



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, DECEMBER 20, 2023 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	6	0
Brad Cohen, Vice Chair (arr. 6:05)	P	4	2
John Barranco	P	4	2
Mary Fertig	P	5	1
Steve Ganon	P	5	1
Marilyn Mammano	P	5	1
Shari McCartney	P	6	0
Patrick McTigue	P	6	0
Jay Shechtman	P	5	1

Staff

D'Wayne Spence, Deputy City Attorney
Bob Dunckel, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Urban Planner
Nancy Garcia, Urban Design and Planning
Michael Ferrera, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Leslie Harmon, Recording Secretary, Prototype, Inc.

Communication to City Commission

~~None.~~

~~I. CALL TO ORDER / PLEDGE OF ALLEGIANCE~~

~~Chair Weymouth called the meeting to order at 6:03 p.m. The Pledge of Allegiance was recited, and the Chair introduced the Board members present.~~

~~Vice Chair Cohen arrived at 6:05 p.m.~~

~~II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM~~

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

~~**Motion** made by Mr. Shechtman, seconded by Ms. McCartney, to approve. In a voice vote, the **motion** passed unanimously.~~

~~The following Item was taken out of order on the Agenda.~~

7. CASE: UDP-PDD22003

REQUEST: * ** Site Plan Level IV Review: Rezoning Request from County Hotel R-6 District (County R-6) and County One-family District (County R-1-C) to Planned Development District (PDD) with an Associated Site Plan for 298 Hotel Rooms, 340 Multifamily Residential Units, and 4,717 Square-Feet of Commercial Use

APPLICANT: PFL VII, LLC

AGENT: Nectaria Chakas, Lochrie and Chakas, P.A.

PROJECT NAME: Westin/Aura Cypress Creek

ADDRESS: 200 and 400 N. Corporate Drive

ABBREVIATED LEGAL DESCRIPTION: Shell at I-95 102-25 B POR TR 1 TOG WITH PT of Vacated Canal

ZONING DISTRICT: County Hotel R-6 District (County R-6) and County One-family District (County R-1-C)

PROPOSED ZONING: Planned Development District (PDD)

LAND USE: Mixed Use

COMMISSION DISTRICT: 1 – John Herbst

NEIGHBORHOOD ASSOCIATION: N/A

CASE PLANNER: Lorraine Tappen

Disclosures were made at this time.

Nectaria Chakas, representing the Applicant, recalled that the subject site has come before the Board a number of times, including hearings addressing a Land Use Plan Amendment. The site was annexed from Broward County and had retained its County land use and zoning designations, which were changed from Residential to Mixed Use. There were also text amendments for the site.

The site first came before the Planning and Zoning Board for a Land Use Plan Amendment and text amendments, which were approved by the City Commission in June 2023. The final step in the Land Use Plan Amendment (LUPA) process was finalized in September 2023, when the Broward County Planning Council certified the City's Comprehensive Plan. The subject site now appears as Mixed Use on the new land use map.

The Applicant proposes to change the site from R-6 and R-1-C, which are County zoning designations that no longer exist in Broward County, to a City zoning category. The zoning category which best implements mixed use is PDD, and will include the existing Westin Hotel on the north end of the site. The 14-story, 298-room hotel will remain as is, with ancillary restaurants and meeting space. The new section of the site, which will replace the parking lot, will include a 10-story parking garage, which will house parking

for the new hotel and residential units. 340 residential units are proposed in a 12-story building, with 51 units, or 15%, to be set aside for affordable housing. The remainder of the units will be market rate.

In addition to the residential use, 4717 sq. ft. of ground floor commercial uses are proposed for the building. Ms. Chakas reviewed the area, which will include a walking trail as well as two privately owned public spaces, a linear park and a commons park. These spaces will be granted to the City through public purpose and park easements, which will be memorialized in a development agreement to be approved by the City Commission.

The proposed building is 12 stories in height, but includes significant movement, including recesses, terracing, curved balconies, and other features providing variation to the façade. Ms. Chakas showed multiple views of the site, noting that the proposed garage will provide parking for both the residential and hotel units. The hotel and residential units will have separate entrances to this garage. A three-story cutout will allow light and air to move between the buildings and provide an appearance of separation.

Three public areas will be granted to the City through easements: a linear park, a commons park, and a walking trail of one quarter-mile to one half-mile in length. The trail will be granted to the City as a pedestrian promenade. The linear park will include furnishings and sculptural earth work. The commons park, which is located between the hotel and parking garage, will also incorporate sculptural earth work, as well as specialty paving, plantings, and furniture. It is intended to be used by residents, hotel guests, and the public. The walking trail circulates around the buildings. A dog park will also be incorporated into the project.

The Applicant has worked with City Staff to amend a number of conditions of approval. Ms. Chakas characterized these amendments as primarily affecting the timing of some of these conditions. She distributed a list of the revised conditions of approval to the Board members, noting that Staff is in agreement with them. The conditions affect the timing of requirements for the development agreement and easements. The development agreement will be a condition of final Development Review Committee (DRC) approval.

