

City of Fort Lauderdale

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Meeting Minutes

Tuesday, June 21, 2022

6:00 PM

City Hall - City Commission Chambers
100 North Andrews Avenue, Fort Lauderdale, FL 33301

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

BEN SORENSEN Vice Mayor - Commissioner - District IV HEATHER

MORAITIS Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

ROBERT L. McKINZIE Commissioner - District III

CHRIS LAGERBLOOM, City Manager

DAVID R. SOLOMAN, City Clerk

ALAIN E. BOILEAU, City Attorney

PATRICK REILLY, Interim City Auditor

CALL TO ORDER

Mayor Trantalis called the meeting to order at 6:23 p.m.

Pledge of Allegiance

Mayor Dean J. Trantalis

ROLL CALL

Present: 5 - Commissioner Robert L. McKinzie (arrived at 6:26 p.m.), Vice Mayor Ben Sorensen (arrived at 6:26 p.m.), Commissioner Heather Moraitis, Commissioner Steven Glassman and Mayor Dean J. Trantalis

QUORUM ESTABLISHED

Also Present: Assistant City Manager Greg Chavarria, City Clerk David R. Soloman, City Attorney Alain E. Boileau, and Interim City Auditor Patrick Reilly

Approval of MINUTES and Agenda

[22-0598](#) Minutes for March 15, 2022 Commission Conference Meeting and March 15, 2022 Commission Regular Meeting - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman made a motion to approve the Minutes and was seconded Commissioner Moraitis.

APPROVED

Yea: 3 - Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

Not Present: 2 - Commissioner McKinzie and Vice Mayor Sorensen

PRESENTATIONS

PRES- 1 [22-0573](#) Commissioner Moraitis to present District I Community Appearance Board "WOW" Award

Commissioner Moraitis presented the District I Community Appearance Board "WOW" Award to homeowner David Kilmnick, 2176 NE 63 Street.

Mr. Kilmnick thanked Mayor Trantalis and Commission Members for this recognition.

PRESENTED**PRES-** [22-0601](#)
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KAPOW 2022 Partner Award presented by John Casbarro, President of "Learning for Success, Inc."

Tarlesha Smith, Assistant City Manager and Human Resources Director, introduced John Casbarro, *Learning for Success, Inc.*, President. Mr. Casbarro recognized and thanked the City for its support and presented the *KAPOW 2022 Partner Award* to the City, acknowledging the work of Kerry Arthurs, Human Resources Department Administrative Supervisor, who won the *KAPOW 2022 Coordinator of the Year Award*. Ms. Arthurs accepted the Award and thanked Mr. Casbarro.

Mr. Casbarro acknowledged Commissioner Moraitis, Commission Glassman and Assistant City Manager Chavarria for their education related contributions at local schools.

PRESENTED**CONSENT AGENDA**

Mayor Trantalis announced the following Consent Agenda items were pulled by Commission Members for separate discussion:

CR-5 - Commissioner Moraitis

CONSENT AGENDA PUBLIC COMMENT

Mayor Trantalis explained details and procedures regarding the manner in which members of the public could speak on Consent Agenda items.

Approval of the Consent Agenda

Commissioner Glassman made a motion to approve the Consent Agenda and was seconded by Commissioner McKinzie.

Approve the Consent Agenda

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CONSENT MOTION**CM-1** [22-0565](#)

Motion Approving an Event Agreement for Fort Lauderdale Concours - (Commission District 2)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CM-2 [22-0533](#) Motion Approving an Event Agreement and Related Road Closure for the Back To School Event - (Commission District 3)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CM-3 [22-0362](#) Motion Accepting a Grant from Broward County for Broward Coastal Dune Restoration - \$5,000 - (Commission Districts 1, 2 and 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CM-4 [22-0427](#) Motion Approving and Authorizing the Execution of: 1) A Revocable License Agreement between Chief Real Estate LLC, Broward County and the City of Fort Lauderdale for the Installation and Maintenance of Improvements on SE 3rd Avenue in Association with the "SoFlo Rehab Office" Project Located at 224 SE 9th Street; and 2) An Agreement Ancillary to Revocable License Agreement, Between Chief Real Estate LLC and the City of Fort Lauderdale - (Commission District 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CM-5 [22-0524](#) Motion Approving the Execution of an Agreement with the Florida Department of Transportation for the Operations, and Maintenance of an Intelligent Transportation System (ITS), known as Bluetooth/BlueToad Devices - (Commission District 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CM-6 [22-0563](#) Motion Authorizing the Addition of One Classification (Fire Logistics Supervisor) to the Federation of Public Employees Collective Bargaining Agreement - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CONSENT RESOLUTION

