



CITY OF FORT LAUDERDALE

MEETING MINUTES
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, AUGUST 16, 2023 – 6:00 P.M.

<u>Board Members</u>	<u>Attendance</u>	<u>Present</u>	<u>Absent</u>
Michael Weymouth, Chair	P	3	0
Brad Cohen, Vice Chair	A	1	2
John Barranco	P	2	1
Mary Fertig	A	2	1
Steve Ganon	A	2	1
Marilyn Mammano	A	2	1
Shari McCartney	P	3	0
Patrick McTigue	P	3	0
Jay Shechtman	P	2	1

Staff

Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Urban Planner
Trisha Logan, Principal Urban Planner
Michael Ferrera, Urban Design and Planning
Jamie Opperlee, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

~~Chair Weymouth called the meeting to order at 6:07 p.m. The Pledge of Allegiance was recited.~~

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

~~Motion made by Mr. McTigue, seconded by Mr. Barranco, to approve. In a voice vote, the motion passed unanimously.~~

III. PUBLIC SIGN-IN / SWEARING-IN

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

IV. AGENDA ITEMS

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Case Number	Applicant
1. UDP-S22022**	Pier at Harbor Beach, Inc.
2. UDP-T23003*	City of Fort Lauderdale
3. UDP-T23006*	City of Fort Lauderdale

Special Notes:

~~**Local Planning Agency (LPA) items (*)** — In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).~~

~~**Quasi-Judicial items (**)** — Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.~~

~~1. **CASE:** UDP-S22022~~

~~**REQUEST:** ** Site Plan Level III: Waterway Use, Conditional Use Permit for Height Increase from 120 feet Maximum to 240 feet, and Request for Yard Modifications~~

~~**APPLICANT:** Pier at Harbor Beach, Inc.~~

~~**AGENT:** Ellyn Setnor Bogdanoff, Esq., Becker & Poliakoff~~

~~**PROJECT NAME:** One on One Harbor Beach~~

~~**PROPERTY ADDRESS:** 3043 Harbor Drive~~

~~**ABBREVIATED LEGAL DESCRIPTION:** OCEAN HARBOR 26-39 B LOT 6~~

~~**ZONING DISTRICT:** Residential Multifamily High Rise/High Density (RMH-60)~~

~~**LAND USE:** Residential High~~

~~**COMMISSION DISTRICT:** 4 — Warren Sturman~~

~~**NEIGHBORHOOD ASSOCIATION:** Harbor Drive Association~~

~~**CASE PLANNER:** Adam Schnell~~

~~Chair Weymouth noted that the Applicant has requested deferral to the October 18, 2023 meeting.~~

~~Cody Rogers, representing the Applicant's agent, Ellyn Setnor Bogdanoff, explained that Becker and Poliakoff is the recently hired counsel for the Applicant. They are re-drafting the plans that will be submitted to the City's Development Review Committee (DRC) based on community feedback. An additional community outreach meeting is scheduled for Monday, August 21, 2023 at 7 p.m. via Zoom.~~

~~Mr. Shechtman asked why the Application had reached the Planning and Zoning Board if further items have to be submitted to the DRC. Principal Urban Planner Jim Hetzel stated that the project has already gone through DRC and the Applicant is making~~

~~revisions based on feedback from public outreach. Deferral is requested because the Item was already scheduled to be heard by the Planning and Zoning Board.~~

~~Mr. Shechtman also requested clarification of the threshold at which revisions to plans need to return to the DRC. Mr. Hetzel replied that Staff works with Applicants depending upon the extent of the changes in order to determine whether it is necessary to reschedule the application to the DRC, or if the changes are sufficiently minor that they may be reviewed upon re-submittal. Staff has not yet seen the proposed revisions and cannot make this distinction at this time.~~

~~Mr. Shechtman asked if, should the Item be required to go back before the DRC, it would not come before the Planning and Zoning Board. Mr. Hetzel replied that if this is the case, the Applicant would be asked to re file the Application, which would then go back before the DRC with a new case number and proceed through review as if it were a new application.~~

~~Richard DeWitt, representing The Harbourage, one of the parties affected by the Application, stated that he had submitted a letter to the Board and also requested at a previous meeting, that the deferral not be granted. He recalled that before that previous Board meeting, the affected party was told there would be new plans submitted to them for review as well as to City Staff. This has not occurred. In addition, since that time, the developer has purchased a building that lies between The Harbourage and the subject property. It is The Harbourage's understanding that this building will be part of some type of new development.~~

~~Mr. DeWitt continued that under Florida Statute 166.033, the Applicant had 180 days to proceed from the time Staff deemed the Application to be complete. If the requested deferral is granted, this would bring the total time frame to 514 days. While the Statute allows for "a reasonable extension" between the City and the Applicant, he felt this length of time was not reasonable under any circumstances.~~

~~Mr. DeWitt added that the Application has been delayed many times, and his clients are unaware of what is happening with regard to the property. He asserted that the proper course of action would be for the Applicant to re file the Application and go back through the full approval process with their new plans. He requested that the request for deferral be denied.~~

~~Disclosures were made by the Board members at this time.~~

~~Mr. Shechtman observed that no determination has been made regarding whether or not the Application meets the threshold that requires re-submittal, as Staff has not seen the Applicant's revised plans. He felt it made sense to defer the Item under these circumstances.~~

~~Chair Weymouth asked if the property between The Harbourage and the proposed development is under contract or has closed with the Applicant. Mr. DeWitt advised that his understanding was that the property has closed, although he did not know whether or not it now belongs to the same owner as the subject property.~~

~~Ms. McCartney noted that if the Application is deemed to include major revisions and must re-start the approval process, this would address any concerns that the time frame has been unduly extended.~~

