



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES  
DEVELOPMENT SERVICES DEPARTMENT  
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311  
WEDNESDAY, AUGUST 21, 2024 – 6:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Michael Weymouth, Chair	A	2	1
Brad Cohen, Vice Chair	P	2	1
John Barranco	P	3	0
Brian Donaldson	P	3	0
Steve Ganon	P	3	0
Marilyn Mammano	P	3	0
Shari McCartney	A	2	1
Patrick McTigue	P	2	1
Jay Shechtman (arr. 6:06)	P	2	1

**Staff**

Shari Wallen, Deputy City Attorney  
Ella Parker, Urban Design and Planning Manager  
Jim Hetzel, Principal Urban Planner  
Karlanne Devonish, Principal Urban Planner  
Michael Ferrera, Urban Planner,  
K. Cruitt, Recording Clerk, Prototype, Inc.

**Communication to City Commission**

**Motion** made by Ms. Mammano, seconded by Mr. Shechtman, that we send a communication to the City Commission asking the City Commission to direct the City Manager to advance the next portion of the Tree Preservation Ordinance, including incentives, as soon as possible. In a roll call vote, the **motion** passed unanimously (7-0).



CITY OF FORT LAUDERDALE

**DRAFT**

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

Vice Chair Cohen called the meeting to order at 6:02 p.m. and the Pledge of Allegiance was recited. The Vice Chair introduced the Board and Staff members present.

Roll was called and it was noted a quorum was present.

**II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM**

**Motion** made by Ms. Mammano, seconded by Mr. Ganon, to approve the minutes of the last meeting. 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.

Mr. Shechtman arrived at 6:06 p.m.

#### IV. AGENDA ITEMS

##### Index

<u>Case Number</u>	<u>Applicant</u>
1. UDP-S22005 **	DFW 18, LLC and PCN Warehouse, LLC
2. UDP-Z24007* **	City of Fort Lauderdale
3. UDP-Z24008* **	City of Fort Lauderdale
4. UDP-T24007*	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.

The following Items were taken out of order on the Agenda.

2. **CASE:** UDP-Z24007  
**REQUEST:** \* \*\* Rezoning from Planned Resort Development (PRD) District to Parks, Recreation and Open Space (P) District  
**APPLICANT:** City of Fort Lauderdale  
**AGENT:** City of Fort Lauderdale  
**PROPERTY ADDRESS:** 2900 E. Las Olas Boulevard  
**ABBREVIATED LEGAL DESCRIPTION:** MOONEY POINT 3-28 B LOT 1 N 51 LESS ST, MOONEY POINT 3-28 B LOT 1 LESS N 51, LOT 3 LESS S 50, MOONEY POINT 3-28 B LOT 3 S 50  
**ZONING DISTRICT:** Planned Resort Development (PRD) District  
**PROPOSED ZONING:** Parks, Recreation and Open Space (P) District  
**LAND USE:** Central Beach Regional Activity Center  
**COMMISSION DISTRICT:** 2 – Steven Glassman  
**NEIGHBORHOOD ASSOCIATION:** Central Beach Alliance  
**CASE PLANNER:** Michael Ferrera

Disclosures were made at this time.

Michael Ferrera, representing Urban Design and Planning, explained that this request is Phase 7 of the City's initiative to rezone properties recognized as park open space to the Parks, Recreation, and Open Space (P) zoning designation. The park consists of 19,682 sq. ft. of land located at 2900 E. Las Olas Boulevard. It is currently zoned Planned Resort Development (PRD) and is vacant.

At this time Vice Chair Cohen opened the public hearing.

Thomas Earnest, private citizen, stated he was ecstatic with the proposed rezoning, as he felt the Fort Lauderdale Beach area was being overwhelmed with rapid development and increased density. He advocated against further development of the area.

James Gordon, private citizen, advised that he was asked to represent The Venetian condominium, which is supportive of the proposed rezoning, at tonight's meeting. The rezoning will provide access to green space for both residents and tourists.

Bill Brown, president of the Central Beach Alliance (CBA), commended the City for the initiative to rezone Park space to the appropriate zoning district, and requested that the Board support the rezoning.

Ted Inserra, president of the River Oaks Civic Association, also supported the proposed rezoning. He added that the park space should retain natural grass and trees.

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

**Motion** made by Ms. Mammano, seconded by Mr. McTigue, to recommend the approval of Case Number UDP-Z240007 based on the following findings of facts and the City Staff Report, and based on the testimony heard by us tonight, and the Board hereby finds that the Application meets the applicable criteria of the ULDR cited in the Staff Report, there being no conditions. In a roll call vote, the **motion** passed unanimously (7-0).