- CR-1** [22-0509](#) Resolution Approving the Submittal of a Grant Application for \$500,000 to the Florida Department of State, Division of Cultural Affairs - Cultural Facilities Grant to Aid in the Development of J. C. Carter Park Community Center - (Commission District 3)
- ADOPTED**
- Yea:** 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis
- CR-2** [22-0512](#) Resolution Approving an Agreement between the City of Fort Lauderdale and Taskforce Fore Ending Homelessness, Inc., for the Fort Lauderdale Housing Navigation Program in the amount of \$109,065 - (Commission Districts 1, 2, 3 and 4)
- ADOPTED**
- Yea:** 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis
- CR-3** [22-0538](#) Resolution Consenting to a Performance Extension for One Year for the Qualified Target Industry Business Tax Refund Program for CHG Intermediate Holdings, Inc. - (Commission Districts 1, 2, 3 and 4)
- ADOPTED**
- Yea:** 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis
- CR-4** [22-0602](#) Resolution Authorizing the City Manager to Enter into a City of Fort Lauderdale FY 2022 Not for Profit Contribution Agreement with Venetian Arts Society, Inc. - \$5,000 - (Commission Districts 1, 2, 3 and 4)
- ADOPTED**
- Yea:** 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis
- CR-5** [22-0620](#) Resolution Supporting the Florida Legislature’s Honorary Designation of State Road A1A between the Northern Terminus and Southern Terminus of Galt Ocean Drive as “Pio Ieraci Memorial Drive” - (Commission District 1)
- Mayor Trantalis recognized Chip LaMarca, Florida House of Representatives. Representative LaMarca spoke in support of this Resolution which supports of the Florida Legislature’s Resolution for the honorary designation and naming of State Road A1A between the Northern Terminus and Southern Terminus of Galt Ocean Drive as *Pio Ieraci Memorial Drive*.

Mayor Trantalis recognized Fred Nesbitt, 3900 Galt Ocean Mile, *Galt Mile Community Association* President. Mr. Nesbitt spoke in support of this Agenda item and cited the numerous contributions of Mr. Ieraci.

Commissioner McKinzie introduced this Resolution which was read by title only.

ADOPTED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CR-6 [22-0623](#)

Resolution Appointing Greg B. Chavarria as City Manager -
(Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CONSENT PURCHASE

CP-1 [22-0247](#)

Motion Approving Agreements with Ardurra Group Inc., Singhofen & Associates, Inc. and Nova Consulting, Inc. and Funding for the Consultants' Competitive Negotiation Act (CCNA) Professional Services Library - 4.0 Environmental Engineering - Continuing Services Contract - \$250,000 (estimated 3-year total) - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CP-2 [22-0420](#)

Motion Approving Task Order No. 3 for George T. Lohmeyer Wastewater Treatment Plant Capacity Analysis Report and Renewal/Replacement Report Updates - CDM Smith, Inc. - \$34,875 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CP-3 [22-0467](#)

Motion Approving Additional Funds for Directional Underground Boring Services - Southern Underground Industries, Inc. - \$48,000 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CP-4 [22-0480](#)

Motion Rejecting All Bids for Cordova Road & SE 15th Street Intersection Improvements Bid No. 12638-923 - (Commission District 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CP-5 [22-0499](#)

Motion Approving Agreement for External Audit Services - RSM US LLP - \$1,040,000 (five-year total) - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

CP-6 [22-0501](#)

Motion Approving the Piggyback Agreement for Management Services, False Alarm - PMAM Corporation - \$150,000 annually - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

MOTIONS

M-1 [22-0534](#)

Motion Approving an Event Agreement and Extended Road Closure Beyond 10:00am on the Barrier Island for the Chanukah Fair on Las Olas - (Commission District 2)

Enrique Sanchez, Parks and Recreation Department Deputy Director, said this Agenda item authorizes the road closure for the entire day from 5:00 a.m. to 10:00 p.m. on Sunday, December 25, 2022.

