



**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, OCTOBER 20, 2021 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	June 2021-May 2022		
	Attendance	Present	Absent
Jacquelyn Scott, Chair	P	5	0
Brad Cohen, Vice Chair	P	3	2
John Barranco	P	4	1
Mary Fertig	P	5	0
Steve Ganon	P	5	0
Shari McCartney	P	5	0
William Rotella	P	4	1
Jay Shechtman	P	4	1
Michael Weymouth	P	4	1

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

Staff

- Ella Parker, Urban Design and Planning Manager
- D'Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- Jim Hetzel, Principal Planner
- Trisha Logan, Historic Preservation Planner
- Karlanne Grant, Urban Design and Planning
- Nicholas Kalargyros, Urban Design and Planning
- Yvonne Redding, Urban Design and Planning
- Igor Vassiliev, Public Works Department
- Jamie Opperee, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Scott called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited and roll was called. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

~~Motion made by Mr. Rotella, seconded by Mr. Weymouth, to approve. 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. Chair Scott noted that representatives of civic and homeowners' associations would be given five minutes to speak; all other members of the public wishing to speak would be allotted three minutes.~~

~~IV. AGENDA ITEMS~~

Index

<u>Case Number</u>	<u>Applicant</u>
1. PL R19052**	SE Fourth, LLC
2. UDP S21024**	ELO Investments 2, LLC
3. UDP Z21001**	3303 Community Development, LLC
4. UDP Z21002**	3303 Community Development, LLC
5. UDP T21007*	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: PL-R19052**
REQUEST: ** Site Plan Level III Review: 77 Multi-Family Residential Units on the New River in Downtown Regional Activity Center
APPLICANT: SE Fourth, LLC.
GENERAL LOCATION: 808 SE 4th Street
AGENT: Stephanie Toothaker, Esq.
LEGAL DESCRIPTION: Colee Hammock 1-17 B LOT 6,7 BLK 11 as recorded in the public records of Broward County, Florida
ZONING DISTRICT: Regional Activity Center - East Mixed Use (RAC-EMU)
COMMISSION DISTRICT: 4 - Ben Sorensen
NEIGHBORHOOD ASSOCIATION: Colee Hammock Homeowners Association and Rio Vista Civic Association
LAND USE: Downtown Regional Activity Center

CASE PLANNER: Jim Hetzel

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, showed a PowerPoint presentation on the Application for which Site Plan Level III review is requested. The project is within the Downtown Regional Activity Center (RAC) with an underlying land use of Downtown RAC. This land use encourages development/redevelopment of areas with regional significance which facilitate a mix of uses, including residential. The property is zoned RAC-East Mixed Use (RAC-EMU). Regulations within this zoning district are intended to provide transition from the intense uses permitted in the RAC to uses east of the EMU.

The property has an underlying Downtown character area of Near Downtown, which consists of institutional, retail, and office uses with a variety of housing options. This area is characterized by intermediate scale, with a transition distance of 200 ft. from the eastern property inward. This includes the entire width of the subject property. The recommended transition is a maximum height of 2.5 times the maximum height of the adjacent zoning district, which is RMM-25 and has a maximum height of 55 ft. This results in a height of 137 ft. 6 in. for the proposed project. The Application is compliant with this height. The property is also located within the area known as the Las Olas Gateway, which is not codified and is not intended to be prescriptive.

Ms. Toothaker stated that the subject property is compatible with surrounding properties within the RAC. She showed multiple views of the property, noting that it is consistent with the overall character of the surrounding area. She characterized the structure as being beyond its useful life, as were some of the surrounding buildings.

The proposed project includes 77 residential units, five of which are within the podium and 71 of which are in the tower. The first floor will serve as a lobby, while the second floor consists of parking and the third, fourth, fifth, and 16th have parking and residential uses. Above the 16th floor is a roof deck with amenities.

The building has a 35 ft. setback to the center line of the road in front of the building, with 0 setbacks on the side, 5 ft. setbacks to the west, and 18 ft. to the property line at the rear of the New River. These setbacks are compliant with the Downtown Master Plan. The front setback is 15 ft. above the 5th story in the front, east, and west, and 30 ft. at the New River. No parking reduction is requested for the project.

