PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, DECEMBER 18, 2013 – 6:30 P.M.

Cumulative

		June 2013-May 2014	
Board Members	**Attendance**	**Present**	**Absent**
Patrick McTigue, Chair	P	7	0
Leo Hansen, Vice Chair	P	7	0
Brad Cohen (arr. 6:35)	P	6	1
Stephanie Desir-Jean	P	6	1
Michael Ferber	P	6	1
James McCulla	A	5	2
Michelle Tuggle (arr. 6:35)	P	7	0
Tom Welch	P	6	1
Peter Witschen	P	6	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
Eric Engmann, Urban Design and Development
Florentina Hutt, Urban Design and Development
Thomas Lodge, Urban Design and Development
Dr. Jay Sajadi, Engineering Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair McTigue called the meeting to order at 6:30 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

II. APPROVAL OF MINUTES

Motion made by Mr. Witschen, seconded by Mr. Welch, to approve. In a voice vote, the **motion** passed unanimously.

III. AGENDA ITEMS

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	Case Number	Applicant
1.	11P13** *	North Federal 2650 LLC / Chick-Fil-A
2.	8ZR13** *	North Federal 2650 LLC / Chick-Fil-A
3.	15P13** *	GDC Broward RB LLC, Les Wills Riverbend Bait Tackle & Gun Shop / Riverbend Marketplace
4.	25P13** *	Riverbend South LLC, GDC Broward RB LLC, Sunmax LLC, Donald T. Swinarski Jr., Brian, Pattulo, Arco Property Management, Carl T. Waldron / Riverbend Marketplace
5.	26P13** *	Riverbend South LLC, GDC Broward RB LLC, Sunmax LLC, Donald T. Swinarski Jr., Brian Pattulo, City of Fort Lauderdale, George, Arlene Berger, Les Wills Riverbend Bait Tackle & Gun Shop, Inc. / Riverbend Marketplace
6.	27P13** *	GDC Broward RB LLC, Carl T. Waldron, George and Arlene Berger / Riverbend Marketplace
7.	11T13*	Downtown Master Plan Amendment

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.

Ms. Parker advised that Staff wished to defer Item 7 in order to conduct additional public outreach. The Item will appear on the Board's January Agenda.

The Board agreed by consensus that Items 1 and 2 would be heard together and voted upon individually.

1. **Applicant / Project:** North Federal 2650 LLC / Chick-Fil-A
   Request: ** * Plat Review
   Case Number: 11P13
   General Location: E. side of N. Federal Highway between NE 26 Street and E. Oakland Park Blvd.
   Legal Description: S. 1/2 of Lot 7, Block 61 and all of Lot 21, Block 66, of the "Coral Ridge Galt Addition No. 1," Plat recorded in Plat Book 31, Page 37, Section 25, Township 49 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida.
   Case Planner: Eric Engmann
   Commission District: 1

2. **Applicant / Project:** North Federal 2650 LLC/ Chick-Fil-A

Request: ** *	Site Plan Level IV; Rezone from Residential Mid Rise Multifamily /Medium High Density District (RMM-25) to Exclusive Use Parking Lot (X-P) with Commercial Flex Allocation for proposed restaurant use
Case Number:	8ZR13
General Location:	E. side of N. Federal Highway between NE 26 Street and E. Oakland Park Blvd.
Legal Description:	Lot 21, Block 66, CORAL RIDGE ADDITION NO. 1, Plat Book 31, Page 37 of the public records of Broward County, Florida.
Case Planner:	Thomas Lodge
Commission District:	1

Disclosures were made, and any members of the public wishing to speak on these Items were sworn in.

Robert Lochrie, representing the Applicant, stated that the Items before the Board are a preliminary plat and rezoning of the eastern parcel of the subject property. He showed renderings of the site, stating that the Applicant will include additional landscaping and a shade structure with seating. The property located to the north is zoned Multi-Family Residential, while the properties across the street and to the south are zoned Duplex. The parcel to the west is zoned B-1, or Commercial.

