

**DRAFT**  
**PLANNING AND ZONING BOARD**  
**CITY OF FORT LAUDERDALE**  
**CITY HALL – CITY COMMISSION CHAMBERS**  
**100 NORTH ANDREWS AVENUE**  
**FORT LAUDERDALE, FLORIDA**  
**WEDNESDAY, MAY 18, 2016 – 6:30 P.M.**

**Cumulative**

| <b>Board Members</b>   | <b>Attendance</b> | <b>June 2015-May 2016</b> |               |
|------------------------|-------------------|---------------------------|---------------|
|                        |                   | <b>Present</b>            | <b>Absent</b> |
| Patrick McTigue, Chair | P                 | 11                        | 0             |
| Leo Hansen, Vice Chair | A                 | 8                         | 3             |
| Theron Clark           | A                 | 6                         | 2             |
| Stephanie Desir-Jean   | P                 | 10                        | 1             |
| Steven Glassman        | A                 | 9                         | 2             |
| Rochelle Golub         | P                 | 10                        | 1             |
| Richard Heidelberger   | P                 | 8                         | 3             |
| Catherine Maus         | P                 | 9                         | 2             |
| James McCulla          | P                 | 9                         | 2             |

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

**Staff**

D'Wayne Spence, Assistant City Attorney  
Eric Engmann, Urban Design and Planning  
Jim Hetzel, Urban Design and Planning  
Florentina Hutt, Urban Design and Planning  
Nicholas Kalargyros, Urban Design and Planning  
Randall Robinson, Urban Design and Planning  
Dr. Nancy Gassman, Public Works Department  
Alex Scheffer, Urban Design Engineer  
Jamie Opperee, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

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

Chair McTigue called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members, and Jim Hetzel of Urban Design and Planning introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

Mr. Engmann stated that on June 6, 2016, an open house will be held to discuss proposed changes to the Neighborhood Design Criteria Revisions (NDCR). These revisions will be brought before the Planning and Zoning Board later in the summer.

## II. APPROVAL OF MINUTES

**Motion** made by Ms. Maus, seconded by Mr. McCulla, to approve. In a voice vote, the **motion** passed unanimously.

## III. AGENDA ITEMS

### Index

| <u>Case Number</u> | <u>Applicant</u>  |
|--------------------|---|
| 1. V15007**        | Lawrence J. Bohannon / Coral Ridge Yacht Club                               |
| 2. PL15002**       | Ver-Mac Properties 1613 Brickell, LLC / Tree House on Brickell              |
| 3. R15052**        | Greenberg Traurig / Rio Vista Church  |
| 4. R15053**        | Shopping Center Interests LLC / New Tenant Building at Downtown Marketplace |
| 5. T16001*         | City of Fort Lauderdale   |
| 6. T16002*         | 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.

|                                       |   |
|---------------------------------------|---|
| 1. <b><u>Applicant / Project:</u></b> | Lawrence J. Bohannon / Coral Ridge Yacht Club   |
| <b>Request: **</b>                    | Partial Right-of-Way Vacation; 700 square foot cul-de-sac   |
| <b>Case Number:</b>                   | V15007  |
| <b>General Location:</b>              | 2800 Yacht Club Blvd.   |
| <b>Legal Description:</b>             | A portion of the Yacht Club Boulevard cul-de-sac, adjacent to Yacht Club Site, RESUBDIVISION OF BLOCK 6 AND PORTIONS OF BLOCKS 5 AND 4, OF CORAL RIDGE SOUTH ADDITION, according to the plat thereof, as recorded in Plat Book 41, Page 27, of the public records of Broward County, more fully described on Sheet 1 of 2 Sheets. |
| <b>Case Planner:</b>                  | Randall Robinson  |
| <b>Commission District:</b>           | 1   |

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Lawrence Bohannon, representing the Applicant, explained that the area to be vacated serves no public purpose. The Coral Ridge Yacht Club has maintained and improved the area for several years. The vacation procedure was recommended to them by City Commissioner Bruce Roberts, and would formally relieve the City of any liability for the subject property, which lies behind the Yacht Club's entrance gates.

