



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES  
CITY HALL COMMISSION CHAMBERS  
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301  
WEDNESDAY, AUGUST 17, 2022 – 6:00 P.M.**

<b>Board Members</b>	<b>June 2022 – May 2023</b>		
	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Michael Weymouth, Chair	P	3	0
Brad Cohen, Vice Chair	P	2	1
John Barranco	P	3	0
Mary Fertig	P	3	0
Steve Ganon	P	3	0
Shari McCartney	A	0	3
Patrick McTigue	P	1	0
William Rotella	P	3	0
Jay Shechtman	P	2	1

**Staff**

D'Wayne Spence, Assistant City Attorney  
Shari Wallen, Assistant City Attorney  
Lorraine Tappen, Principal Urban Planner  
Karlanne Devonish, Urban Design and Planning  
Michael Ferrera, Urban Design and Planning  
Yvonne Redding, Urban Design and Planning  
Adam Schnell, Urban Design and Planning  
Jamie Opperee, Recording Secretary, Prototype, Inc.

**Communication to City Commission**

None.

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

Chair Weymouth called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board members present.

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

**Motion** made by Mr. Rotella, seconded by Mr. Barranco, to approve the minutes for July. In a voice vote, the **motion** passed unanimously.

**III. PUBLIC SIGN-IN / SWEARING-IN**

Any members of the public wishing to speak at tonight's meeting were sworn in at this time.

**Motion** made by Mr. Barranco, seconded by Vice Chair Cohen, to make the Staff Report part of any case where it is applicable. In a voice vote, the **motion** passed unanimously.

#### IV. AGENDA ITEMS

##### Index

##### Case Number

1. UDP-P22001
2. UDP-V20003\*\*
3. UDP-P21010
4. UDP-T22005\*

##### Applicant

Jim Moran Foundation, Inc.  
Las Olas Harbor Club, LLC  
Public Storage Properties IV, LTD  
City of Fort Lauderdale

##### 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.

~~1. CASE: UDP-P22001~~

~~REQUEST: Plat Review~~

~~APPLICANT: Jim Moran Foundation, Inc.~~

~~AGENT: Val Sousa, Assistant Vice President of the Jim Moran Foundation, Inc~~

~~PROJECT NAME: Jim Moran Foundation Plat~~

~~PROPERTY ADDRESS: 4545 N Federal Highway~~

~~ABBREVIATED LEGAL DESCRIPTION: 13 49 42 THAT PT OF S1/2 OF SW1/4 DESC AS BEG AT INTER OF N BNDRY OF S1/2 OF SW1/4 & WLY RW/L OF FED HWY, SW ALG SAID RW/L 209.23 TO POB, SW PAR TO SAID BNDRY 315, SW PAR TO SAID RW/L 397.84, NE PAR TO SAID BNDRY 315, NE ALG SAID RW/L 397.84 TO POB~~

~~ZONING DISTRICT: Boulevard Business District (B-1)~~

~~LAND USE: Commercial~~

~~COMMISSION DISTRICT: 1—Heather Moraitis~~

~~NEIGHBORHOOD ASSOCIATION: None~~

~~CASE PLANNER: Adam Schnell~~

Disclosures were made at this time.

Barbara Hall, representing the Applicant, stated that the requested plat is the first step in the development of new permanent headquarters for the Jim Moran Foundation. It includes just under 70,000 sq. ft. of office use. The Applicant expects to file a Site Plan for the property in the next couple of weeks.

There being no questions from the Board 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.

Mr. Barranco requested additional information regarding an access easement on the site. Ms. Hall replied that the Florida Department of Transportation (FDOT) has issued a notice of intent to issue a permit.

**Motion** made by Ms. Fertig, seconded by Vice Chair Cohen, to recommend approval of case number UDP P22001, based on the following findings of fact in the Staff Report and the testimony heard tonight, and the Board hereby finds that the Application meets the applicable criteria of the ULDR cited in the Staff Report. In a roll call vote, the **motion** passed unanimously (8-0).

**2. CASE:** UDP V20003

**REQUEST:** \*\* Vacation of Right of Way: 50-foot wide by 115-foot long Portion of Valencia Street

**APPLICANT:** Las Olas Harbor Club, LLC.

**AGENT:** Stephanie Toothaker, Esq.

**GENERAL LOCATION:** Portion of Valencia Street, West of North Birch Road and East of the Intercoastal Waterway, South of Sebastian Street and North of East Las Olas Circle

**ABBREVIATED LEGAL DESCRIPTION:** Portion of Valencia Street Right of Way, as dedicated by "Lauder Del Mar", according to Plat Book 7, Page 30, of the PRBC, Florida

**ZONING DISTRICT:** Intracoastal Overlook Area District

**LAND USE:** Central Beach Regional Activity Center

**COMMISSION DISTRICT:** 2—Steven Glassman

**NEIGHBORHOOD ASSOCIATION:** Central Beach Alliance HOA

**CASE PLANNER:** Yvonne Redding

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, advised that the Applicant's team made a presentation to the Central Beach Alliance (CBA) as well as to the Portofino condominium regarding this project. At that time, it was suggested to the Applicant to vacate a right-of-way between properties. The team worked with the District

Commissioner, City management, the City's Utilities Department, and neighboring properties to develop the proposal that is before the Board tonight.

