



CITY OF FORT LAUDERDALE

**CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS**

100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301

WEDNESDAY, JULY 21, 2021 – 6:00 P.M.

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

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
Jim Hetzel, Principal Planner
Michael Ferrera, Urban Design and Planning
Karlanne Grant, Urban Design and Planning
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Scott called the meeting to order at 6:01 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

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

III. PUBLIC SIGN-IN / SWEARING-IN

3. CASE: UDP-S20009

REQUEST: ** Site Plan Level IV Review: Request for Reduced Setbacks and Application of Prior Zoning Regulation to Exceed Building Length for a 65-unit Multi-family Residential Development

APPLICANT: Bayshore Concepts, LLC.

GENERAL LOCATION: 551 Bayshore Drive

AGENT: Crush Law, P.A., Courtney Crush

LEGAL DESCRIPTION: Birch Ocean Front Sub 19-26 B Lots 4 thru 6, Blk 7

ZONING DISTRICT: Intracoastal Overlook Area District (IOA)

COMMISSION DISTRICT: 2 - Steven Glassman

NEIGHBORHOOD ASSOCIATION: Central Beach Alliance HOA

LAND USE: Central Beach Regional Activity Center

CASE PLANNER: Karianne Grant

Disclosures were made at this time.

Rishi Kapur, developer representing the Applicant, advised that the proposed project is a luxury wellness condominium. He noted that he has attended all neighborhood association meetings over the past eight to nine months, and has met one-on-one and via Zoom with neighbors of the project to hear their concerns and feedback. These responses were taken into consideration for the project's design. The Applicant has made a number of concessions based upon neighbors' comments before coming to the Board.

Courtney Crush, also representing the Applicant, stated that the proposed project, Olakino House, is located on four parcels of land on the Intracoastal Waterway and the North Beach residential area, within the Intracoastal Overlook Area (IOA) zoning district. The property fronts onto Bayshore Drive. The Applicant's intent was to provide enjoyable residences while completing the City's streetscape.

The Applicant's team first presented the project to the Central Beach Alliance (CBA) Board in November 2020 and has met with neighbors in the Sunrise Intracoastal area across the waterway, as well as immediate neighbors in the Panama Club, Bayshore Embassy, and Bayshore Towers.

Olakino House proposes 65 residential dwelling units. The Applicant is requesting Site Plan Level IV approval for residential dwelling units, as well as for application of a prior zoning district regulation. The proposed design varies from a 2000 Code change in which structures, including garages, were included with a maximum dimension of 200 ft. The effect of this change would dictate that a property such as Olakino House require two

parking garages for its two residential buildings, resulting in a taller parking podium and vehicular conflict points.

Ms. Crush advised that neighbors to the south of the property reacted strongly to the original proposal of an accessory café as part of the project. Ultimately this was removed from the Application. What is proposed instead is a "club room" with modest dining for residents, which would not have a commercial kitchen and would be limited to Olakino House residents only.

The Site Plan includes four ground-level villa units, two facing the front of the property and two facing the Intracoastal Waterway. This includes landscaped trees and a sidewalk that step up to the ground-level units, masking two layers of parking above them. If the prior zoning regulations are permitted, the mass of the garage will be minimized, as it is only 30 ft. in height. There are typically four units per floor, with each resident owning a corner unit. In addition to on-site landscaping, the site will include off-site green areas for parking.

The project's parking podium is set back 20 ft. at the ground level. Its resident entrance is at the north end of the property, and street trees are intended to create a walkable environment on Bayshore Drive. As the building steps up to comply with Federal Emergency Management Agency (FEMA) regulations, the non-habitable street level allows a view of the waterway.

Wastewater capacity was found to be sufficient for the project. Because water capacity presented a challenge, the developer plans to "upsized" a 6 in. water pipe to a 10 in. pipe for 400 linear ft. adjacent to the property. The Applicant has proffered a number of construction management protocols in recognition of the concerns of neighboring properties.

Application of the prior zoning regulation allows the building to be lower and more consistent with its surrounding neighborhood compatibility criteria, which are beach design guidelines that heavily emphasize both the public and private realms, as well as scale and mass.

Ms. Fertig asked if any of the neighborhood or civic associations with which the Applicant's team has met, such as the CBA, are supportive of the project. Ms. Crush replied that they do not have support from the CBA at this time; the CBA's leadership participated in the Applicant's public meeting, where a number of comments were heard from Bayshore Towers. It was requested that the Applicant defer a vote by the CBA membership, which had been planned for May 2021, in order to meet with Bayshore Towers on June 17. At that time, the CBA strongly encouraged the Applicant to work with its immediate neighbors.

A special Zoom meeting will be scheduled by the CBA to further discuss the project. Ms. Crush characterized earlier feedback from the CBA as positive with respect to the project's design. She noted that Bayshore Towers is supportive of the removal of the previously proposed restaurant aspect of the plan, and their counsel is expected to indicate a number of conditions those residents would like to see accompany the Site Plan.

