CITY OF FORT LAUDERDALE

PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JANUARY 17, 2018 – 6:30 P.M.

Cumulative

		June 2017-May 2018	
Board Members	**Attendance**	**Present**	**Absent**
Leo Hansen, Chair	P	8	0
Catherine Maus, Vice Chair	P	7	1
John Barranco	P	8	0
Howard Elfman	P	7	1
Rochelle Golub (arr. 6:43)	A	7	1
Richard Heidelberger	P	5	3
Alan Tinter	P	8	0

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

Staff
Ella Parker, Urban Design and Planning Manager
Gustavo Ceballos, Assistant City Attorney
Mohamed Malik, Zoning Administrator
Linda Mia Franco, Urban Design and Planning
Karlanne Grant, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Florentina Hutt, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Benjamin Restrepo, Department of Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Hansen called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

Chair Hansen noted that Vice Chair Maus has left the dais until the conclusion of the first Item, as she has abstained from hearing or voting upon that Item.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Heidelberger, seconded by Mr. Tinter, to approve. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Any individuals wishing to speak on any Items on tonight's Agenda were sworn in at this time. Chair Hansen advised that individuals representing boards or associations have five minutes to speak, while individuals representing themselves are allotted three minutes.

IV. AGENDA ITEMS

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	Case Number	Applicant
1.	V17012**	Charles Humphries, Related Development LLC
2.	R16045**	15 Isle of Venice, LLC
3.	R17013**	Gummakonda Properties, Inc.
4.	PL16008**	Gummakonda Properties, Inc.
5.	R17052**	Archdiocese of Miami
6.	Z18001* **	Bridge Development Partners, LLC
7.	L17003* **	City of Fort Lauderdale and Envision Uptown, Inc.
8.	T18001*	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.

Chair Hansen advised that the City has requested Item 7 be deferred until the next meeting.

Motion made by Mr. Elfman, seconded by Mr. Heidelberger, to defer. In a voice vote, the **motion** passed unanimously.

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1. **CASE:** **V17012**

REQUEST:**	Right-of-Way Vacation
APPLICANT:	Charles Humphries, Related Development LLC
PROJECT NAME:	RD Las Olas
GENERAL LOCATION:	201 South Federal Highway – North-South Alley between S. Federal Highway and SE 5th Ave, and between Las Olas Boulevard and SE 2nd Street
ABBREVIATED LEGAL DESCRIPTION:	A portion of the 14-ft. alley adjacent to Lots 5,6,7,8 & 9, Subdivision of Block "H" of Stranahan's Revised and Additional Subdivision in the Town of Fort Lauderdale, FL
ZONING DISTRICT:	Regional Activity Center-City Center (RAC-CC)
CURRENT LAND USE:	Downtown Regional Activity Center (DRAC)
COMMISSION DISTRICT:	4 – Romney Rogers
CASE PLANNER:	Randall Robinson

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, stated that the request is for vacation of a portion of an alley that runs between an existing parking garage and a bank drive-through. The portion to be vacated is located to the north and adjacent to the garage. Because it serves the garage and two additional businesses, the remainder of the alley must continue to function after the property is developed. The developer plans to build an amenity deck over the alley.

Mr. Lochrie explained that the developer plans to dedicate a three-dimensional easement with a height of approximately 15 ft. 8 in. through the building. The Application has been reviewed by the City's Engineering Department and meets all necessary regulations. The Applicant has received letters from franchise utilities stating they do not object to the requested vacation.

Mr. Lochrie noted that one condition of approval states that all utilities found within the alley must be relocated. The Applicant suggests an alternative condition, left to the discretion of City Engineers, that a utility easement be granted to any utilities remaining in the subject area. This is because a sewer line remains within the easement and a portion of it may extend into the vacated area.

Mr. Tinter observed that if the alley is vacated, it will be divided evenly between the two property owners on either side. He asked how the Applicant would be able to grant an easement for the other property owner's half of the vacated area. Mr. Lochrie replied that the Applicant will purchase both the east and west halves of the alley so they own the entire parcel.

Mr. Tinter also asked if the Applicant has considered reversing the direction of the alley so delivery vehicles do not have to back blindly into loading zones. Mr. Lochrie advised that other businesses served by the alley have angled parking that requires a

south/north orientation. He agreed, however, that during the Site Plan process the Applicant can ensure that their plans will continue to work within this configuration. He could not speak on behalf of the other businesses.

Mr. Heidelberger characterized the plan as creating a tunnel the width of the alley through the parking garage building, and asked if the top of the tunnel will also be part of the garage. Mr. Lochrie confirmed this. The parking deck extends further to the west and the amenity deck is located atop it. The proposed building will be residential, with commercial use on its ground floor.

Randall Robinson, representing Urban Design and Planning, stated that the request is for right-of-way vacation. The Board's decision will go before the City Commission when the Application is reviewed. The vacation is proposed for a 14 ft. wide 240 ft. long portion of the alley associated with the RD Las Olas mixed-use project, which is currently under review.

Mr. Robinson reviewed the following criteria for vacation of rights-of-way:

- The right-of-way or other public space is no longer needed for public purposes
- Alternate uses are available and do not cause adverse effects to surrounding areas
- Closure of the right-of-way provides safe areas for vehicles to turn and/or exit the area
- Closure of the right-of-way shall not adversely affect pedestrian traffic
- All utilities located within the right-of-way have been or will be relocated, pursuant to a relocation plan

Mr. Robinson confirmed that the proposal meets all criteria for vacation. The Applicant will coordinate with franchise utilities to address any facilities within the subject portion of the alley, including any that may require relocation.

Ms. Golub arrived at 6:43 p.m.

Mr. Tinter asked if City Staff had any objection to the alternative condition proposed by the Applicant regarding utility relocation. Mr. Robinson confirmed that the City is amenable to this alternative.

Ms. Golub asked why the alley is being vacated if plans for the property include sidewalks and a road. Mr. Robinson replied that the additional space over the alley is necessary in order to have a sufficiently large floor plate for a parking level. The parking levels bridge the alley, and the easement will be the same width as the alleyway. There are no plans for sidewalks at this time.

There being no further questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Tinter, seconded by Mr. Heidelberger, to approve the vacation, with the conditions that Staff has recommended; however, modifying conditions 1 and 2 to permit the utilities to be in [the] easement if that is acceptable to the City Engineer. In a roll call vote, the **motion** passed 6-0. (Vice Chair Maus abstained. A memorandum of voting conflict is attached to these minutes.)

Vice Chair Maus rejoined the Board at this time.

2. CASE:	**R17013**
REQUEST: **	Site Plan Level III Review: Conditional Use for a Mixed Use Development; 16 Residential Units and 2,215 Square Feet of Retail Use with Residential Flex Allocation
APPLICANT:	Gummakonda Properties, Inc.
PROJECT NAME:	Ocean 3001
GENERAL LOCATION:	3001 N Ocean Boulevard
ABBREVIATED LEGAL DESCRIPTION:	Lauderdale Beach 4-2 B Por Of Lots 94 & 95 Desc As:Beg Int N/L Lot 95 & W/R/W/L A-1-A, SW 85.60 Alg W/R/W/L To P/C,Swly Arc Dist 22.95,Wly 165.25 Alg S/L Lot 94,N 99.92,Ely 183.72 Alg N/L Lot 95 To Pob Aka: 3001 N Ocean Blvd
ZONING DISTRICT:	Community Business (CB)
LAND USE:	Commercial
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Florentina Hutt

Disclosures were made at this time.

