



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, APRIL 20, 2022 – 6:00 P.M.**

June 2021 – May 2022

Board Members	Attendance	Present	Absent
Jacquelyn Scott, Chair	P	11	0
Brad Cohen, Vice Chair (arr. 6:45)	P	8	3
John Barranco	P	10	1
Mary Fertig	P	11	0
Steve Ganon	P	11	0
Shari McCartney	P	10	1
William Rotella	A	9	2
Jay Shechtman	P	9	2
Michael Weymouth	P	8	3

It was noted that a quorum was present at the meeting.

Staff

- Ella Parker, Urban Design and Planning Manager
- D'Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- Karlanne Grant, Urban Design and Planning
- Tyler Laforme, Urban Design and Planning
- Yvonne Redding, Urban Design and Planning
- Adam Schnell, Urban Design and Planning
- Lorraine Tappen, Urban Design and Planning
- Leslie Harmon, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Weymouth, and seconded by Mr. Cohen, to return the City Hall Chambers to pre-pandemic conditions and layout. In a voice vote, the **motion** passed unanimously.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Scott called the meeting to order at 6:00 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

NEIGHBORHOOD ASSOCIATION: N/A
CASE PLANNER: Tyler Laforme

~~Disclosures were made at this time.~~

~~Scott McLaughlin, representing the Applicant, stated that the request is for a boundary plat for a 2.13 acre property. The plat is restricted to 50,000 sq. ft. of office and 5000 sq. ft. of commercial space, of which 530 sq. ft. of the commercial space will serve as an entrance for use by the Fort Lauderdale Executive Airport (FXE). The plat is under review by the City's Development Review Committee (DRC) and comments are being addressed.~~

~~There being no questions from the Board at this time, Chair Scott 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. Weymouth, seconded by Mr. Ganon, to approve the Item as presented. In a roll call vote, the **motion** passed 7-0.~~

- 3. CASE:** UDP-SR21002
REQUEST: ** Site Plan Level IV Review: Rezone from Residential Multifamily Mid Rise Medium High Density (RMM-25) District to Community Business (CB) with Allocation of 0.11 Commercial Flex Acreage for a 114,264 Square-Foot Self-Storage Facility
APPLICANT: 1800 State Road, LLC
AGENT: U-Haul Co. of Florida 905, LLC / Lora Lakov, AMERCO Real Estate Co.
PROJECT NAME: Self Storage at I-95 & State Rd 84
PROPERTY ADDRESS: 1800 W State Road 84
ABBREVIATED LEGAL DESCRIPTION: F A Barrett's Sub Of W1/2 Of 21-50-42 1-46 D Lot 23 E 193.21 Of W 363.21 Lying S Of St Rd 84 Less S 17 Thereof
ZONING DISTRICT: General Business (B-2) and Residential Multifamily Mid Rise - Medium High Density (RMM-25)
PROPOSED ZONING: Community Business (CB)
LAND USE: Commercial and Medium-High Residential
COMMISSION DISTRICT: 4 – Ben Sorensen
NEIGHBORHOOD ASSOCIATION: Edgewood Civic Association
CASE PLANNER: Adam Schnell

~~Disclosures were made at this time.~~

~~Davina Bean, representing the Applicant, stated that the request is to develop an abandoned property for a six-story storage building. Most of this land use is permitted, although there is a small section within the site which has zoning that does not permit~~

the proposed redevelopment. The Applicant requests rezoning of this section and plans to beautify the location.

Ms. Fertig asked if the Applicant has contacted residents of an apartment building located behind the subject property. Ms. Bean confirmed that the Applicant has reached out to these individuals, most of whom are supportive of the redevelopment. The Applicant does not plan any changes that would block or cause difficulty for the residents of the building. They have also had numerous meetings with the nearby homeowners' association. The Applicant plans to prohibit any excess noise or traffic from the site.

It was asked if ingress/egress on the subject site would come from State Road (SR) 84 or from another location. Ms. Bean replied that entry would not come from the residential portion of the neighborhood.

