PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, AUGUST 19, 2015 – 5:30 P.M.

Cumulative

		June 2015-May 2016	
Board Members	**Attendance**	**Present**	**Absent**
Patrick McTigue, Chair	P	3	0
Leo Hansen, Vice Chair	A	2	1
Stephanie Desir-Jean	P	3	0
Steven Glassman	P	3	0
Rochelle Golub	P	2	1
Richard Heidelberger	P	1	2
Catherine Maus	P	2	1
James McCulla	P	3	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
Tom Lodge, 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 6:30 p.m. and all recited the Pledge of Allegiance. The Chair 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.

I. APPROVAL OF MINUTES

Motion made by Mr. McCulla, seconded by Ms. Desir-Jean, to approve. In a voice vote, the **motion** passed unanimously.

II. AGENDA ITEMS

Index

Case Number	Applicant
1. V15001**	Flagler Village Land Trust / Quantum at Flagler Village, Portion of NE 5th Terrace Right-of-Way Vacation
2. R15025**	MCS Enterprises / MCS Cluster Homes
3. PL15005**	Davie Blvd. Office, LLC / Davie Boulevard Office Building Plat

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:** Flagler Village Land Trust / Quantum at Flagler Village, Portion of NE 5th Terrace Right-of-Way Vacation

Request: **	Vacate portion of NE 5th Terrace
Case Number:	V15001
General Location:	NE 5th Terrace between NE 7th Street and NE 8th Street
Legal Description:	A parcel of land lying on a portion of NE 5th Terrace, a 40 foot wide public right-of-way, as shown on the plat of Progresso, as recorded in Plat Book 2, at Page 18, of public records of Dade County, Florida, containing 24,000 square feet, more or less (abbreviated)
Case Planner:	Eric Engmann
Commission District:	2

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

Nectaria Chakas, representing the Applicant, showed a PowerPoint presentation, explaining that the request is for a partial vacation of NE 5th Terrace. The site is approximately 3.5 acres in size. The Applicant proposes to vacate the portion of NE 5th Terrace on the subject site. The project proposed for the site is a mixed-use development with 328 multi-family units in two 15-story buildings. It will also includes a 137-room hotel and 21,000 sq. ft. of ground floor commercial development.

The redeveloped NE 5th Terrace will include 7 ft. sidewalks, two vehicular travel lanes, and public parallel parking. The roadway will be rededicated back to the City in the form of a pedestrian and vehicular easement.

Ms. Chakas pointed out that many lots along Federal Highway are very narrow and do not allow for meaningful commercial development. After vacating NE 5th Terrace, the Applicant proposes to shift the roadway to the west to allow for larger frontage parcels along Federal Highway. She showed a rendering of NE 5th Terrace's current configuration, noting that two other developments to the south also vacated and shifted streets to allow for improved building frontage and retail. The Downtown Master Plan encourages the vacation of streets and reconfiguration of lots to allow for greater depth along Federal Highway.

Eric Engmann, representing Urban Design and Planning, stated that vacation of the 40 ft. right-of-way is associated with a site plan for mixed-use development and will be replaced with vehicular and pedestrian easements to the west of the current right-of-way. The proposed easements would continue the north-south connection and improve pedestrian movement between blocks while allowing for larger development sites along Federal Highway. Staff recommends approval of the Application with the five conditions listed in the Staff Report.

Mr. Engmann confirmed that because the entire project will undergo Site Plan Level II review, it will not come before the Board again, but will go before the Development Review Committee (DRC) and may be called up by the City Commission.

Mr. Heidelberger expressed concern with pedestrian access on the south side, which he noted is not directly opposite the roadway to the south. He suggested that the base of the residential building located to the north could be set back further to allow for a straight road, as well as a public plaza similar to the amenity on the south side. Mr. Engmann replied that City Staff from the Departments of Transportation and Mobility, Sustainable Development, and Engineering have reviewed the plans to determine the best way to improve and maintain pedestrian and vehicular movement to the north and south. Because the applicants do not own the property at the northeast corner of the block, the entire right-of-way could not be vacated and realigned as an easement.

There being no other 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 Ms. Maus, seconded by Mr. McCulla, to approve with Staff conditions. In a roll call vote, the **motion** passed 7-0.

2.	**Applicant / Project:**	MCS Enterprises / MCS Cluster Homes
	Request: **	Site Plan Level III Review; Five (5) Cluster Dwelling Units
	Case Number:	R15025
	General Location:	East side of SW 18th Avenue between SW 23rd Street and SW 24th Street

Legal Description:	Lots 6, 7 and 8, Block 8 of OSCEOLA PARK, according to the plat thereof, as recorded in plat book 9, page 46, of the public records of Broward County, Florida.
Case Planner:	Thomas Lodge
Commission District:	4

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

Robert Sherman, representing the Applicant, stated that this project was originally approved some years ago at a prior hearing. The Applicant has followed the necessary procedures for approval once more, including DRC review. Requirements and comments from the DRC have been addressed.

