

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, APRIL 19, 2011 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2010-May 2011	
		Present	Absent
Patrick McTigue, Chair	P	10	1
Leo Hansen, Vice Chair	P	10	0
Michael Ferber	P	3	0
Maria Freeman	A	8	3
Catherine Maus	P	10	1
Michelle Tuggle	P	10	0
Tom Welch	P	10	1
Peter Witschen	A	9	2

Staff

Greg Brewton, Director of Planning and Zoning
 Sharon Miller, Assistant City Attorney
 Thomas Lodge, Planner II
 Cheryl Felder, Service Clerk
 Frank Snedaker, City Architect
 Jay Sajadi, Public Works
 Tom Terrell, Public Works
 Mohammed Malik, Chief Zoning Examiner
 J. Opperlee, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

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	<u>Case Number</u>	<u>Applicant</u>
1.	24-R-11** *	City of Fort Lauderdale / Floyd Hull Stadium
2.	29-R-11**	McDonald's USA LLC / McDonald's Coral Ridge
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 6:30 p.m. and all stood for the Pledge of Allegiance. He introduced the Board members, and Director Brewton introduced the City Staff members present. Attorney Miller explained the quasi-judicial process used by the Board. Chair McTigue advised that Applicants or their agents are allowed 15 minutes for presentations; representatives of groups or associations are allowed five minutes; and individuals speaking on their own behalf are allowed three minutes.

Motion made by Ms. Maus, seconded by Mr. Welch, to approve the minutes of the March 16, 2011 meeting. In a voice vote, the **motion** passed unanimously.

Chair McTigue explained that Vice Chair Golub has been appointed to another Board, which means a new Vice Chair must be elected. **Motion** made by Mr. Welch, duly seconded, to nominate Mr. Hansen as Vice Chair. There were no other nominations. Mr. Hansen was unanimously elected Vice Chair.

1. **City of Fort Lauderdale/Floyd Hull Stadium** **Thomas Lodge** **24R11**

Request: ** *

Public Purpose Use

Legal
Description:

A parcel of land lying in the Northwest 1/4 of section 22, Township 50 South, Range 42 East, said parcel of land lying and being in the City of Fort Lauderdale, Broward County, Florida.

Address:

2800 SW 8 Avenue

General
Location:

South side of SW 28 Street between SW 9 Avenue and SW 4 Avenue

District:

4

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

Frank Snedaker, representing the City, explained that this is a public purpose request for relief from setbacks at the Floyd Hull Stadium Complex. The facility suffered damage in Hurricanes Katrina and Wilma, which necessitated the

demolition of the concession/restroom building on the east field. Both grandstand canopies were also destroyed by these storms. The City hired an outside consultant to consider possible solutions. Repairs to the bleachers would have cost nearly \$1 million, which was more than the City could spend or FEMA would reimburse.

As an alternative, the consultants arrived at a proposal to use portable aluminum bleachers and provide overhead canopies to protect this seating. This would reduce the number of available seats; however, there is no longer a need for the larger amount of seating once provided at the facility. Parks and Recreation has agreed that if events warrant use of the grandstands, they will rent additional portable restroom facilities. The project would install new bleachers; close old bleachers, except on a temporary basis, as described; and install two new prefab restroom/concession buildings, which would be set in place on-site and then connected.

The City is asking for relief from the setback requirements due to the space constraints on the site. The existing ball fields, bleachers, and dugouts remain part of the facility, and concession/restroom building cannot be added without extending into the setback area on the westernmost field. The concession/restroom building that will be added on the east field would not require a variance. The two sets of bleachers would also require a variance due to their proximity to the north property line.

Mr. Snedaker continued that there is also insufficient parking on the site according to current Code. He pointed out that there has never been a problem with parking at the facility; the addition of more parking at this time would create drainage issues and would not be necessary for use of the stadium. The City is also requesting relief from this requirement.