Mayor Trantalis and Commissioner Glassman remarked on the need for rephrasing similar Agenda items associated with road closures in this area for a clearer understanding.

Commissioner Glassman made a motion to approve this Agenda item and was seconded by Vice Mayor Sorensen.

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

M-2 [22-0535](#) Motion Approving an Event Agreement and Request for Music Exemption for 11th Annual Brazilian Festival - (Commission District 4)

Vice Mayor Sorensen requested ending the amplified music at 10:00 p.m.

Luciano Sameli, Applicant, explained details associated with the event in Snyder Park. Further comment and discussion ensued.

Vice Mayor Sorensen made recommendations regarding time limits for the event's amplified music and Mr. Sameli concurred.

Vice Mayor Sorensen made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

RESOLUTIONS

R-1 [22-0590](#) Appointment of Board and Committee Members - (Commission Districts 1, 2, 3 and 4)

City Clerk David Soloman read the names of Board and Committee nominees for appointment and/or reappointment at the July 5, 2022, Commission Regular Meeting.

City Clerk Soloman read into the record the names of the Board and Committee appointments and reappointments for Agenda item R-1 along with additional appointments and reappointments added subsequent to Agenda publishing.

Commissioner McKinzie introduced this Resolution as amended which was read by title only.

ADOPTED AS AMENDED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

R-2 [22-0608](#) Quasi-Judicial Resolution to Consider an Amendment to "Alhambra" Planned Development District Development Plan - KT Seabreeze Atlantic, LLC. - Case No. UDP-A21031 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Assistant City Manager Greg Chavarria said Staff received a request earlier today for deferment of this Agenda item to July 5, 2022.

Commissioner Glassman made a motion to defer this Agenda item to July 5, 2022, and was seconded by Vice Mayor Sorensen.

DEFERRED to July 5, 2022

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

R-3 [22-0607](#)

Resolution Approving a Development, Operation, and Maintenance Agreement Between the City of Fort Lauderdale and KT Seabreeze Atlantic, LLC. for the Development known as "Selene" formerly known as "Alhambra" Planned Development District - (Commission District 2)

Commissioner Glassman made a motion to defer this Agenda item to July 5, 2022, and was seconded by Vice Mayor Sorensen.

DEFERRED to July 5, 2022

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

R-4 [22-0523](#)

Quasi-Judicial De Novo Hearing - Consideration of a Resolution for Site Plan Level III Application - Waterway Use - Modification of Required Yards - Seven-Unit Multi-Family Residential Development - Lumiere - Case No. UDP-S21050 - 500 Hendricks Isle - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Mayor Trantalis provided an overview of this Agenda item. The Commission agreed to consider a de novo hearing regarding this site plan application. City Attorney Boileau said the Commission could be precluded from having a de novo hearing due to the Florida Statute indicating that this process should have occurred within one hundred-eighty (180) days from the initial application submission.

Commissioner McKinzie requested clarity regarding this Agenda item being a de novo hearing. Mayor Trantalis remarked on a difference of opinion regarding whether the Commission is precluded from having a

de novo hearing and noted City Attorney Boileau's position that the Commission is not in a place to hold a de novo hearing and Ellyn Bogdanoff's opposing view.

Mayor Trantalis recognized Ellyn Bogdanoff, Esq., Becker & Poliakoff, P.A., One East Broward Boulevard. Ms. Bogdanoff summarized the position of her client, Le Club at Hendricks, regarding having a reasonable extension of time for a de novo hearing included in the related State Statute (Statute). The challenge relates to the City Code enacted before the Statute, which indicates approval or denial of a development order should happen within one hundred-eighty (180) days of a completed application. A completed application is not defined in Statute or City Code, and it is up to the Commission to decide what is a completed application. In the memorandum written by the City, the assumption was made that there was no knowing or willing extension granted by the developer. She remarked on conversations with the developer's attorney regarding their knowledge and pursuit of the one hundred-eighty (180) days in the Statute.

