



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS**

**100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, MAY 19, 2021 – 6:00 P.M.**

June 2020-May 2021

Board Members	Attendance	Present	Absent
Catherine Maus, Chair	P	10	1
Mary Fertig, Vice Chair	P	11	0
John Barranco	A	10	1
Brad Cohen	A	9	2
Coleman Prewitt	A	10	1
William Rotella	P	11	0
Jacquelyn Scott	P	11	0
Jay Shechtman	P	11	0
Michael Weymouth	P	10	1

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
Trisha Logan, Historic Preservation Planner
Adam Schnell, Urban Design and Planning
Lorraine Tappen, 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 6:00 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.~~

~~II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM~~

~~**Motion** made by Mr. Shechtman, seconded by Ms. Scott, for approval of the minutes from the April 14 meeting. In a voice vote, the **motion** passed unanimously.~~

~~Ms. Gray showed a PowerPoint presentation on the Item, explaining that the project is located in both Fort Lauderdale and Dania Beach. The approved plat for the upper portion, which is in Fort Lauderdale, includes parcel A, while the lower portion south of I-595 in Dania Beach is parcel B. Parcel C is also approved in Dania Beach.~~

~~The modification retains parcel A, and what was parcel B will now be divided into parcels B and C. The change is made because parcel B has a history of environmental issues on the property, which the Applicant is still working through. The modification creates a "standalone" parcel so the developer can begin obtaining necessary permits for western parcel C while environmental work continues on parcel B. The previously approved parcel C in Dania Beach will now become parcel D.~~

~~**Motion** made by Vice Chair Fertig, seconded by Mr. Shechtman, to make the Staff Report a part of the record. In a voice vote, the **motion** passed unanimously.~~

~~There being no questions from the Board at this time, Chair Maus opened the public hearing. As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.~~

~~**Motion** made by Vice Chair Fertig, seconded by Ms. Scott, to approve. In a roll call vote, the **motion** passed 6-0.~~

2. CASE: PLN-SITE-20100002**

REQUEST:** Site Plan Level IV Review: Rezone from Residential Single Family Duplex/Medium Density (RD-15) District to Community Business (CB) District with 0.62 Acres of Commercial Flex Allocation and Conditional Use for a Mixed-Use Development

APPLICANT: 1123 NE 4th Avenue FL, LLC.

GENERAL LOCATION: 1123 NE 4th Avenue

AGENT: Marc Isaac, Flynn Engineering Services, P.A.

LEGAL DESCRIPTION: Progresso 2-18D Lots 13 through 32 Block 143, Less E 10 for Street of Lots 13 Through 24 AKA: North Side Elementary

ZONING DISTRICT: Residential Single Family Duplex/Medium Density (RD-15) and Community Business (CB)

COMMISSION DISTRICT: 2 - Steven Glassman

NEIGHBORHOOD ASSOCIATION: South Middle River Civic Association

PROPOSED ZONING: Community Business (CB)

LAND USE: Commercial and Medium Residential

CASE PLANNER: Lorraine Tappen

Disclosures were made at this time.

Nectaria Chakas, representing the Applicant, showed a PowerPoint presentation on the Application, which requests rezoning, flex allocation, and Site Plan Level IV review with conditional use approval. The site is 1.42 acres and has been vacant since 1999. It is currently being used as a parking area for the nearby Northside Elementary School.

The Applicant proposes to construct a mixed-use project on the site, which has split land use and zoning. One portion is zoned Residential (RD-15), while the other is Community Business (CB). The Applicant would allocate commercial flexibility acreage to rezone the RD-15 portion to CB, which will enable the site to be unified under a single zoning district.

The RD-15 portion of the site, once rezoned, would be used for parking for a building that will be constructed on the CB portion. Ms. Chakas showed the Site Plan for the property, explaining that the RD-15 parcel cannot be zoned XP for exclusive parking because this zoning category is not permitted north of 11th Street.

The building proposed for the CB parcel will be five stories in height, although the CB zoning district permits up to 15 stories. It will include 2250 sq. ft. of ground floor commercial use on the corner of 11th Street and 4th Avenue. There is a main entrance on 4th Avenue with a recreational area on the north side of the property. Access will be available on NE 11th Street, where there is a signalized intersection, to mitigate traffic on NE 3rd Avenue. The site has six parallel parking spaces proposed on NE 3rd Avenue, which will replace parking in swales. Sidewalks with a minimum width of 7 ft. will be provided along the perimeter of the property.

The proposed plans for the site include a 60-unit development with ground floor commercial use. The 60 units will be located on floors two through five. These include 44 one-bedroom units averaging 750 sq. ft. and 16 two-bedroom units averaging 1100 sq. ft. A nautical-themed mural is planned for one side of the building.

The Applicant plans to provide a 6 ft. wall along the perimeter of the site, with fencing along the remainder. A 12 ft. landscape buffer will also be provided, and there is a 39 ft. setback between the property line and the building at the ground level. This exceeds the 15 ft. setback requirement. At the south end of the property on 11th Street, there is another 6 ft. landscape buffer and 7 ft. sidewalk between the building and the parking lot.

When the Applicant met with the surrounding neighborhood, neighbors expressed a desire for more lighting in addition to existing power poles. The site includes low-scale bollard lighting along 3rd Avenue and 11th Street. The City plans to provide a new streetscape on 4th Avenue. The Department of Transportation and Mobility has approved the project's plans.