There being no questions from the Board at this time, Chair Scott opened the public hearing.

Kevin Swad, private citizen, stated that he owns the apartment building located to the south of the proposed project. He advised that the Applicant's plans would change the zoning and permit construction of a nearly 90 ft. tall building, which would have an impact on the residents of his property. The current zoning permits a height of only 33 ft. when adjacent to residential development. He objected to the project's height due to its proximity to his residential property.

Mr. Weymouth noted that the Applicant's backup materials state a height of up to 150 ft. is allowed on the subject site, while the proposed project would be 82 ft. Mr. Schnell of Urban Design and Planning clarified that the underlying B-2 zoning district permits up to 150 ft. in height. Due to neighborhood compatibility requirements, after 40 ft. of height, the building must be stepped back one additional foot for every additional foot of height. The proposed building exceeds these requirements, as it is set back 62 ft. from the rear property line.

Ms. McCartney requested clarification of a phrase in the Applicant's narrative which states the rezoning request would "rectify an irregular zoning pattern." Assistant City Attorney D'Wayne Spence explained that almost all properties along SR 84 are bifurcated, with RD-15 or RMM-25 zoning designations at the rear of the properties. The rear portion of the subject Application, which is 0.11 acre, is zoned RMM-25 and requires the allocation of commercial flex acreage. Because this portion of the property will be used for storage capacity, the building will not actually abut the nearby RMM-25 zoning district, but will be located within the B-2 district, which permits self-storage facilities as a use.

Ms. Fertig pointed out that the RMM-25 zoning district has a 55 ft. height limit, while the rezoning will increase the allowable height to 150 ft. Attorney Spence confirmed that if

the rear portion of the property is rezoned, up to 150 ft. would be permitted, although he reiterated that neighborhood compatibility standards must be met. This means any structure must be set back 15 ft. due to buffer requirements, followed by one additional foot of stepback for every additional foot in height above 40 ft., up to half the height of the building. This would provide a transition for the structure in proximity to the RMM-25 zoning district.

Tom Turberville, vice president of the Edgewood Civic Association, expressed concern with traffic through the surrounding neighborhood, pointing out that the project's ingress/egress would not truly be from SR 84, but would come from a U-turn at the SR 84/I-95 interchange. He was not confident that most vehicles accessing the subject site would use this U-turn, but would instead travel south along 15th Avenue, which is zoned RD-15, and east along SW 30th Street, which includes RD-15 and RS-8 zoning.

Mr. Turberville continued that while traffic figures for the subject site are low, there are already issues related to speeding in the surrounding neighborhood. He felt this would be exacerbated for 30th Street, 15th Avenue, and 18th Terrace.

Chair Scott asked why traffic would cut through the neighborhood instead of using SR 84. Mr. Turberville characterized the only access to the subject property as a "Texas U-turn" from a smaller street beneath the overpass of the SR 84/I-95 interchange, explaining that the site cannot be accessed directly from SR 84 itself without using the space beneath the interchange structure. He pointed out that traffic seeking access to a nearby U-Haul facility often comes through the residential neighborhood.

Chair Scott asked if residents of the neighborhood have shared their concerns with the existing U-Haul facility. Mr. Turberville advised that he did not know if this has been done in the past. He suggested that wayfinding signage or traffic calming measures be used to divert traffic, which may be using a mobile app that directs cars through the neighborhood.

Chair Scott asked if the Applicant has attempted to address these issues with the neighborhood. Ms. Bean replied that most of the neighborhood is "on board" with the project, including both residential and business neighbors, because the Applicant plans to develop the area. She was confident that the neighborhood's traffic concerns can be addressed, stating that she did not feel the Applicant's customers would drive through the neighborhood when direct access from SR 84 is available.

It was noted that the access to the subject property is not directly from SR 84. Ms. Bean added that there is no access planned for the back of the site, which is adjacent to the residential neighborhood. She also noted that most of the storage units at the site will have 24-hour access, which means unit owners will be able to move items into and out of their units without interacting with the facility itself.

