



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 17, 2018 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair (arr. 6:45)	P	4	1
Howard Elfman, Vice Chair	P	5	0
John Barranco	P	4	1
Brad Cohen	P	4	1
Mary Fertig	P	4	1
Jacquelyn Scott	P	5	0
Jay Shechtman	P	5	0
Alan Tinter	A	3	2
Michael Weymouth	P	5	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
- Shari Wallen, Assistant City Attorney
- Karlanne Grant, Urban Design and Planning
- Florentina Hutt, Urban Design and Planning
- Tyler Laforme, Urban Design and Planning
- Yvonne Redding, Urban Design and Planning
- Adam Schnell, Urban Design and Planning
- Lorraine Tappen, 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

Vice Chair Elfman called the meeting to order at 6:35 p.m. and all recited the Pledge of Allegiance. The Vice Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Individuals wishing to speak on tonight's Agenda Items were sworn in at this time.

III. PUBLIC SIGN-IN / SWEARING-IN

Motion made by Mr. Weymouth, seconded by Ms. Fertig, to accept the minutes from [September 2018]. In a voice vote, the **motion** passed unanimously.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. R18033**	Preferred Partners Yield, LTD
2. V18006**	Broward County Board of County Commissioners
3. R17058**	50 Isle of Venice, LLC. c/o John A. Brown
4. R17057**	94-96 Hendricks Isle, LLC.
5. PL18008**	Powerline Center, LLC.
6. R18004**	Orton Place LLC
7. Z18004* **	Mahyoub & Sons, Inc.
8. V18007**	100 Avenue of the Arts, LLC.
9. T18008*	City of Fort Lauderdale
10. T18009*	City 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.

Ms. Parker requested the deferral of Item 10. The Board agreed to the deferral by unanimous consensus.

Ms. Scott asked if it would be necessary for Staff to read the entire Staff Report into the record for each Agenda Item, as this information is already included in the Board members' backup materials. Ms. Parker advised that this information may be included as part of the record if that is the Board's desire.

1. CASE:	R18033
REQUEST: **	Site Plan Level III; New 133,500 square foot three-story self-storage building with 6.5 acres of Commercial Flex allocation
APPLICANT:	Preferred Partners Yield, LTD
PROJECT NAME:	Fort Lauderdale Public Storage
GENERAL	
LOCATION:	5080 N State Road 7
ABBREVIATED LEGAL DESCRIPTION:	Parcel A, E.T.T. Plat as recorded in Plat Book 127, Page 8, less the west 652.21 feet of the south 200 feet thereof
ZONING DISTRICT:	Heavy Commercial/Light Industrial Business (B-3)
LAND USE:	Employment Center
COMMISSION DISTRICT:	1 – Heather Moraitis
CASE PLANNER:	Tyler Laforme

Disclosures were made at this time.

Debbie Orshesky, representing the Applicant, stated that the Item requests the expansion of an existing public storage facility constructed in the 1980s. The property's underlying land use is Employment Center, with surrounding land uses of Commercial. It currently serves as a storage facility and includes an underused parking area onto which the expansion is proposed. This would add approximately 130,000 sq. ft. of storage in a three-story climate-controlled building.

Ms. Orshesky explained that in 1985 the property was zoned B-3 with a Commercial land use designation. In 1989, the Fort Lauderdale City Commission implemented Florida's first Growth Management Act, which required broad Land Use Plan Amendments. Land uses were reassigned in large portions of the City, including the subject parcel, which was re-designated as Employment Center despite its existing use. This land use does not permit self-storage facilities or many of the uses on surrounding properties. By assigning a 6.5 acre overlay of commercial use on the subject property, its B-3 zoning would be consistent with the land use and the Applicant may expand.

The property's Site Plan includes additional landscaping and review of roadways. The entire site will be brought up to modern standards, with the existing frontage on State

Road (SR) 7 remaining unchanged except for signage. The proposed building will not be visible from nearby public streets.

Tyler Laforme, representing Urban Design and Planning, stated that the Applicant proposes construction of a new 133,500 sq. ft. three-story self-storage building on the subject property. The site's land use designation of Employment Center requires the allocation of 6.5 acres of commercial flex. The proposed development is surrounded by a variety of commercial uses which are consistent with the proposed project. Staff recommends approval of the request.

Mr. Shechtman asked why the City previously determined a different zoning designation was more appropriate for the property. Mr. Laforme replied that the discrepancy is due to the property's underlying land use rather than zoning. There was no history available on the methodology behind this decision.

Motion made by Ms. Fertig, seconded by Ms. Scott, to approve with the inclusion of the Staff Report as part of the record. In a voice vote, the **motion** passed 7-0.

Chair Maus joined the meeting at 6:45 p.m.

2. CASE:	V18006
REQUEST: **	Right-of-Way Vacation
APPLICANT:	Broward County Board of County Commissioners
PROJECT NAME:	Seven on Seventh
GENERAL LOCATION:	920 NW 7 th Avenue
ABBREVIATED LEGAL DESCRIPTION:	West 7.5 feet of Lots 16-24 together with the east 7.5 feet of Lots 25-34 of Block 204 of PROGRESSO, according to PB 2 PG 18 of PRDC, FL.
ZONING DISTRICT:	Northwest Regional Activity Center – Mixed Use East (NWRAC-MUe)
LAND USE:	Northwest Regional Activity Center
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Yvonne Redding

Disclosures were made at this time.