The Applicant held two meetings with the South Middle River Civic Association, first with their board of directors and later with their general membership. This Association provided a letter of support for the project. The Applicant also met with an adjacent homeowner in March 2021, who asked that they raise the planned wall to a height of 6 ft. The public participation meeting required by Code was held on March 18, 2021, and hosted four to five members of the public. On March 31, the Applicant's representative answered a number of questions from residents of a townhouse located across the street, and on May 14 the team met with CRA Staff.

Motion made by Mr. Rotella, seconded by Vice Chair Fertig, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

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

Javier Concha, Jr., private citizen, advised that he lives next to the proposed development. He expressed concern with the building's proposed height, as well as the zoning change from RD-15 to CB. He felt the proposed development is not consistent with the density or intensity of its surrounding area.

Mr. Concha further clarified that his home is located beside the proposed parking lot, with the five-story building to the east.

William Cody, secretary of the South Middle River Civic Association, advised that he was speaking as a private citizen. He asked if the project's recreation center would be open to individuals who visit the retail centers included in the project, or if it is restricted to residents. Ms. Chakas replied that the recreation center is for residents only, although the retail component will be accessible to all.

Edward Catalano, member of the South Middle River Civic Association, explained that the Association had asked if a meeting room in the building would be made available to them for meetings. Ms. Chakas replied that if the Association made arrangements in advance with the building's management team, the team would try to make the room available.

Ray Thrower, private citizen, stated that he was in favor of the project.

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

Chair Maus referred to the portion of the proposed building that would abut Mr. Concha's property, noting that the Applicant had raised the wall to 6 ft. in height at his request. Ms. Chakas confirmed this. Chair Maus asked if the Applicant is not seeking rezoning of the

front parcel/east strip. Ms. Chakas replied that the only portion of the property for which the Applicant has requested rezoning is the western parcel, which will be used for parking. The remainder of the property will remain CB.

Chair Maus requested clarification of the maximum height in the CB zoning district. Ms. Chakas advised that this is 15 stories or 150 ft. Chair Maus advised that while she understood Mr. Concha's concern regarding height, the proposed building could have been significantly higher.

Ms. Scott observed that while the Board has approved other projects in the subject area, most have not extended west toward the residential neighborhood or required a zoning change from Residential to CB. She expressed concern that over the long term, buildings on CB zoning could be built to the maximum height of 150 ft., which could have negative effects on nearby residents.

Ms. Chakas stated that the flex rezoning for the subject parcel is tied to the specific Site Plan, in which the required parking for the development is within a set area. The Applicant would not be able to increase parking by placing a garage on this parcel without first coming back to the Board to request approval.

Ms. Scott asked if there is a way to solve the issue of parking for the building without changing the zoning to CB. Ms. Parker replied that the zoning indicated by the Applicant would be "tied to the rezoning," and noted that there are buffers around the parking area. The proposed surface parking provides sufficient distance from the building to transition toward residential properties. For this reason, Staff felt the proposal met neighborhood compatibility requirements. Any future redevelopment would also be subject to neighborhood compatibility.

Ms. Chakas reiterated that property north of 11th Street cannot be rezoned to XP, which would have otherwise been an option. She affirmed that XP would have been the Applicant's preference if it was permitted at the location.

Mr. Shechtman asked what would happen if the Board recommended XP zoning for the parcel. Ms. Parker stated that there are locational restrictions on XP zoning. Karlanne Grant, representing Urban Design and Planning, read from Code Section 47-9.2, which specifies the boundaries within which XP zoning must be restricted.

Mr. Weymouth asked if a deed restriction could address neighbors' concerns with the potential height that could be constructed on the CB parcel. Ms. Chakas advised that the Applicant is willing to restrict the use of the subject parcel to a surface parking lot; however, she emphasized that the Applicant will still need the CB zoning for this parcel.

Assistant City Attorney Shari Wallen stated that if the Applicant agrees, a deed restriction can be made. This would require stating on the record that the restriction is proportionate to the impacts of the proposed development and related to neighborhood compatibility.

Chair Maus requested clarification that the Applicant would be amenable to a deed restriction of this nature. Ms. Chakas confirmed that the Applicant would make a declaration of restrictions, and would attach the legal description for the portion of the property to be rezoned, limiting that portion to use as a parking lot. Attorney Wallen noted that this restriction would be attached as a condition of approval.

Motion made by Vice Chair Fertig for approval with Staff conditions, and a new condition calling for the applicant to record a declaration of restrictions to limit the property being rezoned to a surface parking lot to limit intrusion into the neighborhood; additionally, the recording of the deed restriction will be done at the Applicant's expense, and this is a condition of approval.

Mr. Weymouth **seconded** the **motion**.

Attorney Wallen requested further clarification that the **motion** included all the conditions reflected in the Staff Report. Vice Chair Fertig confirmed this.

Mr. Shechtman asked if the property's residential neighbor would be party to the declaration of restriction. Attorney Wallen stated that he would not.

~~In a roll call vote, the **motion** passed 6-0.~~

~~V. COMMUNICATIONS TO THE CITY COMMISSION~~

~~None.~~

~~VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE~~

~~Vice Chair Fertig recognized Chair Maus for her years of service on the Planning and Zoning Board. The Chair has completed a total of four terms on the Board. Ms. Parker stated her gratitude for this service as well on behalf of City Staff.~~

~~**Staff Presentation: Proposed Affordable Housing Policy Recommendations**~~

~~Adam Schnell of Urban Design and Planning showed a PowerPoint presentation on affordable housing updates, which will be proposed to the Board as official policy amendments in the coming months.~~