



CITY OF FORT LAUDERDALE

DRAFT

**PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, FEBRUARY 19, 2025 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	8	1
Brad Cohen, Vice Chair (arr. 6:04)	P	6	3
John Barranco (arr. 6:12)	P	7	2
Brian Donaldson	A	8	1
Steve Ganon	P	9	0
Shari McCartney	P	8	1
Patrick McTigue	P	8	1
Jacquelyn Scott	A	2	1
Jay Shechtman	P	7	2

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Interim City Attorney
Jim Hetzel, Principal Urban Planner
Karlanne Devonish, Urban Design and Planning
Tyler Laforme, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Burt Ford, Chief Zoning Examiner
L. Harmon, Recording Clerk, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Weymouth called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board members present.

The following Item was taken out of order on the Agenda.

III. PUBLIC SIGN-IN / SWEARING-IN

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

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Ms. McCartney, seconded by Mr. McTigue, to approve the January minutes. In a voice vote, the **motion** passed unanimously.

Vice Chair Cohen arrived at 6:04 p.m.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. UDP-S24053**	2600 Dolphin, LLC
2. UDP-S24042**	City of Fort Lauderdale
3. UDP-V24001**	City of Fort Lauderdale
4. UDP-S24030**	Claridge Homes 3000 Waterside, LP
5. UDP-T25001*	City of Fort Lauderdale
6. UDP-T24002*	City of Fort Lauderdale
7. UDP-T25005*	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-S24053~~

~~**REQUEST:** ** Site Plan Level III Review: Two (2) Zero Lot Line Single Family Dwellings Units~~

~~**APPLICANT:** 2600 Dolphin, LLC.~~

~~**AGENT:** Michael Govern, TITN Development~~

~~**PROJECT NAME:** 2600 Zero Lot Line~~

~~**PROPERTY ADDRESS:** 2600 NE 32nd Avenue~~

~~**ABBREVIATED LEGAL DESCRIPTION:** Lauderdale Beach Ext Unit B 29-22 B Lot 10 Blk 22~~

~~**ZONING DISTRICT:** Residential Single Family and Duplex/Medium Density District (RD-15)~~

~~**LAND USE:** Medium Residential~~

~~**COMMISSION DISTRICT:** 2 – Steve Glassman~~

~~**NEIGHBORHOOD ASSOCIATION:** Central Beach Alliance~~

~~**CASE PLANNER:** Yvonne Redding~~

~~Disclosures were made at this time.~~

~~Michael Govern, representing the Applicant, stated that this request proposes two zero lot line homes for Site Plan Level III review. A similar project was approved across the street for four zero lot line homes in 2014.~~

~~Mr. Govern advised that a pre-application meeting was held with City Staff on July 29, 2024. Notice was mailed to all property owners within 300 ft. of the project. He has spoken with the president of the Dolphin Isles Association and a neighborhood meeting was held on November 22, 2024.~~

~~Mr. Govern reviewed the proposed Site Plan, which is within the RD-15 zoning district. The property's total square footage is 9218 sq. ft. The Applicant proposes two fee simple lots of 4675 sq. ft. and 4545 sq. ft., both of which exceed the 4000 sq. ft. zero lot line requirements. Each lot would have a proposed width of 55 ft., which exceeds the minimum requirement of 40 ft. for a zero lot line parcel. The project is two units fewer than the allowable density of 3.17 units per acre.~~

~~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.~~

~~Vice Chair Cohen asked if the zero lot line structures approved in 2014 were over 4000 sq. ft. in size. Mr. Govern replied that those parcels were approximately 4500 sq. ft. He further clarified that the two buildings proposed in the Application are just under 3000 sq. ft. in size.~~

~~**Motion** made by Mr. Ganon, seconded by Vice Chair Cohen, to adopt the Resolution approving a Site Plan Level III, Case Number UDP-S24053, based on the following findings of fact, the facts of the City Staff Report, the testimony heard by the Applicant, and the Board finds that the Application meets the standards and requirements of the ULDR criteria for the proposed use as cited in the Resolution, and including Staff conditions. In a roll call vote, the **motion** passed 5-1 (Vice Chair Cohen dissenting).~~

~~Mr. Barranco arrived at 6:12 p.m.~~

~~2. CASE: UDP-S24042~~

~~**REQUEST:** ** Site Plan Level IV Review: Public Purpose Use for Stormwater Pump Station and Maintenance Building~~