Ms. Bogdanoff discussed a memo indicating the City granted extensions and that the developer took months to respond to the comments. She expounded on her viewpoint and the intent of the Statute. The two (2) parties extended because they were moving forward through the process until completion. She confirmed her perspective that there was a legitimate extension. Further comment and discussion ensued regarding approval delays exceeding the one hundred-eighty (180) day timeline and the opportunity for the Commission to grant a de novo hearing.

City Attorney Boileau commented on Ms. Bogdanoff's argument and discussed two (2) tenets of the Statute regarding its meaning and interpretation. It is the City's responsibility to conform to State laws. Mr. Boileau expounded on his viewpoint regarding an application's completeness. Staff reviews an application, not the entire project, to check it for a complete analysis, followed by issuing a letter indicating that all required information is submitted or specifying any areas that are deficient within thirty (30) days. He remarked that Ms. Poggendorff's argument that the one hundred-eighty (180) days start after the entire project had been vetted by the Development Review Committee (DRC) and Staff. This is contrary to the plain language of the Statute that completeness refers to the application.

In response to Mayor Trantalis' question regarding developers using the system to their advantage, City Attorney Boileau remarked there is no evidence this is occurring, commented on examples, and said Staff needs to monitor those timelines better. He commented on the Code

related to a de novo hearing and explained aspects of a de novo hearing that restarts the process. Code timelines need to be updated to address a call-up procedure. There needs to be an explicit agreement that the developer waives the one hundred-eighty (180) days. He remarked on current circumstances related to the one hundred-eighty (180) day timeline.

In response to Mayor Trantalis' question, City Attorney Boileau said an application is complete when the application is submitted or when all the DRC comments are satisfied. Further comment and discussion ensued regarding an incomplete application.

City Attorney Boileau said the applicant has thirty (30) days to go back and resubmit an application or answer Staff comments. Should the applicant need additional time, Staff would advise that it will go towards the one hundred-eighty (180) days, or they must be willing to waive the one hundred-eighty (180) days. Following a completed application, Staff provides the applicant notice that their application is complete, followed by the DRC process and Planning & Zoning Board (P&Z Board) review or, if it is a Site Plan Level 4, it comes to the Commission, and the one hundred-eighty (180) days begin. Further comment and discussion ensued.

City Attorney Boileau pointed out that since the 2019 Ordinance was enacted, Staff has not counted the extra time needed for completing an application to go towards the one hundred-eighty (180) days.

Mayor Trantalis commented on his concerns regarding the Statute. City Attorney Boileau remarked that it is the City's responsibility for its Ordinance to conform to the Statute's language and would work towards that goal. Further comment and discussion ensued.

Commissioner Glassman discussed his viewpoint, remarked that this may be decided in a court of law, and confirmed his support to move forward with a de novo hearing, allowing the Commission's position to be on record.

In response to Commissioner Moraitis' questions, City Attorney Boileau remarked on his viewpoint regarding how the results of a de novo hearing heard by the Commission would be viewed by the courts and options available to Ms. Bogdanoff.

In response to Mayor Trantalis' question, Andrew Schein, Esq., Lochrie and Chakas, P.A., on behalf of the applicant, reviewed the State Statute and remarked on the reasonableness of addressing all application

comments within the thirty (30) days between acceptance of the application and its completeness. He noted the second part of the Statute addresses the one hundred-eighty (180) days within which the application must be final for Commission approval, denial, or approval of the application with conditions.

Mr. Schein addressed Mayor Trantalis' concerns and said Staff could deny an application or get an extension or a waiver from the applicant. Both parties may agree to a reasonable request for an extension of time. Further comment and discussion ensued.

