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, AUGUST 15, 2018 – 6:30 P.M.

Cumulative

		June 2018-May 2019	
Board Members	**Attendance**	**Present**	**Absent**
Catherine Maus, Chair	P	2	1
Howard Elfman, Vice Chair	P	3	0
John Barranco (via phone)	P	2	1
Brad Cohen	A	2	1
Mary Fertig	P	2	1
Jacquelyn Scott	P	3	0
Jay Shechtman	P	3	0
Alan Tinter	P	3	0
Michael Weymouth	P	3	0

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

Staff
Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Jim Hetzel, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Adam Schnell, Urban Design and Planning
Dick Eaton, Code Compliance Supervisor
Sarah Spurlock, Nighttime Economy Manager
Irma Westbrook, Community Inspections Supervisor
Jamie Opperlee, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:32 p.m. and all recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

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

III. PUBLIC SIGN-IN / SWEARING-IN

Individuals wishing to speak on tonight's Agenda Items were sworn in at this time, and Chair Maus introduced the Board members present.

Chair Maus advised that Board member John Barranco would participate in the meeting via telephone. It was noted that Mr. Barranco would not be able to vote on any quasi-judicial items before the Board.

I. AGENDA ITEMS

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	Case Number	Applicant
1.	R17037**	Florida Power and Light
2.	Z17009* **	Development 4Life Partners, LP
3.	PL17007**	Development 4Life Partners, LP
4.	R17045**	Mark and Timothy Parker/TowerCom VIII, LLC
5.	Z18005* **	Jack and Jill Children's Center, Inc.

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.

Motion made by Ms. Scott, seconded by Vice Chair Elfman, to defer Item 1 until December 19, 2018. In a voice vote, the **motion** passed unanimously.

It was decided that Items 2 and 3 would be heard together and voted upon separately.

2. 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 Density Residential
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Nicholas Kalargyros

3. 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 Density Residential
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Nicholas Kalargyros

Disclosures were made at this time.

Hope Calhoun, representing the Applicant, stated that the rezoning Application was first heard by the Board in February 2018. She showed a rendering of the property's location, noting that it is currently zoned RDS-15 and RML-25. The Application would rezone it to RC-15. The Applicant proposes 46 two-story town homes. The request would make the entire property consistent with its future Land Use designation.

Ms. Calhoun advised that the Application meets ULDR criteria for rezoning, as it is consistent with the City's Comprehensive Plan, would not adversely affect the character of development in or near the subject area, and is suitable for the uses permitted by the proposed zoning district. The site is surrounded by multi-family and medium residential land use. Differences between the current and requested zoning districts are minor.

Ms. Calhoun also addressed the plat Application, which requests 46 town home units instead of the 49 units requested when the project came before the Board in February 2018. The Applicant has met multiple times with the South Middle River Civic Association and has obtained a letter of support from that organization.

Nicholas Kalargyros, representing Urban Design and Planning, stated that the Applicant is requesting to rezone 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 dwelling medium density (RC-15). This will allow for the future development of town homes.

Applications for rezoning are reviewed in accordance with the following criteria:

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

Prior to the February 2018 Board meeting, the Applicant held three public meetings regarding the Application. After the Item was deferred, three additional meetings were held. At the most recent meeting of the South Middle River Civic Association, the organization provided the Applicant with a letter of support. Staff recommends approval of the request.

Regarding the plat Application, Mr. Kalargyros advised that a plat note restriction limits the plat to 46 townhouse units. The density of the requested zoning district would otherwise allow up to 70 units.

Mr. Tinter recalled that in 1997, the subject area was zoned RD-15, which would have allowed town homes; however, in 1999, neighbors raised concerns that resulted in the designation of the RDS-15 zoning district, which permitted existing multi-family developments but did not allow new developments of this nature. Mr. Kalargyros explained that at the time, redevelopment of the site was restricted only to single-family development.

Ms. Parker continued that Staff analyzed the site's rezoning criteria and considered the context of the surrounding area, including the existence of duplexes at multiple locations near the site. Staff believes the Application is suitable for the character of the surrounding area.

Mr. Tinter pointed out that only the continued existence of surrounding duplexes made the Application consistent with the character of the area. He asked why the request was not considered "spot zoning." Ms. Parker replied that a portion of the site is also being rezoned from RML-25, which is a higher density. She added that townhouse development is considered single-family development.

Ms. Scott asked if the project's Site Plan is expected to come back before the Board if the zoning request is approved. Mr. Kalargyros explained that if there are no setback reductions or other modifications needed for townhouse development, the Site Plan will remain at Staff level, or Level II.

