



**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
MONDAY, SEPTEMBER 17, 2018 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair	P	3	1
Howard Elfman, Vice Chair	P	4	0
John Barranco	P	3	1
Brad Cohen (arr. 6:44)	P	3	1
Mary Fertig	P	3	1
Jacquelyn Scott	P	4	0
Jay Shechtman	P	4	0
Alan Tinter	A	3	1
Michael Weymouth	P	4	0

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

Staff

Ella Parker, Urban Design and Planning Manager
Shari Wallen, Assistant City Attorney
Chris Cooper, Deputy Director, Department of Sustainable Development
Jim Hetzel, Urban Design and Planning
Florentina Hutt, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:30 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.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

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

2. CASE:	PL18007
REQUEST: **	Plat Review
APPLICANT:	Clarkson-Bergman Family Partnership, LTD
PROJECT NAME:	Pearl-Riverland Plat
GENERAL LOCATION:	400 SW 27th Avenue
ABBREVIATED LEGAL DESCRIPTION:	A Parcel of Land Lying within the West One-Half (W 1/2) of the West One-Half (W 1/2) of the Northeast One-Quarter (Ne 1/4) of Section 8, Township 50 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida
ZONING DISTRICT:	<u>Current:</u> Mobile Home Park (MHP) <u>Proposed:</u> Residential Mid Rise Multifamily/Medium High Density District (RMM-25)
LAND USE:	Medium-High Density Residential
COMMISSION DISTRICT:	3 – Robert L. McKinzie
CASE PLANNER:	Florentina Hutt

3. CASE:	Z18007
REQUEST: * **	Rezoning from Mobile Home Park (MHP) to Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
APPLICANT:	Clarkson-Bergman Family Partnership, LTD
PROJECT NAME:	Pearl-Riverland
GENERAL LOCATION:	400 SW 27th Avenue
ABBREVIATED LEGAL DESCRIPTION:	A Parcel of Land Lying within the West One-Half (W 1/2) of the West One-Half (W 1/2) of the Northeast One-Quarter (Ne 1/4) of Section 8, Township 50 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida
ZONING DISTRICT:	<u>Current:</u> Mobile Home Park (MHP) <u>Proposed:</u> Residential Mid Rise Multifamily/Medium High Density District (RMM-25)
LAND USE:	Medium-High Density Residential
COMMISSION DISTRICT:	3 – Robert L. McKinzie
CASE PLANNER:	Florentina Hutt

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, stated that the Items before the Board are a rezoning and boundary plat request. The rezoning is from Mobile Home Park (MHP) to Residential Multi-family Medium Density (RMM-25). The underlying land use for the property is Medium Residential.

The site is currently a mobile home park. Over the last 15 years, the owner of the property has purchased most of the individual units. Tenants have been notified that the property will convert to multi-family use. An analysis has determined that adequate housing is available within the area for these tenants.

Mr. Cohen arrived at 6:44 p.m.

Mr. Lochrie showed views of the proposed project, which will include multiple residential buildings, a landscaped central entrance, a clubhouse, and a lake feature. The Applicant agrees with all Staff recommendations. A public outreach meeting was held with the Riverland Civic Association in June 2018.

Ms. Hutt of Urban Design and Planning first presented the plat request, which is proposed for 11.19 acres currently occupied by a mobile home park. The replatting will allow for the construction of 276 units of multi-family residential development. It was reviewed by the Development Review Committee (DRC) as a Site Plan Level II request. The plat will include a plat note restriction limiting the property to 276 mid-rise multi-family units. All DRC comments have been addressed. Staff recommends approval of the request.

The rezoning request would rezone the property from MHP to RMM-25 to allow for the proposed 276-unit development. This application is currently under DRC review. The property is the current site of the Sunset Mobile Home Park, which includes 110 mobile homes.

Florida Statute 723.083 prohibits approval of any application for rezoning or other official action resulting in the removal or relocation of mobile home residents without first determining that other mobile home parks or suitable facilities exist for relocation. The Applicant has provided a housing study that shows there are sufficient opportunities to secure replacement housing.

Staff has reviewed the rezoning request for compliance with Code and has found it to be compliant with the following criteria:

- The request 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 rezoning is compatible with the surrounding districts and uses

The Applicant has complied with public participation requirements by meeting with the Riverland Civic Association. Staff recommends approval of the request.

There being no questions from the Board at this time, Chair Maus opened the public hearing. She requested that all speakers identify the Item on which they wish to speak, and noted that individuals' comments are limited to three minutes.

Martin Etiya, private citizen, addressed Item 3, stating that he owns one of the mobile homes currently located on the property. He asked how long residents of the park would have to find a new location, as well as where other available housing might be located. He added that he is an owner receiving rent from tenants on the property, and asked if he and other owners would receive remuneration from lost rent.

Chair Maus recommended that Mr. Etiya speak with the Applicant or Mr. Lochrie, as the Board cannot answer his questions. Mr. Etiya replied that the Applicant has not previously responded to these concerns. Mr. Lochrie confirmed that he would speak with Mr. Etiya following the meeting.

Betzaida Giraldo, private citizen, stated that she is representing several tenants of the mobile home park who do not speak English. She advised that the park's office has indicated that tenants will need to move within eight months, but has not provided more information.

Chair Maus reiterated that the Board cannot address details of the plans affecting tenants and recommended that Ms. Giraldo also speak to Mr. Lochrie.

