



**PLANNING AND ZONING BOARD MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, APRIL 20, 2022 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

June 2021 - May 2022 (Cumulative)

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Jacquelyn Scott, Chair	P	11	0
Brad Cohen, V Chair	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	P	9	2
Jay Shechtman	P	9	2
Michael Weymouth	P	8	3

**Communication to the City Commission**

**Motion** Motion made by Mr. Weymouth and seconded by Mr. Cohen to return City Hall Chambers to pre-pandemic conditions and layout.

In a voice vote, the motion **passed** 8-0



**DRAFT**

**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.**

CITY OF FORT LAUDERDALE

<b>Board Members</b>	<b>June 2021 – May 2022</b>		
	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
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.

**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**

**Motion** made by Mr. Weymouth, seconded by Ms. McCartney, to approve. 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. Chair Scott clarified that individuals speaking on their own behalf at tonight's meeting will have three minutes in which to speak. Representatives of organizations will have five minutes, and Applicants will have 20 minutes.

#### IV. AGENDA ITEMS

##### Index

##### Case Number

##### Applicant

- |                   |                                  |
|-------------------|----------------------------------|
| 1. UDP-S21020**   | L&H Development Group LLC        |
| 2. PL-PL19004**   | West Cypress Creek Holdings, LLC |
| 3. UDP-SR21002**  | 1800 State Road, LLC             |
| 4. UDP-S21050**   | 500 Hendricks, LLC               |
| 5. UDP-S21031**   | Sunrise FTL Ventures, LLLP       |
| 6. UDP-Z22003* ** | City of Fort Lauderdale          |
| 7. UDP-S21029**   | City of Fort Lauderdale          |
| 8. UDP-T22002*    | 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.

- CASE:** UDP-S21020  
**REQUEST:** \*\* Site Plan Level III Review: Three-Unit Cluster Development  
**APPLICANT:** L&H Development Group LLC  
**AGENT:** Karyn Rivera, Martin Architectural Group, P.C.  
**PROJECT NAME:** 1022 Cluster Homes  
**PROPERTY ADDRESS:** 1022 NE 2 Avenue  
**ABBREVIATED LEGAL DESCRIPTION:** Progresso 2-18 D, Lots 36 to 38 BLK 184  
**ZONING DISTRICT:** Residential Single Family and Duplex / Medium Density (RD-15)  
**LAND USE:** Medium Residential  
**COMMISSION DISTRICT:** 2 – Steven Glassman  
**NEIGHBORHOOD ASSOCIATION:** South Middle River Civic Association  
**CASE PLANNER:** Adam Schnell

Disclosures were made at this time.

Annabella Garcia, representing the Applicant, stated that the proposed project is a three-unit cluster home development with medium density on 0.23 acre or 10,120 sq. ft. The site is zoned RD-15, or residential medium density/duplex. The land is currently vacant and the Applicant has provided landscape requirements.

The three units will range in size from 2656 sq. ft. and 2570 sq. ft. and are two stories in height, with two-car garages and guest parking. The units will have three bedrooms and 2.5 bathrooms. Rooftop designs will vary, and each unit has a back yard. The entrance for the units will be on the south elevation of the property.

Mr. Barranco noted that gravel areas are delineated within the project's back yards, and asked why shrubs or trees were not planted instead. Andres Contrera, landscape architect for the Applicant, stated that while a hedge runs along the north side of the property, there is also a required 5 ft. easement which may not be obstructed by fences, landscaping, or other materials.

There being no further 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.

Mr. Barranco observed that the 5 ft. easement to which the Applicant's team had referred extends around the entire perimeter of the property, and pointed out that trees are located on the south property line within the easement. Mr. Contrera replied that the easement surrounds the building rather than the property: it must be left clear of obstructions on the north, east, and west sides. Because the easement runs along the driveway on the south side, the Applicant was not required to remove trees and landscaping along the property line.

Adam Schnell, representing Urban Design and Planning, advised that there should be no obstructions within an easement area, although this has been an enforcement issue for the City. If shrubs are within an easement, they must be traversable. He concluded that the shrubs in the area to which Mr. Barranco had referred would need to be removed. Mr. Schnell added that plans showing the easement were submitted with the Application. He reiterated that the easement runs along the perimeter of the building rather than the property.

Mr. Barranco requested additional clarification of enforcement of easements. Mr. Schnell replied that there has been some historical confusion regarding the placement of easements: it has recently been brought to Staff's attention that easements should have been done in a certain way in the past, with no shrubbery or encroachment into the easement area.

Mr. Barranco commented that in the past, Staff has required a perimeter easement on properties, which usually does not negate the perimeter landscaping requirement. He added that there are also sidewalks over some easements. Mr. Schnell pointed out that sidewalks are traversable, and shrubbery is permitted within an easement area. The Application before the Board has met the specific landscape requirements associated with cluster development. It does not require any hedges or trees in side yards, although there are frontage and overall requirements for trees on the property. The location of the easement prohibits the placement of trees against the property line.

Mr. Shechtman pointed out that the units' back yards would have grass, but no shrubbery or fence. Ms. Garcia stated that the Applicant plans to provide a fence, although there will be no hedges against the fence due to easement requirements.

**Motion** made by Mr. Ganon to approve.

Assistant City Attorney Shari Wallen requested clarification that the **motion** includes adoption of the findings of fact in the Staff Report, as well as Staff conditions. Mr. Ganon confirmed that his **motion** included these items.

Mr. Shechtman **seconded** the **motion**.

Chair Scott read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III development permit for a three-unit cluster development located at 1022 NE 2<sup>nd</sup> Avenue, Fort Lauderdale, Florida, Case #UDP-S21020.

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

2. **CASE:** PL-PL19004  
**REQUEST:** \*\* Plat Review  
**APPLICANT:** West Cypress Creek Holdings, LLC.  
**AGENT:** Jim McLaughlin, McLaughlin Engineering Company  
**PROJECT NAME:** 2050 Cypress Creek Plat  
**GENERAL LOCATION:** 2050 NW 62 Street  
**ABBREVIATED LEGAL DESCRIPTION:** 9-49-42 COMM AT NW COR OF SW1/4 OF SEC 9 E 1237.36, S 50 TO POB, E 200, S 434.47, W 233.85, N 450.96 TO POB  
**ZONING DISTRICT:** General Aviation Airport District (GAA)  
**LAND USE:** Employment Center  
**COMMISSION DISTRICT:** 1 – Heather Moraitis  
**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 15<sup>th</sup> Avenue, which is zoned RD-15, and east along SW 30<sup>th</sup> 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 30<sup>th</sup> Street, 15<sup>th</sup> Avenue, and 18<sup>th</sup> 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 of guest parking on Hendricks Isle. These public spaces are not tied to the development and do not count toward the parking requirement.