Robert Vick, architect for the Applicant, explained that since the project was first approved in 2007, Code requirements have changed. The proposed building has been updated based on the new Code. The Applicant has also met with City Staff and the DRC, and has determined solutions for the project, including the relocation of two parking spaces off-site to a swale.

The project consists of five residential units with two-car garages and three additional parking spaces in the rear as well as two parking spaces in front. This comes to 15 parking spaces for the five units. Zoning for the parcel is RD-15. Amenities include a gazebo for outside dining/entertainment and a barbecue area.

The parcel includes two large trees on the east side and one to the south. There are also two trees in an alcove between buildings, which the Applicant hopes to save, as requested by the surrounding neighborhood. A structural system is in place to prevent placing any undue loads on the roots of these trees. In addition, a stand of four oak trees will be preserved on the front of the site.

Mr. Sherman advised that the Applicant's team has met with the appropriate neighborhood association three times since the project has been under contract. He described the project as well-received by the association, noting that the most recent meeting was 30 to 45 days ago. He stated that the leader of this association gave verbal approval to the project.

Tom Lodge, representing Urban Design and Planning, stated that the Applicant proposes a 5-unit cluster development on a 16,470 sq. ft. parcel of land. The RD-15 zoning district permits cluster homes, subject to Planning and Zoning Board approval. The development will consist of one three-unit and one two-unit structure. Architectural features include stucco detailing, sun shading, and front porches. Staff recommends approval of the request with the following conditions:

- Provision satisfactory to the City Attorney shall be made for a 5 ft. recordable easement along the front and rear property lines for uses by the owners of the dwelling units; and
- The Applicant shall record a maintenance agreement for all common areas.

Mr. Lodge explained that the 5 ft. easement is intended to provide access to all four sides of the site by all unit owners.

Mr. Glassman requested clarification that Staff has spoken with the appropriate neighborhood organization. Mr. Lodge replied that he was not contacted directly by this association, although the Applicant provided an affidavit in keeping with the public participation Ordinance. The outcome was recorded as positive by the Applicant.

Mr. Glassman also requested additional information regarding the amenities on the site. Mr. Vick replied that both the gazebo and barbecue areas are roughly 11 sq. ft., which provides room for seating approximately six people in each area. Mr. Lodge also clarified that space for garbage has been designated inside the garages, and trash will be rolled out to the curb. He was not able to confirm the exact location of trash pickup, but noted that the project will comply with other requirements of a residential area.

Ms. Golub noted that a great deal of the site will be paved. Mr. Lodge stated that the site meets minimum landscape requirements and will feature pervious pavers. Mr. Vick reviewed the renderings with Ms. Golub, adding that there are 16 ft. from the street edge to the property line, of which 5 ft. are sidewalk and 9 ft. comprise the parking area. Treetops on the site will pass over the property line and trees are also located on an adjacent property.

With regard to the project's amenities, Mr. Vick continued that the back yard is substantially larger than the front yard setback at roughly 1000 sq. ft., which will include both an open and a covered area. He also noted that there are no sidewalks around the perimeter of the property, as these areas are considered to be easements for accessibility only. He concluded that this is a mandatory requirement within the RM-15 zoning district. Mr. Lodge clarified that Code requires a 5 ft. minimum sidewalk along the street; the easements, however, are open space only.

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

Nancy Long, private citizen, advised that she is building a house across the street from the proposed development. She stated that her own permit required a 5 ft. water retainage, and expressed concern that although a 5 ft. retainage area and a 5 ft. easement would provide 10 ft. around the entire project, the project seems to take up the entire lot on which it is located. She also cited concerns regarding trees and animals in the area, additional parking on the street, and trash pickup.

Dan Suarez, private citizen, stated that his house is on the south side of the subject property. He noted his concern with the difference between the 5 ft. easement and the project's actual setbacks, as his home is located very close to the property line. He also expressed concern with flooding, pointing out that Code requires construction to build 3 ft. above the crown of the road, which will require a great deal of fill. He concluded that he would like to know what type of fencing will be placed on the property.

Ms. Golub noted that the site's narrative states a 6 ft. white vinyl fence will surround the subject property.

