

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MAY 19, 2010 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2009-May 2010	
		Present	Absent
Tom Welch, Chair	P	9	2
Patrick McTigue, Vice Chair	P	11	0
Maria Freeman	P	9	2
Rochelle Golub	P	9	2
Catherine Maus	P	9	2
Mike Moskowitz	A	9	2
Michelle Tuggle	P	10	1
Peter Witschen	P	10	1

Staff

Greg Brewton, Director of Planning and Zoning
 Sharon Miller, Assistant City Attorney
 Thomas Lodge, Planner II
 Randall Robinson, Planner II
 Anthony Fajardo, Planner III
 Mohammed Malik, Code Inspector
 Carol Ingold, Parks and Recreation Department
 Frank Snedaker, City Architect
 Cheryl Felder, Service Clerk
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None at this time.

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	<u>Case Number</u>	<u>Applicant</u>
1.	4-ZPUD-08** *	First Presbyterian Church of Fort Lauderdale
2.	5-Z-10** *	St. Thomas Aquinas High School, Inc.
3.	6-Z-10** *	City of Fort Lauderdale
4.	2-Z-10** *	City of Fort Lauderdale
5.	Communications to the City Commission	
6.	For the Good of the City	

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.

Call to Order

Chair Welch called the meeting to order at 6:33 p.m. Roll was called and all stood for the Pledge of Allegiance. The Chair introduced the Board members.

Motion made by Ms. Golub, seconded by Mr. Witschen, to approve the minutes of the April 21, 2010 meeting. In a voice vote, the **motion** carried unanimously.

Members of the Planning and Zoning Department were introduced, and Attorney Miller explained the quasi-judicial process used by the Board.

1. **First Presbyterian Church of Fort Lauderdale** **Randall Robinson** **4ZPUD08**

Request: ** * **Rezone from Boulevard Business District (B1), Residential Single Family/Low Medium Density District (RS-8), Limited Residential Office District (ROA) and Community Facility-House of Worship District (CF-HS) to Planned Unit Development District (PUD) with Site Plan Review**

Legal Description: All of Lots 6,7,8,9,10,11,12,13,14,15,16,17,18,19 and 20, Block 34, less the north 10 feet of said Lot 7, Block 34; all of lots 1,2,3,4,5,6,7 and 8, Block 38, together with that certain 10 foot alley in Block 38, COLEE HAMMOCK, according to the Plat thereof as recorded in P.B. 1, P. 17 of the Public Records of Broward County, Florida

TOGETHER WITH:

All of Blocks 24 and 35, RESUBDIVISION OF BLOCKS 24 & 35 OF COLEE HAMMOCK, according to the Plat thereof as recorded in P.B. 56, P. 48 of the Public Records of Broward County, Florida

Address: 1224 East Las Olas Boulevard

General Location South side of Las Olas Boulevard between Tarpon Drive and 15 Avenue

District: 4

Chair Welch advised that Item 1, the Application from First Presbyterian Church of Fort Lauderdale, had been continued from the April 21, 2010 meeting; however, as the Board would not have a quorum present to hear this Item, another date must be determined for this continuation. He stated that two dates, May 27 and June 8, 2010, are available for this meeting.

Mr. Witschen stated that he had requested Staff to develop 3D models for the parcels involved in this Application, and had asked the City Commission what uses could fit within these parcels. He asked if these might be available in time for the proposed May 27 date. Planning and Zoning Director Brewton replied Staff will have the requested 3D modeling available.

Attorney Miller added that the information requested by Mr. Witschen is available to any interested parties if they will provide email information or addresses.

Mr. Witschen requested that the Board consider the May 27 meeting date. Director Brewton confirmed that this would be the only Item scheduled to be heard on that date.

Motion made by Mr. Witschen, seconded by Vice Chair McTigue, to set Item 1 until a time certain 6:30 p.m. on Thursday, May 27, 2010.

Ms. Golub and Ms. Tuggle expressed concern that the meeting would be scheduled for the Thursday preceding the Memorial Day Holiday weekend. Ms. Golub asked if it is certain that the parties involved will be present on that date.

Robert Lochrie, representing the Applicant from Item 1, asserted that the Applicant will be present for the meeting. Jim Brady, who had spoken on behalf of the Colee Hammock Homeowners' Association, stated he would be present, but could not confirm that the expert witnesses associated with his position would be able to attend.

Ms. Golub again stated her concern was that all necessary expert witnesses might not be present. Attorney Miller advised the City would keep the room reserved for the June 8, 2010 date in case it is needed.

In a roll call vote, the **motion** carried 7-0.