Thomas Lodge, Planner, said the dimension requirements of the facility would require a 25 ft. setback for the press box and bleachers. There is an existing setback of 3.5 ft., which would be increased by 4.2 ft. to create a 7.7 ft. setback. The City is also requesting reduction in the setback on the north side of the stadium: the requirement is again for 25. ft., and the bleachers are set back at 5.5 ft. The request is for a proposed setback of .5 ft. for the bleachers.

The request for parking relief is for a 28% reduction, or a reduction from 101 spaces to 73 spaces on the site. The existing fence on the property also does not meet the required 3 ft. setback; the City is requesting relief from this requirement as well.

Ms. Maus asked if there is an operative neighborhood association located near the park. Mr. Snedaker said Parks and Recreation had met with the Edgewood

Homeowners' Association, although no letter of support was included in the information packet. The meeting took place within the last four months.

Mr. Ferber asked if an attempt was made to meet with individual property owners living on the west side of SW 8 Avenue, as the request for a reduction of the setback on the west side of the park would affect these residents. Mr. Snedaker said all residents within 300 ft. of the facility were contacted by registered mail, as required by Ordinance.

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.

Motion made by Ms. Maus, seconded by Mr. Welch, to approve with Staff recommendations. In a roll call vote, the **motion** passed 6-0.

**2. McDonald's USA LLC/McDonald's Thomas Lodge 29R11
Coral Ridge**

Request: **	Parking Reduction
Legal Description:	The Northerly 150 feet of Lot 7 in Block 61 of "Coral Ridge Galt Addition No. 1" according to the Plat thereof as recorded in Plat Book 31, at Page 37 of the Public Records of Broward County, Florida.
Address:	2700 North Federal Highway
General Location:	East side of US 1, approximately 430 feet north of NE 26 Street
District:	1

Any members of the public wishing to speak on this Item were sworn in.

Craig McDonald, representing the Applicant, explained that the request is for a parking reduction from 36 spaces to 27 spaces. He showed a PowerPoint presentation to the Board.

McDonald's is proposing to demolish the existing building and redevelop the site. The existing building was developed under different zoning requirements, and the Applicant is attempting to bring the property into compliance with current Code. He showed a rendering of the existing site. Spaces were lost in order to provide the necessary 12 ft. buffer and wall; additional spaces were lost along

the south property line because they were too close to the street for the City's internal setback requirement. Mr. McDonald pointed out that many of the existing spaces today cannot be used, and only 27 spaces are currently usable.

He showed a picture of the proposed site plan, which shows the site with 27 spaces. He noted that circulation and pedestrian access are much safer, and there is a landscape buffer between the site and the abutting residential neighborhood. Cars can also circulate the entire site, including the space in front of the building.

Mr. McDonald said the Applicant has met with the local homeowners' organization, which has provided a letter of approval that is included in the members' information packet. The proposal meets adequacy requirements and is consistent with the comprehensive plan.

Adam Kirk, traffic engineer for the Applicant, reiterated that seven parking spaces on the existing site cannot be used at present. A parking study that occurred on a Friday and a Saturday showed that the peak use was 20 occupied spaces, which took place on a Saturday afternoon. This estimate was adjusted upward to account for turnover of the spaces, which brought the peak demand to 24 spaces. A year's worth of daily and monthly transaction data were used to determine the busiest weekday, weekend day, and month.

Mr. Kirk continued that there is frequent transit service along U.S.1, which could lower the parking demand. Nearly two-thirds of all transactions occurred at the drive-through window and did not require parking.

The proposal would remove the outdoor seating area and the children's playground, which were considered reasons people may stay longer at the restaurant. Without these amenities, it is likely that parking time will be lessened.

Mr. Kirk advised that both City Staff and the City's traffic consultant have reviewed the methodology used in the traffic study and have given it their approval.

Mr. McDonald concluded that the Applicant concludes with the conditions set forth in the Staff report.

