CITY OF FORT LAUDERDALE

PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, DECEMBER 20, 2023 – 6:00 P.M.

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	6	0
Brad Cohen, Vice Chair (arr. 6:05)	P	4	2
John Barranco	P	4	2
Mary Fertig	P	5	1
Steve Ganon	P	5	1
Marilyn Mammano	P	5	1
Shari McCartney	P	6	0
Patrick McTigue	P	6	0
Jay Shechtman	P	5	1

Staff
D'Wayne Spence, Deputy City Attorney
Bob Dunckel, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Urban Planner
Nancy Garcia, Urban Design and Planning
Michael Ferrera, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Leslie Harmon, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

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

~~Chair Weymouth called the meeting to order at 6:03 p.m. The Pledge of Allegiance was recited, and the Chair introduced the Board members present.~~

~~Vice Chair Cohen arrived at 6:05 p.m.~~

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

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

~~**Motion** made by Mr. Shechtman, 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.

IV. AGENDA ITEMS

Index

Case Number	Applicant
1. UDP-P23001* **	Full Gospel Church of Living God, Inc.
2. UDP-S23002**	Ocean Harbor Properties, LLC
3. UDP-Z23012* **	City of Fort Lauderdale
4. UDP-Z23013* **	City of Fort Lauderdale
5. UDP-Z23014* **	City of Fort Lauderdale
6. UDP-Z23015* **	City of Fort Lauderdale
7. UDP-PDD22003* **	PFL VII, LLC
8. UDP-Z23009* **	City of Fort Lauderdale
9. UDP-T23009*	City of Fort Lauderdale
10. UDP-T23007*	City of Fort Lauderdale
11. UDP-L23001*	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.

Chair Weymouth advised that an item not on tonight's Agenda was submitted to the Board for reconsideration and would be addressed later in the meeting.

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

9. CASE: UDP-T23009
REQUEST: * Moratorium to the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-19.3, Boats Slips, Boat Davits, Hoists and Similar Mooring Structures
APPLICANT: City of Fort Lauderdale
GENERAL LOCATION: Citywide
CASE PRESENTER: Robert Dunckel, Assistant City Attorney III

Assistant City Attorney Bob Dunckel explained that this Item is intended to ensure that the proposed moratorium Ordinance is consistent with the City's Comprehensive Plan. The Board is asked to make a recommendation on whether or not the City Commission should approve the proposed Ordinance. He provided the Board members with a handout including details.

Attorney Dunckel continued that the individuals who will present this Item have intimate knowledge of the navigational hazards the City hopes to address with the proposed Ordinance.

Phil Purcell, representing the Marine Industries Association of South Florida (MIASF), explained that the marine industry generates approximately $9.8 billion in Broward County. Each tugboat operating on the 6.5 miles of the New River has an annual operating budget of roughly $3.5 million, including crew and maintenance. These vessels, as well as other major investments on the New River, are challenged by "choke points" that occur on the waterway and impede safe navigation.

Mr. Purcell advised that the request before the Board would have construction remain within the limits of what is allowed by Code and would also consider the location of the New River's navigational channel. The intent is to have standard operating procedures in place which will allow the marine industry and its investments on the waterway to continue to grow for the benefit of the community.

Courtney Day, owner/operator of Cape Ann Marine Towing, showed a video of a tugboat navigating the New River. With more encroachment on the waterway from very large vessels, the more difficult it can be to travel up and down the river, particularly when making turns. There are fewer and fewer areas where commercial vessels such as tugboats can pass other vessels.

Steve Witten, chair of the City's Marine Advisory Board (MAB), stated that the MAB began working toward a moratorium approximately 18 months ago, as they were concerned the New River would be choked off by continued construction and intrusion into the waterway as a result of requests for larger and larger boat lifts. Roughly one year ago, the MAB requested that the City Commission consider enacting a one-year moratorium on construction on the New River, which would provide time to evaluate what is being done and preserve the integrity of the waterway.

Mr. Witten asserted that the New River has shrunk over time, and the beams of boats on the waterway have become wider. There are rocks in some areas of the waterway, and the City is in the process of having a new bathymetric study done to clarify where vessels may "lay over" on the waterway. These issues make it more difficult for marine industries to operate on the New River.

Mr. Shechtman asked if the MAB has considered requiring further definition of the term "extraordinary circumstances," which are used to justify waivers for dock length and other structures. He pointed out that because this term is not clearly defined, individuals may use "any logic" to explain why they may need a waiver. Deputy City Attorney D'Wayne Spence advised that the moratorium is being requested so City Code can be evaluated to determine whether or not there is a need for Code amendments. The moratorium pauses the issuance of additional waivers and provides an opportunity to address any issues through the planning process. Future Code amendments will address issues such as the definition of terms.

Mr. Witten added that the MAB plans to work with members of the City Attorney's Office and to provide opportunities for public outreach. He anticipated that over the next few months, they will determine the outline of what they would like to see on the New River.

Ms. Mammano requested clarification that the moratorium would be placed on the granting of waivers. Mr. Witten confirmed this, explaining that if a homeowner wished to construct a dock within the limits of current Code, they would not be affected by the moratorium. He emphasized that the moratorium would affect construction only on the areas of the New River identified on a map before the Board, which include the Spiro Canal/Marker 10 area as well as areas moving toward marine yards on the west side.

Mr. Shechtman noted that the proposed Ordinance states the City Commission may still issue waivers under extraordinary circumstances. Attorney Dunckel advised that the moratorium addresses Code Section 47-19.3.e, which would pause construction on the western New River only. It would not affect the Intracoastal Waterway or the City's canals.

Mr. Witten observed that by the year 2050, homeowners on the waterway will be required to raise the height of their seawalls. If a barge cannot access the waterway to perform this work, seawalls cannot be raised. He added that there are some large barges which already have difficulty navigating parts of the New River.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Fertig, seconded by Mr. Shechtman, "to recommend approval of Case Number UDP-T23009, and the Board hereby finds that the text amendments are consistent with the Comprehensive Plan."

Ms. McCartney asked what would happen after the one-year moratorium. Attorney Dunckel replied that the City hopes to bring forward an Ordinance to present to the Board which will implement solutions to the problems the moratorium aims to address. If there is no such Ordinance within 12 months, there may be a request to extend the moratorium.

In a roll call vote, the **motion** passed unanimously (9-0).

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

~~7.~~ **~~CASE:~~** ~~UDP-PDD22003~~
~~REQUEST: * **~~ ~~Site Plan Level IV Review: Rezoning Request from County Hotel R-6 District~~
~~(County R-6) and County One-family District (County R-1-C) to Planned Development District~~
~~(PDD) with an Associated Site Plan for 298 Hotel Rooms, 340 Multifamily Residential Units, and 4,717 Square-Feet of Commercial Use~~

~~APPLICANT:~~ ~~PFL VII, LLC~~
~~AGENT:~~ ~~Nectaria Chakas, Lochrie and Chakas, P.A.~~
~~PROJECT NAME:~~ ~~Westin/Aura Cypress Creek~~
~~ADDRESS:~~ ~~200 and 400 N. Corporate Drive~~
~~ABBREVIATED LEGAL DESCRIPTION:~~ ~~Shell at I-95 102-25 B POR TR 1 TOG WITH PT of Vacated Canal~~
~~ZONING DISTRICT:~~ ~~County Hotel R-6 District (County R-6) and County One-family District (County R-1-C)~~
~~PROPOSED ZONING:~~ ~~Planned Development District (PDD)~~
~~LAND USE:~~ ~~Mixed Use~~
~~COMMISSION DISTRICT:~~ ~~1 – John Herbst~~
~~NEIGHBORHOOD ASSOCIATION:~~ ~~N/A~~
~~CASE PLANNER:~~ ~~Lorraine Tappen~~

~~Disclosures were made at this time.~~

~~Nectaria Chakas, representing the Applicant, recalled that the subject site has come before the Board a number of times, including hearings addressing a Land Use Plan Amendment. The site was annexed from Broward County and had retained its County land use and zoning designations, which were changed from Residential to Mixed Use. There were also text amendments for the site.~~

