

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, AUGUST 17, 2011 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2011-May 2012	
		Present	Absent
Patrick McTigue, Chair	P	3	0
Leo Hansen, Vice Chair	P	3	0
Stephanie Desir-Jean	P	2	1
Michael Ferber	P	3	0
Catherine Maus	P	2	1
James McCulla	P	3	0
Michelle Tuggle (6:32)	P	3	0
Tom Welch	P	3	0
Peter Witschen	A	2	1

Staff

Greg Brewton, Director of Planning and Zoning
Sharon Miller, Assistant City Attorney
Thomas Lodge, 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.	3-T-11*	City of Fort Lauderdale / ILA Comprehensive Plan Amendments
2.	5-ZR-11** *	Wool Family LTD / Wool Plumbing
3.	47-R-11**	McDonald's USA LLC / McDonald's Broward and 1 st
4.	Communication to the City Commission	
5.	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.

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

Motion made by Ms. Tuggle, seconded by Mr. Ferber, to approve the minutes of the July 20, 2011 meeting. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. McCulla, seconded by Ms. Tuggle, to defer Item 1 until the September 21, 2011 meeting. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. McCulla, seconded by Ms. Tuggle, to defer Item 3 to the September 21, 2011 meeting. In a voice vote, the **motion** passed unanimously.

2. Wool Family LTD. / Wool Plumbing Thomas Lodge 5ZR11

Request: ** *	Rezone with Flex Allocation from Residential Low Rise Multifamily/Medium Density District (RM-15) to Exclusive Use Parking (X-P)
Legal Description:	Lots 1 and 2, Less the South 10.00 feet thereof, Block 3, HOLIDAY HEIGHTS, according to the plat thereof, recorded in P.B. 27, P. 11, of the Public Records of Broward County, Florida
General Location:	North side of NE 13 Street, between the FEC tracks and NE 12 Avenue
District	2

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

Michael Sands, representing the Applicant, explained that Wool Plumbing has existed on the property for many years. The reason for redevelopment is to apply Code updates to the building; the Applicant decided to make a significant investment by tearing down the existing facility and redeveloping the property. The building sits on properties currently zoned B-3, and no rezoning is required for the building itself.

Mr. Sands noted that the two southernmost points of the contiguous lot are now zoned RM-15, or medium density residential, with a residential land use. The two lots are not contiguous to any other residentially zoned properties.

He showed a map of the current layout, noting that the property is bounded by a warehouse building, a former residence, and a parking area. The parking lots are residentially zoned as well. The current buildings are in disrepair and require modifications, as they present an eyesore to the adjacent communities. Mr. Sands stated that he had spoken to the presidents of all surrounding neighborhood associations, and submitted letters from three of these associations, which support the rezoning and the overall project. The property is located in the Poinsettia Heights neighborhood, which has included some conditions upon which their support for the project is contingent. Mr. Sands said the Applicant was willing to discuss these conditions with the neighborhood association and the Board in order to reach an agreement.

The proposed design houses a portion of the parking required for the warehouse, showroom, and office building located to the north. The request is to rezone these properties from RM-15 to XP, which is exclusive-use parking to support the business development. There will be an offsite parking agreement between these sites in order to tie them together.

Mr. Sands showed a rendering of what the building will look like from 12 Avenue, as well as the entrance from 13 Street. He stated that one concern from the neighborhood association is how the Applicant would address 13 Street, as the neighborhood vision for this area is for retail. He noted, however, that retail on the 13 Street frontage would not be compatible with the surrounding uses. The business portion of the building will be stepped back from the street, and the parking area will create a buffer.

Mr. McCulla requested clarification of the portion to be rezoned. Mr. Sands said the two portions have an existing residence on them, which has been converted to a showroom. It is operating as a business on a residentially zoned property. The Applicant has owned the property for approximately 40 years, including the house; it has been used as a business for "probably 30 years."

