PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JULY 15, 2015 – 5:30 P.M.

Cumulative

		June 2015-May 2016	
Board Members	**Attendance**	**Present**	**Absent**
Patrick McTigue, Chair	P	2	0
Leo Hansen, Vice Chair	P	2	0
Stephanie Desir-Jean	P	2	0
Steven Glassman	P	2	0
Rochelle Golub	A	1	1
Richard Heidelberger	A	0	2
Catherine Maus	A	1	1
James McCulla	P	2	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
Eric Engmann, Urban Design and Planning
Florentina Hutt, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair McTigue called the meeting to order at 6:33 p.m. and all recited the Pledge of Allegiance. The Chair requested that all present observe a moment of silence in memory of former Board member Peter Witschen.

Chair McTigue introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

II. APPROVAL OF MINUTES

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

III. AGENDA ITEMS

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Case Number	Applicant
1. Z15003** *	Maximo Investments #00 Inc. / Sunshine Gas Station
2. PL14013**	OB Real Estate Holdings 1692 LLC / Coral Ridge LZB Plat
3. Z15004** *	Stephen Tilbrook / First Presbyterian Church 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.

1.	**Applicant / Project:**	Maximo Investments #00 Inc. / Sunshine Gas Station
	Request: ** * **	Rezone from Residential Office District (RO) to Boulevard Business (B-1)
	Case Number:	Z15003
	General Location:	1199 S Federal Highway
	Legal Description:	A portion of Lots 23 and 24 in Block 6, Lauderdale, According to the plat thereof, as recorded in Plat Book 2, Page 9 of the Public Records of Dade County.
	Case Planner:	Eric Engmann
	Commission District:	4

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

Linda Socolow, representing the Applicant, showed a PowerPoint presentation, explaining that Sunshine Gas owner Maximo Alvarez has owned the subject property since 1989. The request is to rezone approximately 0.19 acre of the 0.54 acre property from Residential Office (RO) to Boulevard Business (B1). A public participation meeting was held on May 19 and included the presidents of four nearby homeowners' associations. There was no opposition to the project.

The proposed zoning district is located in the South Regional Activity Center (SRAC) and is consistent with the City's Comprehensive Plan. The Applicant worked with the City to arrive at the current design for the site, which will close two of the existing ingress/egress points, leaving two access points remaining. The proposed zoning district will be compatible with surrounding uses.

Mr. McCulla pointed out that there is additional direct egress from a car wash on the site onto Davie Boulevard.

Eric Engmann, representing Urban Design and Planning, stated that the Applicant plans to redevelop the entire parcel by reconstructing the gas station on the property. Many of the ancillary uses on the site must be relocated to the rear of the property, which necessitates the rezoning. The rezoning is consistent and in character with the redevelopment and renovation patterns of surrounding properties and will not introduce additional uses into the established residential neighborhood. Staff recommends approval of the Application.

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

Motion made by Vice Chair Hansen, seconded by Mr. Glassman, to approve.

Ms. Desir-Jean asked if the facility would be open or closed during the renovation process. Ms. Socolow confirmed that the gas station would be closed for approximately two months during the construction process.

In a roll call vote, the **motion** passed 5-0.

2.	**Applicant / Project:**	OB Real Estate Holdings 1692 LLC. / Coral Ridge LZB Plat
	Request: **	Plat Review
	Case Number:	PL14013
	General Location:	2980 N Federal Highway
	Legal Description:	Lot 2, Less the South 141 Feet, Block 61, "Coral Ridge Galt Addition No. 1", According to the plat thereof, as recorded in Plat Book 31, Page 37 of the Public Records of Broward County.
	Case Planner:	Florentina Hutt
	Commission District:	1

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

Jane Storms, representing the Applicant, advised that the Applicant concurs with all Staff recommendations.

Florentina Hutt, representing Urban Design and Planning, stated that the Applicant proposes to plat a portion of a 24,382 sq. ft. property. The proposal includes the following plat note restriction: the plat is restricted to 14,000 sq. ft. of commercial use, and free-standing banks or banks with drive-through facilities are not permitted without the approval of the Broward County Board of County Commissioners. Staff recommends approval of the request.

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

Motion made by Mr. McCulla, seconded by Vice Chair Hansen, to approve. In a roll call vote, the **motion** passed 5-0.