~~The site first came before the Planning and Zoning Board for a Land Use Plan Amendment and text amendments, which were approved by the City Commission in June 2023. The final step in the Land Use Plan Amendment (LUPA) process was finalized in September 2023, when the Broward County Planning Council certified the City's Comprehensive Plan. The subject site now appears as Mixed Use on the new land use map.~~

~~The~~ ~~Applicant proposes to change the site from R-6 and R-1-C, which are County zoning designations that no longer exist in Broward County, to a City zoning category. The zoning category which best implements mixed use is PDD, and will include the existing Westin Hotel on the north end of the site. The 14-story, 298-room hotel will remain as is, with ancillary restaurants and meeting space. The new section of the site, which will replace the parking lot, will include a 10-story parking garage, which will house parking~~

~~for the new hotel and residential units. 340 residential units are proposed in a 12-story building, with 51 units, or 15%, to be set aside for affordable housing. The remainder of the units will be market rate.~~

~~In addition to the residential use, 4717 sq. ft. of ground floor commercial uses are proposed for the building. Ms. Chakas reviewed the area, which will include a walking trail as well as two privately owned public spaces, a linear park and a commons park. These spaces will be granted to the City through public purpose and park easements, which will be memorialized in a development agreement to be approved by the City Commission.~~

~~The proposed building is 12 stories in height, but includes significant movement, including recesses, terracing, curved balconies, and other features providing variation to the façade. Ms. Chakas showed multiple views of the site, noting that the proposed garage will provide parking for both the residential and hotel units. The hotel and residential units will have separate entrances to this garage. A three-story cutout will allow light and air to move between the buildings and provide an appearance of separation.~~

~~Three public areas will be granted to the City through easements: a linear park, a commons park, and a walking trail of one quarter-mile to one half-mile in length. The trail will be granted to the City as a pedestrian promenade. The linear park will include furnishings and sculptural earth work. The commons park, which is located between the hotel and parking garage, will also incorporate sculptural earth work, as well as specialty paving, plantings, and furniture. It is intended to be used by residents, hotel guests, and the public. The walking trail circulates around the buildings. A dog park will also be incorporated into the project.~~

~~The Applicant has worked with City Staff to amend a number of conditions of approval. Ms. Chakas characterized these amendments as primarily affecting the timing of some of these conditions. She distributed a list of the revised conditions of approval to the Board members, noting that Staff is in agreement with them. The conditions affect the timing of requirements for the development agreement and easements. The development agreement will be a condition of final Development Review Committee (DRC) approval.~~

~~Ms. Chakas noted that one condition was inadvertently omitted from the list. This condition required the developer to pay a proportionate share to the City for some road improvements.~~

~~Ms. Mammano noted that one condition of PDD zoning requires significant improvements to the property which are available to the public. She expressed disappointment that there appeared to be only one entrance to the site from the public sidewalk, which leads into the linear park. Ms. Chakas advised that there are access openings from Cypress Creek Road and Corporate Drive. She added that the Applicant is amenable to the inclusion of signage at these access points which indicate that the space is open to the public. Ms. Mammano asserted that she would like to see this signage added to the access points.~~

Ms. Mammano also asked if the Applicant has determined the hours in which the public space will be open, as well as the actual dimensions of the parks. Ms. Chakas advised that the Applicant has provided an open space diagram in their application package. The walking trail is a 5- ft.- wide sidewalk path. The easement applies to the sidewalk only and not to any adjacent landscaping.

Ms. Chakas added that the open space diagram provided in the Application is slightly more than what the Applicant would be giving the City. They will work with City Staff to come up with a more accurate diagram before the Application goes before the City Commission.

Ms. Mammano explained that her concern was that the Board is asked to approve the Application without seeing the open space diagram or knowing the dimensions and location of the areas dedicated as open space. She requested assurance from Staff that this documentation will be provided to the City Commission before they are asked to approve the Application. It was confirmed that this could be done.

Ms. Mammano also addressed the affordable units, asking if these are provided "under some program" or by the developer's decision alone. Ms. Chakas replied that the developer made the decision to include these units as part of the LUPA in order to show the County that they recognized the ongoing crisis of affordable housing. The Applicant was not asked to include the affordable units.

Ms. Mammano reiterated that she wished to know the program under which the units would be provided, as well as the entity responsible for monitoring the provision of affordable units and the applicable income criteria. Ms. Chakas stated that the units will be available at between 80% and 120% of area median income (AMI), which is $88,500/year. The units will be affordable for a period of at least 30 years. A document has already been recorded in public records as part of the LUPA, and is included in the Board's backup materials. It constitutes another public purpose component to the project.

Ms. Fertig requested clarification of the total acreage of the site's public spaces. Ms. Chakas replied that while she did not have this information at hand, it will be quantified before the Application goes before the City Commission.

Ms. Fertig also requested more information regarding parking. Ms. Chakas advised that a parking reduction to 0.67 space per room is requested for the hotel. The hotel has indicated that they need only 200 spaces. The Applicant's traffic consultant conducted monitoring of the site during a hotel event in June 2023 and confirmed that the greatest parking demand was approximately 180 spaces at that time.

In addition to the hotel parking reduction, City Code allows parking reductions for affordable housing units. The 51 affordable units will be parked at one space per unit

instead of the standard 1.75 spaces per unit. The market-rate units will be parked according to Code requirements.

Ms. Fertig commented that the backup materials show that the 188 studio/one-bedroom units would require 329 spaces, while the Applicant plans to provide 240 spaces. Lorraine Tappen, representing Urban Design and Planning, noted that an updated version of the Staff Report has been provided to the Board members. The updated report includes a number of corrections, including:

- P. 1: Applicant's name has been updated to PFL VII, LLC
- P. 2: 180-day expiration date has been updated to May 22, 2023, with an extension until January 9, 2024
- P. 7: the proposed development proposes 835 parking spaces, surpassing the analyzed demand by 17 spaces; there will be 137 studio/one-bedroom units, 134 two-bedroom units, and 18 three-bedroom units; this reflects a ratio of 1.75 spaces for studio/one-bedroom units and two spaces for two-bedroom units
- P. 9: revised conditions include:
    - Pursuant to Unified Land Development Regulations (ULDR) Section 47-38.a, Park Impact Fees, the Applicant will be required to pay park impact fees for the proposed residential units, less any applicable credits, consistent with the ULDR Section noted above
    - Condition 4.a was updated prior to final DRC approval record of a unified control document recorded in the public records of Broward County, encompassing the PDD land area
    - Prior to issuance of a final Certificate of Occupancy (CO) recorded in the public records of Broward County, any required non-exclusive utility easements and non-exclusive easements for public open space for the area shown on the PDD development plan
    - Prior to final DRC, a development agreement must be recorded with the City which includes permitted uses and provisions for the construction of the public improvements, including public open space and streetscape improvements according to the approved
- Prior to issuance of the building permit, other than site permits, Applicant shall be required to pay $14,567.98 to the City of Fort Lauderdale's Transportation and Mobility Department for their proportional share of two turn lane extensions

Ms. Chakas further clarified that the Application is expected to go before the City Commission for first reading in January 2024, followed by a second reading in February. The deadline can be further extended until February 10, 2024 as a voluntary condition by the Applicant.

Ms. Mammano requested clarification of the condition that would ensure when the site's open space becomes available to the public. Ms. Chakas stated that once the open space has been completed and the final CO is issued, this space would be available.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Fertig, seconded by Mr. McTigue, to include the Staff Reports on any Item where applicable without hearing from the Staff, including tonight, with any corrections that may be presented. In a voice vote, the **motion** passed unanimously.

Motion made by Ms. Mammano, seconded by Vice Chair Cohen, "that the Planning and Zoning Board approves the Application and determines that the proposed rezoning and Site Plan Level IV Application meets the standards and requirements of the ULDR and criteria for Site Plan Level IV review; Planning and Zoning Board shall recommend approval with conditions necessary to ensure compliance with the standards and requirements of the ULDR and criteria for the proposed rezoning associated development to the City Commission, with the following conditions, and it's all of the revised conditions that we have seen tonight, plus I would like to add a condition that all of the entrances to the publicly accessible open space from the public rights-of-way have signage indicating that the public is welcome and the hours in which the public will be able to use those spaces."

Ms. Mammano continued that she would also like her **motion** to include the Applicant's voluntary agreement to provide 51 units of affordable housing. It was noted that this is already included in the conditions.