Ms. Fertig asked how many units could be developed on the site under single-family density. Mr. Kalargyros replied that this would be determined by the lot sizes, setbacks,

additional roads, and other considerations. It was noted that the maximum development of 70 units does not factor into elements such as setbacks, but takes only density into consideration.

Mr. Tinter observed that the plat note states parcels B, C, and D include recreational and drainage areas and parking; however, parking is shown separately as part of the right-of-way for a common driveway. Mr. Kalargyros confirmed that the Applicant would be asked to correct these items on the plat.

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

Edward Catalano, treasurer of the South Middle River Civic Association, advised that he is representing the Association's president at tonight's meeting. He felt there have been misrepresentations of the Association's vote, including claims that their meeting was not advertised and the item was not listed on their meeting's agenda. He asserted that the discussion and vote were mentioned during the May 2018 meeting and listed on the June 2018 agenda. The vote was ultimately 22-19 in favor of the project.

Mr. Catalano continued that opponents of the project requested a second vote at the July 2018 Association meeting; however, a motion to reconsider was defeated. He concluded that the Applicant has held numerous meetings with the Association and responded to their suggestions. The Association is in favor of traffic calming measures on 17th Street, which may address some individuals' issues with the project.

Mr. Catalano read a sign regarding the June 2018 Association meeting into the record, which included a reference to "1000 more cars" in the residential neighborhood.

William Cody, private citizen, stated that while he was initially opposed to the project, the Applicant answered and addressed all of his concerns. He is now in favor of the project.

Aaron Beiswenger, private citizen, provided the Board with a map showing the plat and potential development of the property under its current RDS-15 zoning. He pointed out that RDS-15 zoning requires detached single-family dwellings with a minimum lot size of 6000 sq. ft., which would allow a maximum development of 7.2 units per acre. He continued that he is opposed to the zoning change rather than to the plat, as it would change the character of the neighborhood. He felt the restrictions put into place in 1999 should not be removed, and did not believe the letter of support from the South Middle River Civic Association represented all residents of the neighborhood.

Ms. Scott asked if the 1999 zoning agreement was initiated at the request of the neighborhood. Mr. Beiswenger replied that multiple neighborhoods within Fort Lauderdale received the same designation. It was noted that the Staff Report from the February 2018 meeting indicates the neighborhood requested the zoning change. Mr.

Beiswenger also provided the Board with an email sent from Staff, which referred to the history of RDS-15 zoning in the subject area.

Elly du Pre, private citizen, stated that she opposed the zoning change. She felt the design of homes in the South Middle River neighborhood helps the City achieve six of the 12 goals listed in the 2018 Strategic Plan, including living in proximity to amenities and reducing the burden on public infrastructure. She asserted that the neighborhood is not opposed to all development, but felt the proposed project would harm the strategic direction of the community.

Mr. Shechtman asked how many stories can be built in the current zoning district and how many in the proposed district. Ms. Parker referred the members to a table in the Staff Report, which clarifies that the building height would not change if the new zoning district is approved.

Steve Kantner, private citizen, requested that the Board deny the zoning change, as he felt the project would have an adverse effect on the neighborhood.

P.J. Espinal, private citizen, stated that the RDS-15 portion of the neighborhood was designated by special instruction of the City Commission in order to preserve the character of the neighborhood. She asserted that the proposed zoning change was inappropriate for the center of the neighborhood, and requested that the Board deny the Application.

Chris Wainwright, private citizen, advised that the vacant parcel in the neighborhood should be developed in some manner; however, he did not feel the proposed project was appropriate. He pointed out that the Site Plan for an adjacent property uses all available green space, and that the town home project does not closely resemble other nearby development. He also expressed concern with the prospective increase in traffic.

Kaye Ann Baxter, private citizen, stated that she supported the zoning change and the proposed development. She noted that there has been no development on the subject property for several years, and no efforts to build single-family homes on the parcel.

Ray Thrower, private citizen, stated that he is supportive of the proposed development, as the subject parcel is vacant and contributes to blight within the community. He advised that he attended four meetings at which the developer presented the project. While he understood concerns regarding additional traffic and the loss of green space, he felt the project could serve as a catalyst for the development of nearby derelict sites. He noted that there are multiple condominium complexes roughly two blocks from the subject site.

