

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, FEBRUARY 16, 2011 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2010-May 2011	
		Present	Absent
Patrick McTigue, Chair	P	8	1
Rochelle Golub, Vice Chair	P	8	1
Michael Ferber	P	1	0
Maria Freeman	P	7	2
Leo Hansen	P	8	0
Catherine Maus (6:32)	P	8	1
Michelle Tuggle	P	9	0
Tom Welch	P	8	1
Peter Witschen	P	8	1

Staff

Greg Brewton, Director of Planning and Zoning
Sharon Miller, Assistant City Attorney
Yvonne Redding, Planner II
Mohammed Malik, Chief Zoning Examiner
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

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	<u>Case Number</u>	<u>Applicant</u>
1.	76-R-10**	Holy Cross Long Term Care, Inc.
2.	7-P-10**	Right-of-Way Vacation
3.	Communication to the City Commission	
4.	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.

Chair McTigue called the meeting to order at 6:31 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Director Brewton introduced the Staff members present. Attorney Miller explained the quasi-judicial process used by the Board, noting that vacations of right-of-way are now included as quasi-judicial items.

Ms. Maus arrived at 6:32 p.m.

Motion made by Vice Chair Golub, seconded by Mr. Welch, to approve the minutes of the January 18, 2011 meeting. In a voice vote, the **motion** passed unanimously.

Ms. Golub noted that the “decorative nails” she had described in the January 18 minutes were part of a mural.

1. **Holy Cross Long Term Care, Inc.** **Michael Ciesielski** **76R10**

Request: ** Conditional Use Approval of a Level V Social Service Residential Facility in a B-1 Zoning District

Legal Description: Lots 1, 2, and 3, Block 1, Mary Knoll, P.B. 39, P. 48, of the Public Records of Broward County, Florida

Address: 2331 NE 53 Street (previously listed as 1223 NE 53 Street)

General Location: NW corner of North Federal Highway and NE 53 Street

District: 1

DEFERRED FROM THE JANUARY 18, 2011 MEETING

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

Attorney Miller noted that the public hearing was closed on this Item at the January 18 meeting, before the Item was deferred. She advised that if new information is presented at tonight’s meeting, the public would be allowed to speak on the Item.

Steve Tilbrook, representing the Applicant, explained that the focus of tonight’s meeting was on what has occurred over the past month. The facility is located in a B-1 zoning district and is the proposed site of a sub-acute inpatient medical

detoxification facility. A full presentation on the facility was made at the January 18 meeting.

He entered the following exhibits into evidence:

- The PowerPoint presentation shown at the January 18 meeting;
- A list of letters of support from the immediate neighborhood as well as from other facilities;
- A full package of the Applicant's community outreach prior to the previous meeting;
- Documentation of additional outreach that has occurred since the previous meeting;
- A letter regarding the Americans with Disabilities Act (ADA) compatibility of medical detoxification facilities;
- Conditions of approval proffered by the Applicant at the January 18 meeting;
- A list of 18 conditions of approval offered by the Applicant at tonight's meeting;
- An appraisal of the Applicant's property and the home directly next door, and an analysis of the effect of the proposed facility on the value of that home.

Mr. Tilbrook recalled that at the January 18 meeting, the Board had requested that the Applicant prepare a list of additional conditions of approval and conduct further community outreach with the neighbor adjacent to the facility. He stated that the Applicant will review the conditions and discuss the issues presented to this neighbor.

He explained that the conditions were divided into two groups, one of which deals with the facility's site plan and one of which deals with the facility's operations. This second set of conditions clarifies that the facility is a sub-acute medical detoxification facility, as set forth in Chapter 397 of the Florida Statutes. It addresses the length of stay, the types of patients that are and are not admitted, and other operations.

Mr. Tilbrook continued that the Applicant exchanged several emails with Tom Matava, the neighbor residing closest to the facility, and met with him for some time at the site. Among the issues addressed at this meeting were a rumor that the Applicant had sought to acquire another house in the neighborhood; the security of intake and discharge procedures at the facility, which precludes "walk-up" clients; the 24-hour availability of the facility's Director of Nursing; and the perceived loss in value of the adjacent home, which was less than the loss in value that would be experienced if the home were adjacent to other commercial properties.

With respect to the appraisal, Mr. Tilbrook noted that the professional appraisers had stated the renovations made to the facility could enhance the overall aesthetics of the immediate area.

Mr. Tilbrook concluded that the Applicant had reached out to its neighbors and would continue to do so with respect to any additional conditions the Board felt were warranted. The Applicant hopes to have a continuing beneficial relationship with its neighbors.

Mr. Witschen said he would like to hear Mr. Matava's response to the Applicant's outreach. Attorney Miller added that as new evidence has been provided at tonight's meeting, the public may comment if they wish.

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

Tom Matava stated that he had spoken to Mr. Tilbrook at length about the facility, and these discussions had satisfied his questions and concerns. He said he felt the Applicant was doing "the best and the most they can to make this facility work," and that the proposed facility was a better use of the site than some commercial businesses might be. He explained that his response to the facility was "purely emotional" at this time, and advised there was little the facility would be able to do to address this response. He expressed concern that an individual who approached the facility from the street might be turned back onto the street when they learned they could not check into the facility.