~~Chair Weymouth asked if the Applicant could provide an estimate of how much of the project is being revised, including whether or not the revision will incorporate the recently or soon to be acquired property between The Harbourage and the subject site. Mr. Rogers replied that he was not certain, as the Applicant's team is currently focused on the community outreach portion of the process. He reiterated that his firm was only recently retained as Applicant's counsel.~~

~~Chair Weymouth asked if the community outreach is only for the current plan which has already gone through the DRC process. Mr. Rogers confirmed this. Chair Weymouth pointed out that if there is a significant change to the Application, there will be a need for community outreach once again. Mr. Rogers characterized the planned August 21 meeting as focusing on stakeholder involvement.~~

~~Mr. Rogers continued that based on earlier community feedback, the Applicant is re-drafting the plans, which have not yet been submitted to the DRC. These plans are to be presented to the community again for continued stakeholder engagement.~~

~~Chair Weymouth suggested that the Applicant request deferral to the Board's September meeting rather than October.~~

~~Mr. Shechtman commented that DRC needs to receive the plans so they can determine whether or not the Item requires re-submittal. He felt it would be a poor use of the Board's time to hear the Item in September, as it was unlikely this step would be complete by that time. He was in favor of deferring the Application for three months rather than two. Mr. Rogers indicated his agreement with this proposal.~~

~~**Motion** made by Mr. Shechtman to defer this three months.~~

~~Chair Weymouth clarified that this would mean the Item is deferred to the November 2023 meeting.~~

~~Mr. McTigue asked if the Applicant would need the additional month, pointing out that they have only requested two months' deferral. Chair Weymouth stated that the Applicant's team and the City do not know what changes are planned for the Application.~~

~~Chair Weymouth also asked when the revised plan is expected to be submitted to Staff. Mr. Rogers replied that the Applicant does not know what this exact timeline will be, but noted that if more property is acquired, a new Application will be necessary. Mr. Barranco cautioned that there may be other changes to the plans which could appease the affected parties, and it is not possible to speculate on how the revised plans may proceed.~~

~~Mr. McTigue reiterated that the Applicant has already indicated that they only need to defer the Item until October, and did not ask for a longer deferral.~~

~~[The motion died for lack of second.]~~

~~Motion made by Mr. Shechtman, seconded by Mr. McTigue, that we defer the Item until the October 18, 2023 Planning and Zoning Board meeting. In a roll call vote, the motion passed unanimously (5-0).~~

2. CASE: UDP-T23003

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-5.60.D, Residential Office Zoning Districts

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: Residential Office (RO) Zoning District

COMMISSION DISTRICTS: 1 – John Herbst, 2 – Steve Glassman, 4 – Warren Sturman

CASE PLANNER: Michael Ferrera

Mr. Hetzel advised that there are corrections to Exhibit 3 for this Item.

Michael Ferrera, representing Urban Design and Planning, identified the corrections to Exhibit 3, which included adding certain language for the following:

- Section 47-5.60.F.6, “Existing buildings must comply with the same regulations that are for buildings located in the RO district.”
- Section 47-5.60.F.8, “Lot coverage requirements are the same as the requirements for the RO district.”
- Section 47-5.60.F.9, “Approval of a development shall be review in accordance with Section 47-24.21., Table 1, development permits and procedures and as provided in Section 47-24.2, Site Plan Development Permit.”

Mr. Hetzel added that in the Board’s backup materials, the language struck through and highlighted in green will be removed, and will be replaced with language highlighted in yellow.

Mr. Ferrera stated that the Item proposes amendments to Unified Land Development Regulations (ULDR) Section 47-5.60.d.1.a, Residential Office Zoning District, and Section 47-5.60.f, Planned Residential Office District.

In 1997, the City implemented a rewrite of its ULDR and zoning districts, including zoning district title changes, uses, and open space requirements. At that time, there were some references and items that were not adjusted. The proposed amendments will remove references from Section 47-5.60.d.1.a to an R-4 zoning district, which was converted to RMH-60.

The second portion of the amendment, which applies to Section 47-5.60.f, addresses a 2013 ULDR amendment regarding buffer yard requirements, allowing alternative standards for these requirements and revising the approval process. The amendment to the review and approval process was based on an October 2012 communication to the City Commission which stated that a requirement for Planning and Zoning Board review and approval of a development plan were unnecessary and should be removed. When the ULDR was amended in 2013, there were a number of references that were not removed and are addressed by the proposed change before the Board today.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Barranco, seconded by Mr. McTigue, to approve the amendment proposed by City Staff to the ULDR, Section 47-5.60.d.1.a, RO, and Section 47-5.60.f, Planned ROC. In a roll call vote, the **motion** passed unanimously (5-0).

3. CASE: UDP T23006

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-11.10, List of Permitted and Conditional Uses, Commercial Recreation (CR) District

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: City Wide

CASE PLANNER: Michael Ferrera

Mr. Ferrera explained that this is a proposed amendment to ULDR Section 47-11.10, which is a list of permitted and conditional uses for the Commercial Recreation (CR) district. The amendment replaces any reference to "shooting centers" with "indoor firearms range," specifically within the CR district.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Barranco, seconded by Ms. McCartney, to approve. In a roll call vote, the **motion** passed unanimously (5-0).

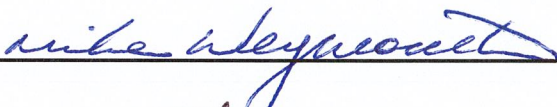
V. COMMUNICATION TO THE CITY COMMISSION

None.

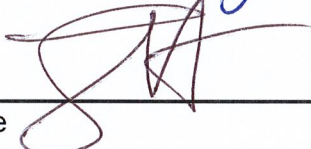
~~VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE~~

~~There being no further business to come before the Board at this time, the meeting was adjourned at 6:36 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.]