~~**APPLICANT:** City of Fort Lauderdale~~

~~**AGENT:** Guillermo Rivera, HDR, Inc.~~

~~**PROJECT NAME:** Progresso Neighborhood Stormwater Improvement~~

~~**GENERAL LOCATION:** 845 NW 3rd Avenue~~

~~**ABBREVIATED LEGAL DESCRIPTION:** Progresso 2-18 D Lot 1 To 3 Blk 262~~

~~**ZONING DISTRICT:** Residential Multifamily Mid Rise/ Medium High Density District (RMM-25)~~

~~**LAND USE:** Northwest Regional Activity Center
COMMISSION DISTRICT: 2 – Steven Glassman
NEIGHBORHOOD ASSOCIATION: Progresso Village Civic Association
CASE PLANNER: Yvonne Redding~~

~~Disclosures were made at this time.~~

~~Guillermo Rivera, representing the Applicant, stated that the project proposes a stormwater pump station on NW 3rd Avenue. It would be located in the RMM-25 zoning district, which is Residential Multifamily Mid-Rise/Medium High Density. The Applicant requests relief for this public purpose use, deviation from the required minimum lot width and corner yard setback, elimination of irrigation requirements, and reduction of the landscape buffer yard along the south property line.~~

~~The Progresso Village neighborhood is one of seven priority neighborhoods identified in the City's Stormwater Master Plan. The pump station will provide relief to that neighborhood by reducing flood inundation events and discharging the stormwater collected by the pump station into the north fork of the New River. This is a critical project to improve resiliency during storm events in Fort Lauderdale.~~

~~The project will include an electrical building to house the pumps' control panel. The building will include similar characteristics to other structures in the neighborhood, with Spanish architectural features. It will also house an emergency generator in case of any power outages during storm events. Plans include Florida native landscaping along the property's fence.~~

~~Mr. Barranco advised that he owns property which could be affected by the project, and requested clarification of whether this would impact his ability to vote on the Item. Interim City Attorney Spence replied that Mr. Barranco would need to experience a unique gain from the project in order to require abstention. It was clarified that Mr. Barranco may vote on the Item.~~

~~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. Ganon, seconded by Vice Chair Cohen, to recommend approval of Case Number UDP-S24042 based on the facts of finding, the facts of the City Staff Report, testimony from the Applicant, and the Board hereby finds the Application meets the applicable criteria of the ULDR cited in the Staff Report. In a roll call vote, the **motion** passed unanimously (7-0).~~

~~**3. CASE:** UDP-V24001~~

REQUEST: ~~** Vacation of Right-of-Way: 40-Foot-Wide by 525-Foot-Long Portion of NE 6th Terrace, Between NE 8th Avenue and NE 9th Avenue, East of Federal Highway~~

APPLICANT: ~~City of Fort Lauderdale~~

AGENT: ~~Andrew Schein, Lochrie and Chakas, P.A.~~

PROPERTY ADDRESS: ~~840 N. Federal Highway~~

ABBREVIATED LEGAL DESCRIPTION: ~~Progresso, Blk 251 and 252~~

ZONING DISTRICT: ~~Boulevard Business (B-1) and Parks and Open Space (P)~~

LAND USE: ~~Commercial and Park and Open Space~~

COMMISSION DISTRICT: ~~2 - Steven Glassman~~

NEIGHBORHOOD ASSOCIATION: ~~Victoria Park Civic Association~~

CASE PLANNER: ~~Lorraine Tappen, AICP~~

~~Disclosures were made at this time.~~

~~Robert Lochrie, representing the Applicant, stated that the City of Fort Lauderdale requests vacation of a portion of NE 6th Terrace between NE 8th Street and NE 9th Street. The right-of-way was originally dedicated by the Progresso plat in 1911 and runs east of Federal Highway.~~

~~Most of the properties which previously used the right-of-way were purchased by the City in the 1990s and demolished. The subject site will be the future home of the YMCA and Broward Health. The Applicant agrees with all conditions in the Staff Report.~~

~~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. Ganon, seconded by Vice Chair Cohen, to recommend approval of Case Number UDP-V24001 based on the following facts of finding, the facts of the City Staff Report, and/or based on the testimony heard by the Applicant, and the Board hereby finds that the Application meets the applicable criteria of the ULDR cited in the Staff Report. In a roll call vote, the **motion** passed unanimously (7-0).~~