It was asked if the condition offered by Ms. Chakas, in which the Applicant voluntarily agreed to provide the City with an extension to approve or deny until February 10, 2024, would be included as well.

Attorney Spence advised that under Florida Statute 166.0141, rezonings must be conducted at public hearings, and there is not sufficient time to advertise the two public hearings for the time frame cited above. The Applicant would need to waive this to provide additional time for a second public hearing, as the first hearing cannot be January 9, 2024.

Ms. Chakas suggested that the first reading in January 2024 could be scheduled for the second City Commission meeting of that month, with the second reading to take place at the first City Commission meeting in February 2024. She felt the proposed extension to February 10, 2024 would be more than sufficient.

Ms. Fertig commented that emergency conditions could further delay the process, and suggested that the extension be made until March 1, 2024. It was determined that the extension would be to the second City Commission meeting in February 2024.

Ms. Mammano asserted that she would like this condition to be added to her **motion** as follows: "that the Applicant agrees to waive the public hearing until the second meeting

in February. Attorney Wallen clarified that this would mean the Applicant voluntarily agrees to provide the City with an extension under Florida Statute 166.033 until February 20, 2024, which is the date of the second City Commission meeting in February."

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

In a roll call vote, the **motion** passed unanimously (9-0).

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

2. **CASE:** UDP-S23002
   REQUEST: ** Site Plan Level III Review: Conditional Use for Increased Building Height Exceeding 120 Feet East of Intracoastal, Waterway Use, and Yard Modification Request for 36 Multifamily Residential Units
   APPLICANT: Ocean Harbor Properties, LLC.
   AGENT: Stephanie Toothaker, Esq.
   PROJECT NAME: Ocean Harbor Residences
   ADDRESS: 3013 and 3019 Ocean Harbor
   ABBREVIATED LEGAL DESCRIPTION: Lot 11, Ocean Harbor, According to Plat Thereof, Plat Book 26, Page 39
   ZONING DISTRICT: Residential Multifamily High Rise/High Density District (RMH-60)
   LAND USE: High Residential
   COMMISSION DISTRICT: 4 – Warren Sturman
   NEIGHBORHOOD ASSOCIATION: Harbor Drive Civic Association
   CASE PLANNER: Jim Hetzel

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, stated that there are currently 24 units in the buildings located at 3013 and 3019 Ocean Harbor. The proposed project would increase this number to 36 units.

Ms. Toothaker pointed out that the subject property, and the properties surrounding it, have a land use of High Residential, which means they may house up to 60 units per acre. This land use plan has been in effect for some time. The site's zoning is RMH-60, which permits up to 60 units per acre.

Ms. Toothaker continued that the subject property is "on the line" between RMH-60 and SBM-HA zoning. Properties developed to its east, including the Bahia Cabana and Bahia Mar projects, are SBM-HA. She reiterated that the subject site itself is zoned RMH-60.

Ms. Toothaker noted a number of relevant nearby buildings, including Bahia Cabana and Harbourage Place. She added that an older project was previously approved for the

subject site under older Code requirements, which have since been amended. The current Code allows greater height than what was previously permitted.

The proposed project complies with nearly every aspect of Code, including minimum lot size, maximum structure length, minimum lot width, minimum floor area, minimum landscaped area, required parking, and maximum density. The maximum height permitted on the site is 240 ft., of which 120 ft. are permitted by right. Code provides specific criteria by which an applicant may request up to 240 ft. of height. It was also noted that while up to 240 ft. of height is permitted to the east of the Intracoastal Waterway, up to 300 ft. of height is permitted to the west of the waterway under RMH-60 zoning.

The Applicant requests setback modification for the proposed project. Ms. Toothaker noted that Code requires a project to request modification for any setback that is less than half the height of the building. Because this requirement would create a setback of 120 ft. on both sides of the proposed building, no building could be constructed on the lot. The Applicant proposes a minimum setback of 20 ft. at the building's base level in order to preserve view corridors to the Intracoastal Waterway.

The requested front setback is 26 ft. 7 in., while the requested east setback is 21 ft. 5 in. On the west side, the request is for 20 ft. 11 in., and the rear setback is requested at 26 ft. 3 in. At the building's higher levels, its balconies extend past the podium, which means setbacks would be slightly smaller at these exterior spaces.

Bernardo Fort-Brescia, architect for the Applicant, reviewed the proposed Site Plan, pointing out that vehicles are brought into the property so they are not lined up at the street. The site includes a recessed arrival area with fully internalized queueing, as well as a direct pedestrian entrance into the lobby. Parking is not blocked by any external traffic.

View corridors are in place on both sides of the site, providing views to the Intracoastal Waterway. These areas will be landscaped. The site includes a garage concealed within a sculptured podium with planting and undulation. The lobby includes curved glass and transparency, further opening the vistas to the water.

Mr. Fort-Brescia showed a number of views of the property, including waterway and night views.

Ms. Toothaker addressed the criteria for the Application, noting that any waterway uses come before the Planning and Zoning Board. The project satisfies Section 47-23.8 of the ULDR, which requires that buildings and land uses abutting waterways must be designed to preserve the character of the city and neighborhood in which they are located, harmonize with other development, and protect and enhance the scenic quality and tranquility of the waterways.

Ms. Toothaker also referred to the conditional use section of Code, noting that the Staff Report states the project will enhance the site and provide improvements along the Intracoastal Waterway. It also states the proposed use is compatible with the surrounding neighborhood, and that the project is designed to be harmonious with that neighborhood. The development will provide access from Harbor Drive and will have minimal impact on the transportation network, with a minor increase in traffic due to the net increase of 12 units.

The location or use of the structure is not in conflict with the City's Comprehensive Plan. Off- and on-site conditions exist which reduce any impact of the structure. Ms. Toothaker noted that the proposed project will remove existing backout parking as well as existing buildings which are in poor condition. The new building will meet modern building and hurricane Codes and will provide wide sidewalks on its portion of Harbor Drive.

On-site improvements have been incorporated into the Site Plan, which minimize any adverse impacts that may result from permitting the structure. The project will include streetscape and sidewalk improvements, defined access points for the garage, and moving traffic from Harbor Drive into the garage. Proximity to a similar use does not affect the character of the zoning district, as the site is surrounded by other RMH-60 developments except on the east, where SBM-HA zoning exists. There are no adverse impacts of the use which would affect the health, safety, or welfare of residents.

The project satisfies yard modification criteria, and the proposed design provides for well-defined entrances and improved landscaping. The front yard will contribute to the public realm by adding sidewalks and removing backout parking. The units are two-, three-, and four-bedroom condominium units.

The project satisfies neighborhood compatibility requirements, as the proposed height of 240 ft. is specifically permitted in its zoning district and is compatible with surrounding zoning districts. Setbacks, fenestration, and mass are believed to be compatible with the neighborhood.

The project will have the traffic impact of one net new p.m. trip. It meets water and wastewater capacity requirements.

The Applicant held a large number of public participation meetings, inviting all adjacent neighborhoods to attend. They have met with the Harbourage Place condominium association and held virtual public participation meetings which invited residents of Harbor Beach, Harbor Inlet, Harbourage Place, Villa Madrid, and Bahia Vista. Although the project lies outside the boundaries of the Central Beach Alliance, they also presented to that organization through one virtual and one general membership meeting. Ms. Toothaker noted that Harbourage Place provided a letter of support for the project.

Ms. Toothaker noted that the Applicant has made a number of commitments to Harbourage Place, which are reflected in a letter of conditions. The Applicant has also

recently received a list of requested conditions from Villa Madrid. Ms. Toothaker advised that the Applicant is voluntarily agreeing to those conditions as well. These agreements include the following:

- Developer shall clean the parking lot regularly and wash that area as needed
- Developer shall clean the cars and pool area once per month
- Pool filters shall be replaced and any damages repaired at developer's expense
- Developer's general contractor shall screen and protect the west side of the property abutting Villa Madrid as needed and permitted by the City
- Developer shall install a fence, with height subject to the City's approval, on the west side of the property
- Developer shall clean the exterior of the buildings to the west every three months or when required

Eduardo Pelaez Romer, Applicant, introduced himself to the Board.