In response to Commissioner Glassman's question regarding monitoring the one hundred-eighty (180) day timeline, Mr. Schein said he calculated the one hundred-eighty (180) days from May 17, 2022, the date of call-up.

Commissioner Glassman noted fault could be found with both the applicant and Staff due to the need to be conscious of the one hundred-eighty (180) day timeline. The Statute confirms his position in support of a de novo hearing.

Mayor Trantalis commented on his viewpoint and expounded on details. Further comment and discussion ensued regarding moving forward with a de novo hearing.

In response to Commissioner Glassman's questions, Ms. Bogdanoff provided her response to the applicant's argument. She expounded on details related to the history of this application, the applicant moving the process along and waiving the one hundred-eighty (180) days. She remarked that since 2019, the developer had repeatedly been waiving the timeline. Further comment and discussion ensued.

In response to Vice Mayor Sorensen's question, City Attorney Boileau explained aspects and details of a de novo hearing. The Commission would review the P&Z Board's decision based on facts and Code. Staff would need to decide about the applicant's request for a side-yard setback modification. The Statute requires the Commission to articulate its decision in writing. Further comment and discussion ensued.

In response to Commissioner Moraitis' question regarding the applicant's request for a side-yard setback modification, City Attorney Boileau said he would defer to Staff regarding technical provisions within the Unified Land Development Regulations (ULDR).

Mayor Trantalis recognized Mr. Schein, who narrated a presentation on

behalf of the applicant.

In response to Commissioner Glassman's question regarding a discrepancy in the Staff Report and criteria listed on a slide in the presentation, Anthony Fajardo, Development Services Department Director, confirmed that pedestrian interaction is not included in the Ordinance. Further comment and discussion ensued.

Mr. Schein reviewed the three (3) additional applicable zoning criteria that were met.

Commissioner Glassman discussed zoning requirements for building height, half the building's height for side setbacks versus building size and lot size and noted a ten-foot (10') difference. Further comment and discussion ensued.

Mr. Schein discussed neighborhood compatibility and remarked on the existence of numerous five (5) story buildings with egregious side-yard setback modifications that were approved. Further comment and discussion ensued.

Commissioner Glassman noted the opportunity to change direction in the future. He remarked on the need for Staff to study the impact of setbacks in this area.

Mayor Trantalis remarked that the applicant is within the criteria for requesting a reduced side-yard setback modification, and it is up to the Commission and the P&Z Board to decide whether it fits into the neighborhood through the compatibility standard. Further comment and discussion ensued.

Commissioner Moraitis commented on her understanding of the criteria to be considered. Further comment and discussion ensued regarding the applicant's criteria and consideration of the requested side-yard setback modification.

Mr. Fajardo explained the applicant's request requires Site Plan Level 3 approval with a Commission call-up provision. It requires Staff to ensure the project meets the ULDR before moving forward, which Staff did when the project went before the P&Z Board. As the approving body, the P&Z Board was responsible for determining whether the applicant met the criteria and whether the project was suitable for approval.

In response to Mayor Trantalis' question, Mr. Fajardo explained that the P&Z Board is responsible for approving the applicant's request for a

side-yard setback modification. The P&Z Board agreed the applicant was entitled to a reduction in the side-yard setback modification.

In response to Commissioner Glassman's questions regarding Staff explaining in detail its decision regarding the criteria considered related to an applicant's request for side-yard setback modifications, Mr. Fajardo explained it is not a Staff decision. Further comment and discussion ensued.

Commissioner Glassman noted information in the backup related to the reason the side-yard setback modifications should be so dramatic. He remarked on the vague nature of Staff comments that indicated the project is generally consistent with the Comprehensive Plan. Further comment and discussion ensued.

Mr. Fajardo explained this Staff Report predates Staff's analysis change previously discussed on the Commission dais. Staff comments now state that a project either meets or does not meet the goals, objectives, and policies of the Comprehensive Plan. He clarified that in this case, the term *generally* means the project *meets* the Comprehensive Plan.

In response to Commissioner Moraitis' question regarding continuity of architecture, Mr. Fajardo expounded on architectural features with adjacent properties and continuity of urban scale with neighboring properties. Adjacent is defined in Code as abutting, and Staff looks at other properties in the area.

