



City Hall Commission Chambers
3650 NE 12 Avenue
Oakland Park, Florida 33334

MINUTES
PLANNING AND ZONING BOARD MEETING
APRIL 11, 2022, 6:30 P.M.

The regular meeting of the Planning and Zoning Board of the City of Oakland Park, Florida was called to order at 6:30 P.M.

NOTE: Due to COVID-19 precautionary safety measures were in place and access to city facilities was limited to ensure social distancing. The opportunity for public participation was provided by email or by calling the City Clerk's Office. Received public comments, if any, were read into the record during that portion of the agenda.

ROLL CALL

Regular Members:

Chair, Scott Rivelli
Vice Chair, Wallis Peterson
Board Member, Christopher Fischer
Board Member, Jason King
Board Member, Joseph Van de Bogart

Also Present:

Peter Schwarz, Director of Community & Economic Development
Sean Swartz, City Attorney
Lauren Pruss, Assistant Director of Community & Economic Development
Alex Dambach, Planning Supervisor
Rick Buckeye, Senior Planner
Lorraine Belle, Senior Planner
Melissa Alvarado, Recording Secretary

PLEDGE TO THE FLAG – The pledge to the flag was led by the board members

1. APPROVAL OF MINUTES – March 7, 2022

Vice Chair Peterson made a motion to approve the March 7, 2022 meeting minutes. Board Member Fischer seconded the motion which prevailed by the following vote:

YES: Board Member Fischer, Board Member Van de Bogart, Vice Chair Peterson, and Chair Rivelli.

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| 2. | Public Comments At this time any person will be allowed to speak on any matter that pertains to City business for a length of time not to exceed four minutes per person. |
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The following public comment was provided:

- Jack Doren acknowledged and thanked the Board Members and City staff for their service to the Planning and Zoning Board.

ITEMS TO CONSIDER

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| 3. | Case No. CD20-15CPT “Oakland Park Downtown Development District (OP3D) Land Development Code Text Amendment” A public hearing to consider amending the City of Oakland Park Land Development Code providing regulations for the downtown areas of Oakland Park by updating Chapter 24, Article XX “Oakland Park Downtown Development District (OP3D) Regulations,” sections 24-254 through 24-284, to provide new regulations for permitted, prohibited, and conditional uses; the addition of a new Middle River sub-area; updates to the Bonus Provision Program requirements; and other updates for the area pertaining to properties within the expanded Oakland Park Activity Center future land use designation. |
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Alex Dambach, Planning Supervisor, provided staff’s presentation.

Public Comments:

The following public comments were provided:

- Jack Doren, spoke in support of the ordinance and the inclusion of Warehouse Flex and the Middle River Subareas. He also suggested minor text amendments for clarity, and spoke in support of the changes in the Bonus Provision Program requirements.
- Allen McClure, Oakland Park resident, inquired about the subdivision of small lots and open space regulations.
- Paul Young, Oakland Park property owner, asked if his property is within the boundaries of the area subject to the text amendment.

Member Fischer inquired about rideshare vehicle drop-off areas. Mr. Dambach stated that these are planned during site development plan review.

Mr. Fischer asked about the maximum zoning height provision in the proposed text amendment and elements permitted on roofs. Mr. Dambach explained that-within limits- certain items are permitted above the building height on roofs such as infrastructure and roof deck elements.

Member Van de Bogart requested staff to address Mr. Young's question about his property.

Mr. Schwarz stated that notices are sent to everyone within the zoning area and every to every property within 750 feet surrounding the rezoning area. He added that 900-950 NE 40 Court is not within the rezoning area.

Vice Chair Peterson asked about the lot subdivision and public space accessibility.

Mr. Schwarz stated that the OP3D zoning increased the required amounts of open space for the public through the updates to the Comprehensive Plan and zoning standards with a doubling of the amount required as well as separate requirements of open space on private property. As an example, he referenced open space under construction along the Middle River at the Blys project. Mr. Dambach explained the benefits and challenges of developing small lots. He stated that the provision in the proposed text amendment is intended to prevent the subdivision of larger parcels, and encourage the use of existing parcels 6,000 square feet or less.

Vice Chair Peterson inquired about allowance for seven story buildings in the new Middle River subarea.

Mr. Schwarz explained that the area currently allows heights of up to 100 feet, so this height allowance avoids potentially downsizing those properties. He also stated that the allowed height is actually three stories, and participation in the Bonus Provision Program is needed to build above three stories. He added there are additional setbacks and step backs along the Middle River.

Vice Chair Peterson asked about preservation of existing vegetation.

Mr. Schwarz explained that preservation of existing vegetation would be encouraged. He added that the development review process includes reviews by urban landscapers and that the City has a relatively strong tree preservation ordinance.