The subject area is the dead end of Valencia Street. Right-of-way vacation would eliminate this dead end, which Ms. Toothaker described as an eyesore. She stated that the project would result in the beautification of the space. No buildings are planned, and the only structure proposed is the gate which serves as the entrance to the Portofino. This gate would be shifted slightly from its current position.

Ms. Toothaker continued that the proposed vacation grants back a utility easement across the entire area so it would be available if the City needed it for a public utility. The existing utilities in the right-of-way are not being relocated.

The Applicant has received letters of no objection, and agrees to all conditions. Ms. Toothaker noted that the conditions state that no structures can be over the vacated area, and clarified that the only exception to this requested by the Applicant is for the gate to the Portofino.

The Applicant has also received a letter of agreement between the Portofino and the Las Olas Harbor Club, which states that the Harbor Club would grant an easement to allow continued access to the Portofino through the existing entrance. The CBA also voted in support of the request.

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

William Brown, president of the CBA, stated that he lives less than one block from the site. He requested that the Board approve the proposed right-of-way vacation, reiterating that the CBA and the Portofino worked with the Applicant to develop a plan that they could support. The CBA approved the project by a vote of 97-0.

Elizabeth George, resident of the Portofino, emphasized the value of the proposed modification, which would serve to beautify the subject area. The Portofino looks forward to partnership with the City and the surrounding community on this beautification.

Gary George, member of the CBA's board, advised that a marina is planned near the subject area, including a restaurant, parking garage, and park. He pointed out that the vacation of the right-of-way would not eliminate waterfront access, and noted that beautification would raise the value of the area.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Ms. Fertig asked what was intended by “beautification” of the area. Ms. Toothaker confirmed that aside from the easement and the gate, the area would be heavily landscaped.

Mr. Shechtman commented that he was not in favor of vacating access to the water, noting that this access had been the original intent when the site was platted in 1914. He stated that he would be satisfied with the proposal if a public access agreement were recorded. Ms. Fertig agreed with this suggestion as well.

Ms. Toothaker advised that the proposal does not include access from Birch, although there is an access walkway along the water between the two condominiums. She reiterated that part of the intent of granting the easement is to eliminate existing issues with public congregation in the space.

Vice Chair Cohen requested additional information about the existing gate. Ms. Toothaker stated that this gate is being shifted slightly, but is still located at the entrance to the Portofino. She added that the public right-of-way that enters into the Portofino will remain and will be improved.

Vice Chair Cohen also asked if the property has ever included a legal boat ramp or other signs of access to the waterway. Ms. Toothaker replied that a nearby seawall was in disrepair and falling into the water, which allowed people to climb up onto the private property. There was no public access from the waterway.

Mr. Barranco observed that the area is close to public access on Las Olas Boulevard, including a public garage and marina. He felt this would provide ample opportunity for public access to the waterway. Ms. Fertig pointed out that in some City neighborhoods, the ends of a canal are open to the public so individuals may view the water. She emphasized the importance of continuing to offer these views to the public.

Mr. Shechtman clarified that his concern was not with views of the waterway, but with how the property was originally platted. It was meant to provide access to the water “as a form of transportation.” He noted that once the vacation is granted, the opportunity for a boat ramp, water trolley stop, or future waterway transportation or technology can no longer be provided at the site.

Ms. Fertig asked if there is any means to create some form of public access to the waterway at the subject location. Ms. Toothaker replied that there is nothing to prevent the public from accessing the site, but pointed out that the intent of granting the vacation was to prevent the public from using the site as it is currently used. She stated again that plans for the site include heavy landscaping that will not affect vistas, and reiterated Mr. Barranco’s assertion that there is nearby public access from the marina and garage.