Mr. Lochrie continued that an existing wall will be removed and replaced with a 22 ft. landscape buffer. He showed renderings of the property and the planned Chick-Fil-A restaurant, noting that the parking area has been shifted to the north in order to accommodate more landscaping to the south. Employee parking will be designated, and the restaurant will close at 10:30 p.m. six nights per week and all day on Sundays. The Coral Ridge Neighborhood Association is supportive of the project.

Mr. Lochrie responded to questions from the Board, stating that the Applicant prefers employee traffic entering the facility to use its planned entrance and exit onto Middle River Drive rather than an adjacent one-way alley. Only 10%-15% of all traffic to the site is expected to come from Middle River Drive. He described access from both this roadway and Federal Highway, noting that the City does not wish to close the public alleyway.

Dr. Jay Sajadi, City Engineer, clarified that the alley is intended to provide one-way access toward Federal Highway, although this direction is not presently marked. The Applicant had requested vacation of the alleyway, but the City had opposed this request.

Attorney Spence observed that the alleyway serves a public purpose and allows access from commercial properties on NE 26th Street, which abut the right-of-way and have limited rear access. Any signage in the alley must be provided by the Department of Transportation and Mobility. Attorney Spence concluded that Staff will address the issue with this Department. It was also noted that utilities are located in the alley, which would make vacation more difficult.

Dr. Sajadi added that the alley is not accessible to vehicles, and is blocked by property owners to the north on Middle River Drive. Mr. Witschen recommended that the Applicant discuss the possibility of vacation with the property owner immediately to the north of the subject parcel, and file an application for vacation if that owner concurs.

Eric Engmann, representing Urban Design and Development, described the Application to plat two parcels comprising 0.86 acres. The western parcel will be restricted to 4500 sq. ft. of commercial use, while the eastern parcel is restricted to no structures. Thomas Lodge, also representing Urban Design and Development, stated that the Applicant also wishes to rezone a 10,000 sq. ft. parcel from Residential Mid-Rise/Multi-Family (RMM-25) to Exclusive Use Parking (XP). This proposed rezoning is permitted in the existing land use category, subject to the allocation of .229 acres of commercial flexibility acreage.

The Applicant will provide a shaded structure to improve the pedestrian experience within the existing 20 ft. inter-district corridor. While the ULDR does not currently permit this type of structure, Staff is drafting an amendment to allow this and similar uses within the buffer. Staff recommends approval of both Items, with the condition that the shade structure is subject to approval of ULDR Amendment Section 47-23.9.

There being no further questions from the Board at this time, Chair McTigue opened the public hearing. As there were no members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Witschen, seconded by Ms. Tuggle, to approve Item 11P13 [Item 1] as per Staff comments to move the plat forward. In a roll call vote, the **motion** passed 8-0.

Motion made by Mr. Witschen, seconded by Ms. Tuggle, to approve 8ZR13 [Item 2], with Staff conditions and also the Applicant's proffering. In a roll call vote, the **motion** passed 8-0.

Mr. Witschen clarified that the conditions to which he referred included both Staff conditions and the additional parking-related conditions offered by the Applicant.

The Board members agreed by unanimous consensus to hear Items 3, 4, 5, and 6 together and vote upon them separately.

3.	**Applicant / Project:**	GDC Broward RB LLC, Les Wills Riverland Bait Tackle &Gun Shop/ Riverbend Marketplace
	Request: ** *	Vacation of Right-of-Way
	Case Number:	15P13
	General Location:	Southeast corner of SW 27 Avenue and SW 2 Court.
	Legal Description:	All that portion of the land recorded in Official Records Book 5642, Page 174, Broward County, Florida, lying 37.00 feet E. of and parallel with, as measured at right angles to, the W. line of the NE ¼ of Section 8, Township 50 South, Range 42 East, Broward County, Florida.
	Case Planner:	Thomas Lodge