Mr. Hansen noted that the Poinsettia Heights neighborhood association listed four concerns with the Application, including overnight truck parking, artwork, and issues with the existing parking lot on 12 Avenue. He asked how the Applicant would respond to these concerns.

Mr. Sands said the Applicant had no intention of parking trucks overnight on the property: the design of the building allows for on-site circulation and deliveries from semi trucks during business hours only. There are two enclosed garages for smaller delivery vehicles, which will be stored inside the building overnight and

will not be visible from the outside. With regard to artwork on 13 Street, he noted that the Applicant has no issues with this suggestion, pending final approval of the artwork. Mr. Sands was not aware of whether or not an easement for the artwork would be required.

Mr. Hansen asked if the artwork was part of an initiative from local business owners. Mr. Sands explained that the three local homeowners' associations, as well as the 13th Street Alliance, have attempted to include art in public places along the street frontage.

Mr. Sands continued that another request was the removal and restoration of the existing parking lot to the east of NE 12 Avenue. He showed a site phasing plan that would remove all parking on these lots and restore them to vacant land for future potential residential development. The final request by the community groups was for decorative fencing along the parking lot rather than a solid wall. He noted that this request refers to "Site B," which is to the east of 12 Avenue, and advised that a solid masonry wall around the perimeter is a Code requirement due to neighborhood compatibility issues.

Ms. Tuggle asked if a graphic of the wall was available. Mr. Sands said the graphic was currently part of an Application before the Development Review Committee (DRC) and was not included in the information package.

Tom Lodge, Planner, stated that the Applicant planned to demolish the building currently on the site and construct a one-level, 24,807 sq. ft. showroom, office, and warehouse. The Applicant also proposes to rezone a portion of the site to RM-15 and a portion to XP for the purpose of a 25-space parking lot for the new building. The City's flex rules as stated in Section 47.28.1 will permit the commercial use without having to go through the Land Use Amendment process.

The rezoning criteria to be followed are listed in Section 47.24.4.D, which states that the proposed zoning district must be consistent with the City's Comprehensive Plan. Substantial character changes to the character and development in and around the area support the proposed rezoning, and the character of the area is suitable for the uses permitted in the proposed zoning district.

Ms. Maus asked if the showroom fronting on 13 Street is a permitted use in RM-15. Mr. Lodge said it was not; the RM-15 portion would be parking for the showroom, which is permitted. Ms. Maus asked if the Application would rezone the entire parcel as XP. Mr. Lodge said it would rezone the portion with the parking lot fronting on 13 Street as XP. The Site B parking lot is part of a separate Application currently before the DRC, and is not part of this Application. It is permitted as a stand-alone parking facility in its existing zoning district.

Ms. Maus asked if a Master Plan exists for 13 Street. Director Brewton said there have been discussions in which individuals expressed a desire to create a 13 Street Corridor Master Plan; however, it has not yet been initiated.

Director Brewton added that because the Application is consistent with the ULDR, Staff recommends its approval.

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

Stephen Sticht, private citizen, stated that his residence is located directly behind part of the property. He said large trucks have parked on the property overnight for several years while they wait for the business to open, and asked what will be changed to correct this. He was also not certain what is intended regarding the existing employee parking lot. Mr. Sticht said the property has been in disrepair for some time, and hoped it will remain in repair once the improvements have been made.

Ms. Maus asked where Mr. Sticht's home is located. Mr. Sticht showed the location on a map in relation to the Applicant's property.

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.

Ms. Maus recalled that the homeowners' association also requested that no trucks park on the XP parcel overnight. She expressed concern about parking on both this lot and the lot that is currently going through the DRC process. While the Applicant has shown representations of their plans for the property, she characterized it as currently "deplorable." She asked if the Board could place a condition of approval that is related to the Application going through DRC, stating that she would like to see the representations for that parking lot as well. She pointed out that the lots in question back up to residential properties, and recalled that the Applicant has not been a good neighbor to these properties.