Nectaria Chakas, representing the Applicant, stated that the request is for Site Plan Level III review. The Applicant has met with surrounding residential neighbors for their input into the process, resulting in changes to plans for the property. She showed a PowerPoint presentation on the proposal, noting that the site is zoned RMM-25 on Isle of Venice, where the height limit is 55 ft. and 25 units per acre. The width of the lot is 120 ft. The lot is surrounded by larger properties.

At present, a two-story 13-unit apartment building with backout parking is located on the property. There is also tandem parking, which partially blocks a portion of the right-of-way. The proposed site plan eliminates backout parking and includes a new sidewalk, which continues work begun by the Aqua Mar property located to the north. The Applicant also plans street trees between travel lanes and sidewalks. All access to and from the site has been consolidated into a single access point at the south end. All ground floor uses facing the street are lobby and amenity areas.

The Applicant requests side yard modifications to allow setbacks of 17 ft. to the closest point of the building. Ms. Chakas pointed out that the building includes significant terracing and variations within the roof line. They also request a rear yard modification,

which will accommodate a pool, and a front yard modification to allow for ground floor amenities as well as terracing at upper levels. All parking is consolidated in the garage and does not extend beyond the building's footprint.

Ms. Chakas showed a rendering of the building, which is 55 ft. in height. The building steps in at its fifth level. Louvered screening covers any parts of the garage that are visible from the street. Two parking spaces are provided per unit, with two extra spaces available for guest parking. 28% of the lot width is devoted to side yard setbacks. She showed the dimensions and specifications of surrounding developments for purposes of comparison.

The Applicant has met with neighboring condominium associations and implemented changes to their plans as a result. These include moving above-ground fire pumps from the north to the south yard, placement of a standby generator room on the roof, and reorientation of mechanical equipment on the rooftop. They also provided terracing for the penthouse on the fifth level.

Mr. Tinter asked if a traffic impact statement was prepared for the Application. Ms. Chakas advised that the project represents a reduction from 13 to 7 units, and confirmed that the traffic impact statement was reviewed and approved by City Staff. Mr. Tinter also requested clarification of the entity responsible for installing a fire hydrant. Ms. Chakas replied that the City performed the installation, which was funded by the Applicant.

Mr. Tinter also addressed stacked parking, stating that he would like to add a condition of approval requiring that each stacker, and the space below it, be assigned to individual units within the building. Ms. Chakas confirmed that the Applicant can agree to this. Mr. Tinter also asked if the Applicant would agree to install curb and gutter parking along the frontage of the parcel, subject to approval by the City Engineer, and posting "No Parking" signs along the frontage. Ms. Chakas also agreed to this.

Florentina Hutt, representing Urban Design and Planning, stated that the request is for Site Plan Level III approval of waterway use and yard modifications. The project consists of seven multi-family residential units in a five-story structure with four residential floors and lobby parking. Yard modifications are requested on all sides of the building and would allow the pool and deck to be placed within the required 20 ft. landscaped area adjacent to the waterway.

The project was reviewed by the Development Review Committee (DRC) on September 13, 2016, and all comments have been addressed. Staff has reviewed the project for compliance with waterway use criteria. The proposed design includes substantial distance between the project and adjacent buildings on neighboring properties, which allows for view corridors.

Staff also reviewed the project for compliance with right-of-way modification requirements. The Applicant requests to reduce the yard setback from 27 ft. 6 in., which is half the height of the building, to 17 ft. for side setbacks and 24 ft. for front and rear setbacks. The requirement for continuity of architectural features with adjacent properties has been met with regard to creation of a pedestrian environment and interaction with the public realm.

The project was also reviewed for compliance with adequacy and neighborhood compatibility, and was found to be compliant with these criteria. Regarding parking and circulation, the Applicant proposes 16 parking spaces where 15 are required. A new 5 ft. sidewalk would be constructed along the front of the property.

The project is subject to the City's Public Participation Ordinance. The Applicant held a meeting with neighboring properties on August 3, 2017, with subsequent meetings to address neighborhood concerns. Some of these concerns were implemented into plans for the property. Staff recommends approval of the Application.

Ms. Golub noted that the 10 ft. wide pool would leave less than 5 ft. of distance to walk around it near the waterway. She asked if there are any rules governing the distance of pools in setbacks from adjacent waterways. Ms. Hutt replied that the proposed setback for the pool is 5 ft., which is a common distance from the seawall to the pool. Code typically requires 20 ft. of landscaping, although Applicants may ask for an exception if they meet certain criteria, such as improved views of the waterway and articulation of façades. These improvements mitigate the presence of the pool.

Ms. Golub explained that her concern was primarily for safety due to the proximity of the seawall and waterway. She also asked if the Applicant would be required to raise the seawall height in order to meet the City's new minimum height requirements. Ms. Hutt advised that compliance with the City's Seawall Ordinance would be reviewed during the building permit phase. Ms. Parker added that safety aspects related to the pool would also be reviewed during this phase.

Ms. Golub also asked if the self-parking scheme for the property has been reviewed by the City. Ms. Hutt responded that this was reviewed by the Engineering Department as well as the Department of Transportation and Mobility.

Mr. Heidelberger observed that plans for the property refer to a seawall beneath a wooden dock, which he felt indicated that an extra buffer would be in place. Ms. Golub noted that these structures are already in place. Mr. Tinter added that the new dock would appear to be 2.5 ft. higher than the existing dock.

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

John Gehrig, President of the Aqua Luna Las Olas Condominium Association, stated that a board meeting of this Association was held on January 15, 2018. He acknowledged that the Applicant's developers met with residents of the condominium on multiple previous occasions and implemented several changes into their plans to accommodate concerns; however, it was noted that no design changes were implemented to increase north and south setbacks from 17 ft. to the required 27.5 ft. for the project's first four floors.

Mr. Gehrig continued that the requested variance would constitute a 10.5 ft. variance on each side of the proposed project for a property no more than 120 ft. in width. This increases the length of the building by 25%. Residents of Aqua Luna were also concerned that the building lacks sufficient space to park two cars for each unit, which may not be sufficiently addressed by car lifts. He concluded that the Applicant has not provided nearby residents with a construction management plan to minimize the impact of construction on Aqua Luna residents.

Jeffrey Haas, private citizen, expressed concern with the project's parking plans, as he felt lifts would be problematic and would contribute to additional street parking. He was not supportive of the proposed side setbacks, which brings buildings in the area very close together. He concluded that he was also concerned with the lack of a construction management plan.

Terry Keaton, private citizen, stated that the proposed project encroaches significantly onto neighboring properties. He expressed concern with the precedent to which the project could contribute.

Victor Agnellini, private citizen, advised that while residents of Aqua Luna welcomed the prospect of an improved building on the subject parcel, they are concerned with the proposed setbacks, stacked parking, and lack of a construction manager for the project. He hoped the Board would take these concerns into consideration.

Brian Mayhew, President of the Rio Grande Yacht Club Condominium Association, stated that his association is supportive of the project, although they have concerns as well. He pointed out that ground floor parking will be screened, and hoped similar steps would be taken to screen the garage on all sides, including the waterway. He asked if appropriate shielding of lighting and fixtures would be implemented, and showed photographs of other buildings in the subject area at night to demonstrate the effects of light pollution as seen from the sidewalk.

