



**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JANUARY 16, 2019 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair	P	7	1
Howard Elfman, Vice Chair	P	6	2
John Barranco	A	6	2
Brad Cohen	P	6	2
Mary Fertig (arr. 6:35)	P	7	1
Jacquelyn Scott	P	8	0
Jay Shechtman	P	8	0
Alan Tinter	P	6	2
Michael Weymouth	P	8	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
Jim Hetzel, Urban Design and Planning
Tyler Laforme, Urban Design and Planning
Yvonne Redding, 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 Maus called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. Urban Design and Planning Manager Ella Parker introduced the Staff members present.

Motion made by Mr. Tinter, seconded by Vice Chair Elfman, to defer Item 8 to the February 20, 2019 meeting. In a voice vote, the **motion** passed unanimously.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

The Board took a brief recess from 9:33 p.m. to 9:39 p.m.

9. CASE: **R17066**
REQUEST: ** Site Plan Level IV Review: Rezoning from Residential Single Family/Duplex/Low Medium Density (RD-15) to Community Business (CB) with Site Plan Approval and Allocation of 0.462 Acres of Commercial Flex for 20,115 Square Feet of Gas Station and Convenience Store Use

APPLICANT: Town Development Company
PROJECT NAME: Cumberland Farms
GENERAL LOCATION: 333 E. Sunrise Boulevard
ABBREVIATED LEGAL DESCRIPTION: Progresso 2-18 D Lot 25 LESS S 15 For ST, 26, 27 BLK 183
ZONING DISTRICT: Boulevard Business (B-2) / Community Business (CB) / Residential Single Family/Duplex/Low Medium Density (RD-15)
LAND USE: Commercial and Medium Residential
COMMISSION DISTRICT: 2 – Steven Glassman
CASE PLANNER: Tyler Laforme

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, stated that the request is for Site Plan Level IV review with rezoning, flex allocation, and a parking reduction. The property currently includes two Land Use categories and three zoning designations. The Land Uses are Commercial and Medium Residential, while the zoning districts are B-2, CB, and RD-15. Both B-2 and CB permit the proposed use by right. The Applicant is requesting rezoning from RD-15 to CB with a flex allocation.

The site is surrounded by railroad tracks, a cement plant, affordable housing, and commercial businesses. The Applicant owns the remainder of the block with the exception of a shelter operated by the Department of Children and Families. There are some remaining residential homes in the area.

Ms. Toothaker noted that the Central City Community Redevelopment Agency (CRA) rezoning process has been in process for some time and will go before that CRA for approval in February 2019. The subject property is located on a corridor that is intended to be rezoned as a Community Commercial Corridor at a later date.

The portion of the subject site currently zoned RD-15 is 0.46 acre, while the remainder of the site is 1.48 acres. Because the underlying Land Use for this portion is still Residential, the Applicant is requesting a commercial flex allocation for this area.

The Applicant has worked closely with the City on the Site Plan, which resulted in placing the proposed building on the western portion of the site. There are 16 fuel pumps associated with the Site Plan, which are located at the southernmost portion of the site in order to minimize any adverse effects to properties to the west. The proposed convenience store is 5618 sq. ft. in size and is placed as close to Sunrise Boulevard as possible. The landscape plan for the property includes buffers along the property lines.

Although Staff wanted the Applicant to move direct access to the site off Sunrise Boulevard, neighbors to the property hoped access would remain on Sunrise. The Applicant has provided shared access with a neighboring property to the north, as well as a full access point on 3rd Street that can be expanded if necessary.

The project's gross floor area is 4574 sq. ft., with a parking requirement of one space per 150 sq. ft. This would mean 30.5 spaces are required. The customer service area, which includes outdoor seating, is 779 sq. ft. with a requirement for one space per 30 sq. ft. This would require a total of 57 spaces. The Applicant is requesting a four-space reduction to 53 spaces. Code allows an Applicant to remove certain areas, such as equipment and storage, from the parking requirement of a Site Plan, which accounts for a difference between the parking requirement listed in the Staff Report and the Site Plan.

The Applicant went before the South Middle River Civic Association in 2018 to provide updated drawings and review changes made to the Site Plan. When they returned to a second meeting, the District Commissioner was in attendance as well. The Association voted unanimously in favor of the project. The Applicant also went before the Middle River Terrace Neighborhood Association Board of Directors, which voted in favor of the development and provided letters of support. The project received unanimous approval from the Central City CRA. Adjacent neighbors have also provided letters of support.

The Board agreed by consensus to make the Staff Report part of the record.