Randall Robinson, representing Urban Design and Planning, stated that right-of-way vacation is a Site Plan Level IV application which will be forwarded to the City Commission. The Application meets the following criteria for vacation:

- The right-of-way is no longer needed for public purposes;
- Alternate routes are available and do not cause adverse impacts to surrounding areas;
- The closure of the right-of-way provides safe areas for vehicles to turn and exit the area;
- The closure of the right-of-way shall not adversely affect pedestrian traffic;
- All utilities located within the right-of-way have been or will be relocated pursuant to a relocation plan, and utility maintenance shall not be disrupted.

There being no other questions from the Board at this time, Chair McTigue opened the public hearing. As there were no individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Maus, seconded by Ms. Golub, to approve with Staff conditions. In a roll call vote, the **motion** passed 6-0.

|                                       |   |
|---------------------------------------|---|
| <b>2. <u>Applicant / Project:</u></b> | Ver- Mac Properties 1613 Brickell, LLC / Tree House on Brickell   |
| <b>Request: **</b>                    | Plat approval   |
| <b>Case Number:</b>                   | PL16002   |
| <b>General Location:</b>              | 1613 Brickell Drive   |
| <b>Legal Description:</b>             | A Portion of Lots 8 and 9, Block 49, and the easterly ½ of the 10 foot wide vacated alley lying adjacent to said Lots 8 and 9 of "COLLEE HAMMOCK" (Mrs. Mary Brickell's Subdivision), according to the plat thereof, as recorded in Plat Book 1, Page 17, of the Public Records of Broward County, Florida. Said lands containing 14,802 square feet (0.3398 acres), more or less |
| <b>Case Planner:</b>                  | Karlanne Grant  |

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Chip Falkanger, representing the Applicant, stated that the County does not require the re-platting of two lots or fewer; however, conditions within the City require this action. The Application meets minimum lot size and width standards. Most neighbors of the property within the Colee Hammock neighborhood are concerned with the preservation of oak trees on the property. The plan is to construct two houses, one on each of the two lots, around these trees.

Ms. Maus asked if the Applicant has additional plans for an adjacent parcel. Mr. Falkanger replied that the plans are only for the two subject properties, and the Applicant does not own the adjacent parcel located to the west.

Eric Engmann, representing Urban Design and Planning, advised that the plat request would subdivide a 14,802 sq. ft. property into two parcels. The request stems from the fact that the site was not made up of two complete lots. Plat notes restrict the property to two single-family units, which is consistent with the RS-8 zoning district. Staff recommends approval of the request.

There being no other questions from the Board at this time, Chair McTigue opened the public hearing. As there were no individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Heidelberger, seconded by Mr. McCulla, to approve. In a roll call vote, the **motion** passed 6-0.

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|---------------------------------------|---|
| <b>3. <u>Applicant / Project:</u></b> | Greenberg Traurig / Rio Vista Church  |
| <b>Request: **</b>                    | Site Plan Level III, Waterway Use, 9,863 square foot addition to existing church and school   |
| <b>Case Number:</b>                   | R15052  |
| <b>General Location:</b>              | 800 S. Federal Highway  |
| <b>Legal Description:</b>             | RIO VISTA ISLES UNIT 3 7-47 B LOT 1 LESS W 25 FOR ST RD, LOTS 2-6 AND S1/2 OF VAC RIO VISTA BLVD ABUTTING SAID LOTS, BLK 24, TOGETHER WITH LOTS 2-4 AND 34-36 AND N1/2 OF VAC RIO VISTA BLVD ABUTTING SAID LOTS, BLK 26 |
| <b>Case Planner:</b>                  | Jim Hetzel  |
| <b>Commission District:</b>           | 4   |

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Tracy Lautenschlager, representing the Applicant, showed a PowerPoint presentation, stating that the Application would modify only the south parcel of the property owned by Rio Vista Church and Bethany Christian School. The property is zoned CF-H. The project will improve a grass parking lot on the south parcel and the church building and preschool wing.

Ms. Lautenschlager showed a Site Plan of the south parcel, explaining that the proposed project would expand paved parking, improve the driveway by making it one-way, add a lighted sports court, enlarge the playground while preserving mature trees, retain mangroves along the Tarpon River, improve landscaping, provide a pedestrian connection between the sports court and US-1, and improve drainage on the site.