Debbie Orshefsky, representing the Applicant, advised that this request is for the vacation of an alley in the middle of a parking lot and an existing building. The alley has not been improved and does not include utilities; however, it bisects the site for which 80 to 100 affordable housing units are planned for construction.

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

Motion made by Ms. Fertig, seconded by Ms. Scott, to approve with the condition that the verbatim Staff Report be part of the record, including all the conditions in the Staff Report. In a roll call vote, the **motion** passed 8-0.

3. CASE:	R17058
REQUEST: **	Site Plan Level III; Waterway Use and Yard Modification for Eight Multi-Family Residential Units
APPLICANT:	50 Isle of Venice, LLC. c/o John A. Brown
PROJECT NAME:	50 Isle of Venice
GENERAL LOCATION:	50 Isle of Venice Drive
ABBREVIATED LEGAL DESCRIPTION:	NURMI ISLES ISLAND, No 4, Lot 52, according to PB 24, PG 43 of PRBC, FL.
ZONING DISTRICT:	Residential Mid-Rise Medium High Density (RMM-25)
LAND USE:	Medium-High
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Yvonne Redding

Disclosures were made at this time.

Matthew Craig, representing the Applicant, explained that the request is for a project that is very similar to other developments in its neighborhood. It includes eight units over one level of parking at the maximum height of 55 ft., with two units per floor. There are 17 parking spaces and 12 bicycle spaces required. The proposed condominiums are roughly 3000 sq. ft.

The Applicant requests a setback reduction, which is consistent with adjacent properties. The corners of the proposed buildings are “stepped in” on each side. Similar projects are located to the west and south. Shadow studies show that the project conforms to Code, and the project is compliant with the requirements of the Americans with Disabilities Act (ADA).

Ms. Scott requested clarification of dockage on the property. Mr. Craig replied that there is no dockage plan at this point, although improvements to the seawall are planned and boat slips may be added in the future. The addition of boat slips typically requires a

separate permit application, which would not come back before the Board. Boat slips would belong to condominium unit owners, with no plans for live-aboard vessels or boat lifts.

Yvonne Redding, representing Urban Design and Planning, advised that the request is for a yard modification and waterway use criteria modification. The Applicant has provided architectural characteristics similar to those of other buildings on Isle of Venice in order to justify the requested yard modification. The proposed building is set back 10 ft. on the sides with no balconies or encroachments within this distance. Front and rear yard modifications are also requested, which would allow the building to extend into the front right-of-way and the rear balconies and amenities to extend as well. Staff feels the request is appropriate and similar to other projects along the right-of-way.

Vice Chair Elfman asked if 10 ft. side setbacks are consistent with other projects along the street. Ms. Redding replied that these setbacks vary along the street, including some that are as close as 10 ft.

Ms. Parker noted that the width of the subject lot was taken into consideration: because it is approximately 120 ft. wide, smaller setbacks are not unsuitable and can provide waterway views from the street. Staff felt this project struck an appropriate balance in the subject neighborhood.

Ms. Scott asked if the similar projects to which Staff had referred were recent or older developments. Ms. Redding replied that similar projects are currently under construction and were approved in 2013 and 2014.

Mr. Shechtman commented that some older structures along the street have similar massing but greater density than the proposed project. Ms. Redding advised that along the subject isles, setbacks may vary, as there have been several yard reductions and modifications, including reductions to 10 or 15 ft. side yard setbacks.

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

Brian Mayhew, president of a condominium association near the proposed project, expressed concern with nearby developments, which he felt are responsible for impairment of traffic and unsafe conditions in the neighborhood. Because Isle of Venice allows on-street parking on both sides of the roadway, developers do not seek off-island parking for construction vehicles, which contribute to congestion in the area. He requested that the City look into this issue and enforce traffic regulations that do not permit construction vehicles to be parked in the neighborhood.

Mr. Mayhew continued that another issue is light pollution, and asserted that Code is not enforced on current buildings that contribute to this problem. He provided the Board with

photographs, stating that unshielded fluorescent lighting and the lack of façades result in brightly lit parking areas that exceed Code restrictions.

Chair Maus asked if developers are required to submit staging plans for the location of vehicles during construction. Ms. Parker replied that projects are typically required to stage on their own site or enter into private agreements with other sites. They are not intended to stage within the City right-of-way. Residents with concerns regarding staging are advised to contact the Building Department.

Chair Maus also asked if Urban Design and Planning conducts review to ensure that lighting does not spill over from projects or adversely affect the surrounding neighborhood. Ms. Parker responded that lighting is typically reviewed by the Development Review Committee (DRC). Staff seeks to ensure that there is appropriate screening material in garages at the level of car lights.

Yvonne Redding, representing Urban Design and Planning, stated that the Applicant has prepared an area lighting plan that shows measurements to property lines are within 0.5 foot candle, which is the minimum Code requirement. The Applicant is willing to further shield reflections from within the garage if needed.