**3. CASE: UDP-Z24008**

**REQUEST:** \* \*\* Rezoning from Planned Resort Development (PRD) District to Parks, Recreation and Open Space (P) District

**APPLICANT:** City of Fort Lauderdale

**AGENT:** City of Fort Lauderdale

**PROPERTY ADDRESS:** 300 Las Olas Circle

**ABBREVIATED LEGAL DESCRIPTION:** LAS OLAS DEL MAR I 147-20 B PARCEL B, MOONEY POINT 3-28 B LOT 2,4

**ZONING DISTRICT:** Planned Resort Development (PRD) District

**PROPOSED ZONING:** Parks, Recreation and Open Space (P) District

**LAND USE:** Central Beach Regional Activity Center

**COMMISSION DISTRICT:** 2 – Steven Glassman

**NEIGHBORHOOD ASSOCIATION:** Central Beach Alliance

**CASE PLANNER:** Michael Ferrera

Disclosures were made at this time.

Mr. Ferrera advised that this Item is also part of Phase 7 of the City's rezoning initiative for rezoning its parks to Parks, Recreation and Open Space (P). This request would rezone the parcel located at 300 Las Olas Circle from PRD to P. It is currently vacant.

At this time Vice Chair Cohen opened the public hearing.

James Gordon, private citizen, stated that he and other residents of The Venetian condominium were supportive of the proposed rezoning.

Bill Brown, president of the CBA, also supported the proposed rezoning, as the parcel is already being used as a park.

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

**Motion** made by Mr. Donaldson, seconded by Mr. McTigue, to recommend approval of Case Number UDP-Z24008 based on the following findings of fact, based on testimony heard, that the Board hereby finds that the Application meets the applicable criteria of the ULDR as cited in the Staff Report, no conditions at this point. In a roll call vote, the **motion** passed unanimously (7-0).

1. **CASE:** UDP-S22055

**REQUEST:** \*\* Site Plan Level III Review: Design Deviation Request for Building Height, Streetwall Length, Podium Height, Tower Stepback, and Tower Separation for a Mixed-Use Development Abutting the New River Consisting of 560 Residential Units, 119-Room Hotel, 90-Boat Slip Marina, 17,897 Square-Feet of Commercial Use, 8,687 Square-Foot Restaurant, 6,443 Square-Foot Café, and 42,033 Square-Feet of Accessory Uses with an Associated Parking Reduction Request in the Downtown Regional Activity Center

**APPLICANT:** DFW 18, LLC. and PCN Warehouse, LLC

**AGENT:** Stephanie Toothaker, Toothaker.org

**PROJECT NAME:** Nautica Residences and Hotel

**PROPERTY ADDRESS:** 400 SW 3rd Avenue

**ABBREVIATED LEGAL DESCRIPTION:** Ft Lauderdale B-40 D Lot 1 Thru 8,19 Thru 25

**ZONING DISTRICT:** Regional Activity Center - Southwest Mixed-Use District (RAC-SMU)

**LAND USE:** Downtown Regional Activity Center

**COMMISSION DISTRICT:** 4 – Warren Sturman

**NEIGHBORHOOD ASSOCIATION:** Tarpon River Civic Association

**CASE PLANNER:** Jim Hetzel

Disclosures were made at this time.

Asi Cymbal, owner and developer of the subject site, briefly addressed the Board, asserting that he is committed to enhancing and elevating the City of Fort Lauderdale. He cited other developments he has brought forward in the cities of Dania Beach and Miami Gardens. He also recalled that his development team has preserved an existing raintree and moved it closer to the Riverwalk for public enjoyment.

Stephanie Toothaker, representing the Applicant, stated that the request is for Site Plan Level III approval with waterway use and a parking reduction. It will go before the City Commission, as there are requested deviations which may only be granted by a governing body.

The project will include 560 residential units as well as 119 hotel rooms, a marina with 90 boat slips, 17,897 sq. ft. of public use, 8687 sq. ft. of restaurant use, and a 6443 sq. ft. café, all located within the Downtown Regional Activity Center (RAC). A project known as Raintree Riverwalk was previously approved and is located immediately to the west of the subject parcel, which is 3.82 acres in size.

The project, known as Nautica, has a future land use designation of Downtown RAC-Southwest Mixed-Use District (RAC-SMU). Ms. Toothaker identified other developed parcels in the surrounding area, noting that the existing marina spans the entire 3.82 acres of the site. The proposed project will be a continuation of the Riverwalk.

The project has been in development for just over two years. Changes to its plans include the removal of 135 units from the project during the design process, as well as reducing the hotel use by 29 rooms. Many of the changes to the project were intended to lessen the parking reduction request.

