PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JUNE 16, 2010 – 6:30 P.M.

Cumulative

		June 2010-May 2011	
Board Members	**Attendance**	**Present**	**Absent**
Tom Welch, Chair	P	1	0
Patrick McTigue, Vice Chair	P	1	0
Maria Freeman (6:54)	P	1	0
Rochelle Golub	P	1	0
Catherine Maus	P	1	0
Michelle Tuggle	P	1	0
Peter Witschen	P	1	0

Staff
Greg Brewton, Director of Planning and Zoning
Sharon Miller, Assistant City Attorney
Cate McCaffrey, Director of Business Enterprises
Mark Cervasio, Assistant Airport Manager
Mohammed Malik, Chief Zoning Plan Examiner
Jim Koeth, Principal Planner
Randall Robinson, Planner II
Thomas Lodge, Planner II
Cheryl Felder, Service Clerk
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Witschen, seconded by Ms. Tuggle, to petition the City Commission:

1) To make appointments at their next regularly scheduled meeting;
2) That those appointments be able to be at the July meeting (of the Planning & Zoning Board) so that there is a quorum and the Board will be able to hear the First Presbyterian Church application;
3) That the City Commission direct the appointees to become familiar with the material prior to the July 21, 2010 meeting (of the Planning & Zoning Board) so they are prepared to listen and vote.

By roll call vote, the Motion carried 7-0 [unanimous].

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	Case Number	Applicant
1.	4-ZPUD-08** *	First Presbyterian Church of Fort Lauderdale
2.	5-T-10** *	City of Fort Lauderdale
3.	7-Z-10**	Housing Authority of the City of Fort Lauderdale
4.	7-P-09**	Housing Authority of the 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 6:35 p.m. Roll was called and all stood for the Pledge of Allegiance.

Chair Welch introduced the Board members, and Director Brewton introduced the members of the Planning and Zoning Department and other Staff members present. Attorney Miller explained the quasi-judicial process used by the Board.

Motion made by Mr. McTigue, seconded by Ms. Tuggle, to approve the minutes of the May 19, 2010 meeting. In a voice vote, the **motion** carried unanimously.

Motion made by Mr. McTigue, seconded by Mr. Witschen, to approve the minutes of the May 27, 2010 special meeting. In a voice vote, the **motion** carried unanimously.

Chair Welch noted that Item 1, which was deferred from the May 27, 2010 meeting, will be deferred tonight as well, as the Board does not have a quorum that may hear this Item. Attorney Miller advised the Item must be deferred "until a time certain to retain notice."

Ms. Golub noted that a minimum of five Board members is necessary to hear the Item, and this minimum is not present. While normally she would have recommended scheduling another special meeting to hear this Item prior to the July meeting, she felt "that would be a waste of time," as it is not known when additional Board members would be appointed to make up the quorum.

She informed the Board that she would not be present at the July meeting due to a scheduled absence. It would not be possible to predict whether two new members would be assigned, and would have sufficient time to come "up to speed" on the Item, in time to constitute a quorum at the July meeting.

Ms. Maus stated that she felt it was necessary to establish the next scheduled meeting as the date certain, as it is possible two new members could be appointed by that time. Ms. Golub agreed that there was little choice for the Board on this issue.

Mr. Witschen pointed out that Ms. Golub had heard the previous testimony on Item 1, and there are "many pages of information" with which new members would need to become familiar. While he wanted to hear the Item as quickly as possible, he felt the most practical solution would be to hear the Item at the Board's August meeting.

He added that the City Attorney has ruled the public portion of the hearing on this Item has been closed, and the remaining portion will include rebuttal and cross-examination. Ms. Golub agreed that while having new members possibly hear the Item in July is "not optimal," there is no guarantee that there will not be other scheduling conflicts in August, September, or later.

Motion made by Mr. Witschen to move the Item to the August meeting.

Director Brewton clarified that Ms. Freeman had called to inform the Board that she will attend tonight's meeting. He added that it is assumed that her tenure on the Board remains intact until they are advised otherwise.

Chair Welch asked if it would be possible for Ms. Freeman to hear the rest of the case regarding Item 1 even if she has "termed out" from the Board, as the continuations of the Item could not have been foreseen when she heard the beginning of the case. Attorney Miller replied this would depend upon whether the City Commission reappoints her position; if they do not, she would serve until such time as she is replaced.

Director Brewton stated that the City Commission has discussed the possibility of a new appointee or appointees, and a decision on this issue is scheduled for July 7, 2010. He added that he felt "fairly comfortable" that one to two additional members should be appointed at that time, which would allow them sufficient time to familiarize themselves with the case.

The **motion** died for lack of second.

Ms. Tuggle commented that it may be unwise to schedule the Item for an August continuation, as the additional appointees and their schedules cannot be known

at this time and the Board could fail to have a quorum once again. She agreed that July would be the more appropriate date.