Gerry Scanlon, representing Applicant Development 4Life Partners, explained that the property was purchased in 2014. Three outlying properties were subsequently

purchased and demolished as well. He asserted that the Applicant wants what is best for the community by reducing blight and making the neighborhood more attractive.

Marion Brown, private citizen, stated that streets are very narrow and there are no sidewalks in the subject neighborhood. She did not feel the proposed development would fit into the community, and expressed concern with plans for its landscaping, as well as with the single entrance and exit proposed for the parcel.

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. Calhoun reiterated that Staff feels the Application meets the three criteria necessary for rezoning and plat review. She noted that one of the current zoning districts on the property is inconsistent with the underlying Land Use designation, and that the two existing zoning districts allow the same maximum height as the proposed RC-15 zoning district. She concluded that change to the neighborhood would not be dramatic if the Applications are approved.

Mr. Tinter observed that the plat approval request is conditional upon the approval of the rezoning request: if the parcels are not rezoned, they would not meet all the necessary criteria. Ms. Calhoun explained that she was referring to the technical criteria, such as adequacy and concurrency, for plat approval. Staff has indicated that the language of the plat note satisfies these requirements. Mr. Tinter pointed out that the Applicant would be unable to construct 46 units on the site if the rezoning is not approved.

Mr. Tinter also requested Ms. Calhoun's perception of the rezoning of the subject property from RD-15 to RDS-15 in 1999, which prohibited new townhouses or other multi-family developments. He expressed concern that rezoning the property to RC-15 would be contrary to this designation. Ms. Calhoun advised that the request is not for rezoning only in relation to the town homes: rezoning of the RML-25 parcel would make it consistent with the underlying Land Use. She added that the Board is not asked to approve a plan for town homes through the rezoning Application, but to approve a rezoning category that provides for different types of uses.

Mr. Tinter noted that this could also be achieved by rezoning the RML-25 portion of the property to RDS-15, which would make the property consistent with surrounding parcels. Ms. Calhoun reiterated that the proposed zoning designation is not inconsistent with surrounding zoning categories.

Ms. Scott expressed concern with the possibility of changing the zoning designated in 1999, which she felt represented a commitment to the neighborhood. She also noted there is no guarantee that the City will implement traffic calming measures in the subject area.

Ms. Fertig commented that an email from Planning and Zoning Staff states that the current zoning has affected the ability to approve existing nonconforming properties in the area, and asked if there have been any efforts by Staff to change this zoning without doing so on a property-by-property basis. Ms. Parker recalled that discussions of compatibility and development resulted in the recent Neighborhood Design Criteria Revisions (NDCR) process code amendments. She added that town home developments now have different design criteria to address to lessen their effects on a neighborhood. Townhome developments are considered single-family and are generally compatible if designed at appropriate scale.

Ms. Fertig asked why no change to the neighborhood's zoning has been brought forward on the Staff level if they feel there have been significant changes to the area since 1999. Ms. Parker replied that this would need to be initiated by the community rather than by Staff. Ms. Fertig concluded that another concern was that the Site Plan for the project was unlikely to come back before the Board in the future.

Mr. Tinter noted that the plat includes 46 lots, each of which is 1936 sq. ft. He asked if it would be possible to construct single-family homes on lots of this size. Ms. Parker referred the Board to the lot size requirements in the three zoning districts under discussion, which are included in the staff report and backup materials. Mr. Tinter pointed out that the size requirements for single-family homes are significantly larger than those for town homes. Ms. Parker replied that the City Commission has final authority on both the zoning and plat requests, which means they could technically be approved.

Mr. Tinter asserted that one reason not to approve the plat request is because it was not buildable unless the rezoning is also approved. Assistant City Attorney Shari Wallen advised that the reason not to approve the plat must be that it fails to meet the required criteria. Decisions may not be based upon the separate rezoning request.

Vice Chair Elfman commented that some objections from individuals come from a part of the neighborhood that is not close to the proposed requests. He felt the project could address blight within the neighborhood.

Motion made by Vice Chair Elfman, seconded by Mr. Weymouth, to approve the rezoning. In a roll call vote, the **motion** failed 3-4 (Chair Maus, Ms. Fertig, Ms. Scott, and Mr. Tinter dissenting).

Motion made by Vice Chair Elfman, seconded by Mr. Weymouth, to approve Case Number 17007, which is the plat. In a roll call vote, the **motion** passed 5-2 (Ms. Fertig and Ms. Scott dissenting).

4. CASE:	**R17045**
REQUEST: **	Site Plan Level III Review: Conditional Use for a Telecommunications Facility