Ms. Bean concluded that the Applicant's team was willing to work with the residential neighbors to discuss any existing issues and better outline their plans for the site. She reiterated that many area residents have met with the Applicant and have not identified traffic as a potential problem.

Ms. Fertig asked if the Applicant had met with residents of the adjacent apartment building or with its owner. Ms. Bean replied that signage was posted with times at which residents were invited to meet with the Applicant's team, and she was physically present on the subject property for six to eight hours to discuss the development.

Ms. Fertig asked if the Applicant had specifically met with the owner of the apartment complex who had shared his concerns. Ms. Bean stated that the team did not meet with the owner. She added that the vice president of the Edgewood Civic Association, who had expressed concern with traffic, had met with the Applicant.

Mr. Cohen arrived at 6:45 p.m.

Ms. Fertig asserted that the owner of the apartment complex should have been notified. She recommended deferral this item until there is "something definitive" from the neighbors of the subject site.

Chair Scott also stated her concern with the traffic pattern, but noted that she felt this issue could be solved. She was also not in favor of approving the Item before there is some resolution.

Motion made by Ms. Fertig, seconded by Mr. Barranco, to defer, that they meet with the owners of the surrounding properties and talk to the HOA about traffic.

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 Ms. Fertig, seconded by Mr. Shechtman, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

Mr. Barranco recalled that in the past, there have been separate applications for and votes upon rezoning and Site Plan review. Attorney Spence replied that the Application would allocate commercial flexibility. In accordance with Section 47-28.3 of City Code, this allocation requires Site Plan Level IV review.

Attorney Spence continued that because the parcel of land for which rezoning is requested is residential, the Applicant may request the allocation of commercial flexibility for that portion of the site. Code requires Site Plan review as a means of ensuring that the development is compatible with Code criteria: this provides a more stringent review than common rezoning.

Mr. Barranco reiterated that he is typically used to seeing two cases in which rezoning and Site Plan review are requested separately. Attorney Spence confirmed that this process differs from the allocation of flexibility units, which allocates dwelling units to commercial parcels. This Application represents a residential parcel that is being rezoned for commercial use.

Chair Scott asked if the Applicant agrees to the request for deferral, which would allow them the opportunity to further address details of the plans with the site's neighbors. She noted that if the Applicant does not wish to defer the Item, the Board will vote on it at tonight's meeting. Ms. Bean agreed to the proposed deferral.

Attorney Wallen requested clarification of the date to which the Item would be deferred. Chair Scott advised that this would be until the May 18, 2022 meeting.

In a roll call vote, the motion to defer passed 8-0.

4. **CASE:** ~~UDP-S21050~~
REQUEST: ~~** Site Plan Level III Review: Waterway Use and Yard Modification for Seven Multi-Family Residential Units~~
APPLICANT: ~~500 Hendricks, LLC.~~
AGENT: ~~Andrew Schein, Esq., Lochrie & Chakas, P.A.~~
PROJECT NAME: ~~Lumiere~~
PROPERTY ADDRESS: ~~500 Hendricks Isle~~
ABBREVIATED LEGAL DESCRIPTION: ~~Victoria Isles 15-67 B, Lot 22 Block 4~~
ZONING DISTRICT: ~~Residential Multifamily Mid-Rise - Medium High Density (RMM-25)~~
LAND USE: ~~Medium High Density Residential~~
COMMISSION DISTRICT: ~~2 - Steven Glassman~~
NEIGHBORHOOD ASSOCIATION: ~~Hendricks and Venice Isles~~
CASE PLANNER: ~~Yvonne Redding~~

~~Disclosures were made at this time.~~

~~Andrew Schein, representing the Applicant, stated that the project includes both sides of a right-of-way: the building itself will be located to the east, where there is an existing five-unit condominium, while on the west side there is a current live-aboard use, which will be removed as part of the project.~~