Motion made by Mr. Witschen, seconded by Ms. Maus, to move the Item to July.

Jim Brady, who had spoken on behalf of the Colee Hammock Homeowners' Association at the initial hearing of this Item, stated that Michelle Mellgren, expert land planning witness, would be unavailable from July 16-25, 2010. He noted that this was a vacation date originally changed so she could attend the recent special meeting.

Robert Lochrie, representing the Applicant in Item 1, observed that there will "continually" be issues with vacations and absences, and asked that the Item be "brought to this Board as quickly as possible," which in this case would be the scheduled July 21, 2010 meeting.

Mr. Witschen asked Mr. Brady if Ms. Mellgren's presence is "instrumental" to the continued discussion of the Item. Mr. Brady replied that this is dependent upon whether Mr. Lochrie wishes to cross-examine her as a witness. Mr. Lochrie asserted that the Applicant did not want to be delayed further "because one person... can't be at the meeting."

Ms. Golub noted it is possible that a Board member may wish to ask Ms. Mellgren a question, at which point they would continue the Item "until the August meeting when she can be here."

In a roll call vote, the **motion** carried 6-0.

Ms. Golub informed Attorney Miller that she has a "laundry list of questions" she had planned to ask when the Item was resumed, and asked if it would be possible for her to provide those questions to the Chair or a member of the Planning Department to have them answered. Attorney Miller responded that the list may be submitted to Staff and distributed to the Board; it would then be up to the Board whether or not they wished to address the questions.

Mr. Witschen asked if it is possible for Board members to participate telephonically. Attorney Miller explained this is not permitted under current City policy.

Chair Welch noted there is a request to defer both Items 3 and 4 on the Agenda as well. Mr. Lochrie, on behalf of the Fort Lauderdale Housing Authority, clarified that Item 4 was withdrawn, and the request is to defer Item 3 until the July 21 meeting to allow for community outreach.

Motion made by Mr. Witschen, seconded by Mr. McTigue, to approve deferral.

Ms. Freeman joined the meeting at this time (6:54 p.m.).

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

2. City of Fort Lauderdale **Jim Koeth** **5T10**

Request: ** * **Amend the City's Comprehensive Plan. The Proposed Amendment includes a Change to the Future Land Use Map as indicated below:**

NAME	FROM	TO
Stadiums & Vicinity; Adjacent to the Executive Airport	**Park-Open Space**	**Transport.**

Legal Description: A portion of Tract 1, "F-X-E Plat", P.B. 119, P. 4, of the Public Records of Broward County, Florida, being described as follows:

Commencing at the most southerly east corner of said F-X-E Plat; thence north 02°04'39" west along the east right of way line of Northwest 12 Avenue and the limits of said "F-X-E Plat", a distance of 270.63 feet; thence south 87°55'41" west a distance of 80.00 feet to the west right of way line of said Northwest 12 Avenue and the point of beginning of this description; thence south 88°10'19" west a distance of 348.58 feet; thence north 51°34'11" west a distance of 410.54 feet; thence north 38°25'49" east, a distance of 225.00 feet; thence north 57°16'49" west a distance of 526.86 feet, the last two described courses being along the southeasterly and northeasterly boundaries of the "Runway Protection Zone" (RPZ) of Fort Lauderdale Executive Airport Runway 13-31; thence north 02°05'28" west a distance of 1742.31 feet; thence south 87°54'32" west a distance of 70.00 feet; thence north 02°05'28" west a distance of 448.40 feet; thence north 83°25'05" east, along a line parallel with and 750.00 feet south of, as measured at right angles, the centerline of Fort Lauderdale Executive Airport Runway 8-26, a distance of 1197.15 feet to a point on the west right of way line of Northwest 12 Avenue, said point being on the arc of a circular curve concave to the southeast, whose radius point bears south 35°15'36" east from said point; thence southwesterly and southerly along said west right of way line and along the arc of said curve to the left, having a radius of 390.00 feet, a central angle of 56°50'34" and an arc distance of 386.92 feet to the point of tangency; thence sough 02°04'39" east along said west right of way line, a distance of 2697.48 feet to the point of beginning. Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida, containing 2,616330 square feet or 60.0627 acres, more of less

Address: 1350 NW 55 Street and 1401 NW 55 Street

General Location: East of NW 15 Avenue, West of NW 12 Avenue, North of Commercial Boulevard, and South of the Executive Airport's North Runway

District: 1

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

Jim Koeth, Principal Planner, clarified that on this Item the Board will be acting in the capacity of the Local Planning Agency as well.

Cate McCaffrey, Director of Business Enterprises, explained the request is for a recommendation that the City Commission transmit a Land Use Amendment to Broward County, amending "certain property at the Fort Lauderdale Executive Airport" that is currently designated as Park/Open Space to a Transportation designation.