Feedback from Bayshore Embassy focused primarily on the walkability design of the project. Sunrise Intracoastal did not vote on the project, which was presented via Zoom to its membership. Their concerns had also focused on the previously proposed restaurant.

Ms. Fertig also addressed the request for application of prior zoning regulations, asking if the same property owner owns the property as in approximately 1997 or 2000. Ms. Crush replied that this was not the case.

Ms. Fertig commented that it was unusual for a project to request zoning relief when the land was purchased with knowledge of current zoning regulations. Ms. Crush stated that the criteria sought by the Applicant would ensure that the planned project is consistent with the City's Comprehensive Plan. The ULDR asks the Planning and Zoning Board to consider what is encouraged by the Comprehensive Plan, as well as whether the current regulation places a burden on the property owner. Current zoning guidelines would require the project to include two garages and "back-of-house" infrastructure that would be atypical on a smaller lot.

Ms. Crush continued that the Applicant is seeking relief from the regulation regarding dimension. She added that an interpretation of the maximum structure length prior to 2005 may not have been applied to garages.

Mr. Barranco asked if the same criteria apply to any other buildings on the Fort Lauderdale Beach. Ms. Crush replied that within the ABA zoning district, Code allows garages to exceed 200 ft. in length, as limiting this length could result in multiple garages.

Ms. Crush continued that in addition to removal of the restaurant, the Applicant has agreed to proffer that there would be no administrative adjustment or change of use to the proposed Site Plan to introduce a restaurant in the future. Proposal of any restaurant for Site Plan Level IV approval would require Development Review Committee (DRC), PZB, and City Commission review, accompanied by public participation.

Mr. Hetzel advised that there was a correction to p.6 of the Staff Report: the reference to peak hour trips should be 31, not 43. The reference to 31 trips would also need to be changed in a table on the previous page.

Assistant City Attorney D'Wayne Spence clarified that the Code Section in question was adopted via Ordinance C-00-26 in the year 2000. This Ordinance specified the maximum length and width of structures as 200 ft. This is the criterion from which the Applicant is requesting relief.

Motion made by Mr. Shechtman, seconded by Mr. Weymouth, to make the Staff Report part of the record. [The **motion** was approved by consent.]

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

Jeremy Shir, attorney representing Bayshore Towers, stated that the residents' major concern was the previously proposed restaurant. He read a number of proposed conditions of approval:

- Any use considered a restaurant or amenity open to the public would not be approved as an administrative Site Plan adjustment, but would need to go through DRC, PZB, and City Commission approval
- The name on the Site Plan be changed from "Dining Area" to "Club Room"
- No employees be assigned to this amenity, such as cooks, wait staff, or managers
- No commercial kitchen, cooking, or hot food allowed in this area
- No guests allowed in the amenity area
- No restaurant supply delivery, grease traps, valet parking, food deliveries, takeout, alcohol sales to non-residents, dockside access, or music of any kind be permitted in the amenity area
- If kitchen fumes or foul smells arise from the amenity area, any complaints must be resolved within 10 days
- The amenity area dumpster must be placed internally in the building
- No additional signage indicating the amenity would be permitted
- If violation of any of these conditions occurs, the Applicant would have 30 days to cure them; if they are not cured, the amenity would be shut down until a plan is in place to bring the amenity area back into compliance

Mr. Shir concluded that Bayshore Towers' main concern is that the proposed amenity would function as a restaurant even though it is not labeled as such.

Attorney Spence stated that the City cannot agree to the conditions as part of Site Plan approval, as some are not enforceable under development permit approval. He noted that the City would only be able to enforce the enclosure of the dumpster.

Mr. Shir asked if the Applicant may voluntarily proffer the proposed conditions of approval. Attorney Spence replied that these may be proffered in a separate agreement of which the City is not a party, but the City cannot enforce the conditions as part of the Site Plan

approval process. He recommended that Bayshore Towers enact its own agreement with the Applicant to ensure enforcement that does not involve the City.

Ms. Fertig addressed the proposed conditions for the amenity, pointing out that they would prohibit music or catering in a "Club Room" area. Mr. Shir replied that the condition could be amended to require that music not exceed a specific volume, which could be consistent with the City's Noise Ordinance.

Mr. Shechtman asked if there is a condition the Board could incorporate into approval that would preclude the Applicant from operating or opening a restaurant without going through the full Site Plan Level IV process. Attorney Spence replied that use of the property is an entitlement given by underlying zoning regulations: there is nothing the City can do, short of rezoning of the property, to remove an entitlement. He reiterated that while the Applicant may proffer certain restrictions, the City is not in a position to enforce private proffers.

Mr. Shechtman asked what the process would include if the Applicant decides, in the future, to amend their Site Plan to add retail to the project. Attorney Spence explained that this would depend upon the type of alteration. Site Plan Level IV approval, for example, would require approval by the City Commission.

Chair Scott asked how the conditions of approval included in the Staff Report would work, noting Condition 5, which addresses historic preservation, in particular. Ms. Parker advised that this is a standard condition for sites located in archaeologically significant areas. Mr. Hetzel added that similar language is required for properties located on the barrier island. While no archaeological remains may have been previously found on these sites, the condition is intended to cover this possibility.