Director Brewton said the Board may make this condition a part of the record; in addition, Staff will consider this condition with respect to the Application before the DRC.

Ms. Maus continued that the interested parties on 13 Street were likely to prefer retail uses on this street to a parking lot. She felt the lack of retail was evidence that the property in question was "too large or inappropriate for the area;" she stated they had not been compliant with zoning regulations on 13 Street and could not comply now without changing the zoning.

Ms. Tuggle noted that the parking lot is currently open at all hours, so a delivery arriving early could park there during the night. While this is not the Applicant's fault, she noted that it can be common practice. Director Brewton said the Board could place a condition that the Applicant schedule deliveries during a time when overnight parking on the street would not be an option; in addition, the City would have the responsibility of enforcing this condition if neighbors reported it.

Randy Wool, Applicant, stated that the trucks parked overnight do not belong to the business, but are delivery trucks. He did not believe the business would be able to control these trucks' arrival, as they come to the site very early in the morning when no one is there. He did not feel it was the business's responsibility to enforce this, as he felt the trucks may be parking on a City or County easement.

Mr. Wool continued that the business has been "horrible" as a neighbor to surrounding properties, citing the age and maintenance of the buildings. He said the new building, once erected, will be properly maintained, as well as the parking lot across the street. He asserted that the business plans to be a good neighbor in the future.

Director Brewton clarified that the main issue involves the overnight parking of trucks. He said the compromise on this matter could be to schedule deliveries during the business's normal working hours. If trucks are parked in a right-of-way in violation of City Code, it would be Code Enforcement's responsibility to enforce their removal; however, the Board may place the condition of scheduling deliveries during a more appropriate time on the Applicant.

Mr. Wool said the business does not schedule deliveries for non-business hours. Director Brewton emphasized that because the Applicant has a working relationship with the deliverers, they could inform the drivers of the need to arrive during business hours.

Ms. Tuggle pointed out that a truck in a parking lot is on private property, which means Code Enforcement cannot address the problem: the owner or a neighbor must call in a trespass violation. Director Brewton said if a truck is parking in a public right-of-way rather than private property, the City can enforce the issue; if a truck is on private property, however, the Applicant must control the problem. Mr. Wool noted that there are gates on the property that prevent the trucks from accessing their lot. He reiterated that they would "do everything that we can" to notify drivers that they cannot park in these areas.

Director Brewton asked how often the issue of overnight parking occurs so Code Enforcement could be advised of the potential problem. Mr. Sticht estimated that overnight parking occurs three times per month. Director Brewton said he would work with Code Enforcement to establish a procedure. Mr. Wool added that if he

was advised of the company name on the truck, the business would follow up with that company.

Mr. Hansen noted the covered loading space shown on the proposed site plan, which appeared to have a tractor trailer parked in front of it. Mr. Sands explained that the graphic was intended to depict daytime deliveries only, and pointed out the rendering of how a semi truck would enter and exit the site. He confirmed that there was no intention for trucks to be parked on the site.

Mr. Ferber referred to the rendering of the B-3 zoning along the FEC right-of-way, observing that the lots before the Board to be rezoned are a "cutout:" the balance of the block is zoned B-3. He asked Director Brewton how these cutouts related to the underlying Land Use Plan. He also noted that everything west of the property in question is zoned for business, while residential properties on 13 Street lie to the east. He asked why the two lots were not zoned B-3 along with the balance of the block.

Director Brewton said when the original land use was created, the lines were "not solid lines" of residential and commercial property. Mr. Ferber speculated that the residential area could have developed when an owner opted to put a home on 13 Street rather than a business. Director Brewton said he felt this was an accurate statement.

Ms. Tuggle asked if there was any way to avoid having a parking lot on 13 Street in order to address the concerns of the homeowners' association. Mr. Sands noted that warehouse buildings are adjacent to the Applicant's lot. Ms. Tuggle explained that the association's concerns in writing include mitigation with art- or streetscapes, setbacks, or a more decorative wall. Mr. Sands said his client was agreeable to working with the homeowners' association in order to mitigate this issue.