4. CASE: ~~UDP-S24030~~

REQUEST: ~~** Site Plan Level III Review: Waterway Use, Conditional Use for a Mixed-Use Development with 129 Multifamily Units Including the Allocation of 108 Flex Units and 4,935 Square-Foot of Commercial Use and Conditional Use for Use Greater than 10,000 Square-Foot in Community Business District~~

APPLICANT: ~~Claridge Homes 3000 Waterside, LP~~

AGENT: ~~Andrew Schein, Lochrie and Chakas, P.A.~~

PROJECT NAME: ~~Flowing Waters~~

GENERAL LOCATION: ~~3000 E. Oakland Park Blvd~~

ABBREVIATED LEGAL DESCRIPTION: ~~OAKLAND OCEAN MILE 28-45 B LOT 11 & LOT 25 LESS W 100 & LESS N 50 FOR ST RD~~

ZONING DISTRICT: Community Business (CB)
LAND USE: Commercial
COMMISSION DISTRICT: 1 – John Herbst
NEIGHBORHOOD ASSOCIATION: Coral Ridge Association, Inc.
CASE PLANNER: Tyler Laforme, AICP

Chair Weymouth advised that speakers representing homeowners' or civic organizations are allotted five minutes' speaking time, while individuals speaking on their own behalf are allotted three minutes.

Disclosures were made at this time.

Andrew Schein, representing the Applicant, stated that the subject property is next to the Intracoastal Waterway and south of Oakland Park. He showed aerial views of the property, noting that an office building previously located there has been demolished.

Mr. Schein explained that this project takes advantage of the City's Transfer of Development Rights program, which was approved by the Planning and Zoning Board in December 2020 and the City Commission in March 2021. This program allows owners of properties which have been designated as historic by the City to create development rights, which they may then transfer to other properties throughout the City. The other properties do not have to be owned by the same individual who will transfer the development rights.

The rights for the Application are for 10 extra units of density per acre as well as 12 ft. in height. They came from a property located at 901 Progresso in the Flagler Village area. The Applicant had a massing study prepared to show what could be built on the site within the parameters of existing Code and density. The study showed that 56 units could be built on the site, as well as roughly 93,000 sq. ft. of other developable space.

The Applicant received approval for 56 units and 93,000 sq. ft. of development space under the Transfer of Development Rights (TDR) program. These units and space may be given to other properties that would not be eligible for them under current zoning Code. The Applicant was issued two Certificates of Eligibility for the project's units and square footage.

The TDR program allows for the transfer of up to 10 units per acre to a different project. The current density cap for the subject site would be 50 units per acre under existing flexibility provisions. For the project before the Board tonight, this would allow up to 60 units per acre once development rights are transferred from the other property owner. The transfer also allows for an additional 12 ft. in height based on square footage.

Mr. Schein noted that not all properties are eligible to receive transferred development rights. Only properties within the City's unified flexibility zone may receive additional density. Most of these properties are located on commercial corridors, such as Oakland

Park Boulevard. In order to receive additional square footage through TDR, a project must be located in certain zoning districts which are mostly commercial. The project before the Board tonight is one such project.

Public outreach was held in April 2024. Notice of the City's Development Review Committee (DRC) meeting at which the project would be presented was sent to the Coral Ridge Homeowners Association and Coral Ridge Country Club Estates Homeowners Association. The Applicant met with the Coral Ridge Civic Association's board in May 2024. Mr. Schein advised that during the public outreach phase, the Applicant did not receive any negative feedback about the project.

The Coral Ridge Civic Association indicated that they would like the Applicant to meet with residents of Lauderdale Towers, which would be the project's neighbor to the south. The Applicant met with that board in June 2024 for the first time and has maintained regular contact with their attorney.

The official public participation meeting, for which all property owners within 300 ft. were notified, was held in October 2024. Mr. Schein estimated that 20 people attended that meeting and provided positive feedback related to the proposed development. In November 2024, the Applicant met with Lauderdale Towers' general membership and began work on a construction agreement, which will be finalized before construction begins on the project.

Mr. Schein advised that the subject property came before the Board in April 2021 when a different project by the same owner and developer was approved. While that Site Plan remains active, the current Site Plan will replace it if approved. The previous Site Plan proposed 103 units and 4000 sq. ft. of restaurant space in three 15-story towers. Since that project was approved, however, the rental market has become more difficult in terms of financing, and the developer chose to bring forward a condominium concept instead of rental units. The submission of the Application before the Board today coincided with the first certificate of eligibility for the TDR program.