~~Mr. Schein showed a number of views of the property, which will be five stories in height and will include seven units. There will be 15 parking spaces in a garage and landscaping surrounding the building. Balconies on the building do not fully wrap around it: north and south balconies have been removed from the plans. The project's Site Plan shows two additional parking spaces on the west side, as there are concerns with a lack~~

~~Nectaria Chakas, representing the Applicant, stated that the request is for Site Plan Level IV approval for a project known as Ocean Park Hotel and Residences. The hotel and condominium will be in two separate buildings. The location is the Sunrise Lane Area zoning district, which is part of the Central Beach Regional Activity Center (RAC). There have been no development proposals within this area in roughly 23 years.~~

~~Ms. Chakas noted the project's surrounding buildings, which include a number of condominiums as well as a convenience store and a hotel. There are currently two restaurant buildings on the site, both of which recently closed, among other non-residential uses.~~

~~The site presently includes no landscaping or drainage, which means during rains, water flows from the site onto NE 9th Court. The proposed project is expected to address this issue, as new projects are required to contain drainage on-site.~~

~~There are two access openings to the site, both of which are located along Sunrise Boulevard. Both of these openings will be closed, as they do not meet current Florida Department of Transportation (FDOT) requirements for distance between openings.~~

~~Ms. Chakas showed a rendering of the project, which will consist of a 100-room hotel tower to the east and a 54-unit condominium to the west. The 12-story hotel tower will include a rooftop restaurant and a recreational deck. The 11-story condominium will also include rooftop amenities for its residents. All mechanical equipment is enclosed on the rooftops.~~

~~Landscaping from the site will include a landscape island to serve as a buffer between the existing sidewalk on Sunrise Boulevard and traffic travel lanes. There will also be an area at the north end of the building where the sidewalk separates, with one piece traveling up to the bridge and another continuing beneath the bridge. The sidewalk is owned by FDOT.~~

~~Because the access points on Sunrise Boulevard will be closed, access to the site will come from NE 9th Court. One access opening is proposed at the main entrance to the development, where valet service will take cars to the subterranean 205-space parking garage. All garage elements are below street level. The Applicant also proposes new parallel parking spaces along the south side of the NE 9th Court right-of-way, as well as new drainage and buried power lines.~~

~~Each of the towers will have its own loading area. The condominium loading area is contained within the building, while the hotel loading area is larger and wider to accommodate more service vehicles in bays.~~

~~The Applicant had originally included no active uses on the ground floor of the project; however, at the request of City Staff, a Grab & Go was added, as was a public plaza along Sunrise Boulevard. The plaza will grant an easement to the City. Pedestrian~~

~~V. COMMUNICATION TO THE CITY COMMISSION~~


~~Motion made by Mr. Weymouth, and seconded by Mr. Cohen, to return the City Hall Chambers to pre-pandemic conditions and layout. In a voice vote, the motion passed unanimously.~~


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

~~Mr. Weymouth requested that when the Board receives a package of the size of tonight's backup materials, it be provided to them somewhat earlier so the members will have sufficient time to review the Agenda. Ms. Parker advised that these materials could be provided electronically if that is the members' wish. The documents could be provided on a reusable thumb drive or via links that could be forwarded to the members.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 11:00 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.)

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BARRANCO JOHN P	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING: ZONING
MAILING ADDRESS 3324 NE 42ND COURT	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY FT LAUD	NAME OF POLITICAL SUBDIVISION: FORT LAUDERDALE
COUNTY BROWARD	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED 4.20.22	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained), to the special private gain or loss of a relative, or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John Barranco, hereby disclose that on April 20, 2022

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss.
- inured to the special gain or loss of my business associate.
- inured to the special gain or loss of my relative, NATALIA BARRANCO.
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MY SISTER IS THE LANDSCAPE ARCHITECT CONSULTANT FOR THE DEVELOPMENT BEING CONSIDERED.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

4.20.22
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.