The request is for waterway use as well as yard modification. Mr. Schein noted that the project provides balconies, terracing, color and material banding, and mass changes. He emphasized the importance of continuity of urban scale with adjacent properties, including height, proximity to the streetfront, and relationship between building size and lot size. He felt this compatibility can be objectively quantified in the following way:

- Setback size
- Relationship of building size and lot size
- Overall building separation

It was also noted that no shadows may be cast on more than 50% of the waterway from 9 a.m. to 5 p.m. during the vernal equinox. The Applicant has provided a shadow study showing that it meets this criterion.

Mr. Schein asserted that in order to analyze compatibility, the project should be compared to other projects. This analysis began during the project's design phase: the Applicant's team analyzed 10 different projects on Hendricks Isle which have received yard modifications. The Applicant is requesting side setbacks of 12.5 ft. where the standard is half the building's height, or 27.5 ft. He reviewed yard modifications granted to other buildings in the subject area, pointing out that most of these are smaller than what is requested by the Applicant.

Mr. Schein continued that the Application cannot establish precedent, as its setback request is consistent with other projects in the area that have received yard modifications. He continued by comparing building size to yard size, using the percentage of streetfront that is taken up by buildings. The subject site's proposed structure would take up 75% of a 100 ft. lot. He reviewed the percentages of building frontage to lots at other sites in the area as well as the associated setback amounts, pointing out that one consideration for yard modification is the requirement to allow view corridors to the waterway.

With regard to overall building separation, Mr. Schein advised that this depends in part on what has been done on neighboring properties. This requirement also addresses the need to allow light and air to flow through to the waterway. He showed the setbacks of buildings located to the south and north of the parcel, noting that the Applicant's south setback and the southern property's north setback combine for a total of 30 ft. 4 in. of separation. The proposed project would widen this to 37 ft. 9 in. To the north, the combined setbacks are 10 ft. between buildings at present; the Application proposes 17 ft. 6 in. He concluded that this is compatible with existing conditions on Hendricks Isle.

Mr. Schein advised that there have been concerns regarding drainage on Hendricks Isle, and pointed out that the existing property has asphalt-covered backout parking. The drainage issue will be addressed by providing landscaping over 37% of the site. Broward County has also significantly increased drainage requirements, and all projects are required to retain their own stormwater on-site. The project does not deviate from this requirement.

All parking will be on the ground floor, as well as one parking lift. The back of the building is open so the waterway will remain visible, although there is no access for vehicles on the back side.

On November 23, 2021, the Applicant notified the president of the appropriate neighborhood association of a DRC meeting scheduled for December. They have also exchanged emails with the association for the building located to the project's south, some residents of which have provided letters of support. On March 8, 2022, all residents within 300 ft. of the development were informed of the public participation meeting held on March 17. Mr. Schein estimated that at least 23 individuals attended this meeting. The Applicant also met on-site on April 13 with roughly 25 individuals. Some of the neighbors' concerns were taken into consideration for the project, including the removal of planned balconies on the north and south sides of the building, the addition of extra parking, and seawall repair.

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

There being no questions from the Board at this time, Chair Scott opened the public hearing. Chair Scott requested that members of the public speaking on this item limit their comments to approximately two minutes, with five minutes provided to representatives of neighborhood associations.

Pam Kane, lobbyist representing the Club at Hendricks Isle, stated that this organization is concerned with the requested yard modifications, which represent a 54.5% setback reduction. While the Applicant's team has proposed that compatibility can be determined based on the distances between buildings, Ms. Kane asserted that compatibility considers size and scale as well as distance, and that four properties with which she felt comparisons to be appropriate were not compatible with the Applicant's request.

Ms. Kane discussed the other nearby properties, noting that their sizes would require smaller setbacks and were therefore inconsistent with the Applicant's proposal. Other considerations contributing to incompatibility were an irregularly shaped lot and a very small modification percentage.

An additional consideration affecting compatibility is how the proposed development meets the intent and spirit of dimensional regulations relating to air, light, and shadow. Ms. Kane referred specifically to these issues with regard to the Applicant's south property line, pointing out that there are minimal linear elements in this area, including fenestration and banding. Other linear elements, such as terracing, cantilevering, open views, or balconies are not provided. She added that the residents she represents are in favor of balconies which would step back onto the subject property.

Ms. Kane continued that with regard to lot size, the four properties that she stated could be accurately compared to the subject site do not have any continuity between them. She did not feel the Application is compatible with its surroundings, as it also does not provide continuity. She concluded that the two parking spaces proposed to be created across the street would need to be made available to all residents of the block; however, the developer plans to pay for their maintenance, which she felt indicated the possibility of “significant residential problems” if other residents try to use them.

Randy Aube, representing the Hendricks Isle/Isle of Venice Neighborhood Association, stated that this organization is not anti-development, nor does it oppose five-story height. They do not feel the subject project meets the Code requirements for the requested modifications.

Mr. Aube continued that there are no five-story buildings on Hendricks Isle that have the type of yard modifications requested by the Applicant. The Neighborhood Association’s development review committee has met with City Staff, which provided many of the same addresses that Mr. Schein had used for purposes of comparison.

Mr. Aube compared a number of yard modifications on Hendricks Isle to the Applicant’s proposals, also asserting that the proposed modifications do not meet the intent and spirit of the applicable regulations with regard to air, light, and shadow. He asked that the Application for yard modifications be denied.

Greg Lister, private citizen, advised that he lives directly south of the proposed project. He stated that most residents of his building do not support the project, as Mr. Schein had indicated; nor do many residents of the building to the project’s north, nor members of the Neighborhood Association. He felt the Applicant’s comparisons with other lots on the street were cherry-picked from among 150 buildings on Hendricks Isle, and that the requested modifications were excessive.

Joseph Perroto, private citizen, stated that he also lives in the vicinity of the project. He declared that he had received no written notice of any discussion regarding the Application other than a Zoom request from the Applicant’s team. He added that when a sign was placed in front of the subject site, cars were parked in front of the signage. He concluded that the volume of communication from residents expressing concern with the project is indicative of the level of neighborhood opposition, and that the project should be made more compatible with the surrounding community.