The previously approved project consisted of three towers at 150 ft. in height and including 103 units. The current Application proposes 129 units in one tower, as well as restaurant and retail space, at a height of 162 ft. The massing of the current project is significantly lower than the previous project.

The project is located along an access road for Oakland Park Boulevard. Mr. Schein showed views from that road, including the main entrance to the project. A secondary exit and entrance are located on NE 30th Place. The project will include 13 boat slips, at least two of which will be available for public use by the restaurant on the north side of the property. The remaining slips will be private.

The project includes an at-grade pool deck. Neighborhood compatibility provisions in Code require a property above 40 ft. in height to step back 1 ft. for every foot over that

height; in lieu of proceeding with that “wedding cake” style, the Applicant elected to push the entire building to the north with one large ground floor setback.

Mr. Schein showed a number of views from the property, including the secondary entrance and exit. The Applicant is working with its neighbors to address drainage issues on that roadway, including an additional catch basin as well as curbs and gutters. All stormwater for the project will be retained on-site using roof drains that feed into exfiltration trenches and underground drainage wells.

Mr. Schein compared the Application to the previously approved project, noting that current massing is 21% lower than the previous project. The number of parking spaces has been increased in proportion with the increase in residential units for a total of 310 parking spaces.

The previous tower floor plate consisted of roughly 20,000 sq. ft. of massing. This has been reduced to between 14,000 and 15,500 sq. ft. There is also significantly more landscaping proposed for the site.

The overall Site Plan for the project shows entrances and exits on NE 30th Place as well as onto the Oakland Park Boulevard service road. The project meets all waterway use requirements, including the 20 ft. landscape yard adjacent to the bulkhead on the waterway. There will be a 1400 sq. ft. pedestrian plaza next to the Oakland Park Bridge, including a restaurant. Elevations from the waterway show a large setback from the neighboring development on one side as well as an alley farther south of the site. The landscape plan includes street trees, many of which are shade trees.

At this time Chair Weymouth opened the public hearing.

Karen Polivka, vice president of the Coral Ridge Country Club Estates Homeowners Association, opposed the additional units proposed for the project, citing existing traffic issues in the area when the bridge is up. There are multiple projects underway in that area as well. She emphasized the need for smart growth and consideration of traffic.

Tim Hernandez, president of the Coral Ridge Country Club Estates Homeowners Association, advised that he also spoke on behalf of the president of the Coral Ridge Homeowners Association, who had provided him with an email. Attorney Spence clarified that Mr. Hernandez may submit the email for inclusion in the record of tonight’s meeting.

Mr. Hernandez stated that the Association he represents opposes the proposed development, as does the Coral Ridge Homeowners Association. While he felt the Application is preferable to the previous Site Plan, he characterized the Applicant’s description of the public outreach process as being misrepresented, as there was no response to questions provided to the Applicant’s team from the president of the Coral Ridge Homeowners’ Association. His own Association had also requested a traffic study in 2024, which was never provided.

~~Mr. Hernandez continued that under current Code, a change of fewer than 1000 trips for a developer's individual project, regardless of its size, does not require a full traffic study. He noted that Code Section 47-22, which addresses adequacy requirements and neighborhood compatibility, encourages a developer to prepare a traffic study if they are asked to do so. He cited experience with traffic congestion in the subject area, which would only be exacerbated by the project. There is also very little public transportation in the area.~~

~~Mr. Hernandez asserted that his Association was not anti-development, but wished to work with a developer that is willing to partner with the roughly 10,000 residents in the surrounding two neighborhoods. He concluded that his Association only recently learned of the proposed project and was not in favor of it without significantly more work to address impacts on the two neighborhoods.~~

~~Bruce Quailey, board member of the Coral Ridge Country Club Estates Homeowners Association, recommended that the Board consider the fact that more than one project is underway in the subject area, including both residential and commercial development and redevelopment. He cited concerns with traffic congestion, and requested clarification of the planned restaurant's size. It was noted that the proposed restaurant will be 4000 sq. ft. He concluded that he was not in favor of allowing the proposed project to add more units than previously approved.~~

~~Mr. Hernandez addressed the Board once more, requesting that two aerial photos from p.42 of the Staff Report be shown. He pointed out that these photos were provided by the Applicant and show views from the east. He asked if the Board felt these views were compatible with the surrounding neighborhood.~~