Ms. Toothaker noted that the Application was submitted in 2019, prior to the adoption of the Downtown Master Plan. Because it preceded this Plan, the Applicant is not required to request variances. The project complied with the spirit and intent of a goals document that preceded the Master Plan. These include:

- Transition area may not exceed 137 ft. 6 in.
- Maximum street wall is 300 ft.
- Maximum tower floor plate is 18,000 sq. ft. for buildings lower than 15 floors

- Maximum podium height is 7 floors
- Minimum tower stepback is 30 ft. but can go to 15 ft. if the right-of-way is smaller than 60 ft., which is the case for this building

Ms. Toothaker added that the project was compliant with the existing Downtown Master Plan at the time it was submitted. The building is also compliant with the height limitation of 137 ft. 6 in., as the only items above this height are an amenity deck and architectural elements.

The project meets the intent of the Downtown Master Plan by addressing building scale, framing of the street, and provision of light and air at the pedestrian level through a combination of design strategies. These include:

- Podium is 4 to 5 stories against a maximum of 7 stories
- Tower floor plate is 12,120 sq. ft. against a maximum of 18,000 sq. ft.

The building is set back 15 ft. from SE 4th Street, with a stepback of 15 ft. and a distance between buildings of 42 ft. On the opposite side, the building is 23 ft. from the adjacent building and is stepped back 15 ft. from the podium.

The project also meets compatibility from an infrastructure standpoint, as stated in a letter provided from Staff. The project does not generate enough trips to have triggered a full parking study and is expected to have minimal impact. Ms. Toothaker added that the project conforms to the intent of both the Downtown Master Plan and the New River Master Plan, both of which have neighborhood compatibility measures built into their guidelines.

Ms. Toothaker continued that the Applicant spent approximately two years on neighborhood outreach. A number of architectural changes were made throughout the outreach process:

- Elimination of architectural roof element to comply with the maximum permitted height
- Side balconies were reduced to a maximum of 3 ft. into the stepback, with only street balconies remaining at 5 ft.
- Roof mechanical louvers were changed to solid walls
- VRS incorporated at ground level were separated from the public right-of-way by vertical elements, and a green wall was added to cover the parking level

Additional revisions were made in response to community feedback, including concerns with the edge of the building closest to the Rivercrest Apartment Condominiums. The Applicant "shaved off" a 5 ft. x 6 ft. corner of this building on levels 2 through 5 in order to improve views from Rivercrest.

The Applicant provided more than 160 letters of support for the project from surrounding residents as well as business owners, including Rivercrest and the Las Olas Association. The Applicant also signed a letter of agreement with Rivercrest, which made a number of

commitments to that building, including improvements to Rivercrest's seawall to bring it up to Code. The Applicant also plans to build Rivercrest a 5 ft. dock concurrently with the construction of the subject property's dock. Other elements include "before-and-after" surveys to ensure there is no damage to the building, a 24-hour construction contact person, window and car washing, and others that can be implemented as Site Plan conditions if the project is approved.

Mr. Weymouth asked for more information on why the building is on a zero lot line on its eastern property line but not on the western property line. Ms. Toothaker noted that there is a significant ground level "carve-out" on the eastern side. It was further clarified that a 5 ft. easement is required on the right-hand side of the building.

Mr. Weymouth pointed out that the neighboring building to the west is further away from the tower, and asked again why this was the case. A member of the Applicant's team replied that the floor plan has a large opening on the east, with a lobby area that is open to natural light. The opposite side was developed as shown due to the aforementioned 5 ft. easement requirement. Ms. Toothaker added that one reason the Site Plan reflects a "pinch point" to the east of the building is due to the orientation of the neighboring building, which sits at an angle on the property rather than an east-west or north-south orientation.

Vice Chair Fertig stated that regardless of the orientation of the building to the east, there is still a zero lot line setback. She pointed out that from the second floor up, the building appears to extend to the fence line.

Vice Chair Cohen observed that the zoning changes from the subject property to the project next door, and asked if that neighbor has applied for a zoning change. Ms. Toothaker replied that she did not know if a zoning change has been requested, although she confirmed having discussed zoning changes with that neighbor.

Ms. McCartney requested that the Applicant's analysis of compatibility with the neighborhood be further clarified. Ms. Toothaker stated that compatibility is driven by what zoning says can be done rather than by what currently exists. When the City performs a planning analysis and determines where zoning lines and transitional areas exist, compatibility is defined by what Code allows. If the adjacent building was also within the RAC, the subject property would not be limited to a height of 137 ft. 6 in.; however, the transition from RAC to an adjacent district is dictated by the Master Plan.

