

Aye: 4 - Commissioner Sorensen, Commissioner Glassman, Vice Mayor McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Moraitis

R-4 19-1175

Resolution Adopting a Policy Encouraging the Voluntary Removal of Billboard Signs from Surface Streets and Downtown, Historic Redevelopment and Infill Areas, and Allowing for Replacement Signs to be Erected on an Interstate Highway within the City of Fort Lauderdale when a Billboard Sign in the Designated Area is Removed; Reducing the Distance between Permitted Signs on the Same Side of an Interstate Highway from 1,500 Feet to 1,000 Feet, and Requiring a Separate Agreement between the City and the Sign Owner Providing for the Terms of any Sign Removal and Replacement; and Providing for an Effective Date - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman introduced this Resolution which was read by title only.

ADOPTED

Aye: 4 - Commissioner Sorensen, Commissioner Glassman, Vice Mayor McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Moraitis

PUBLIC HEARINGS

PH-1 19-1140

Resolution Designating Real Property Located at 1801 SW 1 Avenue, Fort Lauderdale, FL 33315 as a Green Reuse Area Pursuant to Florida's Brownfields Redevelopment Act - (Commission District 4)

There was no one from the public wishing to speak on this item.

Commissioner Sorensen introduced this Resolution which was read by title only.

ADOPTED

Aye: 4 - Commissioner Sorensen, Commissioner Glassman, Vice Mayor McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Moraitis

PH-2 19-1090

Resolution Granting a Waiver of Limitations at 736 NE 20th Avenue for the Installation of One Triple Mooring Pile Cluster and Two Single Mooring Piles - (Commission District 2)

Mayor Trantalis opened the public hearing.

Mayor Trantalis recognized David Nutter, B&M Marine Construction, Inc., on behalf of the applicant. Mr. Nutter spoke in support of this item, explaining details regarding the request for mooring pilings. The request does not exceed similar previously granted waivers. At the request of the Marine Advisory Board (MAB), the project was reduced by three (3) feet from the wet face of the seawall.

Mayor Trantalis recognized Priscilla Juranitch, 714 NE 20th Avenue. Ms. Juranitch spoke in opposition to this item. She commented on a waiver previously granted at 704 NE 20th Avenue, emphasizing that this area is residential and noting discussions at the MAB Meeting. Ms. Juranitch commented on her understanding that the owner was not planning to reside at 736 NE 20th Avenue (upland parcel), the possible future mooring of two yachts and the structure on the upland parcel being utilized as a yacht support building. She expounded on the nature of the neighborhood and marine-related details and concerns.

Mayor Trantalis recognized Charles King, 105 N. Victoria Park Road. Mr. King spoke in opposition to this item, commenting on the actions of the previous Commission on this topic and the lack of applicant interaction with impacted neighborhoods.

Commissioner Glassman commented on site visits to this area over the past year and the creation of the current situation. He voiced his concern regarding these types of waivers of limitations and applications not going before impacted neighborhood associations. He discussed this area being zoned RS-8, commenting on associated concerns related to violations and citing examples of zoning restrictions.

In response to Commissioner Glassman's question regarding zoning violations, Assistant City Attorney Bob Dunckel explained a provision in this Resolution stating, *Use of the dock to which the mooring piles are appurtenant shall be limited to the owner or tenant in possession of the upland Property.* Mr. Dunckel said it is the responsibility of Staff to enforce this provision, stating that a vessel cannot be birthed in such a manner that it encroaches into an extension of the side-yard setbacks.

In response to Commissioner Glassman's question regarding the term *tenant* in the Resolution, Assistant City Attorney Dunckel explained it is the *tenant of the upland property.*

Commissioner Glassman commented on the situation as it relates to the Zoning Code of Ordinances. Assistant City Attorney Dunckel reiterated

the dock could not be rented independent of having a possessory interest in the upland parcel.

Commissioner Glassman said commercial traffic should not be generated by anyone other than those who occupy upland parcels, noting that a marina has been created. Commissioner Glassman expounded on his position regarding this type of activity occurring in this residential neighborhood and the need to address.

In response to Commissioner Sorensen's questions, Assistant City Attorney Dunckel reiterated the area is zoned RS-8. It is not legal to rent a dock independent of a possessory interest in the upland parcel. With regard to yacht rentals, there must be a nexus between an ownership interest or possessory interest in the upland parcel and the ownership interest in a yacht.

Assistant City Attorney Dunckel commented on painting and refurbishment work done on vessels, stating a need to address Code concerns, i.e., its overly broad nature and the need for enforcement, expounding on details.

Commissioner Glassman confirmed the need for future discussion, commenting on the condition of the structure located on the upland parcel and concerns related to Ordinance violations. Assistant City Attorney Dunckel clarified that *possessory interest* means living at a property. Commissioner Glassman said this is not what is occurring.

In response to Mayor Trantalis' question, Mr. Nutter confirmed Gerhard Sowa is the owner of the Canadian trust, 147646 Limited, that owns the parcel.

City Attorney Alain Boileau commented on concerns regarding documented representation of Mr. Sowa by Mr. Nutter, expounding on details. Discussions ensued on Mr. Sowa occupying the upland parcel. Mr. Nutter said Mr. Sowa stays in a hotel when in the area. Further comment and discussion ensued on the structure located on the upland parcel. Mr. Nutter said the vessel located at the property is owned by Mr. Sowa. Any additional vessels located at this dock would be owned by Mr. Sowa. Further comment and discussion ensued.

Mayor Trantalis commented on his concerns, including vessels moored at this location being owned by a corporate entity. Discussion ensued on the topic of qualifying possessory interest in a property. City Attorney Boileau noted the need for additional information. Vice Mayor McKinzie commented on corporate entities qualifying for a Homestead Exemption.

It was noted that corporations do not qualify for a Homestead Exemption. A trust could qualify for a Homestead Exemption.

There being no one else wishing to speak on this item, Vice Mayor McKinzie made a motion to close the public hearing which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Sorensen, Commissioner Glassman, Vice Mayor McKinzie, and Mayor Trantalis. NAYS: None.

Further comment and discussion ensued on the need for additional clarification and information. Mayor Trantalis commented on concerns regarding the extension of docks into the waterway. Commissioner Glassman concurred, noting the need to revisit this issue. He confirmed his opposition to a deferral. City Attorney Boileau explained procedural actions regarding Commission action. Commissioner Glassman explained his perspective regarding a deferral, expounding on details related to this item coming back before the Commission.

Commissioner Glassman made a motion to deny the waiver of limitations and was seconded by Commissioner Sorensen.

APPROVED a Motion to Deny a waiver of limitations

Aye: 4 - Commissioner Sorensen, Commissioner Glassman, Vice Mayor McKinzie and Mayor Trantalis

Excused: 1 - Commissioner Moraitis

Commissioner Sorensen discussed the need for further definition of the general qualities of a *possessory interest* in a property. City Attorney Boileau explained it is fact-specific. Mayor Trantalis explained it means the exclusive right of occupancy, expounding on details. Further comment and discussion ensued.

Commissioner Sorensen commented on the ability of Staff to address vacation rental concerns. Vice Mayor McKinzie commented on registered and unregistered vacation rental homes. Further comment ensued on regulating vessels in a similar manner as vacation rental homes. Anthony Fajardo, Director of the Department of Sustainable Development (DSD), commented on the ability of vacation rental home software to address the renting of vessels, stating that Staff would research.

PH-3 19-1091

Resolution Granting a Waiver of Limitations at 435 Bayshore Drive for the Installation of Two Boat Lifts - (Commission District 2)