Ms. Mammano asked why the developers had decided to place a landscape buffer on the side of the project facing Bahia Cabana and the loading dock on the side facing existing residential uses, asking if there had been consideration of flipping these locations. Mr. Fort-Brescia replied that the traffic consultant felt large trucks should maneuver further into the site.

Jim Hetzel, Principal Urban Planner, noted a correction to p.2 of the Staff Report: the first sentence of the first paragraph under "Waterway Use" should include the number 47 for Section reference. This number should also be included in the third paragraph.

Ms. Fertig requested additional information on how Staff had found the proposed project to be compatible with surrounding buildings. Mr. Hetzel replied that the property to the east is located within a Regional Activity Center (RAC) associated with the beach, and its design is very compatible with the proposed building. To the south, in the RMH-60 zoning district, is an existing 12-story hotel. There is an existing six-story residential development on the south side of Harbor Drive, bounded on one side by Bahia Cabana and on the other by a lower-scale two-story residential building.

Ms. Fertig expressed concern that there were no nearby developments of 240 ft. Mr. Hetzel advised that there is another project on Harbor Drive which is 240 ft. tall. While it is "around the bend" from the proposed project, it is considered to be in its vicinity.

Ms. Mammano observed that if the Bahia Cabana building already existed, it would be compatible with the proposed project; however, there is no guarantee that the Bahia Cabana project will be constructed. She expressed concern with making a compatibility finding based on a structure that may or may not be built.

Mr. Ganon stated that he was also concerned with height, as Harbourage Place is the only building of comparable height. He recalled that after that building's height was approved, it had galvanized a number of activists to work toward ensuring similar

approvals did not happen again. He felt allowing 240 ft. in height would allow other projects with RMH-60 zoning to build to similar heights, and asked if this was really what the City wanted to see, as the area transitions downward in height to single-family homes of one to two stories.

Mr. Hetzel advised that the increase of height up to 240 ft. is permitted in RMH-60 zoning. The Board makes a determination on its compatibility using technical analysis provided by Staff, which is tied to conditional use. He noted that the conditional use section of the Staff Report addresses these technical elements, which Staff has found meet the criteria for conditional use.

At this time Chair Weymouth opened the public hearing.

Cindy Long, private citizen, stated that the proposed project is not compatible with the surrounding neighborhood, pointing out that while there are some six- and seven-story buildings in the area, there are even more two-story buildings. While she was in favor of development on Harbor Drive, she expressed concern with the potential for setting an unwanted precedent for setbacks, shadows, and height.

Rodney Fenstermacher, private citizen, was also concerned with the proposed project's neighborhood compatibility. He spoke in favor of transition between heights on Harbor Drive rather than a series of tall buildings. He concluded that the Applicant did not hold a meeting with Villa Madrid residents in which there was discussion of the proposed project rather than presentation only.

It was asked if the permitted height of 120 ft. would be satisfactory to Villa Madrid residents, although there would also be shadows cast by that height. Mr. Fensternacher reiterated that the Applicant had not heard input from the residents of his building.

Ms. Mammano asked if Mr. Fenstermacher felt he could live with the effects of a 120 ft. building next door. Mr. Fenstermacher replied that he was in favor of "more reasonable" height.

Babs Byers, representing the property management company for Villa Madrid, stated that an item was left off the list of voluntary conditions by the Applicant mentioned earlier in the Applicant's presentation. She requested that the Applicant add pest control to that list of conditions, effective immediately.

Ms. Mammano asked if the Villa Madrid is a co-op. Ms. Byers confirmed this, further clarifying that the Villa Madrid's board of directors is divided in its opinion of the Application.

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

Vice Chair Cohen asked how many units are included in the Villa Madrid property. It was clarified that there are 22 units, 15 of which are under contract. Ms. Toothaker added that the Applicant was agreeable to the request for pest control. She reiterated that the Applicant also agrees to the list of voluntary conditions she had read earlier.

Ms. Mammano addressed the Staff Report, stating that because the proposed height of 240 ft. is permitted by conditional use rather than by right, she did not believe this height was appropriate for comparison. She felt it was more appropriate to use the permitted height of 120 ft. by right when comparing heights within the area.

Ms. Mammano continued that the first criterion for conditional use states the impact of the proposed development on abutting properties must be evaluated by neighborhood compatibility. She asserted that the proposed project did not meet this criterion, as the Bahia Mar project to which it is compared is across the waterway. In addition, the Bahia Mar project only received its 300 ft. height because it is a PDD development and made significant public contributions. She felt the appropriate height for comparison would be 160 ft.

Ms. Mammano also expressed concern that the project's balconies would encroach further into the already reduced side hard, stating that she could not support that encroachment.

Ms. Mammano continued that while the use is compatible and permitted, and there are no compatibility issues with traffic or with the City's Comprehensive Plan, the modifications requested by the developer are based on site constraints and the provision of visual interest consistent with emerging development patterns. She did not believe this was relevant to the site's conditions.

Ms. Mammano referred to the Staff Report, which states that the site's use and proximity to similar uses do not affect neighborhood character. While the use is compatible, she did not feel this was the case for the structure itself due to its significantly greater height and width. She concluded that the project is excessively tall, which could have been addressed by including more units per floor, and reiterated her concern with the encroachment presented by the balconies, for which there is no public purpose other than accommodation of luxury apartments. She suggested that the size of the units themselves could be decreased slightly to prevent this encroachment.

Ms. Fertig expressed concern with the conditional height of 240 ft., which she felt would dramatically change the appearance of the subject area. She asserted that if this is done, it should be accomplished through a "deliberate zoning decision" to do so rather than on a property-by-property basis. She did not feel the project met neighborhood compatibility requirements.

Ms. Toothaker stated that neighborhood compatibility is not defined by existing conditions, but by what is potentially permitted by zoning. She added that it is likely Villa

Madrid will also be redeveloped in the future, and recommended that this be taken into consideration when reviewing compatibility.

Ms. Toothaker continued that when a property is purchased in the RMH-60 zoning district, its owner may ask for conditional use approval if specific criteria are met. Ms. Mammano did not agree with this interpretation of zoning.

Mr. Barranco also addressed compatibility, pointing out that when a property is not developed to its full potential, it can be considered in comparison to height either by right or by conditional use. If 60 units per acre are permitted, he felt the developer should be allowed to consider a greater height without being hampered by an adjacent property that has not developed to its full potential height.

Mr. Barranco continued that the shadow studies included in the Board members' backup information showed that an adjacent building is shadowed by a two-story property as well as by the proposed 240 ft. building. He also requested more information from Staff regarding how balconies are permitted within setbacks. Mr. Hetzel confirmed that Code permits front and side yard encroachments from balconies.

Ms. Mammano asked for additional information on encroachments from balconies. Mr. Hetzel clarified that they may encroach 5 ft. into front yard setbacks and 3 ft. into side yard setbacks. Ms. Mammano pointed out that the proposed balcony encroachments are 3 ft. "at the very front" and nearly 10 ft. in other areas.

Mr. Barranco requested clarification of the project's proposed open space calculations. Mr. Hetzel replied that there is a 35% open space requirement. The definition of open space includes both pervious and impervious elements and does not include driveways. Mr. Barranco cautioned that the Application's calculation of open space may include driveways, and recommended that Staff review this further.

Ms. Fertig proposed that the Board set aside future time to discuss neighborhood compatibility at greater length, as she felt there should be more consistency between what is permitted in a zoning district and what the Board may permit. She reiterated that she did not believe the Application met conditional use criteria.

Ms. Mammano pointed out that the developer in this case proposes to build 36 units, and has chosen to make those units and their balconies very large rather than reducing their size to decrease the encroachment into setbacks.

Vice Chair Cohen observed that while there are 22 units in Villa Madrid, only two unit owners from that property had spoken at tonight's meeting, nor had other residents of the subject neighborhood. He added that if the proposed units were smaller, their design would differ significantly from what was presented. He also characterized the Harbourage development as being close to the proposed project, and noted that the two

developments are similar. He also felt it was unlikely that future developers will choose to construct smaller units in the same neighborhood.

Mr. Hetzel clarified that the Bahia Cabana building is located in a RAC zoning district, and its developer did not request greater height than 120 ft. RAC zoning differs from the RMH-60 zoning for the proposed project.