Mr. Mayhew continued that some of the lighting shown in his photographs is not compliant with existing City regulations in Section 47.20.14. Another concern is for construction debris on the subject site, which can blow onto adjoining properties as well as the waterway if not properly contained.

Chair Hansen requested that City Staff respond to some of the concerns raised by Mr. Mayhew, including lack of a construction management plan. Zoning Administrator Mohamed Malik explained that the Applicant must comply with a construction mitigation plan, which is issued during the permitting phase. If a property does not comply with these requirements, it is visited by a representative of Code Enforcement. The mitigation plan includes providing orange fencing to control debris.

Chair Hansen asked if the City takes into consideration the limitations of sites located on islands, such as restricted access to the site and narrow streets. Mr. Malik replied that at the time of permitting, Staff reviews all requirements for a project's construction management. He pointed out that Code Enforcement has stopped work on noncompliant projects in the past, and building inspections are not conducted on noncompliant properties.

Mr. Tinter referred to the concerns regarding light spillover, asking if Code Enforcement also addresses this issue. Mr. Malik confirmed that Code Enforcement can measure this spillover onto neighboring properties and take up the issue with the appropriate entity.

Ms. Hutt added that the Applicant provided Staff with a plan addressing the Code requirements for light spillover. She continued that the screening provided for the garage is dense and should help prevent excessive spillover.

Jennifer Chatfield, private citizen, stated that though she resides some distance from the subject site, vibrations from construction can be felt at her home, particularly when roads are opened. She expressed concern for access to emergency vehicles during the construction phase. She also noted that placing cars on stackable parking structures limits the size of those vehicles, and advised that if docks at the property are rented, this will contribute to congestion on the street.

Mr. Tinter requested clarification of the difference between a variance and setback modifications. Ms. Hutt explained that variances are typically required for other aspects of projects and are addressed by the Board of Adjustment; however, yard modifications must meet certain criteria within Code that allow projects to encroach into setbacks.

Mr. Tinter continued that other buildings of the same height along the street have lesser setbacks than the proposed property. Ms. Hutt confirmed that these buildings qualified for setback modifications under the same criteria as the Application.

Chair Hansen asked how the Application met the criteria for setbacks. Ms. Hutt advised that these criteria include providing waterway views, a pedestrian environment, and articulation of the building's façade. In comparison to other projects, the Application is more sensitive to the surrounding context than others.

Mr. Heidelberger asked how long the property line is on the Aqua Mar and Aqua Luna properties. Ms. Chakas replied that Aqua Mar's lot width is 360 ft. and its side yard

setback is 27.5 ft. She noted that while Aqua Luna did not request side yard modifications when it came before the Planning and Zoning Board, they have since raised the height of their building and do not currently meet the setback requirement of half this height. Aqua Luna has a lot width of 260 ft. and 25 ft. setbacks on either side.

Mr. Heidelberger asked if it is possible to look through to the waterway from between existing buildings in the area. Ms. Chakas stated that she was not aware of a place where this was possible. Mr. Heidelberger commented that a smaller lot and building would contribute to more passage of air, light, and view. For this reason, he did not feel the project's side yard setbacks are insufficient.

Ms. Chakas addressed other concerns raised during public comment, clarifying that the two parking spaces per unit can accommodate one car and one SUV. The unit owners are notified of this restriction at the time their units are purchased. She continued that the Applicant is not opposed to providing a construction mitigation plan, although they felt the plan would be premature at this point in the development process. The construction contractor has indicated he will rent a lot for the workers and shuttle them to and from the site.

Motion made by Vice Chair Maus, seconded by Mr. Heidelberger, to approve with Staff [and Mr. Tinter's] conditions.

Mr. Tinter restated his proposed conditions as follows:

- That each parking space, with its associated stacker, will be assigned to the same unit within the building
- That curbs and gutters shall be installed on the frontage on the Isle of Venice, with "No Parking" signs installed with the approval of the Department of Transportation and Mobility
- That a construction management plan be completed and submitted to the City for approval prior to construction

Mr. Barranco stated that he was not in favor of placing "No Parking" signs along the adjacent roadway. Mr. Tinter explained that at Aqua Mar, to the north, cars were parked along both sides of the roadway despite curb and gutter installation. Mr. Barranco proposed that the neighborhood be allowed to lobby the City if they would like "No Parking" signage. Mr. Tinter withdrew this condition.

In a roll call vote, the **motion** passed 5-2 (Vice Chair Maus and Ms. Golub dissenting).

3. CASE:	**R17013**
REQUEST: **	Site Plan Level III Review: Conditional Use for a Mixed Use Development; 16 Residential Units and 2,215 Square Feet of Retail Use with Residential Flex Allocation
APPLICANT:	Gummakonda Properties, Inc.
PROJECT NAME:	Ocean 3001

GENERAL LOCATION:	3001 N Ocean Boulevard
ABBREVIATED LEGAL DESCRIPTION:	Lauderdale Beach 4-2 B Por Of Lots 94 & 95 Desc As:Beg Int N/L Lot 95 & W/R/W/L A-1-A, SW 85.60 Alg W/R/W/L To P/C,Swly Arc Dist 22.95,Wly 165.25 Alg S/L Lot 94,N 99.92,Ely 183.72 Alg N/L Lot 95 To Pob Aka: 3001 N Ocean Blvd
ZONING DISTRICT:	Community Business (CB)
LAND USE:	Commercial
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Florentina Hutt

4. CASE:	**PL16008**
REQUEST: **	Plat Review
APPLICANT:	Gummakonda Properties, Inc.
PROJECT NAME:	Gummakonda Plat
GENERAL LOCATION:	3001 N Ocean Boulevard
ABBREVIATED LEGAL DESCRIPTION:	Lauderdale Beach 4-2 B Por Of Lots 94 & 95 Desc As:Beg Int N/L Lot 95 & W/R/W/L A-1-A, SW 85.60 Alg W/R/W/L To P/C,Swly Arc Dist 22.95,Wly 165.25 Alg S/L Lot 94,N 99.92,Ely 183.72 Alg N/L Lot 95 To Pob Aka: 3001 N Ocean Blvd
ZONING DISTRICT:	Community Business (CB)
LAND USE:	Commercial
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Nicholas Kalargyros

Disclosures were made at this time. It was determined that Items 3 and 4 would be heard together and voted upon separately.

Stephanie Toothaker, representing the Applicant, showed a PowerPoint presentation on the Items, explaining that the site was once a gas station. Multiple environmental studies have been conducted on the site to determine there are no remaining issues due to this previous use. The land use of the subject parcel is Commercial and the zoning is Community Business (CB).

Ms. Toothaker continued that heights of up to 120 ft. are permitted in CB zoning east of the Intracoastal Waterway. The Application meets ULDR criteria for a mixed-use allocation of units under conditional use. The proposed project was designed to accommodate view corridors of adjacent structures and prevent shadowing these properties. The proposed hotel would include ground floor retail at the front of the building, as well as a pedestrian plaza.

The Site Plan for this project includes stacked parking for residents only, with spaces assigned to specific units. The project's retail space has been reduced to 1750 sq. ft., which will not require additional stacked parking. Sidewalks are 7 ft. in width. Light poles are located within the property line rather than within the right-of-way. These poles were

chosen in conjunction with existing light poles on 30th Street. All setbacks either meet or exceed Code requirements.

The garage is fully enclosed so there is no light filtration outside the structure. The project will also include a water feature and possibly benches. While density within the CB zoning district is 25 units per acre, the project proposes 16 units. The building's height is 84 ft. against a maximum of 120 ft. The landscaped area is 1620 sq. ft.