~~Motion made by Vice Chair Cohen, seconded by Mr. McTigue, to approve with Staff conditions with the modification. In a roll call vote, the motion passed 6-2 (Ms. Fertig and Mr. Shechtman dissenting).~~

~~It was noted that the motion included an amendment to Staff conditions to allow the entrance gate to Portofino Condominium to be located within the proposed utility easement.~~

**3. CASE: UDP-P21010**

**REQUEST:** Plat Review

**APPLICANT:** Public Storage Properties IV, LTD.

**AGENT:** Damian Thomason

**PROJECT NAME:** Public Storage at 23<sup>rd</sup> Avenue Plat

**PROPERTY ADDRESS:** 1020 NW 23<sup>rd</sup> Avenue

**ABBREVIATED LEGAL DESCRIPTION:** 32-49-42 E1/2 OF SE1/4 OF SE1/4 OF SE1/4 LESS S 200 & LESS W 35 FOR ST

**ZONING DISTRICT:** General Business (B-2) District and General Industrial (I) District

**LAND USE:** Commercial and Industrial

**COMMISSION DISTRICT:** 3 - Robert L. McKinzie

**NEIGHBORHOOD ASSOCIATION:** N/A

**CASE PLANNER:** Michael P. Ferrera

Disclosures were made at this time.

Mike Bigley, representing the Applicant, stated that the existing facility on the site was constructed over 35 years ago and is nearing the end of its useful life. The Applicant is seeking to redevelop the property. When they were working with City, County, and FDOT Staff on this process, it was determined that the property had never been platted.

Mr. Bigley advised that FDOT has asked the Applicant to vacate approximately 5 ft. of right-of-way on the western side of the property so it matches their transit plan.

Mr. Barranco asked if the Applicant's Site Plan was reviewed by the City's Development Review Committee (DRC) without a plat determination letter. Mr. Bigley explained that the plat issue must be addressed before permits can be issued. This is considered a condition of approval.

There being no further questions from the Board 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. Barranco, to recommend approval of case number UDP-P21010, based on the findings of fact in the Staff Report, and the Board hereby finds that the Application meets the applicable criteria of the ULDR cited in the Staff Report. In a roll call vote, the **motion** passed unanimously (8-0).

~~4. CASE: UDP T22005~~

~~REQUEST: \*Amend ULDR Section 47-6.12, List of permitted and conditional uses, General Business (B-2) District, Section 47-6.13 List of permitted and conditional uses, Heavy Commercial/Light Industrial (B-3) District, and Section 47-19.9, Outdoor Uses~~

~~APPLICANT: City of Fort Lauderdale~~

~~GENERAL LOCATION: General Business (B-2) and Heavy Commercial/Light Industrial (B-3) Districts~~

~~COMMISSION DISTRICT: City-Wide~~

~~CASE PLANNER: Karlanne Devonish~~

~~Mr. Barranco advised that he may have a conflict for this Item. Assistant City Attorney D'Wayne Spence stated that this is a legislative Item that would change an entire zoning classification of permitted uses, so it affects B-2 zoning districts throughout the entire City rather than a single project.~~

~~Karlanne Devonish, representing Urban Design and Planning, explained that the request is for a Text Amendment to Section 47-6.12 of the City's Unified Land Development Regulations (ULDR). This Section lists uses for the B-2 or General Business zoning district.~~

~~The request will also amend Section 47-6.13, which includes tables of permitted and conditional uses for the Heavy Commercial/Light Industrial (B-3) zoning district. It would add radio broadcast facility, production radio, television, and motion picture production as conditional uses in both tables. Based on the intent of both zoning districts, Staff believes that the uses should be allowable as a conditional use.~~

~~Staff also proposes to amend Section 47-19.9, Outdoor Uses, to add specific criteria for outdoor uses for outdoor television and motion picture production when ancillary to television and motion picture production. The proposed criteria for outdoor use will limit outdoor filming and placement of materials and equipment no closer than 100 ft. from the nearest residential property, and will include a reference that outdoor filming is subject to the Code of Ordinances Chapter 17 (Noise Control).~~

~~There being no questions from the Board 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 Mr. Rotella, seconded by Mr. Canon, to approve case UDP T22005. In a roll-call vote, the **motion** passed unanimously (8-0).~~

~~Attorney Spence requested clarification that the **motion** to approve was intended to serve as a recommendation of approval to the City Commission. Mr. Rotella confirmed this.~~

**V. COMMUNICATION TO THE CITY COMMISSION**

None.

**VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

Ms. Fertig asked if the Board would be able to discuss the charts provided to them prior to tonight's meeting, as she had questions to be clarified. Mr. Barranco suggested that this discussion should be brought back as a formal Agenda Item, accompanied by a presentation from Staff.

Chair Weymouth proposed that the Item be brought back when the Board has, or is very close to, full attendance. If a substantial quorum is not present at the September 2022 meeting, he recommended moving this Item to the October meeting. He also requested that Staff ensure new Board member Patrick McTigue is provided with the materials to which Ms. Fertig had referred.

Lorraine Tappen, Principal Urban Planner, addressed the discussion of the platting process which arose under Case UDP-P21010, clarifying that platting is required before issuance of a building permit. When Site Plan approval is requested, Staff requires a plat determination letter from Broward County.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:47 p.m.

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

  
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Chair

  
\_\_\_\_\_  
Prototype

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