3. **Applicant / Project:**	Stephen Tilbrook / First Presbyterian Church of Fort Lauderdale
Request: ** *	Rezone from Exclusive Use Parking (XP) to Community Facility – House of Worship (CF-H)
Case Number:	Z15004
General Location:	1417 SE 4 St.
Legal Description:	All of Lots 13, 14, 15, 16, 17, 18, 19 and 20, Block 34, COLEE HAMMOCK, according to the Plat thereof as recorded in Plat Book 1, Page 17 of the Public Records of Broward County, Florida.
Case Planner:	Randall Robinson
Commission District:	4

Disclosures were made, and any individuals wishing to speak on this Item were sworn in. Chair McTigue advised that his father owns a house in the subject neighborhood, but after discussion with counsel it was determined that he did not have a conflict.

Stephen Tilbrook, representing the Applicant, provided exhibit binders to the Board members and showed a PowerPoint presentation. The Application requests rezoning of a 1.4 acre parcel from Commercial Parking Lot (XP) to Community Facility-House of Worship (CF-H), which is a less intense use. The intent is to correct the parcel's zoning to make it consistent with CF-H uses and improve existing buildings for worship and recreation.

Mr. Tilbrook reviewed the exhibit binder, which includes the following:

- PowerPoint presentation
- Application, supporting materials, and narratives

- Staff Report
- Public Participation Report
- Letter from the City's Zoning Administrator confirming that the uses are consistent with the proposed zoning
- Materials from prior Site Plan Approval and Rezoning from 2012
- Documentation of the Ordinance approving the 2012 Rezoning and Site Plan Approval
- Minutes of December 4, 2012 Planning and Zoning Board meeting
- Property ownership records for the 1.4 acre parcel
- ULDR Zoning Code for CFH zoning

Mr. Tilbrook advised that the First Presbyterian Church of Fort Lauderdale campus consists of 6.15 acres and includes a sanctuary and offices, an education building, surface parking lots, and a 1.4 acre parcel he identified as the family campus block. This site includes property on Las Olas Boulevard and a surface parking lot to the south of the proposed building.

The site plan approved in 2012 included both the building and the rezoning of the surface parking lot to XP. Mr. Tilbrook noted that the 1.4 acre parcel, currently zoned XP, is surrounded by business and CF uses. He noted that the First Presbyterian Church has determined that they will not move forward with a previous family center project; instead they are planning for a different use of the campus and resources, although the subject parcel is still zoned XP.

Mr. Tilbrook reviewed zoning in the area, pointing out that the rest of the First Presbyterian Church campus is zoned CF-HS, or Community Facility-House of Worship and School. Surrounding zoning includes both CF-H and B1. He explained that XP zoning allows only surface parking lots that support adjacent commercial businesses. The surface parking lot was previously intended to serve the commercial component of the mixed uses planned for Las Olas Boulevard. XP is also site plan-contingent and – specific, which means only surface parking lots tied to the site plan may be built.

In the case of the subject parcel, the mixed use site plan has expired, which leaves the XP zoning in place but does not allow for use or construction upon it. Mr. Tilbrook continued that the plan for the 1.4 acre parcel is a family campus concept plan, which would restore four existing buildings for church use. The parcel includes outdoor courtyard space and a multi-purpose area that can be used to accommodate parking as needed, as churches are permitted by Code to allow parking on grass lots.

Mr. Tilbrook described the community outreach process as a collaborative effort with Colee Hammock and surrounding neighborhoods. Evidence is included in the Public Participation Report included in the exhibit binders. Outreach included phone calls, email notices, coordination for three public meetings with the neighborhood association, two community open house events, and participation in a meeting of the general

membership of the Colee Hammock Homeowner Association. While the Church has requested letters of support, the Association has not provided a response thus far.

Randall Robinson, representing Urban Design and Planning, stated that the Application is consistent with the City's Comprehensive Plan, is supported by substantial changes in the character of development in or near the subject area, and that the character of the surrounding area is suitable for the uses permitted by the proposed zoning district and compatible with surrounding districts. Staff concurs with the Applicant's assessment.

Vice Chair Hansen requested clarification of what types of building programs could be undertaken by the Church without the necessity of its coming back before the Board. Mr. Robinson replied that any use directly related to CF-H would be subject to Development Review Committee (DRC) Level II review, but would not have to come before the Planning and Zoning Board if it is allowed by right within CF-H zoning.