The Applicant has worked to preserve the existing marina, which resulted in several challenges within the Site Plan. The hotel is responsible for many of the deviations the Applicant has requested, as it cannot be placed in the middle of the marina and is instead located on the side of the parcel. The marina includes six wet slips and 84 dry stack slips.

Ms. Toothaker advised that the site will be a mixed-use project, which required a mixed-use parking and traffic study. This study showed that while each individual use on the site would require a total of 1940 parking spaces, the site will actually only need 1320 spaces. This number was slightly increased, resulting in a requested 17% parking reduction, which will provide 1599 parking spaces. The residential portion of the project will be fully parked.

Ms. Toothaker noted the location of a paseo between the marina and the project's parking podium. It will be designed with stamped concrete and will extend to the river.

Robert Burano, also representing the Applicant, reviewed images of the site, including vertical storage for boats. There will be a drop-off area on one side of the hotel. He identified the locations of restaurant and retail uses on the way to the waterfront. Parking will be between the residential and hotel uses.

Ms. Toothaker requested that time be reserved for the Applicant's team following public comment. She concluded that the Applicant worked closely with the Riverwalk Trust to create multiple opportunities for pedestrian access to the site, and followed design guidelines, including an elevated Riverwalk that goes over the marina. Pedestrians may also walk at grade through the marina and paseo. The Applicant's outreach includes a number of public presentations, including a presentation to the City's Marine Advisory Board (MAB), at which it was well-received.

At this time Vice Chair Cohen opened the public hearing, noting that individual speakers would be allotted three minutes to address the Board, while representatives of organizations and associations would have five minutes.

Vanessa Apotheker, president of the Tarpon River Civic Association, recalled that the Applicant's team presented the project to the Association in June 2024. No official vote of the Association was taken; however, six of the Association's seven board members did not oppose the project.

Bob Swindel, private citizen, stated that the Applicant strives to bring world-class development to Fort Lauderdale. He added that the Applicant has worked closely with stakeholders and is committed to ensuring that the marina continues to work.

Doug Coolman, private citizen, advised that sea level rise has made the protection of the City's tree canopy difficult. The proposed project would move all vegetation on the site, including 130 trees. He felt the Applicant should bring a new Site Plan before the Board which both achieves the Applicant's goals and maintains the on-site tree canopy. He urged the Board not to approve the Application.

Genia Ellis, representing the Riverwalk Trust, stated that the Riverwalk was developed on public land in the 1980s with specific guidelines. She felt the Applicant has made a concerted effort to ensure that the Riverwalk remains "what it is supposed to be." The Applicant has agreed to a number of conditions proposed by representatives of the Riverwalk Trust, and two additional items are proposed as well.

Ms. Ellis continued that Riverwalk Trust representatives have recommended that the land to the west of the property be dedicated to the City as public green space. They also request further discussions with the City to implement a crossing on the railroad tracks which would become a continuation of the Riverwalk.

Mr. Shechtman requested additional information on the proposed railroad track crossing. Ms. Ellis replied that the Applicant would have to apply for this crossing, and pointed out

that a crossing on the north side of the river already exists and should be possible on the south side as well.

John Cotter, private citizen, stated that he was in favor of the project and its requested variances. He was pleased that the Applicant had incorporated the Riverwalk and the marina into its plans.

Natalia Barranco, private citizen, stated that she was disappointed to see that 130 trees would need to be removed from the site. She noted that the area will include only 10% green space, and added that the site currently includes 17 specimen trees, although the plans account for only one.

Mr. Ganon pointed out that the trees are on the west side of the property, and asked if there may be a way to save some of them. Ms. Barranco replied that there are approximately 80 sabal palms which could be easily transplanted to other sites. She continued that of the 17 specimen trees, 15 are oaks.

Dan Lindblade, private citizen, pointed out that the project will provide an opportunity for pedestrians to view the marina from both an elevated and an at-grade level. He was in favor of the retail and hotel aspects in particular. He was supportive of the project.

David Sheir, private citizen, commented that there is a shortage of quality marina space in the City, and that Fort Lauderdale is competing with other municipalities from both a residential and a hospitality standpoint. He urged the Board to approve the Application.

Sean Douglas, private citizen, stated that he was excited for the project, which he felt would bring life to the Riverwalk. He recommended that the Board approve the Application.

Kyle Todhill, member of the Tarpon River Civic Association's board of directors, supported the project, particularly the proposed Riverwalk extension to the south side of the waterway.

Joaquin Boggio, private citizen, felt the project was exciting, and urged the Board to approve the Application.