Ms. Toothaker explained that when an applicant requests flex units within the CB district, the standard of 25 units per acre is based upon gross acreage. The project's 16 units were determined based on a lot size of 27,928 sq. ft. The right-of-way shown on the Site Plan for Ocean Boulevard is an easement rather than a dedication.

Preparation of the Application includes a shadow study, which shows that the project may cast a shadow on a neighboring property's pool; however, the shadow cast by that neighboring structure would also place the pool in shadow. The building has been shifted west to address this so on a typical day it would not cast a shadow on the pool.

Ms. Toothaker moved on to the neighborhood compatibility study, pointing out that the proposed project is 7 stories 84 ft. high. She pointed out that this is significantly smaller than surrounding residential buildings.

With regard to public participation, the Applicant deferred the Item from the December 2017 Planning and Zoning Board meeting in order to meet for a third time with residents of the Berkley South building and address their concerns. One of these concerns was for the construction phase, as the residents were unsure of the structural integrity of their building's garage. The Applicant retained a structural engineer to perform before-and-after studies to ensure the garage would not be damaged. Other concerns, including rodents and parking issues during construction, will be mitigated through signage and parking restrictions.

The project was also presented to the Central Beach Alliance (CBA). An email from the president of the CBA, stating that no members took issue with the project, is included in the Applicant's backup materials. Presentations were also made to the Sapphire Condominium and the Lauderdale Beach Homeowners' Association.

Mr. Heidelberger requested clarification of how the project would be governed once all units have been sold. Ms. Toothaker confirmed that a condominium association would assume this responsibility. The retail component may be considered a condominium in itself, or it may be maintained by the owner/developer. The retail space is considered appropriate for a coffee or sandwich shop rather than a large-scale development. People most likely to frequent the retail space will be residents of the building.

Mr. Heidelberger asked why the proposal included a retail development. Ms. Parker explained that the project is mixed-use and must include the retail element.

Mr. Tinter addressed the elimination of three parking stackers, noting that the project requires 40 parking spaces, including 16 stacks that will accommodate 32 vehicles. One turnaround space, which is not counted toward parking, is also included. Ms. Parker confirmed that Staff will re-review the project with the reduction in parking stackers to ensure parking and layout plans still meet all requirements. Staff will also clarify the amount of the retail space reduction. The project's plat note will be modified to reduce the amount of retail space. Ms. Toothaker added that the Applicant would accept a condition limiting retail to 1750 sq. ft.

Mr. Barranco asked if the project's proposed lobby expansion could be eliminated. Stewart Robin, architect for the Applicant, advised that this area meets the project's Fire Code requirements, although he could reach out to the Fire Department to verify its necessity. Mr. Barranco continued that the project's lobby could also be expanded to include a "living space" for residents of the building.

Ms. Golub asked how the Applicant has researched the stackable parking spaces. Ms. Toothaker replied that the system selected by the Applicant has been communicated to the residents, who had concerns regarding the system's potential for noise. She added that the garage is fully enclosed, which will also mitigate sound. The stacking system, which is manufactured by Claws Parking System, can accommodate the weight of an SUV or truck.

Ms. Golub asked how much retail space is necessary in order to qualify for a mixed-use designation. Ms. Toothaker reiterated that the project includes 1750 sq. ft. of ground floor retail.

Ms. Hutt, representing Urban Design and Planning, stated that the Staff Report is based on the documentation before the Board, which has not yet been modified to fully reflect changes. The request is for conditional use for a mixed-use development with 16 residential units and 2215 sq. ft. of retail use and residential flex allocation. The Applicant proposes a mixed-use residential/retail project within a seven-story building in the CB zoning district.

The project was reviewed by the DRC in March 2017. Staff also reviewed the project for compliance with several sections of Code regarding mixed-use development, conditional use, neighborhood compatibility, and flexibility. The proposed design meets mixed-use requirements, as ground floor retail is included in the same building as residential units.

The project proposes an improved streetscape environment and pedestrian plaza. The design incorporates architectural treatments such as balconies with glass railings, wide openings, and articulation to activate the building's façade. Requirements for mixed-use development require a public plaza with a minimum of 1400 sq. ft. The proposed plaza

is 1769 sq. ft. with landscaping, a seating area, pavers, sidewalks, and bicycle racks. The project provides 9798 sq. ft. of open space.

Another mixed-use criterion is a 7 ft. sidewalk, which the project will provide along North Ocean Boulevard and NE 30th Street. The Applicant has demonstrated that the proposed development satisfies all mixed-use requirements. Flex units may be allocated based on availability. At present, there are 4407 units available in the subject flex zone. The Applicant requests 16 flex units.

The project was reviewed against conditional use criteria, adequacy, and neighborhood compatibility, and was found to meet these criteria. The proposed uses are consistent with the surrounding character of the neighborhood, and the proposed improvements will enhance the character of the area.

Regarding parking and circulation, the project provides vehicular ingress/egress from NE 30th Street. The Applicant has provided a traffic impact statement from August 2017, which has been reviewed and approved by the City's Department of Transportation and Mobility. The Applicant held an initial public participation meeting on September 27, 2017 with the local neighborhood association.

Staff recommends approval of the request with the following conditions:

- Because the site is located in an area identified by the City as having archaeological significance, the Applicant is required to provide a shovel test survey including samples from throughout the project site, and must state whether the site is archaeologically significant; the archaeologist must report whether further testing on-site is required, or if monitoring is required during any activity that disturbs the ground during construction; all preliminary reports from the archaeologist must be submitted to the Historic Preservation Planner prior to final DRC approval
- If approved, residential units are subject to concurrency review and mitigation by the Broward County School Board, and the Applicant must, if applicable, provide a student mitigation letter prior to final DRC approval
- The Applicant must pay a park impact fee for the proposed residential units
- A parking agreement is required for the operation of the proposed mechanical stacked parking system; however, if the Applicant proceeds with the plan using reduced parking and no mechanical parking for the retail component, this condition would not be required

Mr. Tinter asked if the proposed retail space reduction would affect the number of residential units to which the Applicant is entitled. Ms. Hutt replied that the allocation of units is based on the Applicant's ability to meet mixed-use criteria and the availability of units. Ms. Parker further clarified that the only required threshold in this case is the maintenance of mixed-use status.

Mr. Tinter asked if the archaeological survey has already been conducted. Ms. Hutt advised that the Historic Preservation Planner did not have time to review the documentation when it was first presented to Staff. It will be reviewed before the project goes before the DRC.

Mr. Barranco referred to a letter from the Broward County Planning Council regarding the conditions for re-platting the property, which include a required conveyance to the public by deed or easement rather than dedication of the right-of-way. Nicholas Kalargyros, also representing Urban Design and Planning, confirmed that the plat normally requires dedication. He was not certain of the intent of the cited comment.

Mr. Tinter noted that in cases of right-of-way dedication involving State highways, the State accepts a dedication by easement, although the County and City do not always accept this dedication of easement instead of right-of-way.

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

Mark Gordon, private citizen, stated that the proposed project would "make a mockery of the City's zoning laws." Because the residential apartments constitute the majority of the space, he did not feel this was compliant with commercial zoning. He felt approval of the project would create an incentive for other developers to plan similar buildings.