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.

Mr. Shechtman recalled that Board members have previously expressed concern when the Site Plan for a project was not available. He felt the requirement for Site Plan Level IV review, should the Applicant later decide to implement a restaurant, would be sufficient protection for surrounding neighbors.

Motion made by Mr. Shechtman, seconded by Mr. Weymouth, to approve the Application with Staff's conditions to approval, based on the findings that this complies with the ULDR.

Ms. Fertig advised that her concern was for an application requesting prior rezoning regulations for a property whose zoning was changed roughly 20 years ago. She also expressed concern that the Board has heard no input from the CBA, the Sunrise Intracoastal Homeowners Association, or other neighboring associations. She recommended that the Applicant address this before the Application goes to the City

Commission if possible, pointing out that most major projects are not brought forward in summer in order to permit the CBA and other organizations to weigh in.

Ms. Crush reiterated that the CBA had postponed its vote when they became aware of the concerns of the project's immediate neighbors. She has been in communication via email with some of its Board members, and a meeting of the membership is forthcoming. She also recalled that dialogue with Bayshore Embassy is ongoing, and that the membership of Sunrise Intracoastal has seen a presentation on the project but has not taken a vote.

Chair Scott noted that while the Applicant has met with a number of neighboring associations, none of these members were present at tonight's meeting. Ms. Parker advised that a representative of Bayshore Embassy is present, but did not speak during the public hearing.

Ms. Fertig also expressed concern that an Applicant may apply for relief from zoning regulations that were changed in the year 2000, prior to their ownership of the property. She pointed out that in the future, any beach residents or applicants may choose to make the same request. Ms. Parker explained that there is an existing section of Code that grants applicants the right to make this request if they meet certain criteria.

Mr. Shechtman asked if an applicant might also be permitted to apply for rezoning if the Code section permitting zoning relief did not exist. This would mean the PZB could review the request, but would not see the actual Site Plan. Ms. Parker clarified that this would not be the case, as a rezoning application requests rezoning to a specific district. She did not feel it would be unreasonable for the Board to revisit the Code section related to prior zoning conditions and discuss it further, perhaps communicating their concerns to the City Commission; however, that would not affect the Application before them today.

Ms. Fertig also asked how many trips would remain once the project is constructed. Ms. Crush replied that 123 trips remain.

Mr. Barranco commented that the Applicant's request for previous zoning meets all necessary criteria. He characterized the Application as positive, and pointed out that if current zoning regulations were applied, the end product of two separate buildings would be worse. He concluded that he felt the intent of Code is met by the project, and felt that the addition of mixed use, such as the previously proposed restaurant, would have served to further enhance the neighborhood. Chair Scott concluded that she was in agreement with Mr. Barranco's analysis.

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

Ms. Crush stated that she has reached out to Mr. Shir, and that the Applicant feels a number of the concerns he had raised were inconsistent with the proposed club room, as

they were restaurant uses; however, she pointed out that guests would be permitted into the facility, and an employee may be present for cleaning or other purposes.

~~4. CASE: UDP-T21007~~

~~REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-12, Central Beach Zoning Districts to Revise the Process and Procedures for Uses in the Central Beach Zoning Districts, Revise and Adopt Dimensional Requirements including Open Space and Streetscape Design Requirements, and Adopt Prescriptive Criteria for the Design and Compatibility Point System~~

~~APPLICANT: City of Fort Lauderdale~~

~~GENERAL LOCATION: Central Beach Regional Activity Center Zoning Districts~~

~~CASE PLANNER: Karlanne Grant~~

~~Mr. Hetzel showed a PowerPoint presentation on the proposed Central Beach Text Amendment, noting that this is the result of a years-long process. The Amendment proposes permitted uses, dimensional standards, design compatibility, open space requirements, clarification of the public/pedestrian realm, and a process for approval. Over the past two years, City Staff has met with the CBA and provided its Board with a preliminary presentation on this Item in March 2021.~~

~~One of the items on which Staff focused was the permitted uses section, which was originally verbose and not reflective of other sections of Code. Staff condensed this into a table format, which is more consistent with Code. The existing point system in current Code is very subjective. This section was rewritten and re-categorized for greater clarity.~~

~~Open space requirements were recently codified for the City's Downtown area using an approach based on residential uses and the number of units. This was applied to the Central Beach district, with a non-residential percentage as well. If the project is mixed-use, the higher of the residential or non-residential percentages will be used.~~

~~Streetscape standards were created to address safety and activity in the public/pedestrian realm. There are minimum sidewalk requirements across the board for the Central Beach, with additional "cleanup" of this section. Staff considered primary and secondary streets and what would be required on their frontage, with a focus on the public realm through pedestrian improvements and activity on the beach.~~

~~Regarding dimensional standards, there are changes to existing setback requirements, although no changes to building height are proposed. Front, side, and rear setbacks are clarified within this zoning district, with more specific distance requirements. Staff also~~

There being no further business to come before the Board at this time, the meeting was adjourned at 8:06 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.]