Anne Wiley, member of the Riverside Park Residents Association's board of directors, expressed concern for trees and green space on the site. She hoped the project could be redesigned to preserve mature trees. She also recommended that the developer be encouraged to use bird-safe glass.

B.J. McKenzie, private citizen, stated that she has worked with the project's developer and was pleased with the proposed completion of the Riverwalk.



Thomas Earnest, private citizen, strongly opposed the requested parking reduction, asserting that many existing buildings do not have sufficient parking during the tourist season. He felt it was likely that residents of the building would want more parking which would not be available, and that customers of the retail/restaurant uses on the site would find the lack of parking a challenge.

Mr. Donaldson asked if there are multiple uses in Mr. Earnest's building. Mr. Earnest replied that his building has approximately 170 units and is strictly residential. Mr. Donaldson advised that while he typically shared Mr. Earnest's concern with parking for most mixed-use buildings, he was comfortable with the number of units and parking spaces proposed within the Application.

Fred Stresau, private citizen, expressed concern with the proposed removal of mature trees from the west side of the project. He also pointed out that the project's buildings would be built to the setback lines, would be 40 stories in height, and would not contribute to any public open space. He felt the building could have been designed with a 40 ft. to 50 ft. easement on its west side to preserve oak trees in that area.

Eric Stern, private citizen, stated that he has worked with the developer in the past and felt he could deliver a great project.

Hector Torres, chief executive officer (CEO) of Cymbal Realty, asserted that the development team has spent a great deal of time on the project. He described the integration of the waterway, nature, and development with public use, which he felt would result in "an elevated experience."

Ms. Mammano recalled that a representative of the Tarpon River Civic Association had mentioned they saw a presentation on the project in June 2024, although the project has been described as being in process for a number of years. Mr. Torres replied that there have been several meetings with the surrounding community and he has attended many of them. Some of the residents' concerns expressed at these meetings were incorporated into the project.

Tamara Hernandez, private citizen, commented that the City needs more projects like the proposed development. She hoped the project would be approved.

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

Ms. Toothaker reviewed a list of the advertised public meetings held by the Applicant. There were also advisory meetings in addition to these. She recalled that the Applicant's team has met with the Esplanade neighborhood and Downtown Fort Lauderdale Civic Association in January 2023, Tarpon River in May 2023, the Riverwalk Committee in March and April 2024, the Marine Advisory Board in May 2024, the Historic Preservation Board in June 2024, a virtual public participation meeting for "all of the neighborhood

associations" within 300 ft. of the subject site in June 2024, and a large presentation after changes were made to and units removed from the project in June 2024.

Ms. Toothaker also addressed some of the concerns raised during the public hearing, noting that the Applicant has worked closely with landscape architect EDSA throughout the development of the project. There is only one specimen tree located on the subject property. She also noted that the site is completely covered in asphalt with the exception of the small number of trees on the west, most of which are brush or cabbage palms. It can be difficult to relocate trees, but the Applicant is willing to donate them if anyone would like them moved to another part of the City.

Ms. Toothaker continued that the Applicant agrees with both the caveats proposed by the Riverwalk Trust, as mentioned by Ms. Ellis during the public hearing. The Applicant is happy to donate the area surrounding the raintree to the City. With regard to the crossing of the railroad tracks, the Applicant has approached Florida East Coast (FEC) Railway and offered to shift the connection over the railroad tracks to the north so it covers the river. FEC has indicated they were only willing to work on this option through the City.

The Applicant has designed multiple options for crossing the railroad tracks in addition to the elevated Riverwalk, including a walkway that crosses in front of the marina at grade as well as the proposed paseo and sidewalks on 5<sup>th</sup> Street. They have also agreed with all conditions listed in the Staff Report.

Mr. Donaldson asked if City Staff has heard from FEC Railway regarding the possibility of a Riverwalk connection. Urban Design and Planning Manager Ella Parker replied that they have had no further conversations with FEC, but would like to add the proposed connection, subject to FEC's approval. Assistant City Attorney Shari Wallen noted that Staff Report condition 1.d, which discusses crossing over the railway, is subject to crossing agreements with FEC, as well as with any other entity that has jurisdiction over railroad crossings.

Mr. Donaldson requested clarification that this condition would mean the Applicant will continue to work toward the goal of providing a connection closer to the waterway than the current 5<sup>th</sup> Street connection. Ms. Toothaker confirmed that the Applicant is willing to continue those discussions, subject to FEC approval.

Mr. Donaldson also addressed the dedication of green space around the raintree, asking if this is memorialized in writing as part of the project. Ms. Toothaker replied that the Applicant would be happy to add this as a voluntary condition. Ms. Parker added that maintenance of this area would be determined by City decision-makers, such as the Parks Director.