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.

Mr. Barranco advised that he would abstain from voting upon this Item due to a conflict.

Mr. Schein responded to some of the concerns raised during public comment, stating that if the residents of the Club at Hendricks Isle were not opposed to balconies on the

south of the subject building, the Applicant would be willing to provide them as a condition of approval.

Mr. Weymouth asked if the other properties from which residents have come forward to address the project have 27.5 ft. setbacks all along Hendricks Isle. It was confirmed that the required setback in this location is one-half of the building's height; however, Mr. Schein reiterated that there have been numerous yard modifications on Hendricks Isle over the years. He added that most of the properties he had cited earlier as examples were built "over the past 24 years," and two were currently under construction.

Mr. Schein also addressed the two public parking spaces, stating that the Applicant had wished to give these spaces to the City, but the City did not want to maintain them. There will be signage showing that these are public spaces. He emphasized that yard modifications and setbacks often occurred on Hendricks Isle, and again listed examples of other properties in the area that have more significant modifications than the subject project.

Mr. Weymouth asked if Mr. Schein's references to building separation referred to separation at the ground floor only. Mr. Schein confirmed this, explaining that this is the level at which light, air, and visibility are considered. Another reason is that Code was interpreted differently when a certain type of yard modification was adopted, which resulted in tiered "wedding cake" building design. Modifications are now based on the overall height of the building.

Ms. Fertig asked why the Applicant was requesting a yard modification, pointing out that when the property was purchased, the Applicant was aware of its zoning and requirements. Mr. Schein replied that the lot is only 100 ft. in width, which means it is difficult to build on it without yard modifications. He pointed out that the site's density does not exceed what is permitted by the City.

Chair Scott asked for more information regarding the discussion on balconies. Mr. Schein advised that this will require additional discussion from the property's neighbors, stating once more that the Applicant would gladly include balconies and additional fenestration on the south if that neighbor did not take issue with them.

Chair Scott also asked for additional clarification regarding the reference to notice posted on the site or sent to neighbors. Mr. Schein asserted that the Applicant had provided the required notice, including mailed notice to neighbors within 300 ft. of the property. He felt the reference to notice may have addressed the notification of tonight's hearing, which was provided by the City.

The Board discussed the Item, with Chair Scott commenting that in her time on the Planning and Zoning Board, she did not recall approving a project on Hendricks Isle that did not include side yard modifications. Ms. Fertig added that her concern was the evident presumption that Code does not matter in this issue and that an applicant is

entitled to yard modifications because other projects in the area had received them. She was also concerned that it is apparently assumed that yard modifications have to be granted for development in the area.

Vice Chair Cohen echoed this concern, adding that because so much construction has occurred in Fort Lauderdale over the past several years, the Board should now look more closely at some proposed modifications rather than granting them because they were granted to other properties in the past.

Vice Chair Cohen asked if there are other pending applications for projects on Hendricks Isle. Yvonne Redding, representing Urban Design and Planning, replied that there is one additional project in this area that will come before the Board in the future. She confirmed that this project includes a request for yard modification and has received the support of the appropriate homeowners' association. She did not recall the exact modifications that are requested for the upcoming project.

Ms. McCartney stated that compatibility should not be comparative, and pointed out that continued growth of the size of yard modifications is not always compatible with the neighborhood. She was concerned that granting numerous yard modifications may have made larger projects less compatible going forward. She felt the requested reduction is too large.

Mr. Shechtman observed that the continued requests for yard modifications on Hendricks Isle suggest that current Code requirements may make it infeasible to develop or redevelop properties in this area to their highest and best use. He asked if the Board members who were not comfortable with the requested modifications felt they would have been comfortable with different modifications.

Mr. Ganon commented that a 200 ft. lot with a building located in its center and a 100 ft. lot with a setback in its center would be similar, which is why he felt it would be justified to allow smaller lots to reduce their setbacks. Ms. Fertig stated once again that Code exists to set a standard for development and she felt the proposed project is requesting too much variation.

Attorney Wallen recommended that the Board apply the specific Code criteria intended to determine the appropriateness of modification requests, which are included in Section 47-23.11, when making their decision on the Application.

Mr. Weymouth asked if any projects have been brought forward on Hendricks Isle with no side yard modifications. Chair Scott noted that the Board does not have this information on hand.

Ms. McCartney stated that if there is a marker for compatibility, it seemed to be that the more properties which have large reductions mean the next property to come forward with a reduction request will be less compatible, as there is less overall space

remaining. Mr. Weymouth added that even if the proposed project were smaller, the size of its lot would mean additional width is still needed.

Attorney Wallen briefly reviewed the criteria for yard modifications found in Code Section 47-23.11, reiterating that the Board should limit their discussion to these criteria and determine whether or not the Applicant has proven their case.

Ms. Parker advised that Staff used these criteria when looking at the buildings developed on Hendricks Isle over roughly the last 20 years. She pointed out that there have been more massive developments constructed in this area; when neighborhood compatibility is analyzed, these existing structures must be considered as part of this environment. Some of these projects cover a higher percentage of their lots with structures, which limits views to the waterway.

Another criterion refers to on-site or public realm modifications that mitigate adverse impacts from the project. Ms. Parker pointed out that these impacts were evaluated by Staff, who ultimately concurred with the Applicant's findings that they were part of an existing pattern of compatibility.

Ms. Redding stated that the Applicant's representative had addressed compatibility with adjacent properties as well as other properties in the area, showing similarities in setbacks and height. There are only two adjacent properties, one of which is of similar scale and one of which has a lower scale and smaller setbacks; the smaller property was not included in the comparisons due to its scale.

Chair Scott asked if Staff felt adequacy requirements are met for the proposed project. She also asked if any conditions for approval were attached to the Application. Ms. Redding replied that conditions include park impact fees and school mitigation fees. The only aspects of the Application that did not meet Code were the yard modifications and the pool and other waterway amenities.

Mr. Shechtman requested clarification of the Code criteria addressing view corridors. Ms. Parker noted that this is listed under the waterway use criteria, and states that buildings on parcels abutting waterways in multi-family districts must preserve the character of their neighborhood and protect the scenic quality and tranquility of the waterway. Special design provisions are required to meet these objectives, based on building designs, siting, setbacks, landscaping, and relation to the waterway, among others.

