

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JULY 20, 2016 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2016-May 2017	
		Present	Absent
Leo Hansen, Chair	P	2	0
Catherine Maus, Vice Chair	A	1	1
Theron Clark	P	2	0
Stephanie Desir-Jean	A	1	1
Howard Elfman	P	2	0
Steven Glassman	P	2	0
Rochelle Golub	P	2	0
Richard Heidelberg	P	2	0
James McCulla	P	2	0

It was noted that a quorum was present at the meeting.

Staff

Anthony Fajardo, Director, Department of Sustainable Development
Lynn Solomon, Assistant City Attorney
Jim Hetzel, Principal Planner
Eric Engmann, Urban Design and Planning
Karlanne Grant, Urban Design and Planning
Mohammed Malik, Interim Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Hansen called the meeting to order at 6:32 p.m. and all recited the Pledge of Allegiance. The Board members were introduced, and Chief Zoning Administrator Anthony Fajardo introduced the Staff members present.

II. APPROVAL OF MINUTES

Motion made by Mr. McCulla, seconded by Mr. Heidelberg, to approve [as amended].

Mr. Glassman noted the following corrections:

- P. 1 – meeting was called to order by Chair Hansen
- P.2 – the member who seconded the motion to nominate a Chair was not named

In a voice vote, the **motion** passed unanimously.

III. AGENDA ITEMS

Index

	<u>Case Number</u>	<u>Applicant</u>
1.	R15053**	Shopping Center Interests LLC / New Tenant Building at Downtown Marketplace
2.	PL16002**	VerMac Properties 1613 Brickell LLC / Tree House on Brickell
3.	T16003*	City of Fort Lauderdale / ULDR Amendment

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 Hansen noted that there has been a request to defer Item 1 indefinitely.

~~**Motion** made by Ms. Golub, seconded by Mr. McCulla, to approve the request for deferral [of Item 1]. In a voice vote, the **motion** passed unanimously.~~

2. <u>Applicant / Project:</u>	Ver- Mac Properties 1613 Brickell, LLC / Tree House on Brickell
<u>Request:</u> **	Plat approval
<u>Case Number:</u>	PL16002
<u>General Location:</u>	1613 Brickell Drive
<u>Legal Description:</u>	A Portion of Lots 8 and 9, Block 49, and the easterly ½ of the 10 foot wide vacated alley lying adjacent to said Lots 8 and 9 of "COLLEE HAMMOCK" (Mrs. Mary Brickell's Subdivision), according to the plat thereof, as recorded in Plat Book 1, Page 17, of the Public Records of Broward County, Florida. Said lands containing 14,802 square feet (0.3398 acres), more or less
<u>Case Planner:</u>	Karlanne Grant
<u>Commission District:</u>	4

Mr. Hetzel advised that Item 2, request for plat approval, was approved by the Board at its May 18, 2016 meeting. Before the Board at tonight's meeting is the issue of sign notice, which will not invalidate the recommendation of plat approval. Failure of sign notice or failure to publicize an Agenda cannot invalidate earlier action taken by the Board.

Assistant City Attorney Lynn Solomon further explained that Chair Hansen has the discretion to open tonight's meeting to take comments from members of the public wishing to be heard on this Item. She recommended that these comments be transmitted to the City Commission along with the Board's recommendation. She clarified that while the Board acts as an advisory entity to the City Commission, it is the City Commission that will make the final decision on approval.

The Board is not asked to change its vote on the Item. Any motion to reconsider the Item would have had to occur at the June meeting. Code Section 47-27.2.A confirms that failure of sign notice does not invalidate action taken on an Item. Attorney Solomon emphasized that any such action is left to the Board's discretion.

Ms. Golub requested additional information on the sign deficiency, pointing out that the Board was not notified at the May 18 meeting that sign notice was insufficient. Karlanne Grant, representing Urban Design and Planning, stated that the notice posted for this Item advertised it as part of the June 15, 2016 Agenda rather than the May 18, 2016 Agenda. The Item was originally included on the April 2016 Agenda, which contributed to the error. The Applicant is responsible for posting notice, although Staff is responsible for ensuring notice information is correct.

Ms. Golub asked if the Applicant met with members of the community prior to the Item's appearance on the April Agenda. Ms. Grant confirmed this, noting that while the meeting was informal, the Applicant spoke with neighbors of the subject property.

Mr. McCulla suggested that members of the public who wished to be heard on the Item should do so when it is presented for final approval at a City Commission meeting. Chair Hansen agreed that it may be more effective for individuals with objections to the Application to address the City Commission directly.

Motion made by Ms. Golub, seconded by Mr. Glassman, to permit members of the audience who are here to speak on this [Item]. In a roll call vote, the **motion** failed 3-4 (Chair Hansen, Mr. Clark, Mr. Heidelberger, and Mr. McCulla dissenting).