~~Mr. Shechtman asked if Mr. Hernandez and other members of his Association had discussed the neighborhood compatibility of stucco rentals in the area and throughout the City and, by comparison, the proposed Application, which includes luxury units with glass. Mr. Hernandez replied that while there are several existing stucco developments in his neighborhood, he felt the developer should meet with the two neighborhood associations and try to work toward a solution that would not add more traffic on Oakland Park Boulevard. He emphasized the impact of traffic over aesthetics, pointing out that residents express concerns with traffic on a daily basis.~~

~~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.~~

~~Vice Chair Cohen asked how many units are added in the current Application over the previous Site Plan. Mr. Schein replied that there would be 26 additional units, and noted that the Applicant's traffic statement considers the project to be multi-family high rise residential. It does not, however, take into account the differences between unit ownership and rental. He emphasized that the proposal is for luxury condominiums, and~~

it is unlikely that most owners would be in residence for more than half of the year. He added that this would also have an impact on "the quality of the neighborhood," and there would be fewer moving trucks visiting the property.

Vice Chair Cohen also requested clarification of the size of the additional units. Mr. Schein replied that these would include a mixture of two- and three-bedroom units, although he did not have a number of additional bedrooms that would be provided using the 26 additional units.

Mr. McTigue asked for clarification of the driving force behind the additional units and additional height requested, other than profit. Mr. Schein replied that the TDR program was available and the site was eligible to participate in that program. He noted that the property from which the 26 units were transferred had 56 available units. The design of the building drove the additional units. The project proposes between seven and 10 units per floor.

Mr. Ganon asked if the reduction in massing meant the square footage of the units was slightly reduced. Mr. Schein noted that the unit sizes are "about the same" as in the previous proposal, and described the newer design as more efficient.

Ms. McCartney asked why the Applicant had not considered maintaining the original height and number of units in the redesigned project. Mr. Schein replied that the redesigned project is very expensive; retaining the original height and units would mean lowering ceiling heights and removing two floors from the plans.

Ms. McCartney also noted that the impact of traffic on the subject neighborhood was troubling and raised issues of compatibility. Mr. Schein stated that the project did not reach the required threshold to trigger a traffic study, again emphasizing that the building would consist of condominiums rather than rental units.

Ms. McCartney noted that the design of the original project was also preferable, which would help the Applicant in terms of neighborhood compatibility. Mr. Schein stated that the Applicant cannot financially maintain the original number of units under the new design.

Mr. Schein added that the Applicant would be willing to defer approval of the Application to a later date in order to meet with the appropriate neighborhood(s).

Chair Weymouth asked how many trips would be associated with the addition of 26 units. Mr. Schein estimated that there would be roughly 118 extra daily trips, or 4.5 trips per unit. Chair Weymouth also asked if the office building previously located on the site would have generated more traffic than the proposed residential building, pointing out that he did not recall traffic in the area improving once the office building was demolished. Mr. Schein advised that the proposed project would have approximately 33 fewer trips during

peak hours by comparison to the office building, although the overall number of trips would increase to 471 daily trips at different times of day.

Chair Weymouth asked if the Applicant's traffic statement determined how many cars were turning toward the bridge and how many were leaving the neighborhood from nearby roadways. Mr. Schein replied that the Applicant's team had not studied the intersection in this way, but expected most of the traffic to use the Oakland Park Boulevard access road rather than 30th Place.

Mr. Barranco commented that the City is facing a challenge, as there are several properties with the potential to offer a building that meets all requirements but which may not be compatible with their surrounding neighborhoods. He noted that the addition of other developments along the same corridor would have a significant impact on traffic, and felt this is a more global problem than a single project.

Mr. Barranco continued that he felt the Applicant should also speak to residents of the Dolphin Isles, Bermuda Riviera, and Galt Ocean Mile communities as well as the two surrounding neighborhood associations. He recommended that the Applicant reach out to those communities as well if the Application is deferred.

Chair Weymouth asked if the Applicant would prefer to defer the Item or move forward with a vote. Mr. Schein replied that he would leave this to the Board's discretion, but stated that he felt all the problems in the area were being attributed to the project, which made him unsure of what deferral might accomplish. He added that the Applicant would be willing to accept a deferral if that is the Board's recommendation.

Motion made by Vice Chair Cohen, seconded by Mr. Barranco, to defer.

Ms. McCartney asked what would be accomplished by deferral. Mr. Barranco replied that the Applicant could have more interaction with the neighborhood associations, particularly those that were not originally contacted with regard to the Application.