Mr. Shechtman asked if the addition of shade trees along the right-of-way could mitigate light pollution. Ms. Redding advised that landscaping might be more suitable than shade trees, as the intent is not to obstruct views to the waterway. Mr. Shechtman expressed concern that modern developments in the area may not give sufficient consideration to a shade canopy for the street.

Vice Chair Elfman asked how the Board might ensure the Applicant takes additional care to shield light pollution from spilling over onto neighboring properties. Ms. Parker replied that the Board may make appropriate shielding a condition of approval.

Vice Chair Elfman also asked if the project will offer guest parking on the premises. Ms. Parker stated that the Applicant will provide the parking required by the building, with no proposal for on-street parking. Guest parking is included with the building's parking requirement.

Chair Maus requested that the Applicant provide Mr. Mayhew with contact information so he may reach out if issues arise during development.

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 commented that reducing the side yard setbacks from 27 ft. to 10 ft. also reduces the opportunity to provide additional landscaping. She pointed out that the proposed building would only be the second five-story structure on the isle, and recommended that there be outreach to nearby homeowners' associations to ensure

there is an overall plan for continued development. She expressed concern with the size of the requested reduction.

Mr. Barranco stated that he was concerned with the possibility of light pollution, and recommended that lack of spillover be made a condition before the property is issued a Certificate of Occupancy (CO). He also felt it would be beneficial to shield light from the garage with a barrier that could be integrated into the property's architecture.

Ms. Scott echoed Ms. Fertig's concern with setback reductions on a lot-by-lot basis, as well as with lighting on the site.

Mr. Barranco also addressed setback requirements, pointing out that the City sought to avoid the monotony of buildout to a particular setback by allowing developers to modify façades and make other architectural changes. He suggested that it may be appropriate to discuss this policy at greater length with Staff in the future.

Motion made by Mr. Barranco, seconded by Mr. Cohen, to approve the development with conditions that the Certificate of Occupancy [include] the additional requirement of the CO to confirm that light levels at the property line meet Code, as well as providing a 3 ft. high opaque barrier at the perimeter of the parking lot, integrated into the architectural screen. In a roll call vote, the **motion** passed 5-3 (Chair Maus, Ms. Fertig, and Ms. Scott dissenting).

4. CASE:	R17057
REQUEST: **	Site Plan Level III; Waterway Use and Yard Modification for Seven Multi-Family Residential Units
APPLICANT:	94-96 Hendricks Isle, LLC.
RPROJECT NAME:	94 Hendricks
GENERAL LOCATION:	94 Hendricks Isle
ABBREVIATED LEGAL DESCRIPTION:	Lot 3, Block 4, of "Victoria Isles", According to the Plat Thereof, as Recorded in Plat Book 15, Page 67, of the Public Records of Broward County, Florida
ZONING DISTRICT:	Residential Mid-Rise Medium High Density (RMM-25)
LAND USE:	Medium-High
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Florentina Hutt

Disclosures were made at this time.

Assistant City Attorney Shari Wallen advised that this Item includes a request for party status, which means the requesting party must prove they have a special interest that is different from the interest of the public at large. Their interest would be affected by approval of the project. Factors to consider regarding party status include the following:

- Proximity of the subject property to the requesting party's property
- Character of the neighborhood
- Existence of common restrictive covenants and setback requirements
- Type of change proposed
- Whether or not the individual(s) requesting party status are required to receive notice under Code

Attorney Wallen concluded that according to case law, simply being an abutting property owner is not sufficient to prove an individual or individuals are entitled to party status.

Steve Tilbrook, representing Bill and Darlene Fleming, who are requesting party status, stated that the Flemings are longtime owners of a single-family home directly abutting the subject property. The Applicant's request is for a setback modification for a proposed five-story building, 55 ft. in height, within 10 ft. of his clients' property. He requested the ability to present evidence to the Board that the proposed project is different from the prevailing development patterns of Hendricks Isle.

It was asked if there is any specific legality associated with granting party status. Attorney Wallen replied that the individuals' representative may present evidence and has the right to cross-examine witnesses.

Motion made by Ms. Fertig, seconded by Vice Chair Elfman, to grant the party status. In a voice vote, the **motion** passed 7-1 (Mr. Cohen dissenting).

Matthew Craig, representing the Applicant, stated that the subject lot is 100 ft. in width and will include four habitable floors over a single level of parking. The parking area will be slatted and the Applicant is willing to incorporate features such as an opaque barrier and shielded lighting if that is the Board's desire. The existing parking plan limits light spillover to 0.5 foot candles.

Mr. Craig described some of the project's features, including an internal elevator, stepped-in balconies on the building's front and rear corners, and opaque window glass to prevent visual intrusion. He characterized the project as fitting in with other developments on the street. The Applicant requests a setback reduction to 10 ft.

Massing and shadow studies for the project show that it would be more restrictive than Code. The required 15 parking spaces will include 12 at-grade spaces as well as three spaces that use car lifts. The building will be maintained by a condominium association. The screened parking area will use opaque walls on its north and south sides, which face residential areas, to prevent light spillover.

Florentina Hutt, representing Urban Design and Planning, explained that the request is for Site Plan Level III review with waterway use and yard modification for several multi-family residential units. The project will consist of seven residential units in a five-story structure. Project amenities will be located at the rear of the property. The requested setbacks would allow the pool and deck to be placed within the 20 ft. landscaped area adjacent to the waterway.