Mr. Fajardo remarked that things evolve from a planning perspective. An analysis of continuity regarding mass, scale, size, and design is generally consistent with surrounding structures. Further comment and discussion ensued regarding architectural features.

Mayor Trantalis recognized Matthew Wells, 444 Hendricks Isle Association President. Mr. Wells spoke in opposition to this proposed project.

Mayor Trantalis recognized Randy Aube, 85 Hendricks Isle. Mr. Aube spoke in opposition to this proposed project.

In response to Commissioner Glassman's questions regarding comments made by Mr. Aube, a P&Z Board Member in the related meeting minutes, there are no five (5) story buildings on Hendricks Isle that have the type of yard modifications requested by the applicant.

Mr. Aube explained his understanding that there are no five (5) story

buildings constructed on this street. He noted a building at 534 Hendricks Isle has been approved within the last couple of years with a ten-foot (10') setback on one side. Other structures with reduced setbacks do not have a height of five (5) stories. Mr. Aube explained that the setback criteria did not speak to extenuating circumstances.

Mayor Trantalis recognized Stan Stein, 301 Hendricks Isle. Mr. Stein spoke in opposition to this proposed project.

Mayor Trantalis recognized Greg Lester, 444 Hendricks Isle. Mr. Lester spoke in opposition to this proposed project.

Mayor Trantalis recognized Dagoberto Goncalves, 444 Hendricks Isle. Mr. Goncalves spoke in opposition to this proposed project.

In response to Vice Mayor Sorensen's question, Mr. Goncalves commented on the P&Z Board approval that is not typical and expounded on his viewpoint.

Mayor Trantalis recognized Debby Eisinger, 31 Hendricks Isle. Ms. Eisinger spoke in opposition to this proposed project.

Mayor Trantalis remarked on the Code's standard of a side-yard setback of one-half (1/2) the height of the building. Code can contemplate a reduction in a setback based on subjective criteria viewed as mitigating to provide the developer with an additional side-yard setback modification. He cited mitigating factors, including removal of back-out parking, other situations and circumstances in the area, and design factors other than light and air. Further comment and discussion ensued.

In response to Commissioner Moraitis' question, City Attorney Boileau explained the Commission's decision regarding this Agenda item is approval or denial of the site plan, including side-yard setback modifications. He discussed the time constraint associated with the de novo hearing.

In response to Commissioner Glassman's questions regarding comparing a project at 10 Hendricks Isle, Mr. Fajardo explained the details of the project.

Ms. Eisinger confirmed the neighborhood's project support at 10 Hendricks Isle and remarked on correspondence related to how the crew operated and other details.

Mayor Trantalis cautioned on making a comparison and explained his

viewpoint. Further comment and discussion ensued.

Mayor Trantalis recognized Bradford Cohen, 44 N.E. 13th Avenue. Mr. Cohen discussed his viewpoint regarding developers before the P&Z Board or the Commission that request modifications to maximize return on investment. Further comment and discussion ensued.

Ms. Bogdanoff addressed Commissioner Moraitis' earlier question regarding the Code's definition of adjacent properties, noting that *adjacent property shall mean buildings located on the same side and fronting the same right of way as the proposed development and within a six-hundred-foot (600') distance on one side or a three-hundred-foot (300') distance on both sides of the proposed development.*

Ms. Bogdanoff remarked on compatibility and creating continuity with 444 Hendricks Isle. She expounded on her viewpoint and noted that her client met with the developer to inform them what would be satisfactory to the community.

In response to Vice Mayor Sorensen's question regarding a possible compromise, Mr. Schein explained the response from Ms. Bogdanoff's clients. It suggested a ten-foot (10') side-yard setback on the first floor and twenty-five feet (25') on floors two (2) through five (5), which is unacceptable to the developer. Further comment and discussion ensued regarding neighborhood compatibility, Code changes, and creation of the City's Master Plan.