Attorney Spence advised that the project is under its second extension, which lasts until April 13, 2025. The City must make a final determination on the project by that date. Mr. Schein noted that this date could be extended into May 2025. The Application is subject to a 30-day City Commission request for review.

Attorney Spence requested that the **motion** to defer also include a reference to the City Commission's call-up period, as the City Commission has had concerns regarding use of that Statute to subvert their ability to call up items. Mr. Schein replied that the Applicant would like to be able to come back in March 2025.

Urban Design and Planning Manager Ella Parker recommended that if the Applicant wishes to come back to the Board in March, the requested extension should be until June 2025. She was not certain that a return of the Application in March would provide enough

~~time for the Applicant to meet with neighboring residents, come back to the Planning and Zoning Board, and still offer the City Commission a 30-day call-up period.~~

~~Mr. Schein stated that the Applicant must meet a contractual deadline in May which would not allow them to defer the Item until June.~~

~~Attorney Spence again recommended that the **motion** include a date.~~

~~Vice Chair Cohen **restated** his **motion** as follows: **motion** to defer until the March meeting. Mr. Barranco **seconded** the restated **motion**.~~

~~It was determined that the date of the next Board meeting would be March 19, 2025.~~

~~Mr. Ganon commented that he also did not feel deferral would be a useful option, as he did not anticipate any changes to the proposal unless a concession is made by the Applicant. He also felt the City's traffic problem was being superimposed onto a single project rather than treated as a City-wide issue.~~

~~In a roll call vote, the **motion** failed unanimously (0-7).~~

~~Mr. McTigue asked if the Applicant might consider reducing the proposed number of floors by one. Chair Weymouth pointed out that the project's density, and not its height, was the primary concern.~~

~~Mr. Schein advised that a loss of five units in one floor might be financially feasible, but he did not believe it would make a difference with regard to traffic. He reiterated that he also did not believe 26 units would significantly affect traffic, and concluded that he may be able to explore that suggestion if it is the Board's desire.~~

~~**Motion** made by Mr. Ganon, seconded by Vice Chair Shechtman, to adopt a Resolution approving Site Plan Level III, Case Number UDP-S24030, based on the following facts of finding, the facts of the City Staff Report, and testimony heard of the Applicant, and it meets the standards and requirements of the ULDR criteria for the proposed use as cited in the Resolution. In a roll call vote, the **motion** passed 4-3 (Vice Chair Cohen, Mr. Barranco, and Ms. McCartney dissenting).~~

5. CASE: UDP-T25001

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24, Development Permits and Procedures - Table 1, Amending the Approval Process for Development Permits in the Uptown Urban Village Zoning Districts; Amend Section 47-37B, Uptown Urban Village Zoning Districts, Applicability and General Regulations, List of Permitted and Conditional Uses, Table of Dimensional Requirements, Special Regulations; and Amend Section 47-20.3, Parking Reductions and Exemptions

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: Area Bound by C-14 canal and McNab Road to the north, NW 57th Street to the south, Powerline Road to the west, and Interstate 95 (I-95) to the east Commonly Referred to as “Uptown”

COMMISSION DISTRICT: 1 – John Herbst

CASE PLANNER: Jim Hetzel, AICP

Principal Urban Planner Jim Hetzel stated that this item includes proposed amendments to the City’s Unified Land Development Regulations (ULDR) for the Uptown project area. This area is located off I-95 and Cypress Creek Road and includes approximately 363 acres. It was created in 2014 with the assistance of a group known as Envision Uptown. Code amendments and a Master Plan for the area were adopted in 2019, and the City is processing a Land Use Plan Amendment that will go before the City Commission for adoption at their March 4, 2025 meeting upon second reading. This will allow the City to implement a land use designation of Transit-Oriented Development (TOD).

Mr. Hetzel explained that the proposed text amendments before the Board address three issues:

- The approval process for Uptown
- Parking reduction for the Uptown area
- Updating development permit tables and procedures

Vice Chair Cohen disclosed that members of his family own large amounts of property in the subject area, and he would not feel comfortable voting on the Item. He recused himself at this time.

Mr. Hetzel continued that Section 47-24 addresses development permits and procedures. The intent of this amendment is to modify the approval process for Uptown projects by amending the threshold of approval for deviations to the Master Plan. Projects would be changed from requiring Site Plan Level III approval to Site Plan Level II subject to City Commission approval. Tables will also be updated appropriately.