Tim Donnelly, private citizen, was disturbed that street rights-of-way are included in the density calculation for residential units, as other calculations use net acreage. Without inclusion of the right-of-way, the proposed building would only be allowed 10 units. He also noted that the floor area ratio (FAR) suggested a very dense high-impact project, and the location of the building on its parcel seemed claustrophobic. He requested that the Board not approve the project as presented.

Bob Bradley, President of the Board of the Berkley South Condominium Association, confirmed that the Applicant's team has met with his organization and responded to their letters. He explained that the Berkley South building is 40 years old and has never experienced nearby construction. There are concerns that vibrations from this construction may threaten Berkley South's garage and roof.

Another major concern is parking for the commercial space. Residents of Berkley South have requested that the project's plan not include benches, as there have been issues with the homeless population in the area. Regarding street traffic, he pointed out that 30th Avenue is a major access point by which the Fire Department accesses A1A. He felt this use might be limited by delivery trucks on the roadway.

Mr. Heidelberger asked why the proposed structure is located on the western side of its parcel rather than along the A1A side. Mr. Bradley replied that Berkley South did not ask for this orientation, which the Applicant characterized as an attempt to avoid casting

additional shadows on the pool area. He instead expressed concern with the 5 ft. distance from the proposed building to Berkley South's property line.

Mr. Heidelberger asked if residents prioritized shadows on the pool area or blocking of views from units on Berkley South's lower floors. Mr. Bradley replied that residents were more likely to take issue with obstructed views than with shadows.

Mark Hariton, private citizen, commented that he is not opposed to development, but reiterated that the proposed building is 5 ft. from Berkley South's property line, which brings it close to the existing condominium's windows. He felt this would negatively affect his quality of life. He also advised that at a public meeting to discuss the project, it was noted that one possible tenant for the retail space may be a liquor store, which he believed would contribute to vagrancy and other problems.

Steve Gannon, President of the Lauderdale Beach Homeowners' Association, stated that this organization opposed the project and requested that the Board not approve it. He observed that mixed-use designation allows developers to build dense projects on very small parcels. He was also not certain that stacked parking would succeed at this location. He concluded that the property is not intended for this type of project.

Marty Bilowich, Board member of the Lauderdale Beach Homeowners' Association, also opposed the development, noting that it would bring more traffic to an already dense area. He also expressed concern with the possibility of a liquor store as the retail component of the project. He characterized the Applicant's meeting with the Association as "very preliminary," with no contact afterward as plans were developed further.

Ella Anedra, private citizen, commented that the project would be an asset to the neighborhood, and pointed out that there have been no similar complaints about other condominium projects in the area. She also noted that a nearby convenience store also sells liquor, and concluded that the project was unlikely to block views from Berkley South above the third floor.

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

Ms. Toothaker advised that since the presentation was made to the Lauderdale Beach Homeowners' Association, there have been no changes to the project other than those discussed at tonight's meeting. She asserted that the Applicant has made no claims regarding the use of the property's retail space as a liquor store, explaining that at this point, the Applicant does not know what business will use that space.

Ms. Toothaker continued that the Lauderdale Beach Homeowners' Association was included in correspondence sent to Berkley South following a meeting with that condominium, which has kept the Association involved in the conversation. She showed an aerial view of the proposed setback, pointing out that adjacent mixed-use

developments in CB zoning do not require a setback. In addition to the 5 ft. setback, an existing wall separates Berkley South from the project, and there is 40 ft. of distance in Berkley South's parking area, totaling 45 ft. between buildings.

Chair Hansen asked if a hotel could be built on the subject parcel with its existing CB zoning. Ms. Toothaker replied that this would not be conditional use and would not be required to meet additional criteria, although a hotel would still require Site Plan review.

Mr. Elfman asked how long the subject property was vacant before the Applicant acquired it. It was estimated that the property was vacant for more than five years. Mr. Elfman also addressed the concern regarding a liquor store, asking if the Applicant would be willing to stipulate that this use not be allowed. Ms. Toothaker responded that as the Applicant was not present at tonight's meeting and this possibility had not been previously discussed, she could not speak for him at this time. She noted that liquor stores are a permitted use in CB zoning and could be constructed if the project had no residential component.

Assistant City Attorney Gustavo Ceballos advised that he would not recommend placing restrictions on a permitted use.

Mr. Tinter asked if environmental studies have been conducted on the property due to its previous use as a gas station. Ms. Toothaker reiterated that multiple studies have been made and the site has been found clean.

Ms. Golub commented that the parking structure the Applicant plans to use is designed to hold cars in long-term storage on top and cars in use on the bottom portion; in addition, the bottom space must be vacant in order for the car on top to be moved up or down. She pointed out that there is little to no street parking in the subject neighborhood, with the exception of Berkley South. She also felt the site's circulation did not sufficiently allow for the "in-and-out" aspect of stacked parking.

Ms. Golub continued that the Applicant's backup materials indicate building staff will take trash in and out of the development. Mr. Robin explained that every condominium has building staff that would empty the trash room on a weekly basis. With regard to stacking, he added that the turnaround space in the parking garage would allow room for cars to pull in and out of their top and bottom spaces.

Ms. Golub noted that this could lead to congestion within the parking structure during peak hours. Mr. Robin noted that not all residents are likely to live in the building year-round, which could limit congestion.

Ms. Golub asked if the Applicant is aware of the height for a condominium under construction across the street from the subject area. Ms. Toothaker stated this building's height will be 55 ft. She added that she has contacted the Applicant since the question

of retail use was raised, and he has agreed to voluntarily stipulate the use will not be a liquor store.

Motion made by Mr. Tinter, seconded by Mr. Elfman, to approve the Site Plan with Staff conditions 1, 2, and 3, eliminating Staff condition 4, and adding additional conditions that each of the parking spaces with their associated stacker be assigned to a specific unit within the residential development; that the commercial space be reduced to 1750 sq. ft. and eliminate three of the stackers; that the retail component of the site will never exceed that 1750 sq. ft.; that there will be no stacked parking for the commercial portion of the site; and subject to Staff review and approval of the final site plan, based on the reductions that were talked about today; and conditioned on approval of the plat, which [the Board is] going to vote on after this.

Chair Hansen clarified that the above **motion** refers to Item 3.

In a roll call vote, the **motion** failed 3-4 (Vice Chair Maus, Mr. Barranco, Ms. Golub, and Mr. Heidelberger dissenting).

Motion made by Mr. Barranco that the Applicant work with Staff, based on the comments they received here today, and present another solution to [the Board] to address the parking issues, the setback issues, the shadow issues, the view issues, the height issues, the density issues, and come back with something that the Planning and Zoning Board may approve. [The **motion** was not voted upon.]

Attorney Ceballos confirmed because the motion to approve failed, the Board has taken no action on the Item. For this reason, the Applicant may request a continuance. Mr. Barranco explained that his **motion** was intended to suggest the Item be tabled and heard again at a later time.

Ms. Toothaker requested a continuance of at least three months so the Applicant may address these issues.

Motion made by Mr. Tinter, seconded by Mr. Barranco, for a continuance to the April meeting.

It was clarified that if the Board wishes to take action on the Item, they may make a motion to recommend denial of the project. This would preclude it from coming back before the Board for a year. Attorney Ceballos advised that if the Board makes a motion to recommend denial, they articulate the reasons for the denial, with references to specific portions of Code. Should a motion to deny also fail, the result would once more be no action by the Board.

In a roll call vote, the **motion** passed 7-0.