Ms. Mammano commented that this voluntary condition seemed vague to her, and expressed concern that it might not happen. Attorney Wallen advised that the area

surrounding the raintree is part of a different Site Plan, and she could not recommend the condition's inclusion in the approval for the Site Plan before the Board tonight.

Ms. Toothaker pointed out that tonight's Application must go before the City Commission, and stated that she can meet with Ms. Ellis as well as with the City's Parks Department and City Attorney's Office to work through the details of the proposed agreement.

Mr. Donaldson also addressed the marina, requesting clarification of how long that facility might be closed and where its users might go before it reopens. Ms. Toothaker acknowledged that this would be a challenge for boat owners. The plan is for the marina to remain open as long as possible until the Applicant receives a building permit. She also confirmed that review of construction drawings can be lengthy, and the estimated time frame for building the project is three years.

Mr. McTigue requested confirmation that it is the Applicant's intent to build the project with their current investment group, and asked if they are open to selling the project. Mr. Cymbal replied that his plan was to build the project as presented.

Mr. McTigue also recalled that there have been concerns that entitlements or eminent domain could be used to drive up the project's prices. He asked if the Applicant's discussions with Broward County included discussion of a bridge or tunnel. Mr. Cymbal replied that he has seen a presentation on the bridge; with regard to a tunnel, the project engineers had indicated this would not be an issue.

Mr. Shechtman noted that the Application includes language related to a voluntary condition of approval regarding concrete treatment, and requested additional clarification. Ms. Toothaker explained that the paseo will be treated with an elevated design, and the Applicant is considering extending that design down to the riverfront. The design would use colored and stamped concrete.

Ms. Mammano asked for more information on a "forest of trees" at the edge of the Applicant's property. Ms. Toothaker clarified that this is the FEC's right-of-way. Ms. Mammano asserted that the drawings provided are deceptive and should not be accepted as part of the Application.

Ms. Toothaker presented an overview of the proposed deviations requested for the site, which include:

- Building height for the condominium tower: the property is adjacent to the RAC-CC, and the buildings around it do not have the same height limitation, as they are on the west side of the railroad tracks; the condominium tower is taller than 30 stories
- Street wall length: the podium is broken up in multiple places and each section is less than 300 ft. long; because these areas are connected by an elevated pedestrian bridge and through architectural elements, Code requires the Applicant to request a waiver for the entire length of the podium, or street wall length

- Maximum podium height: this is determined by the marina itself, as the maximum podium height for the marina is nine stories; from the exterior, this appears as seven stories, as it is wrapped with residential units, but the podium must be nine stories in order to maintain the marina's 90 slips
- Minimum tower stepback: this applies to the hotel, which is linear to the dry stack marina; for the condominium tower, the deviation is only one floor, which is a separate amenity deck; the minimum tower separation includes a minor encroachment of 2 ft. to 5 ft. due to the building's undulation
- The condominium tower itself is set back 260 ft. from the river, which allows the project to maintain open views, air, and light; this deviation is requested due to the marina and the location of the hotel and to prevent a canyon effect
- The podium is measured to include the entire site, including the marina, paseo, residential, retail, and restaurant spaces, even though it is not technically connected across all of these uses
- The tower stepback is driven by the hotel's location adjacent to the marina
- The amenity floor is on top of the condominium podium and requires a small deviation request

Ms. Mammano addressed the project's height, pointing out that it is located in the RAC-SMU, which is intended to be a transitional district. The intent is for this district to transition from the RAC, with larger buildings, down to a residential area. She felt the project appeared to more accurately belong in the RAC, as several deviations were required to locate it in a transitional zoning district with a height limit of 30 ft.

Ms. Mammano continued that while the Applicant was encouraged to provide variations, this does not mean deviations should be higher than the 30 ft. limit, but more accurately encourages deviations below the 30 ft. maximum height. She concluded that she did not feel the proposed height deviation was as intended.

Regarding the street wall deviation, Ms. Mammano asserted that "the program drove the design of this building," with the architect seeking to use articulation of the façade to make the building look smaller than its actual size. She was not comfortable with the deviation requested for the street wall.

Ms. Mammano continued that she was particularly troubled by the deviation requirement on the setback level. She did not believe the hotel had to be located in its proposed position on the site due to the marina, as suggested by the Applicant. The consequence of the hotel's position was a 30-story building, which she did not feel was transitional.