The parking lot portion of the project must be accomplished over the summer, before school begins. The second phase of the project will begin after parking lot improvements are complete, and will include a 5000 sq. ft. building addition to the current church building. The project is necessary due to the growth of the church and school, and will place a children's activity space on the first floor of the building, along with school offices. Church offices will be consolidated on the second floor. Children's programs during church services will be consolidated into a single building.

As a result of the project, the school's library and media will be moved from the north campus to the south campus, which will open classroom space within the elementary school building. The proposed building addition complies with all dimensional requirements of the CF-H zoning district, including 20 ft. side setbacks adjacent to the Rio Vista community and 35 ft. height limitation. The project's design is intended to have minimal impact on the neighborhood.

Ms. Lautenschlager showed renderings of the proposed project, which included softening features such as decorative shutters, stucco banding, sconces, metal railings, and fabric awnings. The addition will be constructed behind the existing church building. Large trees also buffer the site from the neighborhood.

The church property includes a former single-family home, which was rezoned in 2009 to be part of the community facility campus. The proposed design will incorporate the house's façade and allow it to retain most of its existing appearance. Renderings were shown of the north, south, east, and west elevations. A significant grade change occurs between US-1 and the site, which means the sports court will be placed behind an existing retaining wall, and additional decorative fencing and landscaping will be added in this area.

Ms. Lautenschlager concluded that the project complies with all ULDR requirements and requests no modifications or variances. The project's philosophy was to build only what was needed while remaining sensitive to the surrounding community.

Jim Hetzel, representing Urban Design and Planning, advised that the Application proposes a 9863 sq. ft. addition to the church and school facility, including building additions for classrooms, office space, a permanent parking facility, a drop-off area, and a basketball court. The Applicant is seeking approval for a waterway use, as the parking lot on the south parcel is adjacent to a waterway, in addition to adequacy and neighborhood compatibility requirements. Staff finds the Application is compliant with

the appropriate Code sections. The Applicant was also subject to the Public Participation Requirement Ordinance.

Mr. Hetzel observed that because the church was constructed in 1952, prior to the adoption of most requirements and standards for parking, it is not required to bring the parcel up to compliance with current parking ratios and requirements. The Applicant is bringing the site into compliance based on a Site Plan approved in 1996. Staff has received three emails from residents in support of the project.

Ms. Golub asked how Staff reviewed the project with respect to rising sea levels. Mr. Hetzel replied that Staff did not review the property along the waterway in this respect, but instead reviewed the existence of mangroves along the waterway, which will be retained. Staff felt this retention was appropriate. There are no significant grade changes proposed within the property.

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

Wendy Umla, private citizen, stated that her property is directly affected by its proximity to the church. She advised that extensive flooding exists in the area when king tides occur. Her primary concern was with existing parking and traffic issues, which are subject to rules put into place in 1952 and a site plan from 1996. In addition to traffic generated from the school, individuals attending church services on Sundays often park throughout the surrounding neighborhood. She concluded that she would like to see the church make a greater effort to address existing problems with traffic and parking and assume more responsibility for its impact on the community.

Ms. Lautenschlager confirmed that some flooding occurs on the back of the subject property during tidal and weather events. She advised that the church manages traffic during events by hiring Police Officers and traffic control personnel, and volunteers direct individuals to appropriate parking. It also discourages parking within swales on SE 9<sup>th</sup> Street, although this parking is legal. Signage is available to be placed in these swales.

Ms. Lautenschlager continued that the Applicant's traffic engineer prepared a report on traffic and queueing which stated that a long pickup queue exists, but does not obstruct traffic. The queue was cleared within 10 minutes of release from school.

Ms. Desir-Jean expressed concern for traffic as well, noting that the school's driveway is located off US-1 and may contribute to difficulties during the project's construction phase. Ms. Lautenschlager replied that preschool pickup and drop-off occurs on the south side of the campus, while pickup and drop-off for the elementary school occurs on 9<sup>th</sup> Street. These two levels release students at different times. The proposed design is intended to provide a longer queueing area for cars. She also noted that many parents choose to park and walk their preschoolers into school, which does not typically create

backup onto US-1. Because construction is scheduled to occur over the summer, no children would be in school at the time.