Mr. Barranco asked if the property to the west would be required to transition to a lower height if they chose to redevelop, and what criteria would apply if this is necessary. Ms. Toothaker replied that because they are not next to a residential building, they would not have to provide transition. Their maximum height would be dictated by Code without transition.

Ms. Fertig also addressed compatibility, requesting that Staff explain a finding on this issue reflected in the revised Staff Report. Jim Hetzel, Principal Planner, reiterated that

several elements are taken into consideration when regarding compatibility. In this case, the consideration can be challenging, as the property located to the east is not within the Downtown RAC, but has a land use designation of RMM-25. Staff considered the density of the surrounding area, as well as building design and quality of material.

Ms. Fertig asked what kind of redevelopment could be expected from the building to the east. Mr. Hetzel pointed out that this building is outside the Downtown RAC in an RMM-25 zoning district, which may accommodate up to 25 units per acre. Height may be up to 55 ft.

Ms. Fertig also requested that Staff comment on the Downtown RAC unit summary included in the Staff Report. She pointed out when the subject project is constructed, there will be 96 units remaining within the Downtown RAC. Mr. Hetzel explained that a recently approved project changed its development program, which left a balance of units in the RAC that must be used before flex units may be accessed.

Ms. Fertig also requested additional information on agreements between the subject property and a neighboring property with respect to construction of a dock, asking if the Application has been presented to the City's Marine Advisory Board. Mr. Hetzel replied that it has not, as construction of a dock for an adjacent property would be considered a separate item not tied to the Application. The Applicant would need to undergo Marine Advisory Board review and secure the appropriate permits for dock construction.

Ms. Toothaker further clarified that the Applicant agreed to design, permit, and construct the proposed dock on behalf of the neighboring building, with their consent.

Ms. Fertig asked if the project would require any waterway use permissions due to its proximity to the New River. Ms. Toothaker confirmed that there are no waterway uses.

Mr. Ganon asked if the Applicant needs to request a waiver or variance for its 15 ft. tower setback. Mr. Hetzel confirmed that no official variance would be necessary, as the Application was submitted before the codification of the new Downtown Master Plan.

Motion made by Mr. Shechtman, seconded by Vice Chair Cohen, to make the report part of the record. In a voice vote, the **motion** passed unanimously.

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

Ellyn Bogdanoff stated that she represented a number of residents from the subject area. She noted that her clients do not believe the president of Rivercrest Condominium Apartments has the authority to act on behalf of that association. She added that the agreement regarding seawall improvements places a \$250,000 cap on the cost of these upgrades, while the repairs may cost significantly more.

Ms. Bogdanoff continued that while many residents were part of the original 2019 meeting to discuss the project, they did not receive notice of a subsequent meeting held via Zoom in August 2021. In addition, while the Applicant has met many Code requirements for the project, her clients believe there is a challenge regarding the compatibility of the project with its surroundings. She requested that the project be revisited so its neighbors can have more meaningful discussions with the Applicant.

Mike Hartnett, president of Rivercrest Condominium Apartments, advised that this association held a board meeting the previous night to approve the proposed project. Residents of Rivercrest have worked closely with the Applicant's team and have no issues that have not been addressed. The condominium's board of directors is permitted to act on behalf of residents. He concluded that he was in favor of the project.

Ms. Fertig requested clarification of when a previous meeting of owners was held to discuss the project. Mr. Hartnett replied that this was over one year ago.

George Coloney, private citizen, commented that it is time for the subject property to be redeveloped. He was in favor of the project.

Jodie Tanner, private citizen, stated that she was supportive of the project, as it will replace an aging building. She added that the Applicant has considered significant input from members of the community.

Douglas McDaniel, representing the Chateau Mar Condominium Association, advised that this condominium knew nothing about an agreement between the Applicant and the board of directors of Rivercrest. He asserted that they do not support the proposed development in its current format, and expressed concern with its compatibility with the surrounding area, including sustainability and transitional height.

Ms. Fertig asked if residents of Chateau Mar were invited to a public participation meeting. Mr. McDaniel replied that they were not.

Vice Chair Cohen observed that the existing building on the subject site is two stories in height, and noted that Chateau Mar, which is adjacent to it, is seven stories tall.

Midge Bachewicz, private citizen, stated she is a resident at Rivercrest. She felt the proposed building would be large and intrusive to its nearest neighbors, pointing out that the project's solid wall would be on the zero lot line. She added that more than 18 unit owners at Rivercrest also oppose the project and were not informed of communications between the Applicant's team and Rivercrest's board of directors.