Scott McLaughlin, representing the Applicant, requested that Item 4 also be deferred.

Motion made by Vice Chair Maus, seconded by Mr. Tinter, to defer Item 4. In a voice vote, the **motion** passed unanimously.

It was clarified that Item 4 would be deferred until the same time as Item 3.

The Board took a brief recess from 9:33 p.m. to 9:43 p.m.

5. CASE:	**R17052**
REQUEST: **	Site Plan Level III Review: Increase in Maximum Dimensional Requirements for House of Worship from 10,000 Square Feet to 16,750 Square Feet
APPLICANT:	Archdiocese of Miami
PROJECT NAME:	Saint Anthony Catholic Church Parish Hall
GENERAL LOCATION:	921 NE 2nd Street
ABBREVIATED LEGAL DESCRIPTION:	Resub BLKS 9-12 Holmberg & McKees 3-115D Lot 1 to 12 and vac alley abutting said lots BLK 9. Resub BLKS 9-12 Holmberg & Mc Kees 3-115 D Lot 7, 8 & N ½ vac alley abutting said lots BLK 9. Resub BLKS 9-12 Holmberg & McKees 3-115 D Lot 9 & N ½ vac alley abutting said lots BLK 9
ZONING DISTRICT:	Community Facility - House of Worship and School (CF-HS) and Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
LAND USE:	Medium – High Density
COMMISSION DISTRICT:	2 – Dean Trantalis
CASE PLANNER:	Florentina Hutt

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, stated that St. Anthony Catholic Church was founded in 1921 and St. Anthony School was constructed in approximately 1926. In 2017, a preschool was moved from the church to the school campus. This led to the conversion of a parish hall into classrooms, which means the church does not currently have a functioning parish hall.

The request before the Board is for Site Plan Level III approval for a new two-story parish hall at the preschool's previous location, with surface parking on the north side of the parcel. He showed photographs of the property, explaining that the new building will include administrative offices and meeting space on its first floor, with the parish hall itself on the second floor. A parking facility will be constructed to serve the new parish hall.

Mr. Lochrie showed multiple views of the area, pointing out that various design elements have been incorporated into the project. A large plaza area with landscaping and sidewalks is located adjacent to the church and extends to 10th Avenue. The area along 10th Avenue will be improved with a 9 ft. landscaping buffer, a 5 ft. sidewalk, additional 3 ft. buffer with a hedge, and a wall with a decorative railing. Behind the wall is an

additional 8 ft. 4 in. of landscaping, including a tree and hedge. The landscaping buffer extends a total of nearly 26 ft. from the drive aisle to the parking area.

On the north side of the property, there will be no vehicular access on 3rd Street; instead, this will be a pedestrian area with a 9 ft. landscaped area with trees, a 5 ft. sidewalk, 3 ft. hedge, a wall, and an additional 8 ft. 4 in. of landscaping.

Mr. Lochrie addressed the lighting of the parking area, which has been designed to meet the City's neighborhood compatibility requirements with no spillover onto residential properties. Lights will be shielded to prevent a glare. He concluded that the Applicant agrees with all Staff conditions and the project meets all zoning Code requirements. The south portion of the property is zoned Community Facility-House of Worship/School (CF-HS), while its north half is zoned RMM-25. The requested uses are allowed in both zoning districts.

The project was presented to the Victoria Park Civic Association in June 2017 and was approved by that organization. It was also presented to the City's Historic Preservation Board in November 2017 due to its potential impact on the site's two historic structures.

Ms. Hutt, representing Urban Design and Planning, explained that the request is for Site Plan Level III review to increase maximum dimensional requirements for a house of Worship from 10,000 sq. ft. to 16,750 sq. ft. The Applicant proposes to replace an old parish hall with a new facility adjacent to St. Anthony Catholic Church. This would consolidate the church's business functions in a single location with office and meeting space, parish hall, and maintenance room. The underlying land use for the area is Medium/High Residential.

The proposed addition results in a total of 16,750 sq. ft., which exceeds the maximum 10,000 sq. ft. limitation allowed in its zoning district. The project was reviewed by the DRC on September 19, 2017, and all comments have been addressed. It was also presented to the Historic Preservation Board on November 6, 2017 to discuss the mitigation of potential effects of new construction on buildings listed in the National Register of Historic Places. The project was also reviewed for compliance with the House of Worship section of Code, and was found to meet these criteria. It also meets adequacy and neighborhood compatibility requirements.

The project has access to an existing roadway network and would provide an improved streetscape in the public realm, including shade trees, a 5 ft. sidewalk, and an 8 ft. paver pathway. Vehicular ingress/egress is provided from NE 10th Avenue. The Applicant proposes 41 parking spaces against a requirement of 40 spaces. The Applicant has met with the appropriate neighborhood association. Staff recommends approval of the request.

There being no questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Don Richards, private citizen, felt the surrounding neighborhood was "kept in the dark" regarding the project. He expressed concern with the request's plan to demolish two residences and replace them with a parking lot. He also opposed providing ingress/egress to the lot from 3rd Street, as his townhouse complex includes backout parking. He stated that the possibility of ingress/egress from 3rd Street would create a safety issue.

Vice Chair Maus noted that the Victoria Park Civic Association posts agendas for its monthly meetings on social media as well as on its own website. The Association also sends an email blast with an agenda attachment each month. Mr. Richards stated that he had not been aware of these notices.

Mr. Tinter pointed out that no ingress/egress from 3rd Street is planned for the project. Mr. Richards replied that he would be opposed to any variation of the plan that moved access to 3rd Street.

Carol Mangold, member of the Board of the Windsor Square Condominium Association, stated that the XL zoning for exclusive use of a parcel as a parking lot should be corrected in writing and provided to this organization. She also requested a construction management plan for all phases of the project, and expressed concern with traffic on NE 3rd Street. Ms. Mangold added that she was concerned with the hours in which parking lot lights would be on, as well as the wattage of the lights, and that trees be trimmed prior to hurricane season. She concluded that members of the Association wished to know why the architecture of the project could not match that of the church.

Darren Cregan, President of the Windsor Square Condominium Association, requested that the ingress/egress point for the project be identified and asked if a traffic impact study was undertaken for the project. He expressed concern for property values in the surrounding neighborhood once the zoning has been changed. He concluded that he was pleased with the possibility of parking in nearby swales.

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

Mr. Lochrie advised that the parking facility will not be rezoned to XL. He added that the Applicant does not object to a construction phasing management plan. He reiterated that the entrance to the project is located on 10th Street.

Motion made by Ms. Golub, seconded by Vice Chair Maus, to approve, with a condition [to include] construction management plans for all four phases. In a roll call vote, the **motion** passed 7-0.

6. CASE:	**Z18001**
REQUEST: * **	Rezoning from Community Facility (CF) to General Industrial (I)
APPLICANT:	Bridge Development Partners, LLC
PROJECT NAME:	Bridge Logistics FLL
GENERAL LOCATION:	3033 and 3233 SW 12th Avenue (formerly 1300 SW 32 Court)
ABBREVIATED LEGAL DESCRIPTION:	School Site 0410 147-39B Parcel A
ZONING DISTRICT:	Community Facility (CF)
LAND USE:	Community Facilities (Pending concurrent application for change of land use to Industrial Use)
COMMISSION DISTRICT:	4 – Romney Rogers
CASE PLANNER:	Lorraine Tappen

Disclosures were made at this time. Mr. Tinter recused himself from hearing or voting upon the Item.