Attorney Wallen advised that when a motion is made on this Item, the Board should cite Code and clearly state their basis for approval or denial of the Application.

**Motion** made by Ms. Fertig to deny, based on the fact that I do not believe that it meets the Code.



Attorney Wallen reiterated that a **motion** to deny or approve should cite the specific Code criteria that the Application is believed to meet or not meet.

Ms. Fertig **restated** her **motion** as follows: **motion** to deny, based on the fact that I don't feel that the information is available to say that it supports the conclusion reached in their documentation on side yard modifications.

Attorney Wallen asked if this meant Ms. Fertig did not believe the Application met Code Section 47-23.11.a.2. Ms. Fertig confirmed that this was her conclusion based on the totality of the testimony heard at tonight's meeting.

Attorney Wallen also asked if Ms. Fertig felt the Application did not meet Code Section 47-23.11.a.3. Ms. Fertig confirmed that this is also correct, based upon the testimony heard, the Staff Report, and all the information presented to the Board.

Attorney Wallen read the remaining criteria under Section 47-23.11, asking if Ms. Fertig felt the Application met or did not meet these criteria as well. Ms. Fertig stated that her **motion** would refer only to Section 47-23.11.a.2 and 47-23.11.a.3.

Vice Chair Cohen **seconded** the **motion**.

Chair Scott read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, denying a Site Plan Level III development permit for the property located at 500 Hendricks Isle, Fort Lauderdale, Florida, in the RMM-25 zoning district, for the development of a five-story structure with seven multi-family units, and denying a waterway use and yard modification, Case #UDP-S21050.

Mr. Shechtman commented that he was not certain whether or not a setback of 12 ft. 6 in. is compatible with adjacent nearby properties to the north and south, even if the proposed building is smaller than its neighbors. He pointed out that the proposed setback may have a greater impact on one side of the subject property than on the other. He concluded that he would vote against the current **motion** on the floor.

In a roll call vote, the **motion** failed 3-4 (Chair Scott, Mr. Ganon, Mr. Shechtman, and Mr. Weymouth dissenting). (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)

Mr. Shechtman asked if the Applicant was willing to defer the Item and determine whether a change in the request might make the Application more acceptable to the Board members. Mr. Schein replied that there is "no other solution" for the Application, pointing out that there is not sufficient room on the site to meet the parking and drive aisle requirements found in Code on a 100 ft. lot with a setback of half the building's height.

**Motion** made by Mr. Weymouth to approve the project as presented, with conditions that have been laid out.

Mr. Weymouth's **motion** was **restated** with assistance from Attorney Wallen as follows: **motion** to approve, based on the facts that we have heard, the testimony that we have heard tonight, the documents that we have reviewed, all the evidence on the record, and applying the conditions in the Staff Report, including that in the motion, that they must be complied with, and that it meets the applicable criteria that's in the Resolution for us, which is 47-536, 47-23.8, 47-23.11, 47-25.2, 47-25.3.

Mr. Ganon **seconded** the **motion**.

Chair Scott read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III development permit for the property located at 500 Hendricks Isle, Fort Lauderdale, Florida, in the RMM-25 zoning district, for the development of a five-story structure with seven multi-family units, and denying a waterway use and yard modification, Case #UDP-S21050.

In a roll call vote, the **motion** passed 4-3 (Vice Chair Cohen, Ms. Fertig, and Ms. McCartney dissenting). (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)

5. **CASE:** UDP-S21031

**REQUEST:** \*\* Site Plan Level IV Review: 54 Multifamily Residential Units and 100-Room Hotel with Associated Setback Modifications in Central Beach Regional Activity Center

**APPLICANT:** Sunrise FTL Ventures, LLLP

**AGENT:** Nectaria Chakas, Esq., Lochrie & Chakas, P.A.

**PROJECT NAME:** Ocean Park

**PROPERTY ADDRESS:** 2851,2901 NE 9<sup>th</sup> Court

**ABBREVIATED LEGAL DESCRIPTION:** Lots 1-13 of Seabridge, According to Plat Thereof, Recorded in Plat Book 21, Page 46

**ZONING DISTRICT:** Sunrise Lane (SLA) District

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

**COMMISSION DISTRICT:** 2 – Steven Glassman

**NEIGHBORHOOD ASSOCIATION:** Central Beach Alliance

**CASE PLANNER:** Karlanne Grant

Disclosures were made at this time.

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 9<sup>th</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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 access will be provided through the hotel property. The entire street will be reconstructed with underground power lines, new sidewalks on both sides of the roadway, and new drainage, including a new 16 in. water main.

The request includes setback modifications. The Sunrise Lane Area (SLA) zoning district requirements include setbacks that are one-half the height of the building unless the project is approved upon Site Plan Level IV review. There are no special criteria for yard modifications in this district: the Applicant is required only to show neighborhood compatibility. Ms. Chakas emphasized that the subject area is “dense and very urban.”

The required side setbacks to the east and west are 60 ft., and only 24 ft. of separation is required between the buildings. Ms. Chakas characterized this as a wall effect, which allows for less light and air between the buildings. Instead, the Applicant proposes 99 ft. of building separation, which will push the buildings out into the side setbacks. The proposal is for a 40 ft. setback to the east and 10 ft. to the side. She pointed out that the neighboring property has a 6 in. setback.

The required setbacks for the project are 60 ft. on the east and west and 24 ft. of tower separation, which would provide a total of 144 ft. of open space. The Applicant’s proposal would provide 149 ft. of open space on the site.

Ms. Chakas recalled that in 1999, the adjacent building, Le Club condominium, received yard modifications permitting 18 ft. to the north and south, 10 ft. on the east, 20 ft. along the right-of-way, and 20 ft. in the rear. She characterized the Applicant’s request as in line with these requests and the overall pattern of development within the neighborhood.

Cecilia Ward, also representing the Applicant, stated that she reviewed the Application and found it to be consistent with the City’s revitalization plan for the Central Beach Area (CBA), which has been in effect for over 30 years. The Application is also consistent with the City’s Comprehensive Plan and the ULDR in relation to the CBA and SLA zoning. She felt the project complies with the criteria for the SLA zoning district with regard to use, density, height, and setbacks.

Ms. Ward continued that she had also reviewed adequacy and neighborhood compatibility standards for the area. This review was included in the Board members’ backup materials. She pointed out that Code encourages rooftop activity such as pools and pool decks while screening mechanical equipment. The hours in which amplified music is permitted outdoors have been limited, and the Applicant plans to comply with the City’s Noise Ordinance.