Patricia Norris, private citizen, advised that she is also a resident of Rivercrest. She felt the proposed building was incompatible with SE 4th Street, which she characterized as very quiet, and that the addition of a large number of new residents at the subject property would change the nature of this street.

Jerry Jordan, private citizen, stated that he lives two blocks from the subject property. He expressed concern for the surrounding neighborhoods, most of which consists of low-rise development. He was opposed to tall buildings in this area, which includes mostly residential buildings and low density. He also expressed concern with flooding on SE 4th Street and the City's infrastructure in the area.

Robert Saugstad, member of the Rivercrest board of directors, advised that a letter from the Applicant's team was received by this board via email on October 19, 2021. The only member of the board who has negotiated with the developer is Rivercrest's president, and only a few residents of the condominium were aware that the letter was received. While he was not anti-development, he was concerned with the size of the proposed building, as it was not consistent with the neighborhood.

Ms. Fertig requested additional information regarding the Rivercrest board of directors. Mr. Saugstad confirmed that there are five board members, and reiterated that the letter was received at 4 p.m. on October 19, 2021, one day before tonight's meeting.

Kathy Hanes, private citizen, advised that she is also a resident of Rivercrest. She was concerned with buildings on the street and felt the subject property should be redeveloped without harming her own building.

Vince Petrocelli, private citizen, stated he is also a resident of Rivercrest. He felt the project should be judged under current rather than prior regulations.

Sam Levin, private citizen, asked what would prevent the development of more tall structures within the subject area and changing the nature of Las Olas Boulevard. He cautioned that this trend would become unsustainable, and characterized the proposed project as destructive to local character.

Adam Adache, private citizen, felt the project meets the intent of the Downtown Master Plan and New River Master Plan by replacing an aging building with a contemporary structure. He believed the City should encourage sensible development such as the proposed project, which he supported.

Jackie Costoya-Guberman, private citizen, stated that millennial residents of Fort Lauderdale are seeking building amenities, cultural diversity, and a "neighborhood feel." She described the proposed project as tasteful and attractive to young families.

Lauren Einhorn, private citizen, felt there was nothing to attract residents to the Las Olas area, and spoke in favor of approving the project.

Luke Moorman, president of the Las Olas Association, advised that the Applicant reached out to this advisory body through a Zoom meeting. No negative comments were received

from Association members. The Association has submitted a letter in support of the project.

Gerald Fritz, private citizen, stated that he is a resident of Chateau Mar. While he was in favor of development, he felt the proposed project was too large for the surrounding neighborhood, and that it should be compatible with current rather than previous Code.

Coleman Prewitt, private citizen, advised that he lives three blocks from the subject parcel. He recalled that the Planning and Zoning Board discussed transition zones at a 2020 meeting, and that they approved a height calculation as a basis for compatibility on the perimeter of the RAC. He also noted that there is no sidewalk on the south side of SE 4th Street, and back-in parking still exists in some areas. He concluded that the proposed project would be a step toward making the street safer.

James Naugle, representing Rivercrest residents Al and Claire Perry, stated that his clients oppose the development and were never provided notice of any type of meeting to discuss it. They feel the project would reduce the value of their unit and compromise their view. They are also concerned with the zero lot line setback on the east side of the building. Mr. Naugle concluded that the project would change the character of the entire street as well as the surrounding portion of the New River, and was not compatible with its neighborhood.

Paul Burkhart, private citizen, stated that he is a unit owner at Rivercrest. While he was not dramatically affected by development to the west, he objected to the proposed project due to its impact on and incompatibility with the character of the neighborhood. He described this as a quality-of-life issue.

Hal Braverman, private citizen and resident of Boca Raton, expressed enthusiasm for the project, as he felt it would attract younger residents to the City.

Clara Woolman, private citizen, advised she is a current resident of 808 S 4th Street, and opposed the project, having heard nothing about it until September 2021.

Anton Volek, private citizen, stated that the project is not compatible with the surrounding neighborhood and would negatively affect the character of SE 4th Street. He noted that most individuals speaking in favor of the project did not seem to live in the subject neighborhood, and expressed concern for the effects of construction on the foundations of nearby buildings.

Marcia Cepelowicz, private citizen, stated that she lives in Chateau Mar. She was concerned with the effect that digging and new construction would have on the surrounding buildings' foundations, particularly due to the proximity of the river.