The Application has been reviewed by the DRC and all comments have been addressed. Staff has also reviewed the project for compliance with Code, including waterway use criteria. The building is set back 20 ft. from the waterway, and waterway views are provided through 10 ft. side yard setbacks.

Staff also reviewed the project for compliance with yard modification criteria, which require that it provide continuity of architectural features with adjacent properties and encourage pedestrian interaction between the proposed project and the existing neighborhood. The Applicant requests to reduce yard setbacks from the required 27 ft. 6 in., or half the height of the building, to 10 ft. for side setbacks, 20 ft. for the rear setback, 25 ft. at the ground level for the front setback, and 70 ft. 1 in. for the balconies on the building's second through fifth levels. Staff found the project to be compliant with these criteria.

A pedestrian experience has been provided through a sidewalk connection along the street, which is separated from traffic by a landscape buffer and on-street parking. Properties surrounding the site are zoned RMM-25, which is the same zoning district as the subject property. Mass and scale of buildings in proximity to the project vary from one to five stories in height. The project requires 15 parking spaces, which will be provided as well as one on-street parking space.

The Applicant held a public participation meeting on August 22, 2018, and complied with sign notification requirements. Staff recommends approval of the request.

There being no questions from the Board at this time, Chair Maus opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board. It was noted that Mr. Tilbrook's client wished to briefly address the Board following his presentation.

Mr. Tilbrook stated that his clients have sought to express their concerns with the project to both City Staff and the Applicant through a series of questions and requests for additional information. There have been no responses thus far. His clients are requesting a 30-day continuance so they may meet with the Applicant to discuss the project.

Mr. Tilbrook explained that his clients' property is a one-story single-family home located directly north of the proposed project. Their property includes an 8 ft. setback. He characterized the issue as one of compatibility, including how the project's design meets

the compatibility requirement and whether or not the project is consistent with the intent of the RMM-25 zoning district and the development pattern in the surrounding area.

The RMM-25 district requires a setback equaling 50% of the building's height. Code includes criteria by which this setback may be reduced to a minimum of 10 ft. These criteria include the following:

- An architectural study showing that the setback reduction will result in a superior architectural project
- Compatibility with adjacent properties
- Conformity of architectural appropriateness with adjacent properties
- Continuity of urban scale with adjacent properties
- Minimum of four special architectural features, such as terraces, height variations, cantilevering, building mass changes, stepbacks, and others as outlined in Code

Mr. Tilbrook asserted that his clients are concerned the Applicant is requesting conditions without meeting the proper criteria. He provided photos of other nearby properties, which he described as more compliant with the requirement for continuity of urban scale as well as the predominant development pattern of the neighborhood.

Mr. Tilbrook concluded that he wished to enter the photographs, the questions submitted by his clients to the Applicant and Staff, and the subject property's Code Enforcement history into the record for this Item.

Darlene Fleming, private citizen and neighbor to the subject property, stated that she is a longtime resident of the parcel directly adjacent to the site. She advised that there was no notice of the public meeting held to discuss the Application until one to two weeks ago.

Vice Chair Elfman requested additional information regarding the Applicant's public participation compliance. Ms. Hutt replied that this was included as Exhibit 3 in the Staff Report.

Motion made by Ms. Fertig, seconded by Ms. Scott, to defer [the Item] until the November meeting and request a response to [Ms. Fleming's] questions. In a roll call vote, the **motion** passed 7-1 (Mr. Cohen dissenting).

5. CASE:	PL18008
REQUEST: **	Plat Approval
APPLICANT:	Powerline Center, LLC.
PROJECT NAME:	Powerline Center Plat
GENERAL	5900 N. Powerline Road

LOCATION:

ABBREVIATED LEGAL DESCRIPTION: 10-49-42 S1/2 OF SW1/4 OF NW1/4 OF SW1/4 LESS W 35 FOR CO RD R/W & LESS S 200
ZONING DISTRICT: General Industrial (I)
LAND USE: Industrial
COMMISSION DISTRICT: 1 – Heather Moraitis
CASE PLANNER: Yvonne Redding

Disclosures were made at this time.

Jane Storms, representing the Applicant, advised that the request is a plat application. The project's Site Plan has been reviewed and approved by the DRC.

Motion made by Mr. Shechtman, seconded by Ms. Scott, 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. As there were no individuals wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Elfman, seconded by Mr. Shechtman, to approve and make the Staff Report part of the record. In a roll call vote, the **motion** passed 8-0.

6. CASE: **R18004**
REQUEST:** Site Plan Level IV; Eighteen Multifamily Residential Units
APPLICANT: Orton Place LLC
PROJECT NAME: 527 Orton
GENERAL LOCATION: 527 Orton Avenue
ABBREVIATED LEGAL DESCRIPTION: Birch Ocean Front Sub 19-26 B Lot 4 and 5 Blk 5
ZONING DISTRICT: North Beach Residential Area (NBRA)
LAND USE: Central Beach Regional Activity Center
COMMISSION DISTRICT: 2 – Steven Glassman
CASE PLANNER: Lorraine Tappen

Disclosures were made at this time.