John Barranco, architect for the Applicant, explained that the reconfiguration of the parcel expands the queueing area and improves traffic flow by implementing directional (one-way) traffic. Ms. Desir-Jean advised that the onus is on the Applicant to work with parents, churchgoers, and neighbors to ensure that properties and residents within the surrounding neighborhood are respected.

Ms. Lautenschlager stated that the church makes regular announcements asking attendees not to park on 9<sup>th</sup> Avenue and to respect the facility's neighbors, particularly during large events. These announcements are included on the church's website and in biweekly emails.

Ms. Desir-Jean asked why the church is not required to upgrade its parking. Mr. Hetzel responded that the church falls under the nonconforming section of Code. The ULDR's provision for churches as nonconforming uses does not require the facility to be brought into compliance because changes to the property are below the 50% threshold. Attorney Spence referred the Board members to Exhibit 1, p. 15 of their backup materials, which includes the Applicant's analysis of how it meets the nonconforming parking section of Code.

Ms. Golub also felt that an increase of over 9000 sq. ft. should require the addition of significant parking. She also expressed concern with the small ingress/egress area. Ms. Lautenschlager advised that the schools' use of parking occurs at a different time from the church use; in addition, CF zoning requires one parking space for every four seats within the church assembly. Seating capacity at the church is not being modified by the Application. She noted that square footage is not taken into account when a parking calculation is made.

Timothy Hamilton, private citizen, stated that he is a member of Rio Vista Community Church. He asserted that one-third to one-half of 9<sup>th</sup> Street residents are members of the church or have children attending school at the facility. He did not feel most of these residents were concerned regarding school or church traffic.

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

Ms. Maus commented that the only evidence submitted by the Applicant that the 50% threshold is not triggered is a single sentence. She pointed out that if the structure enlarging the building exceeds 50% of the previous building's volume, or the improvements exceed 50% of the structure's replacement value, this would trigger the threshold. Mr. Hetzel confirmed that Staff has reviewed this statement independently and concluded that it is correct. He explained that the calculation is not dependent upon square footage, but by classroom ratio.

**Motion** made by Mr. McCulla, seconded by Mr. Heidelberger, to approve. In a roll call vote, the **motion** passed 6-0.

4. **Applicant / Project:** Shopping Center Interests LLC / New Tenant Building at Downtown Marketplace
- Request: \*\*** Site Plan Level III, Parking Reduction
- Case Number:** R15053
- General Location:** 224-290 N Federal Highway
- Legal Description:** Lots 8, 9, 10, 11 and 12, Block 12 of RE-SUBDIVISION OF BLOCKS 9, 10, 11 & 12 OF HOLMBERG & McKEES SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 3, Page 115, of the Public Records of Miami Dade County, Florida; said lands situate lying and being in Broward County, Florida; LESS the West 30 feet of said Lot 12 for State Road No. 5 road right of way; and LESS the external area formed by a 12.00 foot radius arc which is tangent to the East line of the West 30.00 feet of said Lot 12 and tangent to the North line of said Lot 12, as conveyed to the State of Florida by Special Warranty Deeds recorded in Official Records Book 2418, Page 966; and in Official Records Book 2436, Page 690, both of the Public Records of Broward County, Florida.
- Case Planner:** Florentina Hutt
- Commission District:** 2

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Ray Lastra, representing the Applicant, showed a PowerPoint presentation on the Item, explaining that the subject property was part of a larger development located to the north. The properties were separated and sold to different owners during the recent economic downturn. The Applicant does not own other portions of the original development.

The subject property includes a drive-through facility that is no longer used. The owner has attempted to place other vendors who may use the facility on the property, but it has now been vacant for some time. The drive-through area also creates a condition that does not allow for regular parking on the site. The Application proposes elimination of the drive-through area and replacement with a parking area as well as roughly 3000 sq. ft. of additional retail.

The project was presented to the Development Review Committee (DRC) in October 2015, and the Applicant is working with Staff to develop a screening solution for the property. They have also met with residents of Victoria Park and its neighborhood associations. One screening solution is an awning structure on N Federal Highway that would allow for both a covered seating area and a buffer to parking.



