated once again that minimum housing Code also sets a limit on the number of individuals who may occupy a unit depending upon its size.

Chair Hansen observed that while it may be beneficial to individuals living in Community Residences to be brought fully back into society, it was not appropriate to do this at the expense of a family living next door to that residence. Mr. Larber stated that this was in accordance with the law. Ms. Golub added that the Ordinance must be read in conjunction with the study that serves as its basis, which refers to the need to address unlicensed or uncertified Community Residences.

Motion made by Vice Chair Maus, seconded by Ms. Golub, to approve with Staff conditions.

Mr. Barranco asked if Staff would consider Vice Chair Maus' earlier recommendation to increase the distance between Community Residences in certain areas based on the density of these facilities. Ms. Golub advised that the distances listed in the report are based on statistical evidence gathered for the Fort Lauderdale community.

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

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker noted a correction to p.5 of the January 17, 2018 minutes: the Item listed as R17013 should be R16045.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:48 p.m.

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

Chair

Prototype

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