Motion made by Vice Chair Cohen "to adopt the Resolution plan approving the Site Plan Level III, Case Number UDP-S23002, based on the following findings of facts and the City report and testimony heard by the Applicant, the Board hereby finds that the Application meets the standards and requirements in the ULDR and the criteria for proposed use as cited in the Resolution, and the approval of the Application is subject to all the conditions, including the City Staff Report."

Attorney Wallen asked if the Vice Chair's **motion** also accepted the conditions proffered by the Applicant on the record. Vice Chair Cohen confirmed that it was his intent to include those conditions in his **motion**.

Mr. McTigue **seconded** the **motion**. In a roll call vote, the **motion** passed 6-3 (Ms. Fertig, Mr. Ganon, and Ms. Mammano dissenting).

Attorney Wallen requested that Ms. Toothaker provide Staff with a copy of the list of voluntary conditions cited earlier during discussion of the Item.

1. **CASE:** UDP-P23001
   REQUEST: * ** Plat Review
   APPLICANT: Full Gospel Church of Living God, Inc.
   AGENT: Elizabeth Tsouroukdissian, Pulice Land Surveyors
   PROJECT NAME: Bal Harbour Village Plat
   ADDRESS: 2201 NE 19th Street
   ABBREVIATED LEGAL DESCRIPTION: 25-49-42 That Portion of GOVT Lot 5 East of Federal Highway
   ZONING DISTRICT: Residential Single Family/Low Medium Density District (RS-8) and Boulevard Business District (B-1)
   LAND USE: Low-Medium Residential and Commercial
   COMMISSION DISTRICT: 1 – John Herbst
   NEIGHBORHOOD ASSOCIATION: N/A
   CASE PLANNER: Nancy Garcia

Elizabeth Tsouroukdissian, representing the Applicant, stated that the request is for plat approval which would subdivide the subject property, which is currently occupied by a house of worship. The developer proposes to build seven single-family homes and one office use on the site.

Disclosures were made at this time.

Ms. Tsouroukdissian advised that Site Plan approval is not part of the current Application. She showed a PowerPoint presentation on the Application, adding that the office use is proposed for the portion of the site which is zoned Commercial rather than Residential. Each single-family residence will be constructed with its own building permit.

Ms. McCartney requested clarification of the size of the residential lots. Cabot Edewaard, property owner, replied that the lots range in depth from 128 ft. to 140 ft., with a minimum width of 75 ft. They are all approximately 10,000 sq. ft. The lots meet all necessary criteria and follow underlying zoning within the RS-8 zoning district.

Mr. Barranco asked why the Applicant chose office use for a portion of the subject site. Mr. Edewaard explained that the area includes a number of commercial uses; office use generates the fewest number of trips and was likely to be "least offensive" to the surrounding neighborhood by creating a barrier between commercial and residential uses.

At this time Chair Weymouth opened the public hearing.

James Flavell, private citizen, advised that the Bal Harbour neighborhood has a single gated entrance and is adjacent to the proposed office use on the subject site. He characterized the neighborhood as "besieged by development," and expressed concern that no changes have been proposed to traffic in the area, which is already congested.

Mr. Flavell continued that he had communicated his concerns to City Commissioner John Herbst, who had indicated that the City was interested in purchasing the subject land. He suggested that the land could be used as park space rather than placing a commercial structure adjacent to the gatehouse. He expressed concern for the neighborhood's increasing density.

Mr. Ganon asked if the church currently located on the property had generated significant traffic. Mr. Flavell replied that the church had been a quiet neighbor and its traffic had been manageable.

Mr. Shechtman asked why the office portion of the lot had not also been made residential. Mr. Edewaard replied that the space is not zoned for residential development. He added that no office building is being proposed at this time, and the property is currently unplatted and therefore noncompliant. The plat will bring it into compliance with the underlying zoning.

Mr. Edewaard continued that the City has approached him with regard to using the office portion of the site as park space; however, this offer is unrelated to the Application before the Board.

Mr. Shechtman asked if the Board should include a reference to "potential park use" if they approve the plat. Attorney Spence stated that this would be a restriction which could not be imposed upon the Applicant. The County requires the Applicant to designate use as part of the plat for the purpose of calculating impact fees. The entire site is included in the plat Application; however, any actual development of the site would require a separate development permit.

Mr. Shechtman requested clarification of the height allowed in the B-1 zoning district for commercial development. It was noted that the maximum height in this district is 150 ft., which is restricted due to its adjacency to residential zoning and land use.

Ms. Mammano asked if there is access to the subject site from both outside and inside the gate. Mr. Edewaard identified an egress point located "before the gate."

Ms. Mammano asked if approving the plat Application would interfere with the possibility of the City purchasing the lot and converting it to park use. She noted that plat approval could affect the value of the property, forcing the City to pay more for the site. Attorney Spence replied that this is not relevant to the decision before the Board, which is to determine whether or not the plat meets Code requirements for platting and subdivision. The value of the property is not typically tied to the plat restrictions, but to zoning and the potential uses permitted by its zoning district(s).

Ms. Mammano also asked if the Applicant would be willing to include a plat note stating that future development of the commercial lot would only have access from the west side of the gate. Mr. Barranco pointed out that the only access comes from the roadway before the gate is reached.

Mr. Edewaard commented that he did not believe it was legal to restrict an owner's access to their property, and that the site only faces one roadway. Ms. Mammano asserted that her suggestion would limit access to the property in response to the neighborhood's concerns.

Mr. Hetzel stated that when the City reviews a plat, they consider the potential impact of restricting access to a certain point, including the impact on adjacent properties. Staff had not considered this possibility, but had reviewed what was submitted and evaluated. In addition to the County's plat process, because the site is adjacent to US-1, the Florida Department of Transportation (FDOT) will also consider access to determine whether or not there would be impacts to Federal Highway. If the Applicant wishes Staff to revisit this access, additional analysis would be necessary to determine the impacts of restricting access.

Ms. Mammano concluded that she would like Staff to do this. Mr. Hetzel advised that this decision was left to the Applicant.

Mr. Edewaard observed that this issue would only arise when Site Plan approval is requested for the subject property. He reiterated that the plat is being requested to bring the property into compliance with the underlying zoning set forth by the City. He concluded that there is no practical reason for traffic to enter the neighborhood and circle back.

Michael Hamaway, private citizen, stated that he is the co-chair of a committee formed by the Bal Harbour Homeowners' Association to explore the possibility of obtaining the subject area as park space. He pointed out that the neighborhood is surrounded by an 8 ft. to 10 ft. wall dividing it from Federal Highway. He felt the addition of an office building would be "a disaster" for the Bal Harbour community, as it would not be compatible with that neighborhood.

Chair Weymouth asked if the homeowners' association has discussed the possibility of purchasing the subject space for park use. He suggested that if the neighborhood has consensus on this issue, they may wish to communicate that to Commissioner Herbst. Mr. Hamaway reiterated that the neighborhood is unique and it was not suitable to divide the subject property as proposed.

Virginia Holden, private citizen, shared Mr. Hamaway's concerns, stating that an office building is incompatible with an entrance to the neighborhood. She expressed concern that the commercial parcel is approximately 100 ft. x 200 ft. but could accommodate a 10,000 sq. ft. office building. She concluded that traffic is already congested and worsening due to nearby development.

Mr. Shechtman asked how the developer had been convinced to change the number of residential lots and lot sizes. Ms. Holden replied that this change had been in response to the zoning in Bal Harbour, which has a minimum lot size of 75 ft. Nancy Garcia, representing Urban Design and Planning, further clarified that subdivision regulations require 75 ft. wide lots, while the RS-8 zoning district requires 50 ft. lots. When the Applicant had first gone before the DRC, they had proposed to follow only RS-8 regulations, but were ultimately required to follow subdivision regulations because their proposal was for new construction.

Doug Fulcher, private citizen, advised that while the neighborhood did not object to the proposed single-family homes, they were concerned with the commercial parcel, because they did not know what to expect there. He expressed concern for the effect of the parcel's development on property values, as well as for illicit activity.

Mr. Fulcher continued that the neighborhood entrance is landscaped in a manner that is not easily recognizable as a residential street. He also described the intersection as dangerous.