Vice Chair Peterson asked about the Downtown Mobility Fee.

Mr. Dambach explained that the Downtown Mobility Fee is paid if a new development project is deficient in parking and that parking needs are reviewed as part of the site development plan review process.

Vice Chair Peterson inquired about affordable housing.

Mr. Schwarz stated that an Affordable Housing Study is underway and the City is looking at its current inventory of affordability and the types of policies that can implemented.

Chair Rivelli asked about the front yard fencing requirements.

Mr. Dambach explained different types of fences available for properties and that fences with gaps are appropriate for front yards as they encourage visibility and safety.

Vice Chair Peterson moved to make a recommendation to the City Commission to adopt an ordinance amending the City of Oakland Park Land Development Code providing regulations for the downtown areas of Oakland Park by updating Chapter 24, Article XX “Oakland Park Downtown Development District (OP3D) Regulations,” sections 24-254 through 24-284, to provide new regulations for permitted, prohibited, and conditional uses; the addition of a new Middle River sub-area; updates to the Bonus Provision Program requirements; and other updates for the area pertaining to properties within the expanded Oakland Park Activity Center future land use designation. Board Member King seconded the motion which prevailed by the following vote:

YES: Board Member Fischer, Board Member King, Board Member Van de Bogart, Vice Chair Peterson, and Chair Rivelli.

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| 4. | <p>Case #CD20-15CPTRZ “OP3D Rezoning”</p> <p>A public hearing to consider rezoning the property generally consisting of the following: an area bound on the north by NE 43 Street, on the east by Dixie Highway, on the south by NE 42 Street, on the west by the west parcel lines of certain parcels along the west side of Dixie Highway between NE 42 Street and NE 43 Street; an area bound on the north by NE 42 Street (extended), on the east by NE 12 Terrace, on the south by NE 40 Place (extended), and on the west by the Florida East Coast Railway; an area bound on the north by Oakland Park Boulevard, on the east by NE 13 Avenue, on the south by the North Fork of the Middle River shoreline to the south end of NE 12 Terrace and then extending due west of that point to the Florida East Coast Railway and continuing south along the railway to the North Fork of the Middle River shoreline and continuing along that shoreline to NE 6 Avenue, and on the west by NE 6 Avenue; and an area generally bound on the north by a line running generally northwest from the corner of NE 10 Avenue and NE 40 Court to the center of the block; on the east by NE 10 Avenue, on the south by Oakland Park Blvd, and on the west by the west parcel lines of certain parcels approximately 1-2 lots deep along the west side of NE 10 Avenue between Oakland Park Boulevard and NE 42 Street (property), to change the current zoning designations from B-1, Community Business; B-2, General Business; B-3 Commercial - Industrial; I-1, Light Industrial; OS, Open Space; R-1, Single Family Residential; RM-16, Multifamily Residential; and RM-25, Multifamily Residential to the Oakland Park Downtown Development District (OP3D) and its sub areas.</p> |
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Alex Dambach, Planning Supervisor, provided staff's presentation.

Public Comments:

The following public comments were provided:

- Terry Fletcher, Oakland Park property owner, asked if the change of land use and zoning would allow for the development of a multifamily development on his properties on NE 34 Court.
- Carlos Ballbe, Oakland Park property owner, asked if the change of land use and zoning would allow the development of a two-story apartment complex at a property on NE 13 Avenue.
- Jack Doren, commented that the rezoning is consistent with the vision the City has for the Downtown, it allows for various kinds of buildings and businesses, and is being extended to the Middle River area to the west.

Vice Chair Peterson requested staff to address the public comments.

Mr. Schwarz explained that Mr. Fletcher's property is outside of the proposed rezoning and that his properties are zoned for single-family residential at this time.

Mr. Schwarz stated that Mr. Ballbe's property is in the RM-16 zoning district which allows a maximum of 16 dwelling units per acre.

Vice Chair Peterson also asked about the expansion direction and if there were plans to expand the OP3D District further again.

Mr. Schwarz stated that the Local Activity Center expansion goes to the south side of Oakland Park Boulevard because of the high rider transit ridership. He added that the City is creating development to promote transit oriented multi-modal concepts. Regarding expansion, Mr. Schwarz explained that there are currently no plans for expansion at this time, but the City does anticipate going back to the County to later expand the area if it is necessary.