3. **Applicant / Project:**

City of Fort Lauderdale / ULDR Amendment

Request: *

Amending Unified Land Development Regulations (ULDR) Section 47-14, General Aviation Districts; amending the list of Permitted and Conditional Uses in General Aviation Airport (GAA) District, and the list of Permitted and Conditional Uses in Airport Industrial Park (AIP) District, to include additional accessory uses supportive of the GAA and

AIP zoning districts subject an approval process to request an increase the maximum area permitted.

Case Number: T16003
General Location: City-wide
Case Planner: Eric Engmann
Commission District: All Districts

Eric Engmann, representing Urban Design and Planning, provided updated copies of Exhibit 1 from the members' backup materials. He explained that this Amendment would update the list of primary and accessory uses in the General Aviation Airport (GAA) and Airport Industrial Park (AIP) zoning districts. The primary use of these districts is provision of airport uses and operations, while permitting certain other uses to take place in proximity to the airport.

While the principal uses within these zoning districts will not change, the proposed Amendment would establish a list of accessory and secondary uses in support of these principal uses. Staff has developed an accessory use table that lists allowable accessory uses by zoning district. In order to ensure that these uses remain accessory, most of them may be no larger than 2500 sq. ft. unless otherwise stated. The only way to assign more square footage to these uses would be through the Site Plan Level III process.

Staff has worked closely with airport staff and the Federal Aviation Administration (FAA) to refine the language of the Amendment, which will address uses not directly related to airports in the GAA and AIP zoning districts. Mr. Engmann explained that in the past, it has been difficult to allow these uses within airport-related zoning districts, which led to development of the Amendment.

Ms. Golub requested additional information on the allowable uses. Mr. Engmann advised that the two zoning districts both include airport uses: however, the GAA zoning district is closer to the airport itself, while the AIP district extends further out and may include additional commercial uses that may not be appropriate in close proximity to the airport. The Amendment would apply only to the Fort Lauderdale Executive Airport.

Mr. Engmann continued that the airport will maintain secure boundaries. The GAA district extends across the street from the airport facility itself. The airport has approved the proposed Amendment.

Mr. Hetzel noted that the proposed Amendment also went through the City's Development Review process. Airport staff is familiar with Department of Homeland Security regulations. The property located around an airport is not subject to all of the same restrictions placed on facilities or businesses located inside the airport itself. The City's zoning extends beyond the boundaries of what may be regulated by Homeland Security.

Chair Hansen asked why food and beverage services not related to hotels were removed from the list of accessory uses. Mr. Engmann replied that this was done at the request of airport staff, as they prefer these services be moved to the AIP district. Items of this nature already existing on airport property may be allowed to remain as nonconforming uses, but would no longer be added under the proposed Amendment unless they are considered to be fixed-base operations.

Mr. Fajardo stated that representatives of the airport reached out to the FAA for existing lease agreements. The Amendment intends to prevent principal uses not directly supportive of airport operations from drawing outside customers to the area.

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

Courtney Crush, representing the Fort Lauderdale Crown Center, stated that the Crown Center is located in the AIP zoning district. She noted that there are several office parks in the vicinity of the Executive Airport that would like to serve office uses, such as the Crown Center. The property is owned in part by the City of Fort Lauderdale, as it was deeded to the City by the airport after World War Two.

Crown Center includes roughly 500,000 sq. ft. of office space, with employees who would like to see amenities added to the office campus. Ms. Crush explained that her client wishes the intent of the Amendment to be realized by keeping businesses that serve or are complementary to the airport sufficiently small. Professional office uses are allowed within the AIP zoning district.

Mr. McCulla observed that the zoning districts were most likely written to accommodate uses that were pertinent to and would benefit from being near the primary business of an airport. He pointed out that this would not include office buildings. Were the map drawn today, he felt it was more likely the Crown Center's location would be zoned as a Business district. Ms. Crush replied that service/office uses independent of the airport have been allowed in the AIP zoning district since approximately 1997.

Mr. McCulla advised that these uses in the AIP district could be rezoned so they are not restricted to the uses included under AIP zoning. He expressed concern with placing unrelated business, restaurant, or other uses in an airport for reasons of security. Ms. Crush pointed out that the AIP district is across the street from the airport, and is most likely zoned for airport uses because it was gifted to the City by the FAA in the 1960s.

Mr. Fajardo confirmed that most of the property in the AIP zoning district was under FAA control at an earlier time, and has since been given to the City, along with restrictions on how it may be used. This is why Staff reached out to the FAA for their input on the proposed Amendment. The FAA's response left the City to determine what uses would be appropriate. A portion of the site was recently rezoned to Parks and includes some transportation uses. If this parcel ceases to be used for these purposes, it will revert to

the principal use(s) for which it was originally intended. He concluded that Staff is comfortable that the proposed Amendment falls within the constraints of FAA guidance and could be supported if challenges arise.