Courtney Crush, representing the Applicant, advised that the subject property is located within Fort Lauderdale's Central Beach Regional Activity Center (Central Beach RAC) and is zoned North Beach Residential Area (NBRA). The property includes two parcels, one of which includes a three-unit residence and the second of which is vacant.

There are various portions of the Fort Lauderdale Beach with different uses and intensities, including resort hotels, multi-family residential, and others. The Applicant proposes 18 residences for sale on the property, which would mean the addition of 15 new residences. This will include the addition of green space both on the subject property and in the right-of-way.

The front setback for the proposed residential building is 20 ft. The Applicant proposes to extend a sidewalk and swale beyond the property line into Orton Avenue. Other properties along the street will also have the opportunity to participate in streetscape improvements.

The proposed project would be 6 stories/75 ft. in height, with the measurement extending to the top of the railing on the building's active roof deck. Ms. Crush showed renderings of the proposed building, noting that the project was presented to the Central Beach Alliance (CBA) in January and March 2018. The building's design was modified in response to comments from neighbors of the properties. Two ADA-compliant parking spaces are located outside the gates of the residence, and some of the 36 spaces within the gates will use car lifts.

The project meets density and parking requirements and requests setbacks under the Development of Significant Impact criteria. Side and rear setbacks within the Central Beach RAC are required to be half the height of the building unless the Development of Significant Impact criteria are met. The project must be consistent with the Beach Revitalization Plan and Code criteria for private sector design guidelines. The City Commission will ultimately determine whether or not the proposed project meets the Development of Significant Impact criteria. Setbacks on the property are not uniform.

Motion made by Ms. Scott, seconded by Mr. Weymouth, 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.

Debbie Rosenbaum, president of the Central Beach Alliance (CBA), stated that she was supportive of the Application. She read a letter from the CBA into the record, noting that the organization voted in favor of the project by a large majority.

Vice Chair Elfman requested clarification of how many CBA members voted on the project. Ms. Rosenbaum estimated that approximately 80 members were in attendance.

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. Scott asked why the Applicant was not allowed parking on Orton Avenue. Lorraine Tappen, representing Urban Design and Planning, replied that Staff determined this area must remain pervious in order to meet adequacy and drainage requirements. It will include a bio-swale, which is consistent with the Beach area.

Motion made by Ms. Fertig, seconded by Mr. Cohen, to approve with Staff conditions and with the full Staff Report as part of the record. In a roll call vote, the **motion** passed 7-1 (Chair Maus dissenting).

7. CASE:	Z18004
REQUEST: * **	Rezoning from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) to Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) District
APPLICANT:	Mahyoub & Sons, Inc.
PROJECT NAME:	909 Sistrunk
GENERAL LOCATION:	909 Sistrunk Boulevard
ABBREVIATED LEGAL DESCRIPTION:	Lots 9 & 10 of June Park P.B. 22, Page 16 Broward County Records, Less Portion for Road Right-of Way and that Portion of the East ½ of the Vacated Alley Adjacent to Lots 9 & 10, Broward County, Florida <u>Current:</u> Residential Mid Rise Multifamily/Medium High Density District (RMM-25) <u>Proposed:</u> Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw)
ZONING DISTRICT:	
LAND USE:	Northwest Regional Activity Center
COMMISSION DISTRICT:	3 – Robert L. McKinzie
CASE PLANNER:	Randall Robinson

Disclosures were made at this time.

Debbie Orshefsky, representing the Applicant, stated that the request is for rezoning of a portion of a 0.6 acre parcel. This portion includes the site's parking lot, which is zoned RMM-25. The rest of the parcel and the surrounding area are zoned Northwest Regional Activity Center Mixed-Use West (NWRAC-MUw).

Ms. Orshefsky explained that the property's current residential zoning is inconsistent with its actual use as a commercial parking lot. Incorporating commercial zoning along this portion of the corridor would continue the commercial character of the area. She reviewed the criteria for the zoning change, including:

- Compatibility with the City's Comprehensive Plan
- Proposed rezoning will not adversely affect the character of development in or near the subject site
- Character of the area surrounding the parcel proposed for rezoning is compatible with uses permitted in the proposed zoning district

Ms. Orshefsky referred to the Staff Report, which states that the NWRAC-MUw parcel would not intrude into the residential areas north and west of the mixed-use corridors. This zoning would reinforce the "Main Street" character of Sistrunk Boulevard. The proposed rezoning would bring the existing use of the parcel into compliance with its zoning.

The Applicant has had numerous discussions with the surrounding community, including a public participation meeting. The developer hopes to use the site to facilitate the revitalization of the Sistrunk Corridor. The rezoning is the first step of the revitalization process.

Randall Robinson, representing Urban Design and Planning, stated that the request is for the rezoning of 0.285 acre of a 0.632 acre parcel from RMM-25 to NWRAC-MUw. This would unify the site under a consistent zoning designation in order to construct a 40 ft. high mixed-use building, which would include the renovation of an existing building on the site. A Site Plan will be submitted if the rezoning is granted.

Mr. Robinson referred to the second rezoning criterion, which states the proposed rezoning would not adversely affect the character of development in or near the subject area. The property's future land use designation is Northwest RAC, which encourages mixed-use projects along main corridors. The Sistrunk Boulevard corridor is undergoing significant mixed-use redevelopment, and the proposed rezoning will permit a mixed-use project that is consistent and compatible with other projects in the area.

