

**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 Heidelberg	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

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	<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.

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.