Patrick Blackwell, private citizen, stated that he also lives in the mobile home park. He asked why trailers are being remodeled if the intent is to remove them.

Ms. Wallen advised that informal interpretation by Ms. Giraldo would be allowed as long as all speakers are sworn in.

Chair Maus requested clarification of what outreach has been provided to residents of the mobile home park. Mr. Lochrie replied that both the Applicant and the operators of the park have reached out to residents and will continue these efforts with interpreters. He added that there are no plans to relocate tenants from their homes in the near future. State Statutes require that all tenants have six months to relocate once full approvals have been given for the project.

Mr. Lochrie continued that the owner of the mobile home park has purchased units as they became available. Many of the tenants rent their units by the month. He characterized the park as having outlasted its useful life, estimating that all tenants are eight to twelve months from being required to leave their homes.

Mr. Shechtman asked if the Applicant will make the information acquired through the housing study available to residents of the park so they can seek new homes. Mr. Lochrie replied that this information would be provided to tenants.

Ms. Giraldo confirmed that the residents for whom she would be translating are aware that they are months from having to relocate. She pointed out, however, that residents may not have sufficient money to move from the park, as they must continue to pay rent during this time.

Sugey Hernandez, private citizen, stated through Ms. Giraldo that there are many residents of the mobile home park who have children attending nearby schools. They are concerned because many have low incomes and do not know what will happen to them.

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

Ms. Fertig expressed concern that there were no formal interpreters present to assist in translation at tonight's hearing. She noted that while the Applicant may have reached out to the Riverland Civic Association, it did not appear that there was outreach to residents of the mobile home park.

Mr. Lochrie replied that the Applicant's team attended a general membership meeting of the Riverland Civic Association. Regarding tenants living in the mobile home park, there has been communication with the owners. The operator and manager of the park are ultimately responsible for outreach to tenants. He noted that the operator had not wished to overly concern tenants at this time, as the residents would not be forced to leave right away.

Ms. Scott asked if the Applicant had any plans to assist tenants of the park. Mr. Lochrie advised that the Applicant's intent is to purchase units within the park from the remaining owners. As an alternative, these units could be moved, as the study showed sufficient capacity for the units in other parks; however, he reiterated that many of the units are past their useful life and are likely to be destroyed rather than relocated once sold to the Applicant. The property itself does not meet current standards for a mobile home park due to circulation, infrastructure, setback, and other requirements. Mr. Lochrie assured the Board that the owners and managers would work with tenants who would need to relocate.

Mr. Cohen asked how many units are currently on the property, as well as how many would still need to be purchased by the property owner. Mr. Lochrie replied that there are roughly 106 mobile homes on the site, three to four of which have not yet been purchased by the owner.

Mr. Cohen asked what other uses would apply to the property if the rezoning request is not approved. Mr. Lochrie explained that these uses are limited by the property's MHP zoning, which was adopted in 1997.

Motion made by Vice Chair Elfman, seconded by Mr. Weymouth, to approve case number PL18007. In a roll call vote, the **motion** passed 8-0.

Motion made by Ms. Fertig, seconded by Ms. Scott, to defer [Item 3] a month to give [the Applicant] time to meet with the residents and explain to them what is going on.

Ms. Fertig pointed out that while an applicant is required to meet with nearby neighborhood associations, there is no requirement that an applicant meet directly with tenants who will be affected. She felt this meeting could alleviate many of the tenants' concerns.

Mr. Shechtman asked if it may be premature to meet with residents of the park before all necessary approvals have been granted to allow the project to advance. Assistant City Attorney Shari Wallen advised that case law states it is not necessary to wait for the results of a rezoning application in order to evict tenants.

Mr. Cohen asked if the tenants rent their units on a monthly or annual basis. Mr. Lochrie confirmed that the units are rented month-to-month. He added that the property owner does not want tenants to be frightened into relocating before it is necessary. Mr. Cohen explained that his concern was that a 30-day deferral might accomplish little.

Mr. Barranco asked if, should the **motion** currently on the table fail, the Board might make a motion to approve the rezoning, with the condition that further study and/or outreach is necessary before the Application goes before the City Commission. Attorney Wallen advised that it would be better to defer the Item pending further outreach.

Mr. Weymouth asked if it would be helpful to provide residents of the mobile home park with assurance that they would not be evicted on short notice. Attorney Wallen explained that eviction is addressed under a separate Statute. The Statute governing the current Application requires a finding of adequate housing to which tenants could relocate.

In a roll call vote, the **motion** failed 3-5 (Vice Chair Elfman, Mr. Barranco, Mr. Cohen, Mr. Shechtman, and Mr. Weymouth dissenting).

Motion made by Mr. Weymouth, seconded by Vice Chair Elfman, to approve [Item 3]. In a roll call vote, the **motion** passed 7-1 (Ms. Fertig dissenting).

Mr. Lochrie stated that the Applicant would reach out to the residents of the park.

4. CASE:	ZR17007
REQUEST: * **	Site Plan Level IV Review: Rezoning from Residential Single Family/Low Medium Density (RS-8) to Community Business (CB) with 0.25 acre of Commercial Flex Allocation / Waterway Use / Conditional Use for 34-slip Marina with 2,400 Square-Foot Storage Building and 1,553 Square-Foot Crew Club Building
APPLICANT:	Pier 17 Investments 2014, LLC
PROJECT NAME:	South Fork Marina
GENERAL LOCATION:	1500 SW 17th Street

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Catherine Manz

Chair

Brigitte Chiappetta

Prototype

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