Mr. Vick replied that current Code requires developers to follow Federal Emergency Management Agency (FEMA) regulations, which set buildings and sites at a higher elevation. The Applicant plans to use a pre-cast, manmade subsoil drainage system. This system requires a retaining area, which Mr. Vick characterized as a dam, around the perimeter of the building, which in turn requires placement of a fence to hide the difference in the height of the soil. He concluded that the Applicant has considered different possibilities, such as block walls or wood or vinyl fences, and would be receptive to the neighborhood's wishes if they preferred another material.

Patrick Jandebeur, private citizen, stated that he resides to the east of the project and felt it was inappropriate for the surrounding neighborhood, as it would place five two- and three-story homes on one-third of one acre. He did not feel the proposed street parking was in character with the neighborhood, which does not have street parking elsewhere. He also cited concerns with density and trash pickup from the site.

Mr. Glassman asked if any of the members of the public had expressed these concerns at meetings of the neighborhood association. Mr. Jandebeur replied that the Applicant's claim of neighborhood association approval was not substantiated, as no minutes of association meetings were provided in the Application. He clarified, however, that he was not a member of the association. Mr. Suarez advised that he has attended association meetings in the past, but did not hear discussion of the project.

Ms. Desir-Jean expressed concern with the proposed on-street parking and requested additional information about this plan. Mr. Sherman explained that there were no original plans for on-street parking: it was the result of a Staff recommendation. Mr. Lodge advised that when Staff first reviewed the site, it appeared that cars were already being parked in a wide swale, which they felt the Applicant could accommodate for on-street parking.

Ms. Parker added that on-street parking also offers a solution for residents who have expressed concern regarding guest parking, but concluded that if the neighborhood is opposed to this plan, the swales could be improved instead. She pointed out, however, that a lack of on-street parking would mean two cars could be parked directly in front of the units to accommodate guest parking. Staff's concern was that bringing more surface parking in this area would also be incompatible with the neighborhood.

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.

Motion made by Ms. Maus, seconded by Ms. Desir-Jean, to approve with Staff recommendations.

Ms. Golub agreed that parking will continue in swales whether or not pavers and other parking features are added, and felt that these additions would make the neighborhood more attractive. She stated, however, that the bigger issue is the addition of five cluster units on a small space, and expressed concern with the amenities, which she did not feel were sufficient, and the project's overall density.

Ms. Maus confirmed that her **motion** was to approve the Application as presented, as she felt the on-street parking would be necessary. Ms. Desir-Jean stated that she would **withdraw** her **second**, as she did not feel this parking format suited the character of the neighborhood, and there are other options open to the Applicant. It was noted that the Applicant meets the parking requirement without the addition of the on-street spaces, and clarified that the Board may not make moving these spaces on-site a condition of approval.

Ms. Golub **seconded** Ms. Maus's **motion**.

In a roll call vote, the **motion** failed 3-4 (Chair McTigue, Mr. Glassman, Ms. Golub, and Ms. Maus dissenting).

Motion made by Mr. Heidelberger, seconded by Mr. McCulla, to approve the project with the elimination of the two street parking areas, subject to Staff conditions. In a roll call vote, the **motion** passed 4-3 (Mr. Glassman, Ms. Golub, and Ms. Maus dissenting).

3.	**Applicant / Project:**	Davie Blvd. Office, LLC / Davie Boulevard Office Building Plat
	Request: **	Plat Review
	Case Number:	PL15005
	General Location:	201 SE 12th Street
	Legal Description:	Lot 4, less the northeasterly 35 feet and Lot 3, less the east 16 feet less that portion lying northeasterly of the southeasterly extension of the westerly line of said northeasterly 35 feet of Lot 4, Block 2, PLACIDENA FIRST UNIT, as Recorded in Plat Book 2, Page 44, of the Public Records of Broward County, Florida, less the Right-of-Way.
	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.

Jonathan Keith, representing the Applicant, explained that Broward County has requested the re-platting of the subject property. The original plat for the property was issued in 1925; the subject property, which is approximately 18,000 sq. ft., is located on partial lots within this original plat, which is inappropriate for Broward County Land Development Code. The plat is consistent with both the underlying zoning and County requirements.

Mr. Engmann, representing Urban Design and Planning, stated that the Applicant wishes to plat a 0.42 acre site to allow up to 7500 sq. ft. of office use. The property is zoned Residential Office (RO) and is in the South Regional Activity Center land use category. An application to construct a two-story office building on the site has been reviewed by Staff as part of the DRC process. Staff recommends approval of the Application.

There being no other 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 Ms. Maus, seconded by Mr. Glassman, to approve with Staff conditions. In a roll call vote, the **motion** passed 7-0.

III. COMMUNICATION TO THE CITY COMMISSION

None.

IV. 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 8:01 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.]