Mr. Shechtman asked if Mr. Fulcher would support a rezoning of the lot to residential. Mr. Fulcher confirmed this, adding that he was not aware of any neighborhood residents who objected to the residential portion of the site.

Mr. Shechtman asked what Mr. Fulcher felt would constitute the worst-case scenario for construction on the commercial lot. Mr. Fulcher replied that commercial space could be "most anything." Chair Weymouth clarified that due to the lot's underlying zoning, it is limited to certain uses with specific requirements for sizes and setbacks, and advised that discussion of use would be more appropriate when a project is brought forward for the lot in question.

Charles Donato, private citizen, explained that the commercial portion of the site includes a one-way driveway. He did not feel this could be reconstructed as a two-way entrance/exit for a commercial property. He also noted that in addition to the gatehouse for the neighborhood, there is landscaping which would be affected by developing the one-way access into two-way access.

Rom Levy, private citizen, stated that commercial development beside the neighborhood would negatively affect property values, and suggested that the lot be developed for residential use instead.

Samuel Lievano, private citizen, advised that most of the neighborhood's concerns resulted from the original proposal for the site, which had suggested nine single-family homes as well as town homes. He felt this had caused residents to have doubts about how the parcel could be developed, as well as for the possibility of greater change and more impacts to 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.

Mr. Shechtman asked if the Applicant would have been able to rezone the commercial parcel to residential without first platting that parcel. Attorney Spence stated that in order to residentially develop a commercial parcel, a developer would have had to apply for flex units or for an amendment to the Broward County Land Use Plan.

Mr. Barranco asked if the Applicant has reviewed any potential plans to determine whether or not a 10,000 sq. ft. office building could fit on the property. Mr. Edewaard replied that he had estimated that 10,000 sq. ft. would constitute roughly half of the lot.

Mr. Barranco suggested that the reference to 10,000 sq. ft. could be reduced to approximately 4000 sq. ft. of office space. He expressed concern that a 10,000 sq. ft. structure could not be built on the lot. Mr. Edewaard noted that regardless of the size of a building that is constructed on the lot, it would still be required to go through DRC and Site Plan approval. He reiterated that he had restricted the potential use of the lot through its B-1 zoning. He concluded that he is only bringing a noncompliant property into compliance.

Mr. Barranco again requested how the Applicant had arrived at the 10,000 sq. ft. estimate rather than another number. Mr. Edewaard replied that the underlying zoning allows for 150 ft. in height, which could accommodate 10,000 sq. ft. He felt this size constituted "a fair number of what should be there."

Mr. Barranco commented that the potential for retail on the site seemed to be better than the potential for office use, and explained that he had wondered if the City had encouraged the office use. Mr. Edewaard stated that before he had purchased the property, he had spoken with the City about a possible change to residential zoning; however, the response from Planning and Zoning indicated this was not an option.

Mr. Barranco asked if flex residential development would not be permitted on the underlying land use. Mr. Hetzel advised that there are no remaining flex units. Affordable housing would be possible, but the site does not meet the qualifications for that development, as the property does not directly front onto Federal Highway.

Ms. McCartney asked if approving the plat as submitted would prevent the development of a park on the site instead of commercial use. Attorney Spence replied that it would not.

Mr. Shechtman observed that there seemed to be significant misinformation about the site. He cited the example of concern for the development of town homes, which are not permitted in an RS-8 zoning district. In addition, the proposed lot sizes are consistent with RS-8 zoning. He concluded that the Board is not asked to approve a Site Plan or any buildings on the site: the Applicant must plat the site before developing it, and cannot proceed with anything other than commercial development on the site due to its underlying land use.

Ms. Fertig stated that the residents of the subject neighborhood may wish to consider having a City representative discuss their concerns with them, including traffic issues.

Motion made by Mr. Shechtman, seconded by Mr. McTigue, "to approve Case Number UDP-23001, plat review, and I find that it meets the ULDR Section 47-25.5 subdivision regulations and Section 47-25.2 adequacy requirements." In a roll call vote, the **motion** passed 8-1 (Vice Chair Cohen dissenting).

Mr. Hetzel advised that Agenda Items 3, 4, 5, and 6 are all rezoning Applications brought forward by the City, and suggested that the Items be presented together and voted upon separately.

Motion made by Ms. Mammano, seconded by Mr. McTigue, for Items 3, 4, 5, and 6 to be presented all at once but voted upon individually. In a voice vote, the **motion** passed unanimously.

3. CASE: UDP-Z23012

REQUEST: * ** Rezoning from Residential Single Family/Low Medium Density (RS-8) District to
Parks, Recreation and Open Space (P) District
APPLICANT: City of Fort Lauderdale
GENERAL LOCATION: South of Ponce De Leon Drive, east of SE 9th Avenue, west of SE 11th Street and north of SE 11th Street
ABBREVIATED LEGAL DESCRIPTION: RIO VISTA ISLES UNIT 3 7-47 B PARKS AS DEDICATED PER PLAT
ZONING DISTRICT: Residential Single Family/Low Medium Density (RS-8) District
PROPOSED ZONING: Parks, Recreation and Open Space (P) District
LAND USE: Low Medium Residential
COMMISSION DISTRICT: 4 – Warren Sturman
NEIGHBORHOOD ASSOCIATION: Rio Vista Civic Association
CASE PLANNER: Michael Ferrera

Michael Ferrera, representing Urban Design and Planning, explained that the City has undertaken an initiative to rezone City properties used as parks and open space which are not currently zoned Parks, Recreation, and Open Space (P). Roughly 40 such properties have been identified and the rezoning is underway in phases. Thus far, three phases have been completed and a total of 18 properties have been rezoned. The next four Agenda Items are part of the fourth phase of rezoning.

Mr. Ferrera reviewed the dimensions and location of Item UDP-Z23012, which would be rezoned from RS-8 to P. The property is currently a passive park known as Hector Park.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

4. CASE: UDP-Z23013
REQUEST: * ** Rezoning from Residential Multifamily Low Rise/Medium High Density (RML-25) District to Parks, Recreation and Open Space (P) District
APPLICANT: City of Fort Lauderdale
GENERAL LOCATION: South of SW 4th Street, east of SW 11th Avenue, north of Waverly Road and west of SW 10th Avenue
ABBREVIATED LEGAL DESCRIPTION: WAVERLY PLACE 2-19 D UNNUMBERED BLK S OF BLK 107 & N OF BLK 101 OF SAID PLAT DESC AS: COMM SW COR LOT 15 BLK 107,S 50 TO POB,E 266.30 TO PI ON CUR, SWLY 313.30,N 161.44 TO POB
ZONING DISTRICT: Residential Multifamily Low Rise/Medium High Density (RML-25) District
PROPOSED ZONING: Parks, Recreation and Open Space (P) District
LAND USE: Medium High Residential

~~**COMMISSION DISTRICT:** 2 – Steven Glassman~~
~~**NEIGHBORHOOD ASSOCIATION:** Sailboat Bend Civic Association~~
~~**CASE PLANNER:** Michael Ferrera~~

~~Mr. Ferrera reviewed the dimensions and location of Item UDP-Z23013, which would be rezoned from RML-25 to P. The property is currently a passive park known as Major William Lauderdale Park.~~

~~At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.~~

5. **CASE:** UDP-Z23014
   REQUEST: * ** Rezoning from Residential Single Family/Low Medium Density (RS-8) District to Parks, Recreation and Open Space (P) District
   APPLICANT: City of Fort Lauderdale
   GENERAL LOCATION: South of SE 10th Street, East of SE 9th Avenue, and North of Rio Vista Blvd
   ABBREVIATED LEGAL DESCRIPTION: RIO VISTA ISLES UNIT 3 7-47 B PARKS AS DEDICATED PER PLAT
   ZONING DISTRICT: Residential Single Family/Low Medium Density (RS-8) District
   PROPOSED ZONING: Parks, Recreation and Open Space (P) District
   LAND USE: Low Medium Residential
   COMMISSION DISTRICT: 4 – Warren Sturman
   NEIGHBORHOOD ASSOCIATION: Rio Vista Civic Association
   CASE PLANNER: Michael Ferrera

Mr. Ferrera reviewed the dimensions and location of Item UDP-Z23014, which would be rezoned from RS-8 to P. The property is currently known as Virginia Shuman Young Park.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