Mr. Lodge stated that the Applicant wants to construct a 3590 sq. ft. restaurant with a drive-through area. The plans supplied by the Applicant show 27 spaces, which would be a reduction of nine spaces. The Applicant has concluded that the reduced on-site parking would meet the needs of customers in the restaurant. The proposed development is consistent with the Comprehensive Plan, and restaurants are permissible as commercial land use designations in the Future Land Use Development.

Ms. Maus noted four spaces on the west end of a rendering of the site's parking area, and asked how these cars would exit the site. Mr. McDonald said they would back out and circulate back around, as no right turn onto Federal Highway would be allowed.

Vice Chair Hansen asked if a 20 ft. buffer yard is not required along Federal Highway. Mr. Lodge said there is a requirement for a 20 ft. buffer yard in the interdistrict corridor, but pointed out that a review of the site plan is not before the Board at this time. Parking spaces in the 20 ft. area would require a variance.

Vice Chair Hansen noted that there are 44 ft. of stacking on ingress to the site, and asked if two ingress spaces are required. Jay Sajadi of Public Works explained that these spaces represented 22 ft. each. Vice Chair Hansen pointed out that it appeared some cars would not be able to back out into the egress space if two cars are stacked there. Mr. Sajadi said the Department of Transportation "requires only 25 ft."

Vice Chair Hansen explained that he had wanted to make the Applicant aware of this potential issue in case the Applicant needed to ask for any additional reduction in parking at tonight's meeting. Mr. McDonald said the Applicant has gone before the Board of Adjustment and was granted a variance for the reduced buffer.

Mr. Welch asked if staffing of the business would remain the same. Steve Edwards of Upchurch Management McDonald's stated that staffing would be "relatively...the same" at approximately 45 workers. Mr. Ferber asked if employees were allowed to park on-site. Mr. Edwards replied that most of the employees use public transportation services; many others are minors and are dropped off for part-time work. He clarified that there is a maximum of 10 to 12 employees on a given shift, and confirmed that if sales were lost because of employees parking on-site, the business would take steps to remedy this issue.

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

Betsy Dow, president of the Coral Ridge Homeowners' Association, explained that the Coral Ridge neighborhood abuts the proposed new McDonald's. She advised that while the Association was made aware of the variances that were presented to the Board of Adjustment, they were not made aware of the requested parking reduction. She was recently notified of the proposed reduction by City Commissioner Bruce Roberts.

Ms. Dow stated she was very concerned about parking due to the ingress/egress onto Federal Highway. She pointed out that cars entering the property will back

up onto Federal Highway, which is already a problem for other businesses on this thoroughfare. She did not feel the Applicant should “add more problems” to NE 26 Street and Federal Highway. In addition, she said she did not believe all McDonald’s employees are dropped off or use public transportation, as Mr. Edwards had asserted; she believed that some employees might drive their cars to work at the site.

Ms. Dow concluded that due to these concerns, she would like to have a copy of the proposed parking plan for the Homeowners’ Association Board to review.

Ms. Tuggle noted that the Board was given a letter from Ron Laffey, president emeritus of the Coral Ridge Homeowners’ Association, in support of the parking reduction. The letter was not dated. Ms. Dow said she was not aware of the letter, although she knew its author had spoken with the Applicant.

Ms. Maus asked Ms. Dow if she had discussed whether or not there are existing parking issues with the Homeowners’ Association. Ms. Dow said she had not had such a discussion, and hoped to take information from tonight’s meeting back to the next Association meeting. Ms. Maus advised that if the Item was deferred by the Board, this might provide time for the Association to discuss these issues. Ms. Dow reiterated that she had not seen the parking reduction plan, and would like to see this plan and take it to the next Association meeting.

Ms. Tuggle asked if Mr. Laffey had not shared the results of his earlier meeting with McDonald’s with the rest of the Association Board. Ms. Dow said the former president had met with the Applicant in December 2010 or January 2011; she had taken over as president in mid-January. She noted that a letter written by Mr. Laffey to the Applicant was also not dated; a letter from McDonald’s Corporate Property Services to Mr. Laffey was dated January 13, 2011. The rest of the Association was not privy to any of these discussions.