Ms. Ward addressed some of the issues raised by residents of Le Club, suggesting that there may have been misinterpretations or misunderstandings of Code. She noted that the Central Beach has unique zoning regulations which are not applicable to the rest of the City, and vice versa. The CBA encourages a mixture of uses, and density for residential and hotel uses may be combined or may stand alone. The floor area ratio (FAR) criteria reflected in Code apply to commercial and retail space only.

Ms. Ward continued that mixed-use provisions in Code Section 47-18.21 are not applicable to the CBA. These provisions were written to allow for mixed-use development outside of RACs that provides flexibility units or flexibility acres. The comparison of an existing to a proposed building footprint is not a Code standard and should not be considered as part of Site Plan review.

Ms. Ward added that the setbacks comply with Site Plan Level IV review and should not be considered a request for relief. Support was provided in a comparative analysis showing larger buildings and their areas of separation.

With regard to parking, the Application complies with parking requirements of Code Section 47-20. She referred to tables in this Section showing the residential and hotel requirements within the SLA, stating that the mixed-use parking requirement in this table applies only to commercial, retail, and restaurant use. Regarding neighborhood compatibility, Ms. Ward concluded that this requirement is not applicable to residentially zoned properties in RACs, including the Central Beach RAC.

Carl Peterson, also representing the Applicant, also addressed parking and traffic, stating that the Applicant did not deduct existing traffic from the network in terms of operational analysis: the existing patterns are provided for comparative purposes only. He referred to a letter of objection addressing traffic, which took issue with the Applicant's internalization of traffic. The traffic numbers have been adjusted in accordance with the letter and continue to show reductions in traffic during the peak p.m. hour.

Mr. Peterson also noted that there was an objection stating the Applicant should have used a different edition of the trip generation manual. He pointed out that this edition was not available at the time the study was initiated; however, when this edition is used, the reduction in trips would increase.

Operational analysis results of the Sunrise Boulevard/Birch Road and Birch Road/NE 9<sup>th</sup> Court intersections show that both facilities are operating well under current conditions and will continue to do so with the proposed project's traffic. He concluded that the study reflects an overall reduction in p.m. peak hour trips and meets the level of service (LOS) standard. The valet analysis, which was conducted in accordance with Institute of Transportation Engineers (ITE) procedures, shows that the six required valet spaces will be adequate to meet service standards, provided that three to four valet runners are available to process cars as they arrive and depart.

Ms. Fertig observed that the total peak hour trips show a change of (-3). Mr. Peterson confirmed that this was the total after the adjustments recommended in the letter of objection were made. Ms. Fertig pointed out that the Staff Report shows the beach trips generation as (-19). Mr. Peterson replied that this was the result of a change in the internalization factor to peak p.m. hours. He reiterated that the Applicant would be willing to update the traffic study using the 11<sup>th</sup> edition of the trip generation manual

rather than the 10<sup>th</sup> edition, as the 11<sup>th</sup> edition would result in a larger decrease in peak hour traffic.

Mr. Peterson continued that there are other factors that could have been applied to the Applicant's traffic documentation, including treating the hotel use as an all-suites facility rather than a standard hotel. The study also made no multimodal reduction for other means of transportation to and from the site.

Mr. Weymouth asked how the requirement of a specific number of valet runners would be regulated or monitored. Mr. Peterson replied that this figure was identified in determining the adequacy of the valet parking spaces to be provided. The number of runners needed during the peak hour was based upon the distance from the valet stand to the parking garage as well as processing time.

Ms. Fertig also addressed the limitation on outdoor amplified music, asking if the Applicant anticipated holding events on the hotel's rooftop amenity space. Ms. Chakas replied that the Applicant has agreed to limit the hours during which outdoor amplified music may be played to 11 a.m. to 9:30 p.m. on Monday through Thursday, 11 a.m. to 11 p.m. on Friday, and 10 a.m. to 11 p.m. on Saturday. These limitations do not coincide with the hours of operation for the rooftop restaurant, but are specific to amplified music.

Mr. Weymouth advised that he shared the concerns with amplified music, pointing out that the hotel is a commercial use within a multi-family residential area. He recommended that the ability of sound to travel over water be studied further in this case. Ms. Chakas stated that the Applicant has addressed this issue by agreeing to the limited hours for amplified music.

**Motion** made by Mr. Weymouth, seconded by Vice Chair Cohen, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

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

Bill Brown, president of the Central Beach Alliance (CBA), stated that the Applicant's developer first came before that organization's board, seeking neighborhood input, in July 2021. The project was presented to the CBA membership in August 2021, followed by a public outreach meeting in January 2022. The Applicant's team came back to the CBA membership in February 2022.

Concerns raised about the project by the CBA membership included traffic, drainage, and public safety response. The members also responded positively to proposed infrastructure improvements, streetscapes, underground utilities, and improvement of the storm sewer system and water lines. However, the project did not receive majority support by the membership in February 2022.

Ms. Fertig requested clarification that the CBA's position might have changed since the project was presented in February. Mr. Brown confirmed this, explaining that two of the four condominium projects immediately affected by the proposed project were in favor of it and have worked directly with the developer. Since that meeting, one more of the four condominiums is now supportive of the project.

Matt Cain, representing the Coconut Bay Resort condominium, advised that most unit owners are in favor of the proposal, as they feel it would improve property values.

Danny Dugan, representing the Sunrise East condominium, stated that this building is supportive of the project as submitted. He added that the hours in which amplified music may be played by the Applicant are more restrictive than the City requires. He characterized the project's surrounding area as blighted, and concluded that residents of his building are pleased that the Applicant plans to address this.

Pete Heckebuiker, president of the Sunrise East Condominium Association, reported that this condominium had first engaged in redevelopment of the subject property before it was sold in order to fully understand what is permitted on the site by zoning. This Association developed criteria for what they wished to see on the site and successfully negotiated all of these issues with the developer. They are in favor of the project due to drainage, public safety, and property value improvements.

Kristy Armada, attorney representing Le Club International Condominium Association, requested party status for her clients, who live one street away from the proposed development. This Association was required to receive notice of tonight's hearing under Code. Ms. Armada noted that the interests of the property owners she represents are different from those of other unit owners further away in the same neighborhood because they are more directly affected by the effects of the proposed project.