Mr. Shechtman asked why the existing oak trees cannot be maintained on the property. Bob Dugan, landscape architect for the Applicant, stated that the position of most of the trees would have been "in the building." He added that the team had relied upon a report by a certified arborist regarding the species and condition of the trees. He reiterated that there is only one specimen tree on the property. Because of the health and condition of most of the trees, it was determined that it was not practical to save them.

Mr. Barranco emphasized the importance of the New River and the marine industry to the City of Fort Lauderdale. He observed that the Application fails, however, from a neighborhood compatibility standpoint. The issues of street walls, podium height, and building height are intended to control the scale of buildings from the perspective of pedestrians.

Mr. Barranco continued that the primary goals that should be achieved by a project include pedestrian priority and bringing people to the river's edge. He concluded that he felt the project is in need of more work.

Mr. Shechtman observed that as a resident of and pedestrian in the subject area, it has been a concern that when projects are proposed to the surrounding neighborhood, few or no amenities, such as the addition of retail uses, have been part of those proposals. He emphasized the need for retail on 3<sup>rd</sup> Avenue in particular.

Mr. Shechtman continued that another issue of concern is the completion of three new towers in the subject area which are similar in appearance, creating a "gray wall" with no glass or articulation. He agreed with the proposal to stamp the concrete on the proposed paseo and all the way to the Riverwalk. With regard to parking, he felt there was more than enough for the proposed buildings, including parking for retail customers, even with the proposed reduction.

Mr. Shechtman also agreed with Ms. Mammano's and Mr. Barranco's concerns for the requested variances, including height and setbacks; however, he was not certain that if the variances are not granted, the Board might be happy with the design of another project in the same location. He advised that his greatest concern was with the removal of oak trees along 3<sup>rd</sup> Avenue, and requested that the developer acknowledge on the record that the City and other parties are willing to identify and work with potential receiving properties for the relocation of those trees.

Mr. Donaldson commented that while the project is proposed within a transitional area, the distance between the project and taller buildings on the other side of the railroad tracks is relatively small. He also addressed the hotel setback, stating that he was pleased to see the project did not create a canyon effect and instead opened up the river for approximately 280 ft.

Mr. Donaldson continued that he had undertaken detailed analysis of the site's parking, as he is concerned that much of the City's development is underparked. He believed there is adequate parking proposed for the project. He also did not take issue with the deviations regarding the street wall or height.

Mr. Ganon stated that he felt the deviations are warranted, as the project will help to save the marina at the heart of the City. He was unhappy, however, with the loss of oak trees.

**Motion** made by Mr. Donaldson recommending this Site Plan Level III application to the City Commission for their approval, with the stipulations that were given by the City Attorney representative and any other Staff Reports, as the Case Number UDP-S22055, based upon the findings of facts from this Board, and the Board hereby finds that the Application meets standards and requirements of the ULDR and criteria for the proposed use as in the Resolution.

Attorney Wallen explained that there were additional conditions to which the Applicant had voluntarily agreed, as well as all the conditions listed in the Staff Report. Ms. Toothaker added that the Applicant has also agreed to work with representatives of the Riverwalk Trust between now and the Application's hearing before the City Commission regarding the two caveats mentioned by Ms. Ellis. They will also review the trees on the west side of the site to determine whether or not they can be relocated.

Attorney Wallen emphasized that the Applicant is not required to relocate the trees: they have voluntarily agreed to work with EDSA and look at the trees again to determine what can be done with them.

Mr. Shechtman further clarified his recommendation, which was that the Applicant will work with the City to relocate the trees to an entity that would be willing to receive them. Ms. Toothaker added that the Applicant would donate the trees to the entity if the City would pay to relocate them.

Ms. Toothaker continued that another voluntary condition was the dedication of the area surrounding the raintree if the City were willing to receive it. Attorney Wallen recommended that this not be included, however, as the raintree is attached to a different Site Plan. Ms. Toothaker confirmed that the Applicant was willing to make this dedication in any case.

Ms. Toothaker also noted that the Riverwalk Trust had requested that the Applicant continue to negotiate a potential railroad crossing with FEC Railway. They will also continue the stamped concrete from the paseo all the way to the riverfront along the east side of the project.

Mr. McTigue **seconded** the **motion**. In a roll call vote, the **motion** passed 5-2 (Mr. Barranco and Ms. Mammano dissenting).

The Board took a brief recess from 8:16 p.m. to 8:22 p.m.

**4. CASE: UDP-T24007**

**REQUEST:** \* Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** City-Wide

**COMMISSION DISTRICT: I, II, III, IV**  
**CASE PLANNER: Karlanne Devonish**

Karlanne Devonish, representing Urban Design and Planning, recalled that this Item proposes an amendment to the City's Unified Land Development Regulations (ULDR) Section 47-21. It was presented to the Board in June 2024 and then deferred until August.

