



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.**

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
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

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

#### **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~~

~~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~~




~~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.~~

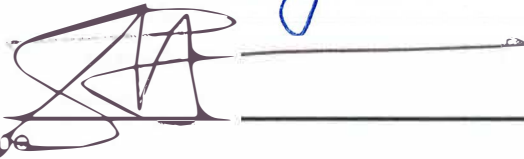
**VII. VOTE FOR 2024 PLANNING AND ZONING BOARD CALENDAR**

**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.]