Mr. McDonald said the Applicant met with Mr. Laffey in December 2010 “before the Board of Adjustment” and received his full support. Mr. Laffey had advised the Applicant that the issue would go back to the Association Board. He said there was no indication that the presidency of the Association had changed.

With regard to the concerns expressed by Ms. Dow, Mr. McDonald said the new building would be smaller than the existing one, and the stacking distance has been increased to 44 ft. He stated that “stacking is not an issue,” as on-site circulation will be improved and meets Code requirements.

Ms. Maus said she was concerned that the neighborhood did not have the opportunity to fully discuss the issue; while this was no fault of the Applicant, she asked if they would consider speaking to the neighborhood once again. Mr. McDonald said the project has already been delayed by a month due to the

parking study review, and the Applicant hoped to build the store this year. Ms. Maus asked if the Applicant had known they would need to request a parking reduction in December 2010 when the Applicant met with Mr. Laffey. Mr. McDonald said they had.

Ms. Dow read from the email the Applicant had sent Mr. Laffey, which stated that their next step would be to submit a parking reduction application to the Planning and Zoning Board. She explained that she was only notified of tonight's meeting the previous week.

Ms. Maus advised that in most cases, the neighborhood association receives copies of the site plans. She felt it was unfortunate that the neighborhood did not get to fully discuss the parking reduction. Mr. McDonald asserted that the Applicant "did everything we possibly could," and said they had lost a lot of time and wanted to have the project ruled upon at tonight's meeting.

Rosangela DeMello of McDonald's said that the email showed they had planned to apply for the parking reduction, but the Homeowners' Association had not contacted anyone from the business to express concern. She also said they were operating on a tight schedule and must open the business "before October 21st." She did not believe the project would be completed if it was not voted upon at tonight's meeting.

Ms. Tuggle asked Mr. Lodge if the Engineering Department was in agreement with the Applicant's parking study. Mr. Lodge said the City's consultant had reviewed and signed off on the project, as had Planning and Zoning. Director Brewton confirmed that the Application did not proceed to the Board without the approval of the Engineering Department.

Ms. Tuggle explained that she wanted to ensure Ms. Dow's concerns about reduced parking and stacking into the street had been reviewed by the City. Ms. Dow said she would defer to the professional opinion of Engineering. She added, however, that it is not the responsibility of the Homeowners' Association to "monitor" the Applicant, but "McDonald's should be contacting us." She felt the Association could have been given a copy of the parking plan.

Ms. Maus said after tonight's meeting, the Application is subject to a 30-day "call-up" by any member of the City Commission. She suggested that it would be in the Applicant's best interest to provide the Homeowners' Association with a copy of the parking reduction application during that time. She provided Ms. Dow with her Staff packet to take back to the Association, and advised if they still have questions, they should contact their City Commissioner, as there is the possibility of additional review.

Mr. McDonald said the Applicant would be happy to attend the May 12 Homeowners' Association meeting if the Board wished.

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.

Vice Chair Hansen commented that there were issues that concerned him about the site; however, because the project was a remodel, he felt it should be encouraged. He felt this would ultimately be in the best interest of the City.

Disclosures were made by the Board members at this time.

Motion made by Ms. Maus, seconded by Ms. Tuggle, to approve. In a roll call vote, the **motion** passed 6-0.

3. Communication to the City Commission

None.

4. For the Good of the City

Chair McTigue said the City's Better Meetings Academy will be held on May 5, 2011 and November 3, 2011 at 5:45 p.m. at City Hall. The Better Meetings Academy addresses board and committee educational issues, including the Sunshine Law, public records, conflict of interest, and conducting a public meeting. He encouraged all the Board members to attend.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:22 p.m.

Chair

Prototype

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