Ms. Chakas noted that one condition was inadvertently omitted from the list. This condition required the developer to pay a proportionate share to the City for some road improvements.

Ms. Mammano noted that one condition of PDD zoning requires significant improvements to the property which are available to the public. She expressed disappointment that there appeared to be only one entrance to the site from the public sidewalk, which leads into the linear park. Ms. Chakas advised that there are access openings from Cypress Creek Road and Corporate Drive. She added that the Applicant is amenable to the inclusion of signage at these access points which indicate that the space is open to the public. Ms. Mammano asserted that she would like to see this signage added to the access points.

Ms. Mammano also asked if the Applicant has determined the hours in which the public space will be open, as well as the actual dimensions of the parks. Ms. Chakas advised that the Applicant has provided an open space diagram in their application package. The walking trail is a 5 ft. wide sidewalk path. The easement applies to the sidewalk only and not to any adjacent landscaping.

Ms. Chakas added that the open space diagram provided in the Application is slightly more than what the Applicant would be giving the City. They will work with City Staff to come up with a more accurate diagram before the Application goes before the City Commission.

Ms. Mammano explained that her concern was that the Board is asked to approve the Application without seeing the open space diagram or knowing the dimensions and location of the areas dedicated as open space. She requested assurance from Staff that this documentation will be provided to the City Commission before they are asked to approve the Application. It was confirmed that this could be done.

Ms. Mammano also addressed the affordable units, asking if these are provided “under some program” or by the developer’s decision alone. Ms. Chakas replied that the developer made the decision to include these units as part of the LUPA in order to show the County that they recognized the ongoing crisis of affordable housing. The Applicant was not asked to include the affordable units.

Ms. Mammano reiterated that she wished to know the program under which the units would be provided, as well as the entity responsible for monitoring the provision of affordable units and the applicable income criteria. Ms. Chakas stated that the units will be available at between 80% and 120% of area median income (AMI), which is \$88,500/year. The units will be affordable for a period of at least 30 years. A document has already been recorded in public records as part of the LUPA, and is included in the Board’s backup materials. It constitutes another public purpose component to the project.

Ms. Fertig requested clarification of the total acreage of the site’s public spaces. Ms. Chakas replied that while she did not have this information at hand, it will be quantified before the Application goes before the City Commission.

Ms. Fertig also requested more information regarding parking. Ms. Chakas advised that a parking reduction to 0.67 space per room is requested for the hotel. The hotel has indicated that they need only 200 spaces. The Applicant’s traffic consultant conducted monitoring of the site during a hotel event in June 2023 and confirmed that the greatest parking demand was approximately 180 spaces at that time.

In addition to the hotel parking reduction, City Code allows parking reductions for affordable housing units. The 51 affordable units will be parked at one space per unit

instead of the standard 1.75 spaces per unit. The market-rate units will be parked according to Code requirements.

Ms. Fertig commented that the backup materials show that the 188 studio/one-bedroom units would require 329 spaces, while the Applicant plans to provide 240 spaces. Lorraine Tappen, representing Urban Design and Planning, noted that an updated version of the Staff Report has been provided to the Board members. The updated report includes a number of corrections, including:

- P. 1: Applicant's name has been updated to PFL VII, LLC
- P. 2: 180-day expiration date has been updated to May 22, 2023, with an extension until January 9, 2024
- P. 7: the proposed development proposes 835 parking spaces, surpassing the analyzed demand by 17 spaces; there will be 137 studio/one-bedroom units, 134 two-bedroom units, and 18 three-bedroom units; this reflects a ratio of 1.75 spaces for studio/one-bedroom units and two spaces for two-bedroom units
- P. 9: revised conditions include:
 - Pursuant to Unified Land Development Regulations (ULDR) Section 47-38.a, Park Impact Fees, the Applicant will be required to pay park impact fees for the proposed residential units, less any applicable credits, consistent with the ULDR Section noted above
 - Condition 4.a was updated prior to final DRC approval record of a unified control document recorded in the public records of Broward County, encompassing the PDD land area
 - Prior to issuance of a final Certificate of Occupancy (CO) recorded in the public records of Broward County, any required non-exclusive utility easements and non-exclusive easements for public open space for the area shown on the PDD development plan
 - Prior to final DRC, a development agreement must be recorded with the City which includes permitted uses and provisions for the construction of the public improvements, including public open space and streetscape improvements according to the approved
- Prior to issuance of the building permit, other than site permits, Applicant shall be required to pay \$14,567.98 to the City of Fort Lauderdale's Transportation and Mobility Department for their proportional share of two turn lane extensions

Ms. Chakas further clarified that the Application is expected to go before the City Commission for first reading in January 2024, followed by a second reading in February. The deadline can be further extended until February 10, 2024 as a voluntary condition by the Applicant.