6. ~~**CASE:** UDP-Z23015~~
   ~~**REQUEST:** * **~~ ~~Rezoning from Heavy Commercial/Light Industrial (B-3) District to Parks, Recreation and Open Space (P) District~~
   ~~**APPLICANT:** City of Fort Lauderdale~~
   ~~**ADDRESS:** 2600 and 2450 S. Federal Highway~~
   ~~**ABBREVIATED LEGAL DESCRIPTION:** LAKEVIEW 1-68 D THAT PART OF LOT 2 S1/2 & OF LOTS 4 & 6 LYING E OF FEDERAL HWY,LESS RAD ARC IN NW COR OF LOTS 2 & 4 LESS PTS OF SAID LOTS INC'D IN PARCEL 106 OF CA 90-33646 BLK A, LESS POR IN MMB 9-69 B AKA: PART OF WELCOME~~

PARK, LAKEVIEW 1-68 D PART OF LOTS 8,10 & 12 LYING EAST OF FEDERAL HWY R/W BLK A AKA: PART OF WELCOME PARK, HARBOR VIEW 10-5 B LOT 14 A,14 B,16 A,16 B AKA: PART OF WELCOME PARK, 23-50-42 THAT PART OF THE R/W FOR SE 25 ST BOUNDED ON W BY E R/W/L OF FEDERAL HWY & BOUNDED ON E BY THE W R/W/L FOR MIAMI RD & BOUNDED ON N BY S/L OF LOT 16 B OF "HARBOR VIEW" & BOUNDED ON S BY N/L OF BLK 1 OF "RESUB OF BLK J LAKEVIEW" AKA: PART WELCOME PARK, RESUB OF BLK J LAKEVIEW 18-20 B ALL BLK 1 LESS ST RD R/W AKA: PART OF WELCOME PARK

ZONING DISTRICT: Heavy Commercial/Light Industrial (B-3) District

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

LAND USE: Commercial

COMMISSION DISTRICT: 4 – Warren Sturman

NEIGHBORHOOD ASSOCIATION: Harbordale and Poinciana Park Civic Association

CASE PLANNER: Michael Ferrera

Mr. Ferrera reviewed the dimensions and location of Item UDP-Z23015, which would be rezoned from Heavy Commercial/Light Industrial (B-3) to P.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Fertig, seconded by Mr. Shechtman, "to recommend approval of Case Number UDP-Z23012 based on the findings of fact, the Staff Report, and that we find that the application meets the criteria of the ULDR." In a roll call vote, the **motion** passed unanimously (9-0).

Motion made by Ms. Fertig, seconded by Mr. Shechtman, "to recommend approval of Case Number UDP-Z23013 based on the findings of fact in the Staff Report, and that it meets the applicable criteria." In a roll call vote, the **motion** passed unanimously (9-0).

Motion made by Ms. Fertig, seconded by Mr. McTigue, "to recommend approval of Case Number UDP-Z23014 based on the findings of fact in the Staff Report and that we find the Application meets the applicable criteria." In a roll call vote, the **motion** passed unanimously (9-0).

Motion made by Ms. Mammano, seconded by Ms. Fertig, "on Z23015, I move that the Planning and Zoning Board determines that the Application meets the criteria as provided in the Section, the Planning and Zoning Board shall determine that the rezoning be approved or recommended as zoning to a more restrictive zoning district application if necessary to ensure compliance with the criteria in the zoning and if consented to by the Applicant." In a roll call vote, the **motion** passed unanimously (9-0).

8. **CASE: UDP-Z23009**
   REQUEST: * ** Rezoning from Residential Single Family/Cluster Dwellings/Low Medium Density District (RC-15) and Parks, Recreation and Open Space (P) District to Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) District
   APPLICANT: City of Fort Lauderdale
   AGENT: Mark Russell, YMCA of South Florida, Inc.
   PROJECT NAME: LA Lee YMCA / Mizell Community Center
   GENERAL LOCATION: 1409 W Sistrunk Boulevard
   ABBREVIATED LEGAL DESCRIPTION: Lincoln Park Corr Plat 5-2 B Lots 9 Thru 16 and 42 Thru 50 Blk 2 and Lots 39 Thru 48 Blk 3
   ZONING DISTRICT: Residential Single Family/Cluster Dwellings/Low Medium Density District (RC-15) and Parks, Recreation and Open Space (P) District
   PROPOSED ZONING: Northwest Regional Activity Center – Mixed Use West District (NWRAC-MUw)
   LAND USE: Northwest Regional Activity Center
   COMMISSION DISTRICT: 3 - Pamela Beasley-Pittman
   NEIGHBORHOOD ASSOCIATION: Durrs Community Association
   CASE PLANNER: Nicholas Kalargyros

Mark Russell, representing the Applicant, stated that the request is for rezoning of a property to Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) from Residential. The property belongs to the YMCA of South Florida, Inc., which was asked by the City to activate the street when they purchased the site. The YMCA added 7400 sq. ft. of retail space on the front of the building and is currently sub-leasing this space to five tenants.

While securing permits for the property, the Applicant discovered that the site was not properly zoned for retail businesses. The tenants include a pharmacy, hair salon, and restaurant, the latter three of which require rezoning before they are opened. The Applicant has also complied with the City's request to activate the streetfront with minority-owned businesses and to create jobs in the local community. There is 100% occupancy on the site.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Mammano, seconded by Vice Chair Cohen, "to approve UDP-Z23009, that the Planning and Zoning Board determines that the Application meets the criteria as provided in Section 47-24.4, rezoning; the Planning and Zoning Board shall recommend that the rezoning be approved or recommend a rezoning to a more restrictive zoning district than that was requested in the Application if necessary to ensure compliance with the criteria for the zoning and if consented to by the Applicant, based on the criteria in the ULDR." In a roll call vote, the **motion** passed unanimously (9-0).

Chair Weymouth noted that a member of the public had submitted a request to speak on the Item, but that individual was no longer present at the meeting.

10. CASE: UDP-T23007
REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-27, Notice Procedures for Public Hearings
APPLICANT: City of Fort Lauderdale
GENERAL LOCATION: Citywide
CASE PLANNER: Karlanne Devonish

Mr. Hetzel requested that this Item be deferred until the January 17, 2024 meeting.

Motion made by Mr. Shechtman, seconded by Ms. Fertig, to defer Number 10 to January 17, 2024 at 6 p.m. In a voice vote, the **motion** passed unanimously.

11. CASE: UDP-L23001
REQUEST: * Amend City of Fort Lauderdale Comprehensive Plan Future Land Use Element and Amend the Future Land Use Map Establishing the Uptown Urban Village Transit Oriented Development Designation
APPLICANT: City of Fort Lauderdale
EXISTING LAND USE: Employment Center, Commercial, Office, and Industrial
PROPOSED LAND USE: Transit Oriented Development (TOD)
COMMISSION DISTRICT: 1 - John Herbst
CASE PLANNER: Jim Hetzel

Mr. Hetzel advised that this Item was deferred from the October 18, 2023 meeting. He noted that the Board members have received an addendum to the Application.

The City has worked with various stakeholders to prepare the Application, which is one of the City Commission's priority projects. In 2019, the City adopted the Uptown Master Plan and secured a consultant to assist with this planning initiative. The subject area is 323 acres located at the northern end of the City, bounded by I-95, the City limits, Powerline Road, and 57th Street. There are few residential uses in this area.

The proposed Land Use Plan Amendment (LUPA) will create the land use designation of Transit Oriented Development (TOD), which will be specific to the Uptown area in the City's Comprehensive Plan. In the County's Comprehensive Plan, this location will have a land use of Activity Center. The adoption of requirements necessary for a TOD land use designation have already been adopted in the Uptown Master Plan and will be part of the LUPA as well.