There are presently 22 parking spaces located on the site. In order to bring in additional retail and allow for restaurant use, the Applicant is required to have 45 parking spaces; however, the new layout of the property would only allow for 29 spaces. A study prepared by Kimley-Horn and Associates, parking consultant, reviewed available parking and worked with City engineers to confirm that there are approximately 132 parking spaces in the neighborhood that are not assigned to a particular use. The Applicant requests that 16 of these spaces be assigned to the subject property.

Ms. Golub requested clarification of the uses planned for the subject property, noting that plans for its redevelopment would eliminate up to 20 parking spaces and replace them with only eight spaces. She also noted that there does not seem to be sufficient street parking available within the neighborhood. She did not feel the parking proposed for the site would be adequate for its uses.

Mr. Lastra advised that when maximum parking is calculated, it considers the maximum use, which would be restaurant use, although the Applicant does not yet know what use will ultimately occupy the building. He further clarified that a restaurant use would occupy only half of the parcel.

Adrian Dabkowski, representing Kimley-Horn and Associates, described the parking demand study conducted for the Applicant, which considered roadways within 700 ft. of the subject site. During weekday peak hours, 45 on-street parking spaces were available, while 34 on-street spaces were available during weekend peak hours. He concluded that this meant the site can accommodate a need for the 16 parking spaces required by Code. The 132 parking spaces cited in the neighborhood are located within 700 ft. of the site, including some spaces across Federal Highway.

Mr. Dabkowski added that the Applicant is also required to construct a portion of sidewalk along the west side of NE 7<sup>th</sup> Avenue in order to promote pedestrian connectivity.

Mr. McCulla asked if the on-street parking spaces are currently being used by the Applicant's tenants and/or patrons. It was clarified that some tenants currently park in the drive-through area.

Mr. Lastra explained that when redevelopment of the space was first being considered by the Applicant, they were advised that City Staff was at work on a potential Ordinance that could remove parking requirements; however, as the process continued, they were informed that it was unlikely such an Ordinance would pass. The parking reduction and pedestrian connectivity sought by the Applicant was seen as a compromise.

Florentina Hutt, representing Urban Design and Planning, stated that the request is for Site Plan Level III with a parking reduction for proposed retail and restaurant use. The proposal would construct a 3315 sq. ft. retail/restaurant building with roughly 1400 sq. ft.

of retail and 1800 sq. ft. of restaurant space, including an outdoor seating area and improved landscaping. The Applicant worked with Staff to develop a project that would promote a walkable environment and support the goals and policies of the Downtown Master Plan.

The requested parking reduction from 45 to 29 on-site spaces included a parking analysis to determine the availability of on-street parking spaces within 700 ft. of the subject site. This study found that 28 on-street spaces within this distance were available within peak hours. The Downtown Master Plan also supports reduced parking applications due to the proximity of existing and future multimodal transportation opportunities. The Applicant worked with the Department of Transportation and Mobility, which proposed the following conditions for approval of the parking reduction request:

- Provide a continuous 5 ft. minimum sidewalk along the western side of NE 7<sup>th</sup> Avenue between NE 2<sup>nd</sup> Street and NE 3<sup>rd</sup> Street
- Ensure all site access point sidewalks, walkways, and curb cuts are unobstructed and Americans with Disabilities Act (ADA) –accessible
- Provide a seven-space bike rack in a covered location
- Coordinate with the B-Cycle bike sharing program regarding the installation of a future on-site bike share station

The Applicant provided the necessary documentation of its public participation process. It has met with the Flagler Village and Victoria Park Civic Associations. The Victoria Park Civic Association provided a letter of support. Staff recommends approval of the request.

Mr. Hetzel advised that the parking ratio calculations submitted are specific to restaurant and retail uses. Should the Applicant decide to place all restaurant use on the subject site, Staff would require a recalculation through either the permitting or planning process.

Ms. Golub observed that the DRC submission for the site states that a 3200 sq. ft. restaurant will be constructed on the property. She asked when this use changed from restaurant to restaurant/retail. Mr. Hetzel replied that both the parking study and Site Plan Application are restricted to restaurant/retail use; should this use be modified, Staff would not be able to approve the request.