Robert Lochrie, representing a property owner at 2122 NW 62nd Street, stated that his client obtained City approval for a property zoned GAA but not adjacent to the airport itself. Most GAA property directly abuts airport property. The client proposes an office building with medical and other uses. He explained that his client wished to ensure the proposed Amendment would not eliminate these uses or create a nonconforming use issue for the existing property. The client hopes that the Amendment will include language allowing projects previously approved on these sites to avoid classification as nonconforming.

Ms. Golub requested clarification of why uses eliminated from GAA zoning districts are considered less desirable than others such as bookstores, florists, and other stores that might be located in the terminal of a large public airport. Chair Hansen stated that the airport wishes to control who is coming in or out of these districts, which might be more easily limited if the area is restricted to one large hotel rather than multiple small businesses. He agreed, however, that there was no rationale for excluding some of these uses but allowing others.

Mr. Fajardo replied that in discussions with airport staff, the concern arose that previous businesses located in the GAA district were problematic and did not meet the intent and purpose of that zoning district. He acknowledged the members' concerns, noting that these may be sent on to the City Commission if the Board wished.

Ms. Golub observed that while it may be appropriate to allow certain uses and exclude others within an airport terminal, the GAA designation is going to include non-airport office buildings, which may wish to provide typical amenities for their employees, such as food service. Mr. Fajardo reiterated that the GAA district includes the airport itself as well as most abutting properties, while AIP is located on the outskirts of the facility. A restaurant in GAA zoning would be located on airport property.

Motion made by Mr. McCulla, seconded by Mr. Glassman, to approve the Item.

Chair Hansen advised that if a member feels additional amendments to the Item's language are necessary, s/he may vote against or propose an amendment to the **motion**. Mr. Fajardo clarified that Staff is seeking a recommendation on the Item, and confirmed that Staff will continue to work with the clients of Ms. Crush and Mr. Lochrie on any outstanding issues, with the possibility that non-substantive changes may be made. Chair Hansen stated that if significant changes are made to the Item after it has been voted upon by the Board, he would expect the Item to be brought back before them before it is sent on to the City Commission.

Mr. McCulla pointed out that if the changes are approved, uses such as office buildings could not be built within the airport zoning districts. Mr. Lochrie explained that his issue was to allow projects that have already been approved through the City's permitting process to be valid and in place without being listed as nonconforming. He suggested that the Amendment could include language listing these projects as legal conforming uses. This language is in place in other portions of Code.

Mr. Fajardo advised that if the Board is not comfortable with the Amendment as presented, they may recommend denial. Alternatively, they may also recommend a proposal that Staff continue to work with interested parties, such as Mr. Lochrie's client. Ms. Crush pointed out that her client also has time-sensitive concerns, as they wish to add accessory retail uses; however, she did not take exception to the proposed language.

Mr. Lochrie stated that the uses approved by the City for his client's property include medical and professional offices with ancillary retail and restaurants inside the building itself. His concern was that the proposed Amendment would add a level of confusion to the approval process.

Mr. Fajardo explained that the Amendment may be able to permit other properties and uses similar to those of Mr. Lochrie's client. The accessory uses stricken from consideration on GAA are new uses that have not been previously permitted in the GAA district: by asking that they be specifically removed from consideration, the airport is asking to maintain the status quo.

Ms. Golub pointed out that several forms of retail sales listed in the backup materials are also new; however, airport staff did not take issue with these uses. Mr. Fajardo confirmed this, adding that the City's Airport Advisory Board assists in making decisions of this nature. Code includes the caveat that if uses are similar, these decisions may be left up to the Zoning Administrator or other Staff members.

Motion made by Ms. Golub, seconded by Mr. Glassman, to **amend** the earlier **motion** page 5, Section A 471412A4, to include [a] coffee shop, delicatessen, and yogurt store in the GAA, in order to permit similar uses to be approved under Section A.

In a roll call vote, the **motion** passed unanimously.

IV. COMMUNICATION TO THE CITY COMMISSION

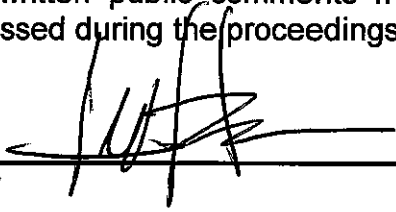
None.

V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 7:39 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Chair

A handwritten signature in black ink, appearing to be 'J. H. ...', written over a horizontal line.

Prototype

A handwritten signature in black ink that reads 'Brigitte Chiappetta', written over a horizontal line.

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