Section 47-37.b addresses Uptown zoning districts and includes an alternate design solution process and approval. It also adds design team review, which would consider deviations and provide a report on whether those deviations meet the overall intent of the Master Plan. It amends definitions and monitoring of development. Mr. Hetzel noted that monitoring of development also aligns with the land use approval the City expects to receive soon.

Section 47-37.b.4 addresses permitted uses, which have been modified to allow single-use residential development. Residential development was previously required to be part of mixed-use development. Section 47-37.b.5 deals with dimensional standards. Staff has worked with stakeholders in the area to consider building heights and other requirements. They felt it was appropriate to raise permitted building height to 90 ft. in order to provide greater flexibility in light of construction costs. Slight modifications were also made to tower setbacks.

Section 47-37.b.6 deals with specific requirements related to street definitions, building design, bicycle regulations, and minor language modifications. Street definitions now align with the Master Plan, and building corner designs were enhanced, as these were previously unclear in Code. Parking garage screening is required for façades that do not face a primary or secondary street, and bicycle standards were created to align with the pending TOD land use.

Section 47-20 addresses parking reductions. Because the land use is changing to TOD, Staff found it appropriate to create a parking reduction for the Uptown area. Residentially zoned areas would be part of this reduction. There are also new criteria and mitigation options that an applicant may propose.

Staff worked with stakeholders for roughly nine months to prepare the Code amendments before the Board today.

Mr. Ganon observed that the changes would mean no Uptown Urban Village project would be subject to Site Plan Level III review, which means they would not come before the Planning and Zoning Board. Mr. Hetzel explained that Site Plan Level II approval can be granted by the DRC if the application meets all design requirements. If an application deviates from these requirements, it would not come before the Board. This change was made because in other parts of the City, Site Plan Level II applications are subject to City Commission approval if they deviate.

Mr. Ganon commented that he had not been aware the Board was not seeing all Downtown Site Plan Level II applications. Mr. Hetzel advised that Code requires properties located on the New River in the Downtown area to come before the Board.

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. Ganon, seconded by Mr. McTigue, to recommend approval of Case Number UDP-T25001, and the Board hereby finds that the text and amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the **motion** passed 6-0. (Vice Chair Cohen abstained. A memorandum of voting conflict is attached to these minutes.)

6. CASE: UDP-T24002

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-39, Development Regulations for Annexed Areas, to Update Height and Measurement Requirements

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: RS-3.52, RS-6.70, RS-6.85A, RS-6.85B, RD-12.22, RM-12.67, RM-16, RM-33.5 Zoning Districts

COMMISSION DISTRICTS: 3 – Pamela Beasley-Pittman, 4 – Ben Sorenson
CASE PLANNER: Karlanne Devonish

Karlanne Devonish, representing Urban Design and Planning, explained that this Item proposes an amendment to ULDR Section 47-39, which addresses development regulations for an annexed area. It will update height requirements in that area.

Ms. Devonish recalled that in 2024, an increase in height was brought before the Board for approval. Height is measured in stories in the annexed area. This would equal 20 ft. for two stories. Staff recommended increasing this limit to 35 ft. in height for single-family dwellings; however, it was determined that a miscommunication may have occurred with regard to whether or not a specific neighborhood wished to see this increase. When Staff met with that neighborhood again, it was clarified that they would prefer a 25 ft. height limit. That is the limit before the Board at tonight's meeting.

Ms. Devonish added that she had also spoken again with another neighborhood in the subject area, which also agreed to a 25 ft. height limit. The change in single-family dwelling height was the only change to the proposed amendments, and the rest remain the same.

At this time Chair Weymouth opened the public hearing.

Eric Silva, private citizen, stated that the proposed amendments would help the Lauderdale Isles neighborhood.

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.

Motion made by Mr. Ganon, seconded by Mr. McTigue, to recommend approval of Case Number UDP-T24002, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the **motion** passed unanimously (7-0).

7. CASE: UDP-T25005

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-2.2, Measurements, to Redefine the Term Grade

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: City-wide

CASE PLANNER: Karlanne Devonish

Ms. Devonish presented the Item, explaining that it proposes an amendment to ULDR Section 47-2.2. This Section addresses measurements. The amendment would revise how the term "grade" is defined. This Item was first presented to the Board in November 2024.

Staff proposes an option to measure grade from the crown of the roadway, as well as a revision of how non-habitable structures such as fences are measured. These would be based on the ground to the top of the non-habitable accessory structure.