Ms. Devonish advised that the updated presentation includes more detail regarding the amended sections of 47-21, the Tree Canopy Trust Fund, the Urban Forestry Master Plan, and next steps. Staff has held several public meetings. The current version of the amendment bifurcates the original Tree Ordinance to focus on tree preservation regulations, providing more descriptive regulations for site development.

Language has been added to the Intents and Purposes portion of Section 47-21.1 to ensure that the goal is to minimize the removal of trees, ensure that trees are maintained in healthy and non-hazardous conditions and encourage the planting of species which are sustainable and appropriate for site conditions.

The next subsection addresses definitions, adding roughly 26 new terms and updating, strengthening, and/or expanding the definitions of some existing terms to provide greater clarity. Examples of new terms include "critical root zone," and "desirable tree or desirable palm."

The next subsection provides general provisions and design standards. Some revisions for this section included addition of language regarding the removal of City Commission-protected trees or palms, as well as requirements during states of emergency or following natural disasters.

Section 47-21.6 addresses landscape plan requirements, adding language which requires a landscape and tree document packet to be submitted with most landscape permits. Documents that will need to be included in these packets include tree and palm surveys, tree and palm inventories, and an arborist's report, among other necessary documentation.

The final subsection to be revised, Section 47-21.15, addresses tree preservation. Its title will be changed to "Regulations for the Preservation of Trees and Palms." Requirements in this section include Tree and Palm Protection Requirements, Root Cutting Requirements, Tree and Palm relocation Requirements, Tree Removal Permitting, Licensing, Preservation and Mitigation Requirements for a Natural Forest community, Tree Permit Requirements, Tree and Palm Mitigation Calculations Requirements, Tree Services and Arborist Requirements, Tree Abuse, Enforcement/Civil Remedies, and Tree Preservation Credits.

Ms. Devonish continued that some of the new regulations address tree and palm protection regulations, construction work within tree and palm protection zones, activities

that will be restricted within protection zones, and signage that must be posted at the boundaries of protection zones.

Items prohibited within tree protection zones include equipment and building materials, waste materials such as paint or solvents, any type of concrete, and vehicles. Limited activities permitted within tree protection zones include hand-digging and ensuring safety associated with underground utility lines.

Ms. Devonish recalled that the proposed amendment also addresses condition ratings for trees which allow more trees to be considered specimen trees. It also increases specimen tree requirements in order to save more old-growth trees. Trees may be categorized as large, medium, or small and palms will be categorized as Large or Small and can be considered desirable trees. The tree credits presented at the June 2024 meeting remain the same.

Funds from the Tree Canopy Trust Fund will be used toward the planting of trees on public land, distribution of trees to the public, replacing hazardous trees on City properties, and implementation of the Urban Forestry Master Plan.

Ms. Mammano recalled that the uses discussed in June included limitations on how money from the Tree Canopy Trust Fund for the Urban Forestry Master Plan could be used for planning. Ms. Devonish confirmed that these limitations remain in place.

Equivalent values of trees were also modified in the updated amendments, using a market-based formula. This funding would go into the Tree Canopy Trust Fund.

Civil remedies remain the same as proposed in June: one offense within a 12-month period would carry a penalty of \$1000 to be paid into the Tree Canopy Trust Fund along with the equivalent value of the tree or palm. Repeat offenses within a 12-month period increase the penalty from \$1000 to \$2000 per tree, plus monetary payments.

Next steps include focusing on the installation phase, which addresses the subsections not mentioned in today's presentation. Staff hopes to begin work on that phase once the amendments proposed tonight have been approved by the City Commission. Part of the next phase includes working on additional tree credits, providing regulations for synthetic and artificial turf, landscaping, installation requirements for all zoning districts, and updating the Tree Classification List. Stakeholder engagement will continue to be part of this process.

Mr. Donaldson recommended that the proposed amendments, including incentives from the advisory group sent the Board member, be brought before the City Commission as soon as possible, preferably before the November elections. He felt it could benefit residents to know their elected officials' positions on the amendments, as well as other changes that the advisory group may have recommended.



Attorney Wallen asked if the current draft of the proposed amendments is consistent with what the advisory group recommended. Ms. Devonish clarified that the current draft does not include what the advisory group recommended. Attorney Wallen emphasized that there should be no significant changes between the current draft and what will be presented to the City Commission because significant changes would require the Ordinance to come back before the Board for a recommendation.