Mr. Matava added that he would need to discuss a zoning issue with Mr. Tilbrook for further clarification, but had no additional issues to bring before the Board.

Mr. Witschen asked if Mr. Matava had requested any additional conditions that had not been offered by the Applicant. Mr. Matava said he had not.

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

Mr. Tilbrook clarified that he and Mr. Matava had discussed the concern regarding potential "walk-up" clients at the facility, and explained that there is no signage addressing this issue because the facility is not known as one that accepts these clients. The Applicant has also offered to record the final order of conditional use approval in the public records of Broward County as further documentation and notice to subsequent purchasers of the conditions of the property's approval. This would preclude any subsequent purchasers from changing the nature of the facility.

He said the Applicant would continue to work with Mr. Matava on any additional zoning issues.

Mr. Witschen asked if the conditions proffered by the Applicant are legally enforceable by the City. Attorney Miller said they will all be conditions of the site plan, which are enforceable. She noted Condition B.1, which states that the use meets all of the conditions provided in the conditional use approval.

Motion made by Mr. Witschen, seconded by Ms. Maus, to approve with the conditions as modified by the City Attorney. In a roll call vote, the **motion** passed 9-0.

2. Amera Federal 400, LTD.

Yvonne Redding

7P10

Request: **

Right-of-Way Vacation

Legal
Description:

Portion of the 10' alley lying adjacent to lots 9 through 24, Block 5, HOLMBERG & McKEE's SUBDIVISION, according to P.B. 1, P. 112 of the Public Records of Dade County, Florida

Address:

400 North Federal Highway

General
Location:

North of NE 4 Street and East of Federal Highway

District:

2

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

Robert Lochrie, representing the Applicant, stated the request is for the vacation of a 10 ft. portion of an alley. He showed a graphic of the site, noting that the alley has already been vacated to the north and south, according to a pattern up and down Federal Highway. There is a portion of the alley to the north that will be dedicated back to the City as a public access easement of 24 ft. Mr. Lochrie characterized the proposal as the vacation of 10 ft. of "substandard alley" and replacing it with 24 ft. of improved drive area. He showed a graphic of this section in relation to the rest of the block, noting that the alley does not currently exist south of 4 Street or north of 5 Street.

He advised that all utility companies have been contacted and have approved the plan, and the Property and Right-of-Way Committee has given its approval as well. The one Staff condition is a request that the alley be retained as a utility easement; the Applicant would like to specify that this would be the case until the utilities are relocated, at which point the utility easement would be removed.

Mr. Lochrie explained that the development is for a new shopping center, which includes a grocery store, bank, and retail stores.

Vice Chair Golub asked Mr. Lochrie to identify the area of the 24 ft. easement on the graphic. Mr. Lochrie did so, explaining that this section will become part of the driveway system of the shopping center. Individuals who enter the alley from the north will still be able to get out through the shopping center.

Yvonne Redding, Planner, said the vacation is 10 ft. x 400 ft. of alleyway, which will be replaced with a 24 ft. x 400 ft. accessway. The vacation will unify the parcel for future development. The Applicant has met the criteria for vacation, and has met with the Property and Right-of-Way Committee on January 21, 2011.

Ms. Tuggle observed that there is a note on the Application stating that the geometry of the proposed alley needed to be review by the Engineering Department. Ms. Redding explained that this is standard procedure.

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

Mr. Witschen commented that he was pleased to see this kind of parcel unification to this corridor of the Federal Highway.

Motion made by Mr. Witschen, seconded by Mr. Welch, to approve the Item with conditions on the modification as offered by Applicant's counsel that the utility easement be vacated when relocated. In a roll call vote, the **motion** passed 9-0.

3. Communication to the City Commission

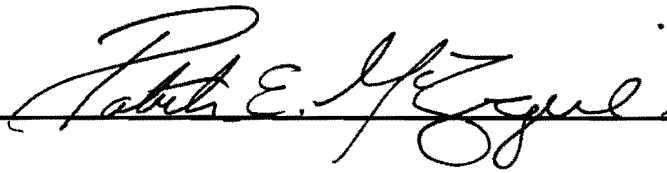
None.

4. For the Good of the City

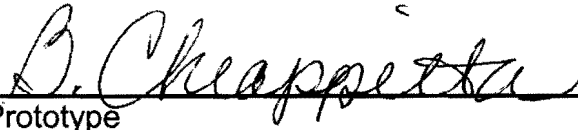
Ms. Maus asked when the Neighborhood Development Criteria Review (NDCR) would come before the Board again. Director Brewton said they could expect to see this Item at the March 2011 meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:03 p.m.

Chair

A handwritten signature in cursive script, reading "Robert E. McGuire", written over a horizontal line.

Prototype

A handwritten signature in cursive script, reading "B. Chappetta", written over a horizontal line.

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