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

Lane Kerr, private citizen, advised that his wife owns the property at 1021 NE 3rd Avenue. He was not aware of the project until he received public notice on Wednesday, January 9, 2019. He felt many aspects of the Application are inconsistent with the City's Comprehensive Plan, including the proposed access at the northwest corner of the site, which would place traffic directly in the path of a single-family home. He asked the

Board to consider having the Applicant meet with him and his wife to discuss changes to this access point.

Deborah Kerr, private citizen, reiterated that the access point to Cumberland Farms is directly opposite the front door of her property. She objected to the project for this reason.

The Board agreed by consensus to extend the meeting until discussion of Item 9 has concluded.

Mark Antonelli, private citizen, stated that he owns property in the subject area. He described the proposed project as a welcome addition to the neighborhood.

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 recommended deferring the Item until the February 20, 2019 meeting, citing the need for better communication between property owners and the Applicant.

Motion made by Ms. Fertig to defer. [The **motion** died for lack of second.]

Mr. Tinter addressed rezoning, pointing out that the depth of the B-2 and CB zoning would be extended into a residential area by the requested change. He asked to know the status of a study regarding zoning restrictions within the subject area. Ms. Parker replied that the CRA is leading an effort to consider an overall study for the Central City area, including this corridor. The study is currently in progress and its ultimate recommendations regarding policy direction are not yet known. She added that Staff can continue to work with the Applicant to address the access issues raised at tonight's meeting.

Mr. Tinter pointed out that the Board does not know what the zoning of certain parcels in the area will be, including whether they will be consistent with the B-2, CB, or other zoning districts. Ms. Parker confirmed that this will not be known until the study process is complete and comes back before the Board and the City Commission. Mr. Tinter concluded that he did not feel the proposed rezoning would be compatible with other residential areas across the street or consistent with adjacent zoning.

Motion made by Mr. Tinter, seconded by Ms. Fertig, to defer.

Mr. Shechtman requested additional information from Staff regarding the access into a residential neighborhood. Mr. Restrepo of the Department of Transportation and Mobility replied that trips are distributed based on land uses and programming in the subject area. Staff did not take issue with this access.

Mr. Weymouth stated he would support the **motion** to defer if the Applicant uses this time to reach out to Mr. and Ms. Kerr regarding their concerns with the northwest entrance. He also requested clarification of whether the owner or the tenant of a rental property may respond in support of or objection to a project near that property.

Ms. Parker advised that the property owner is considered to have the primary stake in the property, although Applicants reach out to all community members, including residents who live in a given neighborhood. Attorney Spence added that an Application is evaluated based on the evidence provided; letters of support are generally considered to be provided for additional consideration. The letters do not determine whether or not an Application meets the criteria of Code.

Ms. Fertig pointed out that while neighborhood associations may have been contacted regarding public participation meetings, immediate residents near the property may not have been notified. She felt the deferral period would allow the Applicant time to reach out to these residents and clarify any issues or concerns regarding changes to the property, its zoning, or its underlying land use.

In a roll call vote, the **motion** failed 4-4 (Vice Chair Elfman, Mr. Cohen, Mr. Shechtman, and Ms. Scott dissenting).

Motion made by Mr. Cohen, seconded by Vice Chair Elfman, to approve.

In a roll call vote, the **motion** passed 5-3 (Chair Maus, Ms. Fertig, and Mr. Tinter dissenting).

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

~~Mr. Weymouth suggested the Board consider revisiting the notification process for public hearings. Chair Maus advised that the City has precise geographical requirements regarding provision of notice, and that individuals speaking on Items may live outside these boundaries. Mr. Weymouth recommended that the City take note of where signage is placed, pointing out that the signage for the marina, for example, was placed at the end of a dead-end street.~~

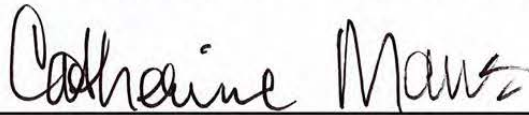
~~Ms. Fertig requested that the next Agenda include a proposal that in addition to notifying nearby homeowners' or civic associations, applicants must also notify property owners within a specific distance of public participation meetings.~~

~~Mr. Shechtman asked if Staff checks to ensure public notices posted by an applicant are clearly visible. Ms. Parker explained that Staff ensures signage to face every right of-~~

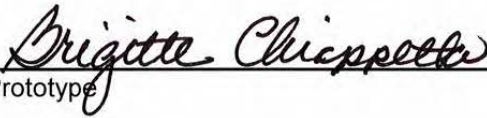
~~way, which means if there are multiple rights-of-way, an applicant must post multiple signs. Staff receives photographs documenting the signs' placement, and the applicant must sign an affidavit affirming that signs were posted. Ms. Fertig also pointed out that some public participation meetings are held months in advance of signage placement, which means some property owners may not have seen them.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 10:22 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.]