Mr. Donaldson noted that he would be in favor of additional incentives or tree credits from the advisory group. Vice Chair Cohen asked if Staff would be comfortable adding the advisory group's recommendations in a separate section. Ms. Devonish advised that Staff would not be comfortable with this addition at this time, as they have not yet had time to flush out the group's recommendations. She reiterated that the group's recommendations are more closely aligned with the installation requirements which will come with the next phase of the project.

Vice Chair Cohen asked if the Board's recommendation to the City Commission could specify that they would like the advisory group's input to be considered by the Commission as well. Ms. Parker reiterated that Staff's intent for the next phase is to include the group's recommendations. Vice Chair Cohen explained that he wanted the Commission to understand there are additional recommendations from the advisory group.

Ms. Mammano cautioned that she would not be comfortable sending incentive recommendations that Staff has not yet finalized to the Commission. Mr. Donaldson explained that his intent was to recommend the current recommendations to the City Commission for a vote, and to discuss the recommendations not yet included in the amendments at a Conference Agenda meeting in order to hear feedback from the Commission.

Ms. Mammano suggested that the Board may wish to send a communication to the City Commission advising them that the Board feels they should discuss the advisory group's other recommendations at a Conference Agenda meeting.

At this time Vice Chair Cohen opened the public hearing.

Doug Coolman, member of the advisory group, stated that there are two options for moving forward at this time: one would approve the Item before the Board tonight in its current form, without considering any incentives or tree credits from the advisory group, while the second option would bring forward recommended incentives and/or tree credits from the advisory group to be included in the proposed Ordinance.

Mr. Coolman continued that tree protection should be considered during the design process so a property owner will know the applicable criteria. He emphasized the importance of including this information in any Tree Preservation Ordinance.

Fred Stresau, member of the advisory group, provided a handout prepared by that group to the Board members. He asserted that the proposed Ordinance before the Board reflects a realistic compromise, with incentives as the only undetermined items. He agreed that the issue of incentives would not be solved tonight and recommended sending the Ordinance on to the City Commission in its current form.

Mr. Stresau noted that while the advisory group disagrees with including the incentives in the installation portion of the Ordinance, he felt it was best to move at least the first phase of the Ordinance to the Commission. Staff has proposed only one incentive thus far, which relates to credit given related to the size of trees, and there has been no discussion between Staff and the advisory group of the group's proposed incentives.

Vice Chair Cohen requested clarification that Mr. Stresau's recommendation was to approve the Ordinance and send it on to the Commission in its current form. Mr. Stresau confirmed this, reiterating that this should be done with the knowledge that there is no incentive clause at this time.

Ms. Mammano asked if Mr. Stresau was comfortable with the incentives proposed by the advisory group. Mr. Stresau confirmed this as well, but added that he felt Staff, as well as the City Attorney's Office, should review and agree to the advisory group's proposed incentives as well.

Natalia Barranco, member of the advisory group, advised that progress has been made on the proposed Ordinance, as it will now address site inventories of trees, the condition and dollar value of trees, and the size of trees based on their health. These can be used to determine the equivalent value of every tree. She stated that the Ordinance should include these equivalent values, which should be increased for specimen trees and should ensure that it is more expensive to remove a tree instead of transplanting it. She concluded that the credits available to a developer should be defined now.

Ryan Emmer, member of the advisory group, offered two proposals which he felt could make a significant difference to the Ordinance, one of which addressed critical root zones and one of which relates to the size of specimen trees. He proposed devising a chart to show the growth rate of slow-growth trees. He also noted that the other members of the advisory group may not be in agreement with him on these suggestions.

Mr. Emmer also addressed incentives, proposing that an equivalent one-to-one value be given in a tree credit bank so a developer can either use their own credits or sell them to the developers of other sites. He felt the Ordinance as currently proposed would do nothing to protect old-growth trees. He added that trees on the edge of a development could be given greater value than those in the center of the parcel.

With no other individuals wishing to speak at this time, Vice Chair Cohen closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Mammano, seconded by Mr. Donaldson, to recommend approval of Case UDP-T24007 based on the testimony heard, and the Board hereby finds that the Application meets the applicable criteria of the ULDR as cited in the Staff Report without any conditions.

Ms. Mammano added that she would also like to send a communication to the City Commission regarding how to proceed as soon as possible with the next phase of the Tree Preservation Ordinance, including incentives.

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

## **V. COMMUNICATION TO THE CITY COMMISSION**

**Motion** made by Ms. Mammano, seconded by Mr. Shechtman, that we send a communication to the City Commission, asking the City Commission to direct the City Manager to advance the next portion of the Tree Preservation Ordinance, including incentives, as soon as possible. In a roll call vote, the **motion** passed unanimously (7-0).

## **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 9:07 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.]