Nectaria Chakas, representing the Applicant, stated that Bridge Development Partners is under contract to purchase the subject 10 acre parcel from the Broward County School Board. The parcel is the former site of the Edgewood Elementary School, which closed in the 1990s. The site is undergoing a Land Use Amendment, which was unanimously approved by the Planning and Zoning Board in 2017. It will come before the Board again in the future for approval of its plat and Site Plan.

Lorraine Tappen, representing Urban Design and Planning, advised that the request is for rezoning from Community Facility to Industrial. The parcel's underlying land use was approved for change from Community Facility to Industrial in June 2017, and the Land Use Amendment will go before the City Commission at their next scheduled meeting for adoption. Rezoning is contingent upon approval of the Land Use Amendment.

Ms. Tappen reviewed the uses surrounding the site, noting that future industrial uses may potentially buffer nearby residential uses from the airport and highways. Future development at the site is subject to the DRC process. Industrial use within 300 ft. of a residential use requires a conditional use permit, which means the project's Site Plan will also come before the Board for review. A letter of support from the Edgewood Civic Association is part of the Application packet.

There being no questions from the Board at this time, Chair Hansen opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Hansen closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Maus, seconded by Ms. Golub, to approve. In a roll call vote, the **motion** passed 6-0. (Mr. Tinter abstained. A memorandum of voting conflict is attached to these minutes.)

8. CASE:	**T18001**
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Amending, Section 47-5.10, List of Permitted and Conditional Uses, RS-4.4 Residential Single Family/ Low Density District; Section 47-5.11, List of Permitted and Conditional Uses, RS-8 and RS-8A Residential Single Family/Low Medium Density District; Section 47-5.12, List of Permitted and Conditional Uses, RD-15 Residential Single Family/Duplex/Low Medium Density District; Section 47-5.13, List of Permitted and Conditional Uses, RDs-15 Residential Single Family. Medium Density District; Section 47-5.14, List of Permitted and Conditional Uses, RC-15 Residential Single Family/Cluster Dwellings/Low Medium Density District; Section 47-5.15, List of Permitted and Conditional Uses, RCs-15 Residential Single Family/Medium Density District, Section 47-5.16, List of Permitted and Conditional Uses, RM-15 Residential Low Rise Multifamily/Medium Density District; Section 47-5.17, List of Permitted and Conditional Uses, RMs-15 Residential Low Rise Multifamily/Medium Density District; Section 47-5.18, List of Permitted and Conditional Uses, RML-25 Residential Low Rise Multifamily/Medium High Density District; Section 47-5.19, List of Permitted and Conditional Uses, RMM-25 Residential Mid Rise Multifamily/Medium High Density District; Section 47-5.20, List of Permitted and Conditional Uses, RMH-25 Residential High Rise Multifamily/Medium High Density District; Section 47-5.21, List of Permitted and Conditional Uses, RMH-60 Residential High Rise Multifamily/High Density District; Section 47-13 Regional Activity Center Districts; Section 47-18., Specific Use Requirements, Section 47-20., Parking and Loading Requirements; Creating Section 47-24.13., Reasonable Accommodation Procedures; Creating Section 47-24.14., Community Residences Registration and Conditional Use Permit Requirements; And Amending Section 47-35., Definitions.
APPLICANT:	City of Fort Lauderdale
PROJECT NAME:	Zoning Standards for Community Residences for People with Disabilities
GENERAL LOCATION:	City-Wide
CASE PLANNER:	Karlanne Grant

Karlanne Grant, representing Urban Design and Planning, advised that this Item addresses zoning standards for community residences serving persons with disabilities. Under Federal Housing Administration (FHA) guidelines, it is unlawful to undertake land use policies or actions that treat individuals with disabilities less favorably than the rest of the population: for example, it would be unlawful for the City to pass an Ordinance that prohibits housing for persons with disabilities.

Staff has taken a preemptive approach to develop standards that provide for community residences for individuals with disabilities. This led to redefinition of the term "family" according to City Code. At present, family is defined as one or more persons living together in a single housekeeping unit supplied with a kitchen or facilities for doing their cooking on premises. The City proposes that this definition be changed as follows:

> One or more persons living together and interrelated by bonds of consanguinity, marriage, or legal adoption, or a group of persons, not more than 3 in number, who are not so interrelated, occupying the whole or part of a dwelling as a single housekeeping unit supplied with a kitchen or facilities for doing their own cooking on the premises, and who share common living facilities; any person under the age of 18 years whose legal custody has been awarded to the State Department of Health and Rehabilitative Services; or to a child-placing agency licensed by the Department; or who is otherwise considered to be a foster child under the laws of the State and who was placed in foster care with a family, shall be deemed to be related to and a member of the family for the purposes of this definition.

Ms. Grant continued that the definition of family does not include nursing homes, clubs, boarding or lodging houses, dormitories, fraternities, sororities, or groups of individuals whose association is seasonal or similar in nature to a resort, motel, hotel, or boarding or lodging house.

Staff has developed descriptions for the living arrangements of individuals with disabilities, which will be referred to as Community Residence. This is defined as a residential living arrangement for unrelated individuals with disabilities, living as a single functional family in a single dwelling unit, who are in need of mutual support furnished by other residents of the Community Residence.

There are two types of Community Residence: the Family Community Residence and Transitional Community Residence. A partial definition of Family Community Residence refers to a relatively permanent living arrangement for 4 to 10 unrelated people with disabilities, with no limit on how long a resident may live in the home and the length of tenancy is measured in years. A Transitional Community Residence is a temporary living arrangement for more than 3 unrelated people with disabilities, with a limit on length of tenancy that is measured in weeks or months rather than years.

Ms. Grant showed a PowerPoint presentation displaying the permitted types of Family Community Residences as well as those types that would require conditional approval. The following would be permitted by right in all residential zoning districts:

- Maximum of 3 or fewer residents
- Between 4 and 10 residents located at least 1000 ft. from another Community Residence

Conditional approval would be necessary for the following in all residential zoning districts:

- Between 4 and 10 residents located less than 1000 ft. from another Community Residence
- More than 10 residents

Transitional Community residences are permitted by right to have 3 or fewer residents in all multi-family zoning districts, including R-15, RML-25, RMM-25, RMH-25, or RMH-60. In addition to the conditional approval criteria, the City requires all Community Residences to operate in a manner that does not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere. They must be located a sufficient distance from other Community Residences, and must operate as a functional family or emulate a biological family to foster normalization and community integration of its residents.

In addition to seeking conditional approval, individuals with disabilities may also request reasonable accommodation, which would be presented to the Special Magistrate. The Special Magistrate shall make findings of fact in support of all determination.

Parking standards have been changed in order to accommodate parking for individuals with disabilities. In addition to standard parking requirements, Community Residences must provide additional parking spaces for each resident that maintains a motor vehicle on the premises over and beyond the standard parking calculation for the type of dwelling unit.

Next steps include undertaking a study to determine the existing Community Residences in the City. Staff will meet with the Council of Fort Lauderdale Civic Associations in February 2018 and hope to take the Amendment before the City Commission for first reading in February and second reading in March.

Chair Hansen asked if van accessibility was addressed with respect to parking, as there have been recent changes to the Americans with Disabilities Act (ADA) regarding these vehicles. Ms. Grant replied that Staff did not take these changes into consideration. Chair Hansen also recommended clarifications to the definition of "family."

