



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, NOVEMBER 13, 2018 – 6:30 P.M.**

Cumulative

| Board Members | Attendance | June 2018-May 2019 | |
|---------------------------|-------------------|---------------------------|---------------|
| | | Present | Absent |
| Catherine Maus, Chair | P | 5 | 1 |
| Howard Elfman, Vice Chair | A | 5 | 1 |
| John Barranco | P | 5 | 1 |
| Brad Cohen | P | 5 | 1 |
| Mary Fertig | P | 5 | 1 |
| Jacquelyn Scott | P | 6 | 0 |
| Jay Shechtman | P | 6 | 0 |
| Alan Tinter | P | 4 | 2 |
| Michael Weymouth | P | 6 | 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

Karlanne Grant, Urban Design and Planning, Department of Sustainable Development

Jim Hetzel, Urban Design and Planning, Department of Sustainable Development

Florentina Hutt, Urban Design and Planning, Department of Sustainable Development

Randall Robinson, Urban Design and Planning Department of Sustainable Development

Benjamin Restrepo, Transportation and Mobility Department

Enrique Sanchez, Parks and Recreation Department

Gina Rivera, Parks and Recreation Department

Irina Tokar, Public Works Department

Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communication to City Commission

Motion made by Ms. Fertig, seconded by Ms. Scott, that in the interest of responding to citizens' concerns about public safety, the Planning and Zoning Board requests that the City Manager provide the resources for Staff to review the current requirements involving wind vortex, compare them with other cities, and share with the Board and the City Commission any changes they believe would strengthen future planning for vertical development. In a roll call vote, the **motion** passed 5-3 (Mr. Cohen, Mr. Tinter, and Mr. Weymouth dissenting).

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 and Staff members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members.

Motion made by Ms. Scott, seconded by Mr. Shechtman, to move [Item 5] to the beginning of the Agenda. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Tinter, seconded by Ms. Scott, to defer Item 1 to the December 19, 2018 meeting. In a voice vote, the **motion** passed unanimously.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Ms. Fertig, seconded by Mr. Shechtman, 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.

IV. AGENDA ITEMS

Index

| <u>Case Number</u> | <u>Applicant</u> |
|---------------------------|--------------------------------------|
| 1. R17057** | 94-96 Hendricks Isle, LLC |
| 2. Z18004* ** | Mahyoub & Sons, Inc. |
| 3. R18063** | Tara L. Tedrow |
| 4. R18017** | 1055 N Federal, LLC |
| 5. Z18008* ** | City of Fort Lauderdale |
| 6. T18010* | 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.~~

~~Motion made by Ms. Fertig, seconded by Mr. Weymouth, to approve. In a roll call vote, the motion passed 8-0.~~

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|-----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. CASE: | Z18004 |
| REQUEST: * ** | Rezoning from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) to Northwest Regional Activity Center – Mixed Use West (NWRAC- MUw) District |
| APPLICANT: | Mahyoub & Sons, Inc. |
| PROJECT NAME: | 909 Sistrunk |
| GENERAL LOCATION: | 909 Sistrunk Boulevard |
| ABBREVIATED LEGAL DESCRIPTION: | Lots 9 & 10 of June Park P.B. 22, Page 16 Broward County Records, Less Portion for Road Right-of Way and that Portion of the East ½ of the Vacated Alley Adjacent to Lots 9 & 10, Broward County, Florida Current: Residential Mid Rise Multifamily/Medium High Density District (RMM-25) |
| ZONING DISTRICT: | Proposed: Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) |
| LAND USE: | Northwest Regional Activity Center |
| COMMISSION DISTRICT: | 3 – Robert L. McKinzie |
| CASE PLANNER: | Randall Robinson |

Disclosures were made at this time.

Debbie Orshefsky, representing the Applicant, recalled that this Item was previously presented at the October 17, 2018 Board meeting. The Application would rezone the parking lot of an existing neighborhood grocery store. The zoning of the store and its surrounding area are consistent with the Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) category. The request would bring the parking lot into conformity with its existing commercial use.

The Item was deferred from the October 17, 2018 meeting to provide the Applicant with an opportunity to meet with the Home Beautiful Park Civic Association and other neighbors. They have since met with representatives of the organization and assured them that the proposed use would be mixed-use, including ground floor retail with office space overhead. The retail space is being designed to accommodate a range of retail uses, including grocery store use. The Applicant plans to work with the community to reestablish this type of use if possible.

Ms. Scott requested clarification of the zoning of adjacent properties to the north and across the street from the subject parcel. Ms. Orshefsky replied that the property to the north is zoned Residential (RMM-25) and the property across the street to the east is Commercial Business (CB). The property to the southeast is zoned NWRAC Mixed Use.

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

Paul Chettle, private citizen, recalled that the president of the Home Beautiful Park Civic Association stated in October 2018 that residents of that neighborhood were not given the opportunity to participate in the public process regarding the Item. For this reason, he did not feel the 4-4 vote taken at the October meeting was appropriate, as he believed the Item should have been automatically deferred.