In response to Commissioner Moraitis' question, City Attorney Boileau confirmed the responsibility of the Commission to justify the basis of a denial or approval and expounded on details related to the applicant meeting the Ordinance and Code requirements. He noted that Mr. Fajardo could speak to the give-and-take aspects of the Code to meet requested Code modifications. Further comment and discussion ensued.

City Attorney Boileau commented that the Commission does not need to agree with Staff's recommendation during a de novo hearing and discussed subsequent action available to the applicant. The Commission needs to articulate a proper basis for denial of the project.

Mr. Fajardo expounded on details and aspects related to City Attorney Boileau's comments. He confirmed it is within the Commission's discretion whether the applicant has met and satisfied criteria that could be its basis for denial. City Attorney Boileau reviewed the relevant Code. Further comment and discussion ensued.

There being no one else wishing to speak on this item, Commissioner Sorensen made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman, and Mayor Trantalis

Further comment and discussion ensued regarding the basis upon which a Commission Resolution to deny the application could be introduced.

Commissioner Moraitis commented on her perspective and remarked on her viewpoint that there is no basis to deny this application.

In response to Commissioner McKinzie, City Attorney Boileau noted that Commissioner Glassman articulated a basis for denial of the application based upon the inability of the applicant to meet certain criteria. Should the majority of the Commission determine that Code sections have not been met, there is a proper basis for denial. Further comment and discussion ensued.

In response to Commissioner McKinzie's question, Vice Mayor Sorensen said the yard modification is excessive and remarked on concerns about urban scale with adjacent properties.

Commissioner McKinzie remarked on his viewpoint, noted the applicant had met the criteria according to Staff and expounded on related details. Further comment and discussion ensued.

Mayor Trantalis summarized the discussion and remarked on his viewpoint that the applicant has requested an excessive yard modification and expounded on details. He confirmed support for Commissioner Glassman's introduction of a Resolution denying the application.

Commissioner Glassman introduced the Resolution to deny this application which was read by title only.

ADOPTED - Denying

Yea: 3 - Vice Mayor Sorensen, Commissioner Glassman and Mayor Trantalis

Nay: 2 - Commissioner McKinzie and Commissioner Moraitis

PUBLIC HEARINGS

PH-1 [22-0518](#)

Public Hearing Approving the Fiscal Year 2022-2023 Housing and Community Development Annual Action Plan - (Commission Districts

1, 2, 3 and 4)

Vice Mayor Sorensen made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

PH-2 [22-0566](#)

Public Hearing Amending the Housing and Community Development and 2019-2020 Amended Annual Action Plan for Community Development Block Grant Coronavirus Aid Relief and Economic Security Act (CDBG-CV) - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman made a motion to approve this Agenda item and was seconded by Vice Mayor Sorensen.

APPROVED

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

PH-3 [22-0496](#)

Public Hearing - Ordinance Amending Ordinance C-21-37 Vacating Right-of-Way Identified as a 40-foot wide by 125-foot-long Portion of NE 5th Terrace Between North of NE 6th Street and South of NE 7th Street to Revise Conditions of Approval - Flagler Sixth, LLC - Case No. UDP-V21001 - (Commission District 2)

Vice Mayor Sorensen introduced this Ordinance for the First Reading which was read by title only.

PASSED FIRST READING

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

ORDINANCE SECOND READING

OSR-1 [22-0587](#)

Second Reading - Ordinance Amending the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-14.10., List of Permitted, Conditional, and Accessory Uses, General Aviation Airport (GAA) District and Section 47-14.11., List of permitted, Conditional Uses, and Accessory Uses in the Airport Industrial Park (AIP) - (Commission District 1)

Vice Mayor Sorensen introduced this Ordinance for the Second Reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 5 - Commissioner McKinzie, Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman and Mayor Trantalis

Commission Calendar Discussion

Commission Members discussed moving the second Commission Meeting in September 2022, to Thursday, September 22, 2022.

Assistant City Manager Chavarria announced a Shade Meeting would follow the conclusion of tonight's meeting.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 9:43 p.m.

Dean J. Trantalis
Mayor

ATTEST:

David R. Soloman
City Clerk