Attorney Wallen advised that a request for party status seeks the same treatment for these property owners as for the Applicant, which would give Ms. Armada the same amount of time for her presentation as the Applicant's team received, as well as the ability to call witnesses and cross-examine. Ms. Armada replied that her only request was to be allowed to speak for approximately 10 minutes, with up to three minutes reserved for her team's traffic consultant. Attorney Wallen stated that this was not the same as party status, and the request was at the Board's discretion. Chair Scott agreed to the requested time allotment.

Attorney Wallen requested that any materials provided to the Board as part of Ms. Armada's presentation also be provided to Staff so they may be included in the record.

Ms. Armada stated that Le Club is located one street south of the proposed development. Her clients' general objections include the size of the project, which they believe is too large for the proposed site. The site is 1.26 acre, with a width equal to "eight or nine perpendicular, not parallel, parking spaces," on which two 12-story

buildings will be constructed, with 100 hotel rooms and 54 residential condominium units respectively.

Ms. Armada continued that the prevailing theme of the Applicant's public participation meetings focused on the congested traffic conditions at the intersection of Sunrise Boulevard and Birch Road. Residents of Le Club currently have access to their building through two curb cuts on Sunrise Boulevard and another on Birch Road, and the Sunrise Boulevard/Birch Road intersection was described as "a bottleneck." The project will add significant traffic to this intersection.

At present, a one-story shopping center with six commercial uses, including two closed restaurant spaces, exists on the subject site. Traffic in the area is still a significant issue, which will be exacerbated by the addition of 100 hotel and 54 condominium units, plus a restaurant and bar.

Ms. Armada stated that the proposed project exceeds the density limits provided in the ULDR, which are listed in Section 47-12 as 48 residential units or 90 hotel rooms per acre. The residential and hotel units each provide 90% and 89%, respectively, of the maximum density allowed. She added that Section 47-12 does not permit "double-dipping" of this nature: development of residential use only would be limited to no more than 60 units, while hotel development only would be limited to 113 rooms. The total measurement of the project's size is fully applied to each category rather than half of its square footage to each category.

Ms. Armada continued that the project does not meet ULDR setback requirements other than those cited in Section 47-12.5.c.d, which lists Site Plan Level IV review as an exception. She pointed out, however, that Code "does imply or suggest" that the setback in this case should be 60 ft. or half the size of the building's height. While the City Commission is permitted to modify the setback requirement, Ms. Armada advised that they should only do so if the developer demonstrates that the proposed setbacks meet the ULDR's intent and protect nearby properties.

Ms. Armada continued that the project does not satisfy parking requirements. Under ULDR requirements, the project requires 212 parking spaces, while the developer has proposed 196 due to a shared parking analysis. The residential and hotel towers will share an underground parking facility with 206 spaces, 150 of which are tandem or lift spaces. She characterized this as meaning only 48 of the hotel and residential towers' parking spaces are standard. In addition, the valet stacking area has only six spaces, which can result in traffic backup onto NE 9<sup>th</sup> Court.

Ms. Armada described the Applicant's neighborhood compatibility review as evasive, noting that while the project is located within a RAC, many of the criteria for compatibility impose additional obligations on projects that abut residential properties. The developer has indicated that the project does not abut residential property, although it is surrounded by the Sunrise East, Carlton Tower, and Coconut Bay condominiums.



This is because the definition of “residential property” in the ULDR does not include the SLA zoning district in which these buildings are located.

Ms. Armada stated that because the developer has disregarded neighborhood compatibility requirements due to this definition of residential property, they have not met ULDR standards or the criteria for Site Plan Level IV approval and cannot be recommended to the City Commission for approval.

While the developer has submitted a traffic impact study which concludes the project would yield a negative number of trips, the fact that restaurants, which are the highest trip generator, have been vacant for years, was not accounted for in the study. Le Club engaged a separate traffic engineer to conduct a review of the Applicant’s traffic study, determining that the developer’s study does not deliver sufficient information to support its conclusion that the project would not adversely affect the surrounding roadway network.

Juan Calderon, also representing Le Club International, advised that the Applicant’s traffic study does not accurately reflect existing conditions and counts on and near the site. The existing land use the Applicant’s study applies shows very high numbers for existing conditions, while the actual data reflects very low numbers. This suggests there is a great deal of traffic currently generated for the site, although that is not the case. Mr. Calderon concluded that if the land use is removed from the existing conditions, there would be no negative numbers associated with net trips.

Vice Chair Cohen requested clarification of how these traffic count numbers would change. Mr. Calderon replied that instead of a change of (-3) spaces, the result may actually be +60. Ms. Armada noted that Mr. Calderon’s traffic report was attached to a letter the Board members had received.

Ms. Fertig observed that the total number of trips remaining on the barrier island is 74; the adjusted traffic analysis would remain within this limit, although it would be using roughly 60 of them. Mr. Calderon reiterated that once the land use used to generate the traffic study is removed, the number of trips becomes positive rather than negative. This also affects the findings of the intersection LOS analysis, traffic patterns, and valet parking analysis.

Mr. Ganon commented that if the project were not proposed, the shops and restaurants at the site would be open and in use, and the comparison would be significantly different.

Richie Baptista, private citizen, stated that he lives at Sunrise East. He presented photographs of the road beside his building, noting that his biggest concern at present is with speeding. He felt the proposed project would improve safety and beautify the area. He also suggested that the hotel use could serve to slow traffic on East Sunrise Boulevard.

Tim Schiavone, private citizen, stated that his business, the Parrot Lounge, is supportive of the proposed project and is encouraged by its potential economic impact. He noted that the developer had reached out to his business to address their concerns.

Tad Wootten, board member of the Carlton Tower condominium, advised that he had initially opposed the project; however, following the CBA meeting in February 2022, the Applicant had reached out to his condominium once more and resolved many of his and the other board members' concerns. He concluded that he was supportive of the project.

Steve Goodman, president of Le Club International, asserted that while he believed none of the other representatives of buildings in the subject area could say that they spoke for all of their buildings' residents, he was certain that 100% of Le Club residents oppose the project. While he agreed that the subject site is in need of redevelopment, he did not feel this was an appropriate plan for the site's size.

Mr. Goodman continued that hundreds of vehicles entering buildings in the area all use a single lane, and there is only one ingress/egress point onto Sunrise Boulevard. He expressed concern that the elevation necessary to fit two buildings onto the subject site would require termination of two existing curb cuts, which would mean all vehicles accessing the proposed project would need to enter a narrow dead-end street to do so. He also pointed out that providing parallel parking on the existing roadway would narrow it further.