Commission District: 3

4. **Applicant / Project:** Riverbend South LLC, GDC Broward RB LLC, Sunmax LLC, Donald T Swinarski Jr., Brian, Pattulo, Arco Property Management, Carl T. Waldron/ Riverbend Marketplace
Request: ** * Vacation of Right-of-Way
Case Number: 25P13
General Location: E. of SW 27 Avenue, N of SW 2 Court.
Legal Description: All that portion of SW 2nd Street (Being a 60' platted right-of-way) as shown on WOOKLAND PARK (UNIT ONE), Plat Book 10, Page 64, of the public records of Broward County, Florida, lying 37.00 feet East of and parallel with, as measured at right angles to, the W. line of the NE ¼ of Section 8, Township 50 South, Range 42 East, Broward County, Florida.
Case Planner: Thomas Lodge
Commission District: 3

5. **Applicant / Project:** Riverbend South LLC, GDC Broward RB LLC, Sunmax LLC, Donald T. Swinarski Jr., Brian Pattulo, City of Fort Lauderdale, George, Arlene Berger, Les Wills Riverland Bait Tackle & Gun Shop, Inc/ Riverbend Marketplace
Request: ** * Vacation of Right-of-Way
Case Number: 26P13
General Location: E. of SW 27 Avenue, S of SW 2 Street.
Legal Description: All that portion of SW 2nd Court (Being a 30' platted right-of-way) as shown on WOOKLAND PARK (UNIT ONE), Plat Book 10, Page 64, of the public records of Broward County, Florida, lying 37.00 feet E. of and parallel with, as measured at right angles to, the W. line of the NE ¼ of Section 8, Township 50 South, Range 42 East, Broward County, Florida.
Case Planner: Thomas Lodge
Commission District: 3

6. **Applicant / Project:** GDC Broward RB LLC, Carl T. Waldron, George and Arlene Berger/ Riverbend Marketplace
Request: ** * Vacation of Right-of-Way
Case Number: 27P13
General Location: E. of SW 27 Avenue between SW 2 Street and SW 2 Court.
Legal Description: All of SW 26 Avenue, platted as SW 24 Avenue, (being a 50 foot platted right-of-way) as shown on amended plat of Blocks 4,5,6,7 and 14, WOODLAND PARK – UNIT 1, Plat Book 30, Page 45 of the Public Records of Broward County, Florida, less and excepting therefrom a portion of SW 26 Avenue previously vacated as recorded in Official Record Book 46862, Page 994, Broward County, Florida.
Case Planner: Thomas Lodge
Commission District: 3

Disclosures were made, and any members of the public wishing to speak on these Items were sworn in.

Mr. Lochrie, representing the Applicant, advised that the Board has previously approved the transmittal of a Land Use Plan Amendment, which converted a portion of the property from residential to commercial. The Items currently before the Board relate to vacation of several street and right-of-way segments, including portions of SW 2nd Street, SW 2nd Court, and 26th Street. If the vacations are approved by the Board and City Commission, the streets will remain in place until new development occurs.

Mr. Lodge stated that the request would vacate four rights-of-way on the subject site for the development of a shopping center. He described the dimensions of these rights-of-way, concluding that Staff recommends approval of the vacations, subject to the following conditions:

1. A temporary utility easement shall be retained until any utilities in the vacation area have been relocated or abandoned;
2. Any City infrastructure found within the vacation area shall be relocated at the expense of the Applicant, and the relocation is inspected and accepted by the Public Works Department; and
3. Any other utility infrastructure within the vacation area shall be relocated at the Applicant's expense and must be accepted by the applicable utility agency and service provider.

Mr. Lodge noted that a fourth condition included in the Staff Report will be removed, as it is similar to Condition 1 above.

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

Motion made by Vice Chair Hansen, seconded by Ms. Desir-Jean, to approve Item 3. In a roll call vote, the **motion** passed 8-0.

Motion made by Vice Chair Hansen, seconded by Ms. Tuggle, to approve Item 4. In a roll call vote, the **motion** passed 8-0.

Motion made by Vice Chair Hansen, seconded by Ms. Tuggle, to approve Item 5. In a roll call vote, the **motion** passed 8-0.

Motion made by Vice Chair Hansen, seconded by Ms. Tuggle, to approve Item 6. In a roll call vote, the **motion** passed 8-0.

7. Communications to the City Commission

None.

8. For the Good of the City

None.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:16 p.m.

Patrick E. McGuire
Chair

Brigitte Chiappetta
Prototype

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