Martha Craumer, private citizen, pointed out that there is already significant revitalization in the area, and that SE 4th Street should be preserved.

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. Toothaker addressed some of the issues raised during public comment, reiterating that a second public participation meeting was held for residents within 300 ft. of the subject property. This meeting was held via Zoom and several nearby residents attended. In addition, the Applicant had deferred the original Planning and Zoning Board hearing from September to October to accommodate an attorney representing a number of residents.

Ms. Toothaker continued that the Applicant was pleased to have reached an agreement with Rivercrest. She felt the heart of the issue is transition zones, which is the reason the building's height was lowered to 137 ft. 6 in. in order to comply. She stated again that the building was designed to the Code standards that existed at the time the Application was submitted. The Downtown Master Plan states that buildings in process at the time the updated Plan was adopted are entitled to follow the rules that were in effect when the Application was submitted.

Mr. Weymouth asked if the Applicant would consider shifting the project's configuration to give the western rather than the eastern side of the property a zero lot line to build on. He also asked if, should the Application fail at tonight's meeting and be required to reapply, it would need to reapply under the new Downtown Master Plan.

Ms. Parker explained that the project is subject to City Commission request for review, which means the Commission could call the item up if they wished to do so; however, if the Commission did not call up the Application and the Applicant was required to reapply, they would do so under the updated Downtown Master Plan.

Mr. Barranco asked if the Applicant has considered monitoring the underground work of the proposed project, as mentioned during public comment. Ms. Toothaker replied that this monitoring is part of the commitment letter for Rivercrest and would also be done for Chateau Mar, although there is no formal agreement with the latter. This would include a survey and structural review of the building. She read a portion of the agreement, which states that the Applicant would reimburse Rivercrest for the reasonable cost of both pre- and post-construction surveys.

Ms. Fertig noted that the adopted transition height was approved by the Planning and Zoning Board when they reviewed the updated Downtown Master Plan in 2020. She also recalled, however, that the Board had discussed setbacks as part of that combination. Ms. Toothaker asserted that the Application meets the setback requirements of the new Downtown Master Plan as well as the old.

Mr. Shechtman asked Staff to address the measures it takes to ensure that construction of a new building does not endanger existing buildings around it. Ms. Parker replied that

the project goes through the City's standard development review process, which includes structural and engineering reviews. These are the same standard procedures that would apply to any development activity within the City.

Mr. Shechtman asked if the Board is asked to make a determination rather than a recommendation. Ms. Parker explained that the Board will vote to approve or deny the project rather than make a recommendation to the City Commission.

Mr. Shechtman also noted that the Board is tasked with determining whether or not compatibility is being met, and requested a clearer explanation of what constitutes compatibility from the City Attorneys' perspective. Assistant City Attorney Wallen stated that the compatibility section is found in ULDR Section 47-25.3 and lists a number of criteria, including:

- Adequacy requirements
- Odor and emissions
- Design and performance standards
- Control of appearance

Attorney Wallen concluded that according to the Staff Report, these criteria seem to have been met.

Mr. Shechtman requested additional information on compatibility with respect to the height of adjacent buildings, asking if there is any specific legal element that must be considered by the Board. Attorney Wallen replied that buildings are encouraged to vary in overall height. She reiterated that according to the Staff Report, the Application appears to have met these criteria.

Mr. Shechtman asked what type of trees will be planted along the right-of-way, asking if there is a plan for new projects to institute a pedestrian shade canopy as they are developed. Ms. Toothaker advised that these will be a combination of palm and oak trees.

Mr. Rotella requested additional information regarding a potential shortfall in the cost of constructing the new seawall for Rivercrest. Ms. Toothaker explained that the original letter in which the Applicant offered to build the seawall stated that any 80% of cost overruns would be borne by the Applicant, with Rivercrest to make up the remaining 20%. After further negotiations, Rivercrest requested that this language be removed and the construction of a dock be added to the agreement. She stated that her client would be willing to remove the cap on these costs as a voluntary condition.

Ms. Fertig asked if the City Attorney's earlier comments were intended to show that whether or not the Application meets compatibility criteria is ultimately the Board's decision. Attorney Wallen confirmed this.