Mr. Weymouth asked how wide a property would need to be in order to support a hotel. Mr. Goodman replied that this is more closely related to access to the property rather than to its width. He added that he was not aware of another hotel with similar density on a 100 ft. lot.

**Motion** made by Mr. Weymouth, seconded by Vice Chair Cohen, to extend this meeting to 12 o'clock. In a voice vote, the **motion** passed unanimously.

Mike Vandenburg, private citizen, stated that he is also a resident of Le Club. He clarified that he and other residents of his building were not opposed to developing the subject site, which he described as unsightly, but expressed concern with the proposed closure of the site's two curb cuts, which would affect the amount of parking that can be placed on the lot. He added that this would redirect traffic onto NE 9<sup>th</sup> Court, which is a dead-end street and would be likely to create traffic backup. He was also concerned for the pedestrian environment in an area with increased traffic, and concluded that the project's size was too big.

Bev Yanowitch, private citizen, advised that she is a resident of Le Club. She felt the project is too dense for its parcel, proposes insufficient setbacks and parking, has not met adequacy requirements, provided a flawed traffic impact study, and did not meet

neighborhood compatibility, particularly with regard to noise from the proposed rooftop bar. She cited other locations throughout the City where there have been complaints related to rooftop bars and Noise Ordinance enforcement.

David \_\_\_\_\_, private citizen, stated that he is a resident of Le Club. He noted that there is presently “no way” to exit Le Club due to heavy traffic, and expressed concern with traffic traveling through the subject site.

Robert Dean, president of the Carlton Tower board, advised that residents of his building were originally not in favor of the project due to traffic concerns; however, he now felt the proposed development would not have as significant an impact on its surroundings as previously thought. He concluded that the project would be an enhancement to the neighborhood.

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

Ms. Chakas addressed some of the items raised during public comment, noting the assertion by Le Club’s representative that the project would exceed density for the site. She pointed out that the location is within the RAC, which is unlike other areas of the City in that it allows for the layering of uses, permitting up to 48 residential units and 90 hotel rooms per acre. The project’s density is below these requirements.

With respect to setbacks, Ms. Chakas continued that the Applicant’s proposed setbacks are consistent with those of surrounding buildings as well as with the requirements of the SLA zoning district. This district provides a menu of setback options in Code.

Ms. Chakas continued that neighborhood compatibility Code for this area includes sections that do and do not apply to buildings abutting residential properties. An adjacent property may have a residential use but not meet the definition of a residential property as defined in Code. This definition includes specific residential zoning district designations and does not include RAC. Other provisions of neighborhood compatibility are specific to RACs and the beach, including rooftop decks with active uses.

Regarding traffic, Ms. Chakas recalled that it had been suggested that the restaurants currently on the site should not be included in the site’s trip generation summary. She characterized the summary as a snapshot, stating that it would be illegal to exclude these existing buildings even though they are not currently occupied.

Ms. Fertig requested clarification of the number of residents and hotel guests who would use the new single access point to the site. Ms. Chakas replied that the existing curb cuts to which she and others had referred were being eliminated because they do not meet FDOT’s current engineering standards. She did not know how many residents would be on-site, but reiterated that there would be 54 residential and 100 hotel units. She stated that the Applicant felt the single roadway access would be sufficient to

accommodate the buildings. In addition, she noted that the Sunrise Boulevard/Birch Road and 9<sup>th</sup> Court/Birch Road intersections included in the traffic calculations are currently operating at LOS A/B and A respectively.

Ms. Fertig also observed that there was no public comment provided from Bonnet House, and asked if the Applicant has received any indication of that entity's perception of the project. Ms. Chakas advised that the Applicant's team has met with Bonnet House representatives, whose primary concern had been assistance in facilitating plans for the improvement of Birch Road. She added that the hotel will not include meeting space.

**Motion** made by Mr. Barranco to approve the findings of fact tonight as well as Staff's conditions presented in our handouts here.

Ms. Chakas advised that the Applicant would dedicate three easements to the City, and wished to include the clarification that these will be non-exclusive easements, as they will overlap with some of the power lines the Applicant plans to relocate underground. Ms. Parker confirmed that Staff would agree to amending the language of the appropriate condition in the Staff Report to ensure the easements are non-exclusive.

Mr. Barranco **amended** his **motion** to include the following: so that the easements are non-exclusive.

Mr. Weymouth **seconded** the **motion**.

Ms. Fertig asked if Mr. Barranco wished to include more substantive language regarding noise control. Mr. Barranco replied that the Applicant has already discussed this in depth with residents of the area. Ms. Fertig stated that she felt other measures should be taken in addition to restricting the hours at which amplified music can be played from the site.

It was asked if the Applicant's voluntary restriction of the hours in which amplified music would be played was submitted as part of the Application. Ms. Chakas replied that it was not, although the Applicant made a commitment to this restriction with the project's neighbors and was willing to proffer this as an additional condition of approval. It will be included in the project's condominium documents.

Mr. Barranco further **amended** his **motion** as follows: to include the voluntary condition by the Applicant for the restriction on the hours [of amplified sound], as presented earlier. Mr. Weymouth **seconded** the **amended motion**.

It was further clarified that the easements which the Applicant had requested be made non-exclusive are those listed under Staff Conditions 4, 5, and 6.

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

6. **CASE:** UDP-Z22003  
**REQUEST:** \* \*\* Rezone 1.13 Acres of Land from Boulevard Business (B-1) and Residential Multifamily Mid Rise/Medium High Density (RMM-25) to Community Facility (CF)  
**APPLICANT:** City of Fort Lauderdale  
**AGENT:** Florentina Hutt, Keith  
**PROJECT NAME:** Fort Lauderdale Police Headquarters  
**PROPERTY ADDRESS:** 1300 W. Broward Boulevard and 1201 SW 1<sup>st</sup> Street  
**ABBREVIATED LEGAL DESCRIPTION:** Waverly Place Subdivision, Lots 1 Through 4 and Lots 15-28, Block 125  
**ZONING DISTRICT:** Community Facility (CF), Boulevard Business (B-1), and Residential Multifamily Mid Rise/Medium High Density (RMM-25)  
**PROPOSED ZONING:** Community Facility (CF)  
**LAND USE:** Community Facilities, Commercial, and Residential Medium-High  
**COMMISSION DISTRICT:** 2 – Steve Glassman  
**NEIGHBORHOOD ASSOCIATION:** Sailboat Bend Civic Association  
**CASE PLANNER:** Lorraine Tappen

Disclosures were made at this time.