2. St. Thomas Aquinas High School, Inc. Thomas Lodge 5Z10

Request: ** * Rezone from Residential Single Family/Low Medium Density District (RS-8) to Community Facility Districts (CF)

Legal Description: Lots 1 through 6 and Lot 16, Block 7, GILLCREST 1ST ADDITION, according to the map or plat thereof as recorded in P.B. 34, P. 47 of the Public Records of Broward County, Florida

Address: 2812 SW 12 Street

General Location North side of Davie Blvd between SW 28 Terrace and SW 28 Avenue

District: 3

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

Stephanie Toothaker, representing the Applicant, recalled that this Item came before the Board at the April 21, 2010 meeting, seeking to rezone an existing gravel parking lot. The original request had been deferred due to a number of questions regarding the CF zoning category.

She submitted two letters of support from the Southwest Coalition of Civic Associations and the Melrose Manors Homes, which are the master and adjacent neighborhood associations respectively. The letters state their support of the CF zoning request.

Ms. Toothaker showed a map of the High School, which is zoned CF-HS; its performing arts center, which is zoned CF; the existing parking lot; and the homes, zoned RS-8. She explained when the Application was originally submitted for CF zoning, the performing arts center had been zoned CF and not CF-HS, as an auditorium would not have been a permitted use under CF-HS zoning. The parking lot itself is intended to be used as superfluous parking, as both the school and the auditorium already have their required parking. CF is the only zoning category that would permit this use as a stand-alone facility. She explained that she understood the Board's concerns that the CF category has "some noxious uses," although she did not feel the school would allow the property to be used in these ways.

The Applicant has worked with Staff to attempt to find a zoning category with which the Board is comfortable, including CF-HS; however, there are two "major exceptions" she wished to bring to the Board's attention. The first of these is that a parking facility is not a permitted use under the CF category, which means the property would have to be "tied" to the school. It is also not considered required parking for the school. She noted that should the High School decide, at a later date, that they wish to make another use of the property, they would have to reapply to the City to do so, and did not wish to encounter the limitation that it might be viewed as required parking for the school.

The second limitation that would be of concern with CF-HS zoning is stated in the ULDR as limiting any property zoned CF-HS to a maximum building square footage of 10,000 sq. ft. If this property is zoned CF-HS and considered part of the school, it will cause the school's property to exceed this size limitation.

Ms. Toothaker asked the Board if they would allow the Applicant to rezone the property to CF-HS, which carries the protections discussed in the April 21 meeting, with the understanding that the parking is not required and the parcel is considered a stand-alone parcel for purposes of the 10,000 sq. ft. limitation.

Ms. Golub explained her particular concern had not been for the distinction between CF and CF-HS, but why it was not zoned for use as a parking lot. She

advised that part of the issue would be the school's ability, if they desired, to erect a large structure on the site under the CF designation.

Ms. Toothaker replied that CF-HS has a 35 ft. height limit, and added that this category permits "basically nothing" other than a school or a house of worship. The Applicant had considered rezoning the property to a parking lot category, but this was not possible, as it would be "coming from a residential zoning:" it would have been necessary to zone the lot as residential parking, which would not have been an appropriate use.

Ms. Maus asked if rezoning to CF-HS could be approved with the exceptions Ms. Toothaker had cited, or if the school would have to appear before the Board of Adjustment for a variance. Ms. Toothaker explained that exceeding 10,000 sq. ft. triggers Site Plan Level III and would bring it back to the Board. Ms. Maus observed that she did not feel the school would construct anything of concern on the property.

Tom Lodge, Planner, stated the Application permits parking uses and the construction of additional parking spaces. A Development Review Committee (DRC) application was recently submitted for the parking lot's site plan, which is currently under review. The Application is within the Comprehensive Plan.

He recalled that at the previous meeting, Staff had been asked to review some of the uses that could be permitted for the lot. In addition to CF, these include community business (CB) with a flex land use option, or CF-HS, if a unity of title or off-street parking agreement was arranged.

Attorney Miller clarified that she did not feel either example cited on behalf of the Applicant was an exception to zoning, but were "just statements of fact." Ms. Toothaker agreed she had not intended to imply these were variances. Attorney Miller added that unity of title would be a matter of attachment to the high school, which would also be "perfectly legal."

Ms. Tuggle asked which designation, CF or CF-HS, is acceptable. Attorney Miller stated either one would be permitted. Ms. Tuggle noted that her concern was that under CF-HS, the parking lot would be a fenced lot in a residential community; however, under CF, it could house a gymnasium, for example, "without any discussion from the neighborhood."

Ms. Golub felt the issue is that the school is currently happy with a parking lot, but in the future they might need a building instead. She pointed out that at least the designation of CF-HS would at least allow "a similar designation to the school;" however, other structures, such as the performing arts center, are zoned CF. This could be used to create a complex rather than the intended parking lot. She also noted that the letters of support from the community are intended

specifically for a parking lot, and not for anything that could be built under the CF-HS designation.