The third rezoning criterion refers to the character of the area and compatibility of uses surrounding the parcel. The Sistrunk Boulevard and Powerline Road corridors are comprised of a mix of uses, which means the rezoning would not change the character of the area or the pattern of mixed-use corridors adjacent to residential areas. To protect existing residential areas from adjacent development, building articulation, buffers, and setback provisions will be assessed and applied through the DRC process.

The City's Comprehensive Plan encourages redevelopment and expansion of employment opportunities in the Northwest RAC, as well as mixed-use projects and

implementation of streetscape designs and urban enhancements for Sistrunk Boulevard. Staff recommends approval of the project.

Mr. Cohen requested information on how the site's parking lot came to be zoned RMM-25. Mr. Robinson advised that the site likely received its current designation in 1997 when the City's zoning map was revised. There are two-story multi-family residential buildings behind the subject property.

Ms. Scott asked if the project would come back before the Board at a later date if they approve the rezoning request. Ms. Crush replied that NWRAC-MUw is subject to Site Plan Level II, which would only require administrative review with potential for call-up by the City Commission.

Chair Maus requested clarification of the setback requirements for Northwest RAC zoning. It was noted that this zoning category requires 15 ft. setbacks when abutting residential property.

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

Scott Strawbridge, representing the Housing Authority for the City of Fort Lauderdale, provided supporting documents for the record. He asserted that he spoke on behalf of approximately 200 senior citizens who live next door to the subject site and another 1800 residents who live within walking distance of the site. These residents have not yet had a meaningful dialogue with the Applicant.

Mr. Strawbridge continued that Broward County's Comprehensive Plan includes an environmental justice policy, which states that local and regional land use policy and public infrastructure/services decisions should ensure environmental justice when considering the impact of these decisions on vulnerable populations such as the economically disadvantaged, racial and ethnic minorities, the elderly, the homeless, low-income children, and persons with chronic health conditions. The census tract where the subject site is located reflects that residents are more likely to have fair or poor health status.

Chair Maus requested clarification of how the proposed project will affect these concerns. Mr. Strawbridge replied that many elderly residents near the subject site use the store as a source for healthy food. There is a lack of transit availability in the area which could take them to other stores. The project's developer had not been willing to defer the project in order to further discuss these issues.

Mr. Shechtman asked if the developer has considered creating a space that could be leased by a grocery store, or if s/he is committed to another specific type of tenant. Ms. Orshefsky replied that while there was previous consideration of a gym at the subject site, these plans were disregarded in response to community concerns as well as

interest from retailers who want to come into the area. She characterized the current tenant of the site as similar to a large convenience store with prepared food items. These uses would be consistent with roughly 19,000 sq. ft. of ground floor retail, which would be available under the current development plan.

Marie Huntley, president of the Home Beautiful Park Civic Association, stated that she was neither opposed to nor supportive of the project at this time, but would like the opportunity to speak with the developer and ask questions on behalf of the surrounding community. She explained that the community was not provided with a firm date for the public meeting and did not participate in the public process. She added that neighborhood residents, many of whom are senior citizens, are dependent on the current store for fresh groceries.

Anna Henry, private citizen, advised that over time, growth and prosperity have occurred around the Sistrunk Corridor but not within it. She expressed concern with the proposed rezoning, stating that there is enough space in the area to develop on other sites. She felt any development within the Sistrunk Corridor should help the community to sustain itself.

Margaret Haney Birch, private citizen, recalled that development of the Sistrunk Corridor was promised many years ago and is now beginning. While the current store is significant within the area's history, she did not feel it added to the improvement or development of the corridor. Ms. Birch requested that the Application be approved so the growth and development of the Sistrunk Corridor may continue.

Emmanuel George, private citizen, felt the public outreach to the community did not reach enough residents, and recommended that the project be delayed until further conversation can occur between the community and the developer.

Jesse Allen, private citizen, described the current store at the subject location as meaningful to the history of the community. He felt rezoning the parcel for redevelopment may not be appropriate without further discussion.

Sonya Burrows, private citizen, stated that she is in favor of the proposed rezoning. She agreed with the characterization of the current store as a large convenience store that did not provide a great many healthy grocery options. She added that when the project was discussed at the public meeting, the primary issue was not rezoning but height, and the developer had responded to the community's concerns. She concluded that the site is on the fringe of the community rather than in the heart of a residential area.

Ms. Burrows added that if the Application is approved, members of the community would like assurance that they would be able to see the Site Plan due to their concerns regarding height. It was reiterated that administrative approval would mean the Site Plan would not come back before the Board; however, public participation is required during the Site Plan phase of approval, and the plan would be subject to call-up by the

City Commission. Some conditional uses, including height, could bring the Site Plan before the Board.

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. Orshefsky addressed some of the concerns raised by neighborhood residents, stating that the Applicant hoped to rectify any breakdown in communications with individuals. She added that the developer is in discussions with the community regarding the project's design. The Northwest RAC permits a maximum height of 45 ft., which may not be exceeded without City Commission approval. The Applicant has not determined if additional height will be pursued.

Motion made by Ms. Fertig, seconded by Mr. Weymouth, to approve with all conditions in the report.