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

John Carlino, private citizen, stated that the subject site is in need of redevelopment. He noted that tenants and their employees have agreed to park on the back street of the site so the front parking spaces may be used by customers. He confirmed, however, that tenants feel there is a parking issue in the area.

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

**Motion** made by Mr. McCulla, and duly seconded, to approve.

Mr. Heidelberger commented that while he felt the site should be developed, he felt the proposed restaurant/retail configuration would be problematic for many reasons.

Attorney Spence advised that should the Application be denied at today's meeting, the Applicant would be able to revise and re-apply at a later date.

Mr. Lastra requested a continuance of the Item, stating that the Applicant would continue to work with the City to address concerns.

Mr. McCulla **withdrew** his **motion**.

Ms. Golub recommended that the parking study be redone, as it is one year old and changes have come to the area in that time.

**Motion** made by Mr. McCulla, seconded by Ms. Maus, to defer for 60 days. In a roll call vote, the **motion** passed unanimously.

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|---------------------------------------|---|
| <b>5. <u>Applicant / Project:</u></b> | City of Fort Lauderdale   |
| <b>Request: *</b>                     | Amend Section 47-19.3, Boat slips, docks, boat davits, hoists and similar mooring structures.<br>Amending the Unified Land Development Regulations to revise the requirements of Section 47-19.3 Boat slips, docks, boat davits, hoists and similar mooring structures to establish standards for seawall construction that contribute to coastal resilience and mitigate the effects of tidal flooding and sea level rise. |
| <b>Case Number:</b>                   | T16001  |
| <b>General Location:</b>              | City-wide   |
| <b>Staff Representative:</b>          | Nancy J. Gassman, Ph.D.   |
| <b>Commission District:</b>           | All Districts   |

Dr. Nancy Gassman, Assistant Director of the Public Works Department, showed a PowerPoint presentation on a proposed seawall Ordinance under ULDR Section 47-19.3. She recalled that in September 2015, the City experienced an extreme high tide associated with king tides. The City Commission requested presentations to assist them in better understanding this event. They also requested that City Staff review the existing Ordinance addressing sea level rise and establish a minimum standard for seawall elevation.

Dr. Gassman explained that while tides were predicted at 1 ft. above the average high tide, the 2015 king tide was equivalent to a 2 ft. sea level rise. There is an expectation of up to 10 similar nuisance flooding events each year, reaching an annual number of 240 such events by the year 2040. Seawalls will be an important aspect of the City's defense against tidal flooding.

In 2014, the City's Marine Advisory Board recommended to the City Commission that the maximum allowable height of seawalls be raised. The current Ordinance does not establish a minimum seawall height, although it does provide a maximum. The expected lifetime of a seawall is approximately 50 years. Dr. Gassman noted that most seawalls constructed in 2015 were built to the maximum. She recommended that this maximum height be made the minimum requirement for seawall height in the future.

Staff also recognized that in addition to tidal inundation of seawalls and docks, there are many seawalls in significant disrepair that allow for upland erosion. There are also several different seawall heights throughout the City. These issues contribute to effects on upland properties and public rights-of-way.

Staff developed a team to review the existing Ordinance and provide new language, which was brought before a very wide group of stakeholders over a two-month period. These groups included the Council of Fort Lauderdale Civic Associations, the Marine Advisory Board, the Marine Industries Association of South Florida (MIASF), and multiple homeowners' associations. Adjustments to the Ordinance were made based on feedback from these groups as well as written comments provided through the City's social media features. The Ordinance was distributed through the Council of Fort Lauderdale Civic Associations and covered by print, radio, and television media. Notification of public meetings to discuss the Ordinance was provided through the utility billing system.