Ms. Toothaker advised that the school's 10-year long-range plan shows the site as a parking lot. While she could not state unequivocally that this would always be its use, she added that CF-HS does not allow "anything that they might contemplate doing there" without reappearing before the Board for rezoning.

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

Ms. Golub asked if it is possible to "put a note" on the Application. Attorney Miller advised this is not possible for a rezoning request. Ms. Golub asked if the only remaining alternative would be to apply for a variance from the Board of Adjustment to use the site as a parking lot. Attorney Miller confirmed this is one option, but noted a hardship would have to be shown.

Ms. Golub stated she did not want to be responsible for potentially allowing a different future use when voting on a parking lot.

Mr. Witschen asked what legal possibilities, other than a variance, would allow for parking only on the site. Attorney Miller replied these would be an exclusive use or PUD; however, parking only is not permitted in an RS-8 zoning district, as Ms. Toothaker had stated.

Motion made by Ms. Freeman, seconded by Vice Chair McTigue, to approve the Application as noted. In a roll call vote, the **motion** carried 4-3 (Ms. Golub, Ms. Tuggle, Mr. Witschen dissenting).

3. City of Fort Lauderdale Thomas Lodge 6Z10

Request: ** * **Rezone from Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to Park, Recreation and Open Space (P)**

Legal Lots 3, 4, 5 and 6, Block 19, EVERGLADES LAND
Description: SALES COMPANY'S FIRST ADDITION TO LAUDERDALE, according to the Plat thereof, as recorded in P.B. 2, P. 15, of the Public Records of Dade County, Florida

Address: 1817 South Miami Road

General Location West side of Miami Road between SE 18 Court and SE 18 Street

District: 4

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

Frank Snedaker, City Architect, explained that the property was acquired through the Broward County Safe Parks & Land Preservation Bond Program. It consists of four lots at the intersection of Miami Road and SE 18th Court. The property has been cleared of its previous development and the land has been sodded. The land use amendment is still going through the County process, but the City is requesting to proceed with rezoning so park development may begin once the land use has been settled. The request is to rezone from RM-25 to Park, Recreation, and Open Space.

Mr. Lodge stated the rezoning would bring the proposed park space into compliance with the interlocal agreement between Broward County and the City of Fort Lauderdale. The uses surrounding the property are mostly multi-family buildings, with commercial businesses to the southeast.

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

Motion made by Ms. Golub, seconded by Mr. Witschen, to approve the Application. In a roll call vote, the **motion** carried 7-0.

4. City of Fort Lauderdale Thomas Lodge 2Z10

Request: ** * Rezone from Park, Recreation and Open Space (P) to Residential Low Rise Multifamily/Medium Density District (RM-15)

Legal Description: Parcel A, "SUNNYLAND HOMES, NO. 2", according to the plat thereof, as recorded in P.B. 49, P. 37, of the Public Records of Broward County, Florida

Address: 1305-1335 NW 9 Street

General Location North Side of NW 9 Street, South of Sunland Elementary School and East of Carter Park

District: 3

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

Anthony Fajardo, Planner, advised that the Fort Lauderdale Housing Authority has provided a letter allowing the City to represent them with regard to the Application. He stated the site is currently zoned P, and the proposed rezoning is for RM-15. It presently contains four structures consisting of eight residential units, originally developed in 1953 as part of the Sunnyland Homes Public Housing Facility. In 1955, it was rezoned R-3 and maintains this residential use; however, in 1975, when the Future Land Use Map was created, the site was incorrectly designated as Park, Recreation, and Open Space on the map, and rezoned to meet this designation in 1997, despite the inconsistency with its existing use.

A letter of no objection to the administrative change to medium residential land use, which is consistent with the proposed rezoning, is attached to the Staff Report. The Fort Lauderdale Housing Authority proposes to rezone the site to RM-15 to allow for future residential development consistent with the site's historical use. The site is surrounded by RC-15, RM-15, RMM-25, CF, and P uses.

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

Motion made by Ms. Freeman, seconded by Ms. Maus, to approve the Application. In a roll call vote, the **motion** carried 7-0.

5. **Communications to the City Commission**

None at this time.

6. For the Good of the City

Ms. Tuggle stated she had spoken briefly to Attorney Miller with regard to the rescheduling of Item 1 due to lack of quorum, and asked if there is a future way to prevent this necessity if another Board member is unavailable. Attorney Miller replied the only way would be an amendment to the Ordinance that provided for alternate Board members, as with the Board of Adjustment. She noted that this occurrence, however, has not happened previously in the past 20 years.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:18 p.m.

Chairman

Prototype

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