Chair McTigue asked what the Applicant's intentions are with regard to the fence. Mr. Sands reiterated that the masonry wall on Site B is required by Code for neighborhood compatibility. He clarified that the requested artwork would be on the 13 Street frontage, which is Site A.

Ms. Maus asked if the Applicant would commit to installing artwork along 13 Street. Mr. Sands said the Applicant is not committing to the installation of artwork, but would commit to allowing the 13th Street Alliance to place artwork on their property with their approval. Ms. Maus asked if the Applicant would contribute toward this process. Mr. Sands said this is not a conversation that has occurred thus far, but this dialogue could be opened up.

Ms. Desir-Jean requested clarification of which site experienced overnight parking issues. Mr. Sands said this was on neither site, as it occurs on the right-

of-way, and stated that the Applicant does not want overnight parking on either site in the future.

Ms. Desir-Jean asked what would be the latest time during which deliveries would be accepted. Mr. Wool said the business closes its doors at 5 p.m. and might accept a delivery as late as 5:30.

Mr. Sands added that Sites A and B are separated by a right-of-way; however, it is a legal and allowable use to provide parking on these sites, as they are zoned B-3. Ms. Desir-Jean asked how employees would access their parking area. Mr. Sands said parking is contiguous to the building, so no one would have to cross a public right-of-way to reach the building.

Ms. Desir-Jean asked how artwork would be placed on 13 Street if there is no wall at that location. Mr. Sands explained it could be free-standing sculpture. He added that the site was previously home to a nursery, and its landscaping requirement was more than usual in order to mitigate the existing trees.

Ms. Tuggle asked if the Applicant was willing to negotiate the concerns of the homeowners' association as a condition of approval. Mr. Sands said the Applicant is agreeable to complying with these concerns, with the exception of providing openings in the masonry wall, which would violate Code.

Mr. McCulla observed that if the wall is required for neighborhood compatibility, and the neighborhood association has requested openings in the wall, Staff should consider this exception during the DRC process. Director Brewton said this could be addressed at the DRC level.

Motion made by Mr. McCulla for approval with the conditions requested by the neighborhood association that are applicable to this Application, which does not include the solid wall.

Ms. Maus asked if Mr. McCulla would accept an **amendment** to his **motion** that would require the conditions regarding parking to also be attached to the parking Application that is currently going through DRC.

Mr. McCulla **amended** his **motion** to require that the Applicant not accept deliveries before 7 a.m. and not after 6 p.m. Mr. Welch **seconded** the **motion**.

Mr. McCulla restated his **amended motion** as follows: **motion** to approve the Item as presented, adding the first three of four conditions in the neighborhood letters:

- a. That there be no overnight parking on the XP parcel;
- b. That the Applicant allow the installation of artwork along its property on 13 Street;

- c. That they remove and restore the existing parking lot east of NE 12 Avenue; and
- d. That they limit their deliveries to the hours of 7 a.m. through 6 p.m. Monday through Friday.

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

4. Communication to the City Commission

None.

5. For the Good of the City

Director Brewton introduced City Manager Lee Feldman to the Planning and Zoning Board. Mr. Feldman observed that of the City's advisory entities, the Board is unique in that it has a great deal of authority regarding what is or is not approved as part of the DRC process. He advised that a good deal of attention will be paid to Planning and Zoning concerns in the near future.

Mr. Feldman added that one attraction of Fort Lauderdale was its wealth of neighborhood associations. He felt that civic engagement is fundamental to a world-class community, and commended the Board for volunteering their time to the City. He felt all the individuals involved in working for the City were helping to build a community.

Chair McTigue thanked Mr. Feldman for visiting the Board.

Ms. Maus requested an update on the Neighborhood Development Criteria Review (NDCR). Director Brewton said dates are available online for when this Item will come back before the Board. He estimated this would be in September or October.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:33 p.m.

Chair