Ms. McCartney requested clarification of where a fence would be placed. Ms. Devonish advised that before existing Code requirements were implemented, height was measured from the abutting property; however, this required homeowners to seek variances from the Board of Adjustment (BOA) because they were measuring from a neighbor's grade, which was typically 2 ft. higher than their own property. Measurement of height from the finished floor elevation of the principal structure, resulted in a significantly higher fence, with some properties having a 12 ft. to 15 ft. fence. This negatively affected neighboring properties.

With the proposed amendment, property owners would now be able to measure from the ground. This would bring fence height to approximately 6 ft.

Chief Zoning Examiner Burt Ford explained that Code is being changed with regard to the amount of fill that can be brought onto a property. There will be enough fill to allow for grading, which places the finished floor elevation much higher. The entire lot would no longer be raised and measurements would be made from the ground. He advised that this is already the case with many non-habitable structures such as gazebos, pergolas, and trellises.

Ms. McCartney pointed out that a higher-elevated slab would drop off several feet before it reaches a fence that may be constructed. Mr. Ford stated that this depends upon the setback, and reiterated that everything will be built on a stem wall, with fill only allowed inside the foundation area. On the outside, the slope from the property line may be abrupt in order to shed water away from the building.

Mr. Ford continued that the requirements are provided by the Federal Emergency Management Association (FEMA), which requires that lots cannot be elevated until they become islands or flood neighboring properties. He also characterized this as a privacy issue so residents on both sides of the property line may have a 6 ft. fence.

Mr. McTigue observed that FEMA is now restricting homeowners from "grading up" their yards. They may place fill below the house to accomplish a stem wall, but may not raise the exterior land elevation. This would result in both sides of a fence being relatively comparable. He expressed concern, however, that a new home builder would end up with a fence that is effectively 3 ft. high.

Mr. Ford explained that this would not be the case, as a property owner's pool deck, for example, would be much lower than their finished floor elevation, as they are not allowed to bring in more fill. The only place in which fill will be allowed is structural fill below the

principal structure. It will not be permitted beneath pool decks or other accessory structures.

Ms. McCartney noted that this would mean the back yard could potentially be lower than the principal structure's slab. Mr. Ford confirmed this.

Mr. Barranco asked if the Item currently applies only to fences and doesn't include other structures such as decks. Mr. Ford replied that fence measurement would be from the new property's natural grade where the fence is installed.

Chair Weymouth asked if there would be a maximum or minimum percentage grade slope on side or rear yards. Mr. Ford replied that this would be just enough to shed water away from the foundation. He estimated that this would be 2% to 3%. The air conditioning unit slab would be required along with the house slab.

Mr. Ford explained that the reasons behind the change to allow less fill than before include protection of surrounding neighbors who are raising their properties, as well as to benefit the City as a payer of flood insurance.

It was asked whether this would be "a general change to the definition of grade" which would affect the term "grade" wherever it appears in Code, and would affect all non-habitable structures. Ms. Devonish clarified that the proposed change would provide the option of measuring from the crown of the road for the principal structure.

Ms. McCartney asked what a homeowner might do if the Board does not approve the proposed amendment. It was clarified that all variance requests go before the Board of Adjustment on a case-by-case basis. Mr. Ford further explained that this was the process when fill was allowed in the entire lot; the City is no longer allowing extra fill except beneath the foundation of the building itself.

Ms. McCartney asked how the fence issue would be resolved if it would be significantly higher on one side than the other. Attorney Spence replied that the homeowner can install the fence according to the grade on their side of the property. The result is that the fence is 6 ft. high on the raised property, but appears taller to the adjacent property owner.

Ms. Devonish added that at present, non-habitable structures are measured at the finished floor elevation of the principal structure, which would be 6 ft. on the subject property but would appear taller to a neighboring property. Attorney Spence also noted that this leaves a disparity in Code based on the current definition of grade.

Mr. Barranco observed that the change to Code would apply to all non-primary structures that are not part of the interior of a house. He expressed concern that the change back to natural grade should apply to fences while still offering homeowners the option of an elevated deck.

~~Mr. Ford advised that the proposed amendment would not prevent a homeowner from having a raised deck; it would only prevent the deck being constructed on the slab on grade. A deck could be raised to match the house's finished floor elevation. A pool could be elevated as well.~~

~~**Motion** made by Mr. Ganon, seconded by Vice Chair Cohen, to recommend approval of Case Number UDP-T25005, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the **motion** failed 3-4 (Chair Weymouth, Vice Chair Cohen, Mr. Barranco, and Ms. McCartney dissenting).~~

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 7:55 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.]