Lorraine Tappen, representing Urban Design and Planning, advised that the request is for rezoning of 1.2 acres of land from Boulevard Business District (B-1) and Residential Multi-Family Mid-Rise/Medium High Density (RMM-25) to Community Facility (CF). The purpose of the rezoning is the proposed Police headquarters, which will be built to the east of the existing building. Without the rezoning, it is difficult to establish dimensional requirements for the redevelopment of the site.

CF zoning is compatible with the adjacent land uses in the area, and the Code section addressing neighborhood compatibility will ensure buffering requirements in the future. The 25 ft. setbacks required by CF zoning are also more generous than B-1 or RMM-25.

Ms. Fertig asked if the City reached out to the appropriate neighborhood association to discuss the Application. Mike Vonder Meulen, representing the City, replied that the development team has met with the Sailboat Bend Neighborhood Association three times, and have also made a presentation to the City's Historic Preservation Board (HPB), which recommended approval of the project.

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

Marc Dickerman, private citizen, stated that he is a resident of the Sailboat Bend neighborhood. He was not in favor of modifying the boundaries of this Historic District in order to exclude the Police Department, characterizing this behavior as “a slippery slope” that could lead other property owners to seek exclusion as well. He added, however, that he was supportive of forthcoming Agenda Items 6 and 7 and looked forward to construction of the new Police Department.

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 approve. In a roll call vote, the **motion** passed 8-0.

7. **CASE:** UDP-S21029  
**REQUEST:** \*\* Site Plan Level IV Review; Public Purpose Use for 191,000 Square-Foot Police Facility with Relief of Front Setback Requirement, Parking Reduction, and Conditional Use for Indoor Firearms Range  
**APPLICANT:** City of Fort Lauderdale  
**AGENT:** Florentina Hutt, Keith  
**PROJECT NAME:** Fort Lauderdale Police Headquarters  
**GENERAL LOCATION:** 1300 W. Broward Boulevard and 1201 SW 1<sup>st</sup> Street  
**ABBREVIATED LEGAL DESCRIPTION:** Valentine’s Subdivision B-29 D Lots 7 Through 9 Blocks 117 and 118 and Waverly Place Subdivision Lots 1-28 Block 125  
**ZONING DISTRICT:** Community Facility (CF), Boulevard Business (B-1), and Residential Multifamily Mid Rise/Medium High Density (RMM-25)  
**PROPOSED ZONING:** Community Facility (CF)  
**LAND USE:** Community Facilities, Commercial, and Residential Medium-High  
**COMMISSION DISTRICT:** 2 – Steve Glassman  
**NEIGHBORHOOD ASSOCIATION:** Sailboat Bend Civic Association  
**CASE PLANNER:** Lorraine Tappen

Disclosures were made at this time.

Evan Segal, representing the Applicant, advised that he is the architect of record for the City as well as the Police Department in this case. The existing facility will be maintained throughout construction of the new project, which created an issue regarding how to fit the proposed Community Center onto the site. There are three elements for which the City is requesting public purpose relief from zoning regulations, including a 17 ft. 10 in. front yard setback.

The City will comply with landscape requirements between Broward Boulevard and the subject building, as well as sidewalk requirements. Mr. Segal emphasized that the

request only affects the proposed Community Center: the rest of the building is set back 43 ft. from the property line, exceeding the required 25 ft. Because the headquarters building is adjacent to residential uses on 12<sup>th</sup> Avenue, the first floor is set back 37 ft. from the property line, and the second and third levels of the building are stepped back further. The project's parking garage also complies with the 25 ft. setback requirement on the south side.

The City is also requesting a parking reduction. Current Code requires one space for every 250 gross sq. ft. of space, which would total 750 cars. The City asks that this be reduced to 577 cars. An analysis of the current and future uses of the Police Department indicates that this will be sufficient for the facility.

The City also plans to include a shooting range for the Police Department on the second floor of the parking garage's south side. This facility complies with all zoning regulations. This facility will mitigate sound for neighbors to the property and will include appropriate ventilation systems.

Mr. Weymouth asked if the parking analysis considers the number of Police Officers who take their vehicles home and return to headquarters for briefings. Mr. Segal confirmed this, estimating that 60 ground floor parking spaces in the garage accommodate this use.

Mr. Weymouth also asked if the Police Department has been approached regarding the possibility of locating its call center within the new facility. Mr. Segal replied that this has not been discussed.

Chair Scott asked if there is any room in the building to which the call center could be relocated in the future. Mr. Segal advised that there is a space on the third floor where future growth could be accommodated, although he reiterated that use as a call center has not been considered. He was not aware of the dimensional requirements of a call center.

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

Lieutenant Adam Solomon of the Fort Lauderdale Police Department advised that he has been involved with this project since its inception, and thanked the Board for their consideration of the proposal.

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

**Motion** made by Mr. Weymouth, seconded by Vice Chair Cohen, to approve.

Attorney Wallen requested clarification of whether or not Mr. Weymouth's **motion** would include the conditions listed in the Staff Report. Mr. Weymouth confirmed that this was the case.

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

**8. CASE: UDP-T22002**

**REQUEST:** \* Amending 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 and Accessory Uses - Airport Industrial Park (AIP) District

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** General Aviation Airport and Airport Industrial Park Districts

**COMMISSION DISTRICT:** 1 – Heather Moraitis

**CASE PLANNER:** Karlanne Grant

Karlanne Grant, representing Urban Design and Planning, advised that the proposed Text Amendment would amend the ULDR to include the permitted and conditional uses within the General Aviation Airport and Airport Industrial Park zoning districts. The amendment would add a provision to allow for the Airport Advisory Board to recommend that the Planning and Zoning Board approve proposed uses not specifically listed in the use tables, subject to meeting the intent of the zoning district.

This request has been brought forth after frequent requests over the years to add uses to the above zoning districts which do not have adverse impacts but do not specifically align with the categories and use tables within those districts.

**Motion** made by Ms. Fertig, seconded by Mr. Weymouth, to approve.

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.

Attorney Wallen requested clarification that the **motion** was intended to include the conditions in the Staff Report. Ms. Fertig stated that the Staff Report is included in her **motion**.

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

**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.

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Chair

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Prototype

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