Anna Henry, private citizen, stated that the meeting between the Applicant and the surrounding neighborhood allowed the community to provide input learn about the project. the neighborhood's intent is to provide ongoing opportunities for nearby residents. This would mean bringing businesses to the retail space that are sensitive to the needs and vulnerabilities of the community. She was supportive of the proposed change as long as it would benefit the surrounding community.

Marie Huntley, president of the Home Beautiful Park Civic Association, asserted that the parcel should be revitalized in a manner that would benefit residents of the neighborhood. Most members of the community who met with the Applicant were concerned with the plan to displace the local grocery store, as many residents are elderly and disabled and cannot access other areas of the City. She added that the proposed use had not been clearly explained to these residents, who were concerned with the possibility of displacement and gentrification.

Ms. Huntley continued that the Applicant's plans seemed to focus on attracting customers from outside the subject neighborhood, while nearby residents were more concerned with maintaining equitability for the surrounding community. She concluded that she supported the Application.

Margaret Haynie Birch, private citizen, advised that she is supportive of the proposed project and has had the opportunity to review drawings and speak with the project's developers. She felt the project would be an asset to the community while providing an opportunity for small businesses to thrive in the area. The project would bring the parking lot into compliance with surrounding zoning.

Frankie Lane, president of the Rock Island Homeowners' Association, stated that he was supportive of the project. He felt revitalization of the area would draw larger grocery stores to the proposed space, and emphasized that the community should have some input on what is ultimately placed there.

Tara Chadwick, private citizen, noted that she attended the meeting between the Home Beautiful Park Civic Association and the Applicant. She was not supportive of the project, as part of the parcel's current zoning is Residential, which is needed in the surrounding area. She added that without the community outreach provided by her neighbors, she would not have been aware of the proposed project.

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.

Motion made by Mr. Shechtman, seconded by Mr. Tinter, to make the Staff Report part of the minutes. In a voice vote, the **motion** passed unanimously.

Ms. Fertig requested information on the history of the Application. Randall Robinson, representing Urban Design and Planning, advised that rezoning Applications do not require review by the Development Review Committee (DRC); however, there was oversight of public participation meetings, all of which is included in the Applicant's backup materials.

Ms. Fertig also requested clarification of the Board's parameters regarding the actual design of the project. Assistant City Attorney Shari Wallen replied that the Board should only consider rezoning criteria, which are as follows:

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

Ms. Fertig asked if the public meetings noted in the Applicant's backup materials occurred prior to the October 17, 2018 PZB meeting. Mr. Robinson replied that one such meeting was prior to October 17, 2018, and one occurred after this date.

Motion made by Ms. Fertig, seconded by Mr. Tinter, to approve. In a roll call vote, the **motion** passed 8-0.

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|------------------------------|-------------------------------------------------------------------------------------------------|
| 3. CASE: | R18063 |
| REQUEST:** | Site Plan Level III Review: Conditional Use for Medical Cannabis Dispensing Facility |
| APPLICANT: | Tara L. Tedrow |
| PROJECT NAME: | MedMen |
| GENERAL LOCATION: | 2949 North Federal Highway |
| ABBREVIATED LEGAL | KARAM PLAT 181.8 B PARCEL A |

~~V. COMMUNICATION TO THE CITY COMMISSION~~

~~Ms. Fertig stated that she hoped the City would make its public participation requirements more specific and stringent to ensure that residents receive the same notice regarding projects as Board members.~~

~~Chair Maus recommended that the language of public notice mirror the language used in the Board's or the DRC's Agenda. Ms. Parker advised that the current Ordinance requires that the project, its intent, and the level of review be provided to the public. She proposed that in the future, Staff could advise applicants to use the DRC or Planning and Zoning Board Agenda heading in their provision of public notice.~~

~~Ms. Fertig also provided a written copy of a proposed communication to the City Commission which addressed public safety concerns raised by residents at the September 17, 2018 Board meeting. These concerns specifically referred to wind vortex and how it is handled according to Code in Fort Lauderdale. She recommended that City Staff be asked to review what is currently being done in Fort Lauderdale, compare it to the work of other cities, and bring forward amendments where appropriate.~~

~~**Motion** made by Ms. Fertig, seconded by Ms. Scott, that in the interest of responding to citizens' concerns about public safety, the Planning and Zoning Board requests that the City Manager provide the resources for Staff to review the current planning requirements involving wind vortex, compare them with other cities, and share with the Board and the City Commission any changes they believe would strengthen future planning for vertical development. In a roll call vote, the **motion** passed 5-3 (Mr. Cohen, Mr. Tinter, and Mr. Weymouth dissenting).~~

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker reviewed the proposed Board meeting dates for 2019, which fell on the third Wednesday of each month.

Motion made by Mr. Tinter, seconded by Ms. Scott, to approve the meeting dates for 2019. In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:05 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.]