A land use analysis is required as part of the LUPA Application. This identifies a program of uses for the project area. Mr. Hetzel referred the Board members to a PowerPoint

~~presentation listing the existing uses, as well as the additional programming proposed by the LUPA.~~

~~Staff reviewed the underused properties as well as uses that are not currently located in the area. A market study was done for office and commercial use. Based on this study, as well as the residential demand, Staff developed the program that is before the Board.~~

~~Staff also reviewed the impact of this programming on public services. Mr. Hetzel noted that the addition of residential use, for example, affects park space. For trip analysis, Staff reviewed what the Comprehensive Plan will allow through both existing and proposed development. While there would be an increase in a.m. trips due to the addition of residential use, the overall trips for programming would decrease.~~

~~Another aspect of the traffic analysis includes the multimodal improvements adopted for the Uptown area. TOD requires that modes of transportation other than cars must be taken into consideration. As the area develops, different modes will develop collectively as well.~~

~~The addendum received by the Board members addresses compatibility with the Fort Lauderdale Executive Airport (FXE). Staff performed an analysis in conjunction with FXE staff which considered the requirements for flight paths and approaches, as well as the prospective locations of proposed uses. The TOD land use takes all of these uses into account; however, the City's zoning restricts these uses, including residential, in some zoning areas. The addendum includes language addressing this analysis.~~

~~Staff has conducted public outreach meetings and the Application has gone before the DRC. It is now before the Board in their capacity as Local Planning Agency (LPA). The next step will take the Application before the City Commission.~~

~~Mr. Hetzel also provided a handout which corrected an error in the addendum: the correction is to the final paragraph on the second page. The corrected language should be as follows:~~

> ~~"The map below depicts the 2015 FXE Airport noise levels, flight paths, the LUPA boundaries, Uptown zoning districts, and the potential Park/Open Space. It should be noted that the Park/Open Space areas are shown as potential Park/Open Space because they are currently undeveloped areas within the LUPA boundaries. They are not zoned Park, nor deed-restricted as such."~~

~~Ms. Mammano commented that the spaces referred to in the addendum are not currently zoned Park, nor is there money to purchase that space; for this reason, she requested clarification of why these spaces are being contemplated as potential Park space. Mr. Hetzel explained that these areas were identified in the conceptual plan as potential park space. One of these spaces is owned by FXE, which means it is City-owned.~~

Ms. Mammano also noted that while some open space is included in the Master Plan, there is no guarantee that it will be used as Park space. Mr. Hetzel confirmed this, adding that one of the Uptown zoning district requirements is tied to the project development as a whole. The LUPA includes an analysis which can count toward the identification of park space. There may be a requirement of open space for an individual project on private property, including space which is open to the public.

Ms. Mammano continued that the analysis of increased development density is significant, as it doubles the amount of industrial space and increases office, commercial, and residential space as well. She expressed concern for the potential impacts these increases would have on the demand for water and sewer. Mr. Hetzel confirmed that this analysis was part of the LUPA application. He further clarified that only a small portion of the south side of Cypress Creek Road is on City property, while the rest is on County property and therefore within the County's service area. The County will provide water and sewer service for the majority of the area.

At this time Chair Weymouth opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Fertig "to recommend approval of Case Number UDP-L23001, and the Board hereby finds the text amendments to the ULDR are consistent with the Comprehensive Plan." In a roll call vote, the **motion** passed unanimously (9-0).

Chair Weymouth advised that the Board members had received a request to reconsider an item heard at the October 18, 2023 meeting, Case PL-R19062, which was denied at that time.

Ms. Fertig asserted that the Board had encouraged the Applicant in Case PL-R19062 to defer the Item so they could meet with the project's neighbors.

Attorney Spence recommended that the Board vote to reconsider the Item, followed by withdrawal of their motion to deny, which had passed at the October meeting. The Board may then vote to defer the Item.

Motion made by Ms. Fertig, seconded by Mr. McTigue, "to reconsider deferral of Site Plan Level III development permit for River Oaks Cluster development, Case Number PL-R19062, as heard at the October 18 meeting 2023."

Ms. Mammano asked if any motions made regarding this Item should state that there should be further consultation with the surrounding community. Ms. Fertig stated that it was her intent to include this direction when the Board considers a motion to defer the Item.

Attorney Spence further clarified that if the Board moves to reconsider the Item, their earlier motion to deny will be withdrawn. Another vote by the Board will not be required in order to withdraw their October 18, 2023 motion.

Ms. Fertig **amended** her **motion** to reconsider as follows: "I am making this motion so that the Applicant will meet with the neighbors."

In a roll call vote, the **motion** passed unanimously (9-0).

Attorney Spence advised that the Board may entertain any motion at this time, as the original motion to deny which was passed at the October 18, 2023 meeting has been withdrawn.

Motion made by Ms. Fertig "to defer until March 20, 2024, with the understanding with the requirement that the Applicant will meet with the neighborhoods."

Ms. Toothaker, representing the Applicant in Case PL-R19062, stated that she has spoken with the president of the neighborhood association, and they were pleased to hear from the Applicant's team. She plans to meet with that association in January 2024.

Ms. Mammano **seconded** the **motion**. In a roll call vote, the **motion** passed unanimously (9-0).

V. COMMUNICATION TO THE CITY COMMISSION

Mr. Shechtman addressed the ongoing "train v. tunnel" discussion regarding the New River crossing. He felt there has been a singular focus on which of these two options should be selected, which has caused the City to miss the "bigger picture" of the actual river crossing, which FDOT is studying. He added that there are major east-west thoroughfares which may be adversely affected by the impact of up to 26 trains per day.

Mr. Shechtman recalled that in 2022, he had written to FDOT to express concern that while there is support for commuter rail, this method of transportation should not be "pushed" at the expense of existing commuter traffic. He also noted the growth of Fort Lauderdale's Downtown, which has significantly increased density as well as impacted Sunrise Boulevard and Davie Boulevard, which are boundaries of the Downtown area. He felt it was shortsighted for FDOT to study a potential New River crossing instead of a Downtown Fort Lauderdale crossing, which would address these two major thoroughfares.

Motion made by Mr. Shechtman "to communicate to the City Commission that we must also prioritize the crossing of major east-west thoroughfares, including Sunrise, Broward, and Davie Boulevard[s], as part of any bridge or tunnel development over the New River on the Florida East Coast Railway right-of-way."

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

Chair Weymouth commented that there is already a tremendous amount of conversation in the community on this subject, and suggested that Mr. Shechtman reach out to the Broward Metropolitan Planning Organization (MPO) for further information, as the MPO is also studying this issue. He was not in favor of making a communication to the City Commission at this time, and pointed out that either a bridge or a tunnel would be implemented very far into the future, with the full expense yet to be determined.

Mr. Shechtman asserted that he has participated in commuter study groups on this issue. He reiterated that he felt it is important for the Board, as a planning authority, to refocus the City's attention on the need to address major east-west roadways as well as the New River crossing.

Ms. Fertig also did not feel a communication to the City Commission should be passed at tonight's meeting. She encouraged Mr. Shechtman to reach out to the Broward MPO, which is looking into options that would address east-west traffic. He could then bring this information back to the Board at a subsequent meeting. She also felt it would be helpful to determine which areas could most realistically addressed by a crossing.

Ms. Mammano did not agree, stating that she felt the issue is one of policy rather than engineering. She believed it would be appropriate to ask the Commission to consider the effect of additional train traffic on east-west vehicular traffic.

Ms. McCartney advised that while she agreed with the sentiment of Mr. Shechtman's **motion**, she did not feel this was the appropriate time for the Board to send a communication on that issue. She agreed with Ms. Fertig that outreach to the MPO could provide more information.

In a roll call vote, the **motion** failed 4-5 (Chair Weymouth, Ms. Fertig, Mr. Ganon, Ms. McCartney, and Mr. McTigue dissenting).

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Mammano requested clarification of the impact of the City Commission's vote to extend the Board members' terms to four years.

Attorney Spence explained that the City Commission has adopted an Ordinance which would align Board terms with the terms of the City's elected officials. This changes the members' three-year terms to four-year terms, and amends the time period of the Chair's election from June to December. This does not affect existing Board members, as the Resolutions appointing them already specify their terms of office.

Attorney Spence continued that he has advised the City Commission that a Resolution will be brought back which would add one year to each Board member's term. He

cautioned that this does not align the members' terms with the terms of office of elected officials: when future Board members are appointed, their terms will align with the officials' terms of office.

VII. VOTE FOR 2024 PLANNING AND ZONING BOARD CALENDAR

Motion made by Mr. McTigue, seconded by Vice Chair Cohen, to approve. In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:52 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.]