Mr. Barranco commented that rezoning was likely to enhance the possibility that the subject property would contribute more to the neighborhood as a mixed-use development. He emphasized the need for the developer to work with the community to identify and attract uses needed in the area.

Ms. Scott expressed concern with approving the rezoning request before the Board knows how large or tall the building on the site may be, particularly as the Item will not come back before them. Ms. Parker reiterated the review criteria for rezoning which were stated during Ms. Orshefsky's presentation.

Mr. Cohen pointed out that the Board has heard no input from residents living next door to the subject property. He echoed Ms. Scott's concern regarding the fact that the project was not likely to come back before the Board again, and concluded that the Applicant should be given additional time to speak with nearby residents.

Mr. Shechtman asked if the Applicant was open to offering a lease to the current business on the site as a tenant of the proposed mixed-use project. Ms. Orshefsky confirmed this is a possibility. Mr. Shechtman agreed with Mr. Cohen that the Applicant be granted an additional 30 days to continue this and other discussions with the community.

Ms. Fertig pointed out that the proposed rezoning would make the property and its uses consistent with most of the surrounding area. Mr. Weymouth agreed, noting that the RMM-25 zoning parcel has been used for years as a parking lot. The NWRAC zoning district would allow the Applicant more flexibility in use of the property.

Mr. Barranco asked what maximum height is permitted by right in the RMM-25 zoning district. Mr. Robinson replied that this maximum is 60 ft., which is higher than what is allowed by right in the Northwest RAC.

Chair Maus informed the public that if the Item is approved at tonight's meeting, any resident may reach out to a City Commissioner and request that the Application be called up for a public hearing before the Commission.

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

Ms. Parker clarified that the maximum structure height for most uses in the RMM-25 district is 35 ft., with 55 ft. allowed for multi-family uses.

Motion made by Mr. Shechtman, seconded by Mr. Weymouth, for reconsideration [of the Item's denial].

Assistant City Attorney D'Wayne Spence explained that the City Commission considers a failed motion to be the same as a denial. This failure would require the Applicant to appeal the Item to the City Commission. In order to allow for deferral of the Item, the Board must reconsider and vote upon the previous action, after which they may offer a motion for deferral. Mr. Cohen noted that it is also possible for Ms. Fertig to **withdraw** her earlier **motion** to approve the Item.

In a roll call vote, the **motion** for reconsideration passed 7-1 (Chair Maus dissenting).

Ms. Fertig **withdrew** her earlier **motion** for approval of the Item, requesting that the Board be provided with a copy of the notice given for any additional community meeting(s), as well as a record of attendance at the meeting(s) to ensure they do not hear conflicting information regarding this public outreach. She also requested that they be provided with backup materials related to previous meetings.

Motion made by Ms. Fertig, seconded by Mr. Cohen, to defer to the November meeting. In a roll call vote, the **motion** passed 8-0.

8. CASE:	V18007
REQUEST: **	Right-of-Way Vacation; Ten-foot wide alley between NW 6 th Avenue and NW 7 th Avenue, south of NW 2 nd Street and north of West Broward Boulevard
APPLICANT:	100 Avenue of the Arts, LLC.
PROJECT NAME:	100 Avenue of the Arts
GENERAL LOCATION:	100 NW 7 th Avenue
ABBREVIATED LEGAL DESCRIPTION:	A Tract of Land Being a Portion of the 10 Foot Wide Alleyway in Block 8 of "Bryan Subdivision", According to the Plat Therefore, as Recorded in Plat Book 1, Page 18,

of the Miami-Dade County Public Records.

ZONING DISTRICT: Regional Activity Center- West Mixed Use District (RAC-WMU)
LAND USE: Downtown Regional Activity Center
COMMISSION DISTRICT: 3 – Robert L. McKinzie
CASE PLANNER: Adam R. Schnell

Disclosures were made at this time.

Debbie Orshefsky, representing the Applicant, showed a PowerPoint presentation on the Application, which requests vacation of an alleyway. The Applicant contacted neighboring property owners to the north and south of the parcel in conjunction with the vacation. All owners have consented to the vacation. The subject site is located in the Downtown RAC and has undergone DRC review. Staff has worked closely with the Applicant to plan for the relocation of utilities.

Adam Schnell, representing Urban Design and Planning, stated that the Staff Report refers to two conditions of approval of the Application. A previous condition, which required a cross-access easement be recorded along the west side of Lots 13-14 to maintain adjacent property egress to NW 2nd Street, has been removed, replaced with an acknowledgement that a cross-access easement along the west side of these lots will be maintained to provide property egress to NW 2nd Street as part of a separate City Commission Agenda Item. Conditions 2, 3, and 4 will only apply to the portion of the alleyway fronting Lots 7, 6, 18, and 19.

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

Motion made by Mr. Cohen, seconded by Vice Chair Elfman, to approve with the amended Staff Condition. In a roll call vote, the **motion** passed 8-0.