Mr. Barranco also referred to parking, pointing out that ADA-accessible parking typically counts toward parking requirements within Code. Ms. Grant explained that the requirement for Community Residences would provide additional parking for any resident with a motor vehicle. This parking does not have to consist of ADA-accessible spaces. She pointed out that this is not dissimilar to the requirement for parking to accommodate the number of bedrooms in a multi-family structure.

Mr. Barranco commented that his concern was for holding Community Residences to a higher standard than other forms of development, which could ultimately lead to a legal

challenge. He felt the requirement of an ADA-accessible space as part of a site's standard parking count should be sufficient.

Mr. Tinter added that Transitional Community Residences, in which tenancy is measured in weeks or months, serve a changing population, which makes it difficult to provide an additional space.

Nancy Stroud, legal consultant, explained that the Code change is intended to preempt issues related to "sober homes," which house individuals with disabilities that may be related to drug or alcohol abuse. It is not intended to address the needs of individuals with physical disabilities that require them, for example, to use wheelchairs. Mr. Barranco asserted that this is the reason he feels Code should remain silent on this issue, as the requirement does not treat sober homes like other residential homes.

Ms. Stroud continued that the proposed parking requirement arose from an understanding of how sober homes work. There are typically two types of these residences: one where no residents are allowed to have a car and transportation is provided as a service, and one that allows residents to have their own cars and drive. It may not be sufficient to treat the latter type of residence in the same manner as a single-family home.

Ms. Golub asked why the issue is being addressed at this time if it may be subject to change later on once the study is complete. Ms. Grant advised that Staff was directed by the City Commission to move this issue forward through the approval process. Ms. Stroud added that she was not certain the issue would change significantly in the future, as the basic system is very similar to what has been accepted in other communities.

Vice Chair Maus asked if Staff has reviewed similar Ordinances in other municipalities. Ms. Stroud confirmed this, stating that some of these Ordinances have been legally challenged, as this is an evolving area of the law.

Mr. Tinter addressed language changes to the definitions, pointing out there is a discrepancy between references to four or more individuals and other references to three or fewer individuals as a family unit in a Community Residence. Ms. Grant agreed that Staff would review the document to ensure greater clarity.

Mr. Tinter also noted a reference to conditional use requirements included in the definitions, asking if this referred to general conditional use requirements such as compatibility. Ms. Grant confirmed this as well. Mr. Tinter pointed out that one response to this criterion may be that sober homes are not compatible with a residential neighborhood.

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

Ron Centamore, President of the Fort Lauderdale Council of Civic Associations, advised that a number of City neighborhood associations have expressed concern regarding sober homes, some of which are in close proximity to each other. The Council asked the City Commission to consider a recent Ordinance enacted by Delray Beach, which could assist with the regulation of these facilities. He emphasized that the Council hopes the City can regulate sober homes through Code Enforcement and ensure that they are properly licensed.

Marilyn Mammano, private citizen, asserted that she was not certain how Community Residences relate to the existing Social Service Residential Facility (SSRF) designation already included in Code. She felt there may be unintended consequences if the City acts too quickly. She also cautioned that as other South Florida cities enact Ordinances to regulate sober homes, lack of such regulation in Fort Lauderdale may lead to proliferation of these programs in the City.

Ms. Mammano continued that many neighborhoods in which sober homes are located are unlikely to have seen or provided input on the proposed Amendment. She concluded that more time is necessary for all parties to review and absorb the content of the Amendment.

Vice Chair Maus pointed out that if the Board approves the Item at tonight's meeting, there will be sufficient time for neighborhoods to meet with Staff and offer corrections to the draft prior to its first reading; however, if no action is taken, the process may be delayed for a number of months.

Mr. Tinter asked if Staff might be able to review and modify the Item and bring it back before the Board in February or March 2018 before taking it to the City Commission. Ms. Grant replied that at the December 19, 2017 City Commission Conference Agenda meeting, Staff proposed different timelines, including one that would delay approval until the study is complete. The Commission, however, directed Staff to move forward with the process.

Mr. Barranco asked where the study fits into the timeline. Ms. Stroud stated that the study would target the first reading by the City Commission as a completion date. Ms. Grant advised that any changes made as a result of the study would be addressed in a memo to the City Commission. Ms. Golub suggested that the Board could convene a special meeting to review an amended version of the document prior to its presentation to the City Commission.

Chair Hansen declared that a schedule allowing the Council, neighborhoods, and Board time to review the document should be determined. Mr. Tinter added that he was not comfortable sending the Item on to the City Commission at tonight's meeting due to the ambiguity and inconsistencies of its parking issues. Chair Hansen added that he would also like to hear input from community leaders after the document has been modified.

Ms. Grant reiterated that Staff had presented the City Commission with alternative timelines, but the Commissioners directed them to move forward with the process.

Elly du Pre, private citizen, commented that her neighborhood association hopes to protect the area's RDS-15 zoning status. She recommended that the Amendment ensure that it addresses different types of disabilities, including individuals with physical disabilities, individuals in sober homes, and others.

Ben Sorenson, private citizen, stated that he has worked with Mr. Centamore and Ms. Mammano with regard to this issue. He recalled that in late 2016, the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Justice (DOJ) put forth a joint statement regarding how municipalities may address sober homes without violating ADA or FHA requirements. He encouraged Staff to advise the City Commissioners that the Amendment is in the best interest of the City's residential neighborhoods.

Motion made by Mr. Tinter, seconded by Mr. Barranco, to defer this Item until after the study has been completed and meetings with neighborhoods and councils has taken place before [the Board makes] any further recommendation to the City Commission. In a roll call vote, the **motion** passed 7-0.

It was clarified that the study to which the motion referred was not likely to be completed in the near term, although neighborhood outreach could begin at an earlier time.

Ms. Stroud clarified that the study would include mapping of current facilities as well as legal analysis and an update on the status of other Ordinances regulating sober homes. The target date for the study's completion is the first reading of the Ordinance before the City Commission.

Ms. Stroud continued that the data resulting from the study, as well as the mapping data, may affect the language of the Ordinance, which was adopted at the City Commission's suggestion for draft purposes. This was why the study has been placed on an accelerated schedule.

Mr. Tinter asserted that while he did not wish to rescind his earlier **motion**, any Board member who voted to approve it may vote to reconsider the **motion** if they wish.

Ms. Golub cited the example of an Ordinance regulating transient rentals, which was passed and then amended within a short time of its approval. She concluded that the study's results may lead to the identification of potential amendments.

Motion made by Ms. Golub, seconded by Vice Chair Maus, to reconsider the motion. In a voice vote, the **motion** passed 6-1 (Mr. Tinter dissenting).

Motion made by Vice Chair Maus to approve with Staff conditions. [The **motion** died for lack of second.]

Ms. Grant clarified that the next steps in the process are not considered conditions; however, if the study necessitates changes to the Ordinance's language, it would have to come back to the Board for approval.

Ms. Golub suggested a motion that the Board approve the draft document after meetings with the neighborhoods and the Council of Fort Lauderdale Civic Associations are complete. Chair Hansen proposed deferring the Item until February. Mr. Centamore advised that the Council can wait until the study is completed, even if that is later in the year, to discuss the Item further.

Ms. Grant reiterated that in lieu of deferment, Staff can bring back a text Amendment.

Motion made by Mr. Tinter, seconded by Mr. Barranco, to defer this [Item] for a month. In a roll call vote, the **motion** passed 7-0.

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

None.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:21 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.]