Vice Chair Peterson moved to make a recommendation to the City Commission to rezone the property generally consisting of the following: an area bound on the north by NE 43 Street, on the east by Dixie Highway, on the south by NE 42 Street, on the west by the west parcel lines of certain parcels along the west side of Dixie Highway between NE 42 Street and NE 43 Street; an area bound on the north by NE 42 Street (extended), on the east by NE 12 Terrace, on the south by NE 40 Place (extended), and on the west by the Florida East Coast Railway; an area bound on the north by Oakland Park Boulevard, on the east by NE 13 Avenue, on the south by the North Fork of the Middle River shoreline to the south end of NE 12 Terrace and then extending due west of that point to the Florida East Coast Railway and continuing south along the railway to the North

Fork of the Middle River shoreline and continuing along that shoreline to NE 6 Avenue, and on the west by NE 6 Avenue; and an area generally bound on the north by a line running generally northwest from the corner of NE 10 Avenue and NE 40 Court to the center of the block; on the east by NE 10 Avenue, on the south by Oakland Park Blvd, and on the west by the west parcel lines of certain parcels approximately 1-2 lots deep along the west side of NE 10 Avenue between Oakland Park Boulevard and NE 42 Street (property), to change the current zoning designations from B-1, Community Business; B-2, General Business; B-3 Commercial - Industrial; I-1, Light Industrial; OS, Open Space; R-1, Single Family Residential; RM-16, Multifamily Residential; and RM-25, Multifamily Residential to the Oakland Park Downtown Development District (OP3D) and its sub areas.

Board Member King seconded the motion which prevailed by the following vote:

YES: Board Member Fischer, Board Member King, Board Member Van de Bogart, Vice Chair Peterson, and Chair Rivelli.

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| 5. | Case #CD19-13T “Text Amendment to Amend Automobile Sales Regulations” A Public Hearing to consider amending Chapter 24 of the Code Of Ordinances, Entitled “Land Development Code”, by specifically amending Article III, Section 24-41, entitled “Master Business List” to convert ‘Automobile Sales, Wholesale & Retail (Within Building Only)’ from a permitted to a conditional use in applicable zones and to add supplemental regulations for this use and for ‘Automobile Sales, Used’ establishments. |
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Peter Schwarz, Community & Economic Development Director, provided staff’s presentation.

Public Comments:

The following public comments were provided:

- Jack Doren spoke in support of the initiative to address and regulate both categories of auto sales. He asked if the text amendment applied to exterior areas as well as inside uses for auto sales, if the amendment would preclude sign spinners, and he asked about the permitted types of fencing.

Mr. King asked about the zoning of automobile sales as it relates to the parking issue.

Mr. Schwarz stated that the expectation is that indoor businesses conduct their businesses indoors and that the parking overflow of automobile sales establishments has become a significant issue in the City for the Business Regulation section of the Community Enhancement Division to regulate.

Vice Chair Peterson asked if the text amendment would apply to the current businesses and about fencing.

Mr. Schwarz explained that the Master Business List is changing for the indoor auto sales, but other supplemental regulations such as fencing, are going to apply to all auto sales to raise the aesthetic of the City. He added that the fence code that exists in the City specifies other types of fencing that is allowed. Regarding signs, spinners, and flags, Mr. Dambach provided the definition from the ordinance and explained that any flags would be prohibited. Mr. Schwarz added that temporary signs, feather flag signs, flags, banners, balloons etc. and these are the things the City is going to try to clean up.

Member Van de Bogart inquired about places in the code that make a distinction between a static sign and a digital sign.

Mr. Schwarz explained that the text amendment is an attempt to clarify as there are slight discrepancies in the code.

Member Van de Bogart referenced case law on the issue, to which Assistant City Attorney, Sean Swartz stated that the office is working with staff to ensure the City is in compliance with relevant case law.

Member Fischer inquired about the origins of the proposed text amendment.

Mr. Schwarz stated that it has been a constant issue that Community Enhancement staff has dealt with for years including unlicensed vehicles parked in driveways and swales instead of the warehouses. Outdoor auto dealers are required to keep their stock on their property, and indoor dealers are required to keep their stock in their building. The issue is that dealerships do not keep their stock in their building, and indoor dealers often do not keep their stock inside. He added that parking is not permitted on grass or in swales except under very limited circumstances.

Vice Chair Peterson moved to recommend approval amending Article III, Section 24-41, entitled “Master Business List” to require conditional use approval of ‘Automobile Sales, Wholesale & Retail (Within Building Only)’ from a permitted to a conditional use in applicable zones and to add supplemental regulations for this use and for ‘Automobile Sales, Used’ establishments.

Board Member Van de Bogart seconded the motion which prevailed by the following vote:

YES: Board Member Fischer, Board Member King, Board Member Van de Bogart, Vice Chair Peterson, and Chair Rivelli.

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| OTHER BUSINESS |
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Mr. Dambach announced that he has accepted a position to work for Miami Dade County.

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| ADJOURNMENT |
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There being no further business, the meeting was adjourned at 8:57 P.M.

CITY OF OAKLAND PARK, FLORIDA

SCOTT RIVELLI, BOARD CHAIR

ATTEST:

MELISSA ALVARADO, BOARD SECRETARY