Ms. Mammano requested clarification of the condition that would ensure when the site's open space becomes available to the public. Ms. Chakas stated that once the open space has been completed and the final CO is issued, this space would be available.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Fertig, seconded by Mr. McTigue, to include the Staff Reports on any Item where applicable without hearing from the Staff, including tonight, with any corrections that may be presented. In a voice vote, the **motion** passed unanimously.

Motion made by Ms. Mammano, seconded by Vice Chair Cohen, “that the Planning and Zoning Board approves the Application and determines that the proposed rezoning and Site Plan Level IV Application meets the standards and requirements of the ULDR and criteria for Site Plan Level IV review; Planning and Zoning Board shall recommend approval with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed rezoning associated development to the City Commission, with the following conditions, and it’s all of the revised conditions that we have seen tonight, plus I would like to add a condition that all of the entrances to the publicly accessible open space from the public rights-of-way have signage indicating that the public is welcome and the hours in which the public will be able to use those spaces.”

Ms. Mammano continued that she would also like her **motion** to include the Applicant’s voluntary agreement to provide 51 units of affordable housing. It was noted that this is already included in the conditions.

It was asked if the condition offered by Ms. Chakas, in which the Applicant voluntarily agreed to provide the City with an extension to approve or deny until February 10, 2024, would be included as well.

Attorney Spence advised that under Florida Statute 166.0141, rezonings must be conducted at public hearings, and there is not sufficient time to advertise the two public hearings for the time frame cited above. The Applicant would need to waive this to provide additional time for a second public hearing, as the first hearing cannot be January 9, 2024.

Ms. Chakas suggested that the first reading in January 2024 could be scheduled for the second City Commission meeting of that month, with the second reading to take place at the first City Commission meeting in February 2024. She felt the proposed extension to February 10, 2024 would be more than sufficient.

Ms. Fertig commented that emergency conditions could further delay the process, and suggested that the extension be made until March 1, 2024. It was determined that the extension would be to the second City Commission meeting in February 2024.

Ms. Mammano asserted that she would like this condition to be added to her **motion** as follows: “that the Applicant agrees to waive the public hearing until the second meeting

in February. Attorney Wallen clarified that this would mean the Applicant voluntarily agrees to provide the City with an extension under Florida Statute 166.033 until February 20, 2024, which is the date of the second City Commission meeting in February.”

Vice Chair Cohen **seconded** the **amended motion**.

In a roll call vote, the **motion** passed unanimously (9-0).

The following Item was taken out of order on the Agenda.

~~2. **CASE:** UDP S23002~~

~~**REQUEST:** ** Site Plan Level III Review: Conditional Use for Increased Building Height Exceeding 120 Feet East of Intracoastal, Waterway Use, and Yard Modification Request for 36 Multifamily Residential Units~~

~~**APPLICANT:** Ocean Harbor Properties, LLC.~~

~~**AGENT:** Stephanie Toothaker, Esq.~~

~~**PROJECT NAME:** Ocean Harbor Residences~~

~~**ADDRESS:** 3013 and 3019 Ocean Harbor~~

~~**ABBREVIATED LEGAL DESCRIPTION:** Lot 11, Ocean Harbor, According to Plat Thereof, Plat Book 26, Page 39~~

~~**ZONING DISTRICT:** Residential Multifamily High Rise/High Density District (RMH 60)~~

~~**LAND USE:** High Residential~~

~~**COMMISSION DISTRICT:** 4 Warren Sturman~~

~~**NEIGHBORHOOD ASSOCIATION:** Harbor Drive Civic Association~~

~~**CASE PLANNER:** Jim Hetzel~~

~~Disclosures were made at this time.~~

~~Stephanie Toothaker, representing the Applicant, stated that there are currently 24 units in the buildings located at 3013 and 3019 Ocean Harbor. The proposed project would increase this number to 36 units.~~

~~Ms. Toothaker pointed out that the subject property, and the properties surrounding it, have a land use of High Residential, which means they may house up to 60 units per acre. This land use plan has been in effect for some time. The site's zoning is RMH 60, which permits up to 60 units per acre.~~

~~Ms. Toothaker continued that the subject property is “on the line” between RMH 60 and SBM HA zoning. Properties developed to its east, including the Bahia Cabana and Bahia Mar projects, are SBM HA. She reiterated that the subject site itself is zoned RMH 60.~~

~~Ms. Toothaker noted a number of relevant nearby buildings, including Bahia Cabana and Harbourage Place. She added that an older project was previously approved for the~~

~~cautioned that this does not align the members' terms with the terms of office of elected officials: when future Board members are appointed, their terms will align with the officials' terms of office.~~

VII. VOTE FOR 2024 PLANNING AND ZONING BOARD CALENDAR

~~**Motion** made by Mr. McTigue, seconded by Vice Chair Cohen, to approve. In a voice vote, the **motion** passed unanimously.~~

~~There being no further business to come before the Board at this time, the meeting was adjourned at 9:52 p.m.~~

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

Mike Abeyaratne

Chair

[Signature]

Prototype

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