9. CASE:	T18008
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-20, Parking and Loading Requirements to Permit Applications for Parking Reduction Requests for Affordable Housing Developments, Revising Parking Requirements, and Providing for a Review Process
APPLICANT:	City of Fort Lauderdale

GENERAL
LOCATION: City-Wide
CASE PLANNER: Karlanne Grant

Karlanne Grant, representing Urban Design and Planning, stated that the request would amend the City of Fort Lauderdale's Unified Land Development Regulations (ULDR) to create a parking standard requirement for affordable housing units, permit parking reductions for affordable housing developments, and provide a review process for parking reductions for affordable housing applications.

Ms. Grant explained that the demand for affordable housing options has been identified as a priority issue by the City Commission as part of the City's Annual Action Plan for fiscal year (FY) 2019. The proposed amendments are intended to allow for more realistic parking accommodations for these developments.

The standard parking reduction established in the ULDR typically requires the Site Plan Level III for commercial uses. It is only allowed for residential uses within RAC zoning districts. This means in the past, projects have requested either a variance or a parking reduction through the RAC zoning districts. Staff used data from the American Planning Association's Planning Advisory Service, which revealed that several municipalities nationwide have generally reduced minimum parking requirements for affordable housing developments. This data also shows that households with lower incomes purchase and own cars at a lower rate than those with higher incomes.

The first proposed Amendment would provide a parking standard ratio of one parking space per dwelling unit for affordable housing units. This ratio may only be applied to affordable housing units: if a development provides both affordable and market-rate housing units, the ratio may only be applied to the affordable units.

The second proposed Amendment would permit affordable housing developments to request parking reductions as part of the Site Plan Level I process. This provision is already allowed in the Northwest Progresso-Flagler Heights Community Redevelopment Agency (CRA), and Central City. Site Plan Level I applications must meet the same criteria as Site Plan Level III applications, but will require less time and fewer costs associated with processing these requests.

The final proposed Amendment would allow affordable housing developments to count on-street parking in front of the parcel toward their parking requirements. This provision is already allowed in the Northwest Progresso-Flagler Heights CRA and the Central City.

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

Scott Strawbridge, representing the Housing Authority for the City of Fort Lauderdale, stated that he has worked with Staff on this Item, and that administrative reductions

within the Northwest CRA have been successful. Engineers will be able to oversee site-specific data. He concluded that he is in favor of the Item.

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 asked if Staff considered a recent City-wide parking study when framing the proposed Amendments. Ms. Grant replied that research regarding the Item considered affordable housing throughout the nation from the Planning Advisory Services of the American Planning Association. and cannot speak to what the City-wide parking study focused on, but will verify if it included affordable housing. Ms. Fertig requested that Staff refer to the parking study as the approval process continues in order to ensure the Amendments are not based upon old data.

Motion made by Mr. Cohen, seconded by Ms. Scott, to approve. In a roll call vote, the **motion** passed 8-0.

V. COMMUNICATION TO THE CITY COMMISSION

Vice Chair Elfman recalled that when issues such as lighting of projects and staging of vehicles during construction were discussed at tonight's meeting, it was not always clear that actual solutions had been reached. He urged Staff to work toward these solutions during the DRC process. Ms. Parker confirmed that Staff will continue to look into ways to shield lighting from spilling over into neighborhoods and provide photometric plans in the members' backup materials.

Vice Chair Elfman continued that in other cases at tonight's meeting, it was difficult to determine whether or not there was true neighborhood participation as well as a letter from the appropriate civic organization. Ms. Parker clarified that the Public Participation Ordinance states an Applicant must show an affidavit and provide a summary of what happened at the meeting. These materials are typically included in the members' backup materials.

Vice Chair Elfman concluded that while he was pleased with the streamlining of Staff Reports during the meeting, he also felt it was important for Staff to provide a brief summary to the Board members. Ms. Parker suggested that Staff could outline the criteria related to requests rather than read the full Staff Report into the record.

Ms. Fertig recalled that at the September meeting, the Board heard a presentation from members of a civic organization that hoped to encourage changes in the City's approval process. She recommended hearing Staff address some of these issues in the future, beginning with wind vortices and how the City may achieve greater compliance with national standards.

Ms. Parker explained that Staff has a multitude of assignments in their individual workloads, including directives from the City Manager's Office. She suggested if the Board recommends an item or items to the City Commission, the City Manager may then direct Staff to conduct additional research into those issues.

Mr. Shechtman noted that residents of a given neighborhood may spend years working to determine what can be done to mitigate the effects of increased traffic generated from the Downtown area; however, neighborhoods often discover that no funding is available to carry out the measures they have approved. He pointed out that impact fees paid by developers do not seem to go to residential neighborhoods abutting RACs, which experience vehicles cutting through their communities. He suggested that park impact dollars could be allocated to residential neighborhoods that have approved master mobility plans.

Ms. Fertig returned to Mr. Shechtman's concerns, suggesting that the Board ask the City Commission to allow them to review neighborhood mobility plans, including what funding will be available for these plans and when. Mr. Shechtman pointed out that these studies are complete and have been approved by the neighborhoods, and reiterated that he felt a portion of park impact fees should be allocated to these communities to mitigate their concerns.

Attorney Spence advised that impact fees are collected specifically for parks, and can only be expended for that purpose under State Statute. Ms. Fertig concluded that she would discuss this issue further at a subsequent meeting.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker advised that the Board's November 13, 2018 meeting will be held on a Tuesday due to the Thanksgiving holiday.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:28 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

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