The property in question was deeded to the City in 1947 by the U.S. Government, specifically for public airport purposes. In 1958, the Civil Aeronautics Administration granted the City authority to create a recreation area on the airport property. Today this area includes Lockhart Stadium, Fort Lauderdale Stadium, and the adjacent practice fields.

In the 1960s, the zoning of the recreation area was changed from Industrial to Park zoning; in the 1980s the land use was changed to Park/Open Space as well. The FAA has advised the City that both this land use and this zoning are inappropriate and unacceptable due to the deed restriction, which indicates the property must be used for public airport purposes. The City is applying for a Land Use Amendment in order to satisfy the demands of the FAA.

Mr. Koeth stated the goal is to change the Future Land Use Map designation from Park/Open Space to Transportation. The Transportation designation allows parks, recreation, and open space as long as these do not preclude aeronautical uses. He explained this will not change "anything on the ground as it currently exists." Protocol states that the FAA must approve any uses.

He stated the Amendment has been presented to the Aviation Advisory Board and the Parks, Recreation, and Beaches Advisory Board, both of which recommended transmittal of the Land Use Amendment.

Mr. Koeth advised the Board's options are as follows: as the local planning agency, they may recommend that the Land Use Amendment is transmitted to Broward County as it currently exists; they may also recommend that it be transmitted with changes or not transmitted at all.

Mr. Witschen asked "if the proposal that was in the newspapers was to go ahead, would that also require a Land Use Amendment." Mr. Koeth replied that "it would probably be back before you next month." He clarified that Staff is exploring

options that would allow greater flexibility within the Transportation land use designation while consistent with the County's Comprehensive Plan.

Mr. Witschen asked if it is likely that this Item would be approved by the County Commission "before the potential Amendment 4." Mr. Koeth stated the goal is to submit this Item to the Broward County Planning Council by the October 6, 2010 deadline, which would be "prior to the Amendment 4 vote."

As there were no further questions from the Board at this time, Chair Welch opened the public hearing.

Jeff Helyer, Vice President of the Lloyd Estates Neighborhood Association, stated he has also been appointed as Liaison from Oakland Park to the Executive Airport. He clarified, however, that he is only speaking on his own behalf and that of Linda Byrd, who is a member of "a northeastern Fort Lauderdale neighborhood association." Both he and Ms. Byrd are opposed to the changes, as they feel they are not concurrent with the County's open space requirements. They would like to see the changes "either not approved or severely restricted."

Ms. Golub said it was her understanding that the Board did not have a choice in this issue: the initial change of the zoning was done in error, and the FAA has the right to control the property and require that the Transportation designation be put in place. Director McCaffrey agreed that the FAA felt the designation should never have been changed due to the deed restriction, and they are asking the City to correct this issue "however [they] have to fix it."

She explained that the City is subject to the FAA "for compliance reasons and for grant assurances," as the FAA funds the airport.

Jim Blosser and Jordana Jarjura stated they are representing "a proposed water park developer" who had presented to the City Commission at the previous day's Conference Agenda meeting. Mr. Blosser advised they are "here as a resource" and can provide necessary information at this or subsequent meetings.

Director McCaffrey provided a copy of the deed, which addresses the restrictions, and a copy of the 1958 letter allowing development of the recreation area.

There being no other members of the public wishing to speak on this Item, Chair Welch closed the public hearing and brought the discussion back to the Board.

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

5. Communications to the City Commission

Motion made by Mr. Witschen, seconded by Ms. Tuggle, that the Board petitions the City Commission to both make appointments at their next regularly scheduled meeting, and that those appointments be able to be at the July meeting so there is a quorum and the Board is able to hear the First Presbyterian Church Application, and that they come prepared, having read the transcript or listened to the tapes, to listen and vote.

Ms. Golub asked that the **motion** include a request that the City Commission direct the new appointees to become familiar with the necessary material. Mr. Witschen and Ms. Tuggle accepted this as an **amendment** to the **motion**.

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

6. For the Good of the City

Mr. McTigue advised that he will be unable to attend the July Board meeting.

Ms. Maus asked for an update on "the rezoning project," noting that it had previously moved very slowly with "multiple public hearings" and she was now hearing that it was proceeding much more quickly.

Director Brewton stated that the schedule has been published, and the Department is "trying to get it going;" he also noted there was a comment at a recent workshop that the process "needs to slow down." The issue will come before the Board so they may review the draft as necessary and make comments. He estimated this item would come before the Board in August or September 2010.

Ms. Maus requested that the Board receive the necessary materials prior to the regular receipt time in advance of the meeting so they can have additional time for review. Director Brewton agreed this would be done.

Chair Welch recalled the earlier discussion of whether Ms. Freeman's term on the Board would continue, and stated if she does not remain on the Board, he would like to express that it has been a pleasure serving with her.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:12 p.m.

Chairman

Prototype

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