Mr. Weymouth again addressed the lot line, pointing out that the Applicant's presentation showed a separation of 30 ft. between the proposed structure and the building to its east

and 42 ft. between it and the building to the west. Ms. Toothaker stated that the 5 ft. easement shown on one side accommodates utilities: the building cannot be shifted on top of this. Pieces were taken out of the proposed structure on the side facing Rivercrest at the ground level, but could not be removed at the higher level due to the configuration of the parking areas.

Mr. Weymouth asked if vacating the easement was an option. Ms. Toothaker replied that it would need to be moved elsewhere on the site. She added that the Applicant has studied the proposed configuration for other possible alternatives but could identify none that would allow the project to meet parking standards.

Mr. Weymouth asked if the Applicant has any interest in further discussion with the property's neighbors. Ms. Toothaker replied that the project's neighbors had proposed another design that was not acceptable. She concluded that the property's neighbors seemed unlikely to accept any changes other than a significant height reduction.

Ms. Fertig stated that her concern was for neighborhood compatibility, pointing out that after the adjacent five-story building, most other buildings are residential homes, which are part of the character of the street. She also expressed concern with the setback issue.

Mr. Barranco also addressed compatibility of height, stating that the height of 137 ft. 6 in. meets "the letter of the Code." He also noted that the Chateau Mar is nearly four times the height of the existing building, and the proposed building would be roughly twice the height of Chateau Mar. He concluded that he did not see how the Board could deny an Application that meets Code standards.

Vice Chair Cohen observed that at an earlier time, another building in the area would have been the tallest on the street, which other residents would likely have felt is too tall. He did not believe the existing two-story structure currently on the property is consistent with the rest of the neighborhood, as it is between seven- and five-story buildings. He also advised that the Board is not permitted to consider the loss of views, as there is no legal basis for such consideration, and agreed with Mr. Barranco that the Application meets the letter of the Code.

Ms. McCartney stated that she also reached the conclusion that the developer is within their rights, and that the building meets compatibility requirements.

Ms. Fertig expressed concern that the Board may be basing their judgment of compatibility on a single building, which could mean more change for the overall neighborhood as development progresses. She concluded that she did not believe the Application was compatible with the full neighborhood.

Chair Scott advised that this was a difficult decision, and recalled that the Board had approved changes to the area, including transition zones, which were now being implemented.

Motion made by Vice Chair Cohen, seconded by Mr. Barranco, to approve with the conditions in the Staff Report and adopt the findings of fact in the Staff Report.

Chair Scott clarified that the **motion** would also include the Applicant's offer to construct the seawall and dock for Rivercrest. Vice Chair Cohen confirmed that he intended his **motion** to include this offer, as well as a requirement for seismographic inspection of adjacent properties to the east and west before and after construction.

In a roll call vote, the **motion** passed 7-2 (Ms. Fertig and Mr. Ganon dissenting), subject to 30-day City Commission request for review period, with the improvements offered by the Applicant as part of their presentation to be reviewed by Staff and commitments regarding survey inspections of properties to the east and west of the proposed development, and Staff conditions:

1. Applicant will be required to pay a Park Impact Fee for the proposed residential units prior to issuance of building permit in accordance with ULDR Section 47-38A, Park Impact Fees.
2. Applicant will be required to obtain a Final School Capacity Availability Determination (SCAD) letter prior to the submittal of building permit and provide the City with a copy at time of building permit submittal.
3. Prior to final DRC, the Applicant shall execute a valet parking agreement with the City and record such agreement in public records.

The Board took a brief recess from 8:17 to 8:27 p.m.

Upon the Board's return, Attorney Wallen read the following Resolution into the record for Item 1/Case PL-R19052:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III development permit for a new residential building with 77 units abutting the New River and located at 808 SE 4th Street, Fort Lauderdale, Florida, in the Downtown Regional Activity Center East Mixed-Use zoning district, Case Number R19052.

2. ~~CASE: UDP-S21024~~

~~REQUEST: ** Site Plan Level III Review: Parking Reduction Request~~

~~APPLICANT: ELO Investments 2, LLC.~~

~~GENERAL LOCATION: 1201 E. Las Olas Boulevard~~

~~AGENT: Andrew Schein, Lochrie & Chakas, P.A.~~

~~LEGAL DESCRIPTION: Colee Hammock 1-17 B Lots 9, 10 and 11, Block 26 as recorded in the public records of Broward County, Florida~~

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

~~COMMISSION DISTRICT: 4 - Ben Sorensen~~

None.

~~VI. 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 10:32 p.m.~~

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



Chair



Prototype

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