Mr. Glassman observed that no comments from the public participation process were included in the Application under Staff Comments. He explained that he had received an email from the president of the neighborhood association, who expressed a desire for more time and information regarding the Application. Mr. Robinson also confirmed that Staff has received similar communications.

Chair McTigue advised that representatives of associations and groups are allotted five minutes to speak; individuals are allowed three minutes.

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

Robyn Merrill, President and Director of the Las Olas Village Association, explained that this Association is a new urban renewal project located on Las Olas Boulevard. She asserted that the Association is fully supportive of the Application, which she felt was an environmentally sensitive project and an asset to the area. She characterized opposition to the project as harassment.

Jerry Jordan, Director of the Colee Hammock Homeowner Association, stated that many members are out of town for the season and may have wished to provide input on the project. He noted that the Association had asked if the Item could be postponed from tonight's Board meeting to address this concern. He concluded that the Association's concern is with the rezoning of an entire block within the neighborhood.

Ms. Desir-Jean requested clarification of the impact Mr. Jordan felt the project would have on the neighborhood. Mr. Jordan replied that there was no concern with the improvement of a parking lot or recreational facilities, but with the possibility that a much larger project, such as a parking garage, could eventually be built on the lot.

Steve Buckley, private citizen, stated his support for the project, but expressed concern that it could lead to much greater activity in the future. He also shared Mr. Jordan's concern for the timing of tonight's meeting, pointing out that the neighborhood only recently learned that the Item would be heard in July.

Mr. McCulla asked if the DRC approval process requires a public participation process similar to that required by the Planning and Zoning Board. Ms. Parker replied that public participation is not required for CF-H uses permitted by right, but applies to Site Plan Level III, which goes before the Board and the City Commission. Attorney Spence clarified that the public is permitted to participate in the DRC process, even if meetings are not required by that process.

Vice Chair Hansen asked if the Applicant would be allowed to erect a two-story parking structure on the subject parcel. Mr. Robinson stated that this was not permitted under CF-H, although Ms. Parker noted that a parking structure could be built to serve a different primary use. Vice Chair Hansen asked if the Board could add a condition or requirement to address this concern. Attorney Spence stated only the potential uses permitted on the property if it is rezoned CF-H may be considered.

Mr. Glassman asked if the Board has discretion to limit the rezoning to only those lots that would be affected by the Applicant's plans. Attorney Spence advised that the Board has no discretion to amend the Application, but may only review the Code criteria to determine whether or not the Applicant has met these criteria for rezoning. The Applicant may amend the Application if they wish, although he cautioned that this could raise issues regarding public notice.

Mason Tilbrook, member of the First Presbyterian Church of Fort Lauderdale, described his participation in various church events and activities.

Tom Kurtz, Chair of the First Presbyterian Church's Campus Redevelopment Committee, stated that the renderings presented to the Board have yet to be vetted by the members of the church before they are finalized, followed by a construction phase. He advised that the Church has made no attempt to hasten the approval process for its plans.

Russ Ritchel, Interim Pastor of the First Presbyterian Church, characterized the Church's position as difficult, as they cannot proceed with redevelopment under their current zoning. He also described the past interaction between the Church and the Colee Hammock Homeowners Association and stated that he has met with and offered to answer questions from its leadership since he came to the Church in 2014. He asserted that there has been no lack of communication between the Church and the Homeowners Association.

Warren Craven, member of the First Presbyterian Church, stated that the Application would beautify a block on Las Olas that was otherwise an eyesore. He felt the project would serve to beautify the area through its use of open-air facilities.

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

Mr. Glassman requested clarification of the number of lots for which the Church's project is proposed. Mr. Tilbrook replied that the purpose of the Application was not a project, but for rezoning only. He stated that the entire block would serve as the family campus, with recreation and parking areas. The Application would rezone all eight lots depicted in the renderings, as XP zoning is inappropriate for House of Worship uses.

Mr. Glassman asked what options are open to the Board, such as approving the Application as presented or recommending a more restrictive zoning district. Ms. Parker responded that there was no more restrictive zoning district that is consistent with the uses proposed by the Applicant.

Motion made by Ms. Desir-Jean, seconded by Vice Chair Hansen, that the Board approve the Applicant's current Application for rezoning from XP to CF-H. In a roll call vote, the **motion** passed 4-1 (Mr. Glassman dissenting).

IV. COMMUNICATION TO THE CITY COMMISSION

None.

V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

None.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:53 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Patrick E. McTigue
Chair

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