

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, MARCH 19, 2014 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2013-May 2014</b>	
		<b>Present</b>	<b>Absent</b>
Patrick McTigue, Chair	P	10	0
Leo Hansen, Vice Chair	P	10	0
Brad Cohen	P	9	1
Stephanie Desir-Jean	P	8	2
Michael Ferber	P	9	1
James McCulla	P	8	2
Michelle Tuggle	P	10	0
Tom Welch	P	8	2
Peter Witschen	P	8	2

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  
Eric Engmann, Urban Design and Planning  
Anthony Fajardo, Chief Zoning Administrator  
Yvonne Redding, Urban Design and Planning  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

~~The Board agreed by unanimous consensus that, as Downtown Fort Lauderdale has been listed as the seventh best Downtown in the United States, Planning Staff should receive some of the credit for this distinction.~~

**~~I. CALL TO ORDER / PLEDGE OF ALLEGIANCE~~**

~~Chair McTigue called the meeting to order at 6:33 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.~~

**~~II. APPROVAL OF MINUTES~~**

~~Ms. Parker advised that tonight's Agenda had not been advertised in the *Sun-Sentinel*. This does not invalidate the hearing, but allows Items to be heard at the individual Applicants' discretion. In addition, insufficient mail notice was provided for Item 4; for this reason, Staff requested that this Item be deferred.~~

~~**Motion** made by Ms. Tuggle, seconded by Mr. Witschen, to approve. In a voice vote, the **motion** passed unanimously.~~

~~**Motion** made by Mr. Witschen, seconded by Ms. Desir-Jean, to defer [Item 4] until the next meeting. In a voice vote, the **motion** passed unanimously.~~

### III. AGENDA ITEMS

#### Index

<u>Case Number</u>	<u>Applicant</u>
<del>1. PL14001**</del>	<del>610 SW 15 ST, LLC / Midtown Fifteen</del>
<del>2. PL14003**</del>	<del>1055, LLC / 1055 Federal Plat</del>
<del>3. V14001**</del>	<del>John T. Loos / Sylvan Lane Vacation</del>
<del>4. Z14001** *</del>	<del>Church of the Intercession, Inc. / Wilton Arbor</del>
<del>5. T14002*</del>	<del>City of Fort Lauderdale</del>

#### **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.

- ~~**Applicant / Project:** 610 SW 15 ST, LLC / Midtown Fifteen~~

~~**Request: \*\*** Plat Approval~~

~~**Case Number:** PL14001~~

~~**General Location:** 610 SW 15 Street; The south side of SW 15<sup>th</sup> Street between SW 6<sup>th</sup> Avenue and SW 7<sup>th</sup> Avenue.~~

~~**Legal Description:** W 88.30 feet of the E 198.30 feet of Lot 2, ESMONDA TERRACE, Amended Plat, PB 16, P 14 of the PRBC. Less the N 50 (Abbreviated).~~

~~**Case Planner:** Eric Engmann~~

~~**Commission District:** 4~~

~~Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.~~

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

~~**Motion** made by Mr. Witschen, seconded by Mr. Cohen, [to approve] with the clarification that the easement just be for utilities, and all other Staff conditions. In a roll call vote, the **motion** passed 9-0.~~

5. **Applicant / Project:** City of Fort Lauderdale
- Request: \*** Amendments to ULDR Sections 47-47-19.2.BB, *Swimming Pools, Hot Tubs and Spas* and 47-23.8, *Waterway Use* to clarify yard setback regulations as they relate to swimming pools, hot tubs and spas for hotel and multifamily dwellings as well as permitting swimming pools, hot tubs, spas and decks within the twenty (20) foot landscape yard when the development site is adjacent to a waterway
- Case Number:** T14002
- General Location:** City-wide
- Case Planner:** Anthony Greg Fajardo
- Commission District:** City-wide

Anthony Fajardo, Chief Zoning Administrator, recalled that at its February 19, 2014 meeting, the Board had requested Staff consider allowing pools, hot tubs, spas, decks, and similar structures to encroach into the 20 ft. rear yard setback when abutting a waterway. The proposed Amendments will address this request and clarify distance requirements for these structures when adjacent to multi-family residential units and hotels.

Staff feels the existing ULDR Section 47-19.2.BB language conflicts with other requirements of the ULDR, such as the definition of how a structure is measured to the property line. The proposed Amendments would clarify this by making the language for hotel and multi-family units consistent with the language used for residential units: these accessory structures may be placed up to 2.5 ft. above grade within 5 ft. of the property line. Structures more than 2.5 ft. above grade would still be required to meet structural yard requirements for the appropriate zoning district as stated in Code.

Mr. Fajardo continued that Staff also proposed an Amendment to Section 47-23.A, *Waterway Use*, which would expand the exemption criteria to include marinas, yacht clubs, swimming pools, hot tubs, spas, or decks in the area abutting a waterway.

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

**Motion** made by Mr. McCulla, seconded by Vice Chair Hansen, to approve. In a roll call vote, the **motion** passed 9-0.

~~IV. COMMUNICATION TO THE CITY COMMISSION~~

~~Vice Chair Hansen observed that Downtown Fort Lauderdale has been listed as the seventh best Downtown in the United States. He stated that Planning Staff should receive some of the credit for this distinction. The Board recognized this accomplishment with a round of applause.~~

~~V. 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 7:42 p.m.~~

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

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Chair

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Prototype

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