Key Ordinance changes are as follows:

- Definitions of the terms "seawall," "North American Vertical Datum (NAVD)," and "riprap" were added
- Minimum seawall elevation is set at 3.9 ft. NAVD-88, which is the current maximum under the existing Ordinance
- Design of seawalls is proposed to accommodate future height adjustment
- Allowable maximum height of a seawall will be established based on the property's base flood elevation
- Seawalls must be maintained in a state of good repair, and disrepair of seawalls will be made a citable offense
- Homeowners must prevent any tidal waters that enter their properties from leaving those properties and affecting neighboring properties or public rights-of-way; if cited, property owners will have one year to remedy this issue
- Additional provisions dealing with both fixed and floating docks

Dr. Gassman advised that under the proposed Ordinance, property owners would be required to raise their seawalls under the following conditions:

- If a new seawall is being installed
- If permitted repairs for an existing seawall are determined to meet the substantial repair threshold, which is 50% of the value or 50% of the actual structure
- If the substantial repair threshold is triggered during permitted repairs of seawalls cited for disrepair
- If a homeowner cited for tidal waters leaving their property wishes to install a seawall

Mr. McCulla expressed concern with the potential cost to homeowners who may be required to replace or raise a seawall, stating that he found this to be punitive. He asked how a seawall would be determined to be in good repair or disrepair. Dr. Gassman replied that this is defined in the proposed Ordinance as having materials or waters moving unimpeded through the seawall. While weepholes may be included in a seawall to remove hydrostatic pressure from the upland side, seawalls are intended to be substantially impermeable.

Dr. Gassman continued that if properties allow tidal flooding to run off onto neighboring properties or public rights-of-way, neighboring or public properties that may have maintained their own seawalls will be affected by this flooding. She explained that during the public feedback period, many residents pointed out that a single property in a neighborhood may refuse to make improvements to its seawalls, therefore affecting other properties around them. Residents of neighborhoods that currently experience flooding felt it was important to phase in ways to address these concerns.

As with any Code Enforcement activity, individual property owners who fail to address cited concerns may be fined or have liens placed on their properties until they come into compliance. Mr. McCulla asserted that the City should come up with a way to help homeowners who may be unable to meet the expense of improving their seawall.

Chair McTigue requested clarification of how the Ordinance would be phased in. Dr. Gassman advised that the original draft of the Ordinance called for all seawalls to be raised by the year 2035; however, feedback from neighborhoods not currently affected by flooding showed that these residents did not feel they should have to raise their seawalls until problems occurred. Neighborhoods that currently experience flooding, however, asserted that they wanted more immediate address of the problem. The updated Ordinance would treat these two types of neighborhoods differently.

Chair McTigue also expressed concern with the potential expense to homeowners who may not be able to afford the cost of raising or repairing their seawalls. Dr. Gassman explained that when properties are cited for other types of disrepair, this is not considered to be unjust, as disrepair can affect a neighborhood either visually or physically. A seawall should not be considered to be different. She acknowledged, however, that there may be a difference in the cost of repairs.

Mr. Heidelberger advised that while some homeowners may not be able to afford to make improvements to their seawalls, the owners of waterfront properties must meet their responsibilities as neighbors. He did not feel the City should be required to help these property owners. He also requested clarification of how a maximum height can be set according to a property's base flood elevation.

Dr. Gassman explained that base flood elevations vary for different locations throughout the City: Staff wished to ensure that when seawalls are raised above a minimum, waters do not flood within homes. Under the current flood plain Ordinance, a finished floor must be 1 ft. above the base flood elevation. This means seawalls may be constructed between 3.9 ft. NAVD-88 and that base flood elevation, which would leave 1 ft. of difference between the two measurements. For property owners with older homes that may have flood elevations below 3.9 ft. NAVD-88, which is the current maximum seawall height, a provision to the Ordinance would allow City Engineers to work with those owners to seek alternative solutions or allow for slightly lower seawalls.

Ms. Desir-Jean requested more information on how the Ordinance would be enforced. Dr. Gassman replied that like other Code Enforcement issues, responses would be made to either complaints or observations. Code Enforcement would visit properties and determine if there is validity to the complaint or observation. She added that more complaints are expected from areas that suffer flood intrusion after tidal events. The City does not plan to address this issue inequitably in comparison to other Code Enforcement issues.

Dr. Gassman added that in addition to previous and ongoing outreach conducted by the City with regard to the Ordinance, the City is developing materials to help homeowners better understand how to maintain their seawalls. They are working on a communication strategy to make these owners, as well as marine contractors, aware of the new guidance. She emphasized that the City will also be subject to the Ordinance and must maintain its four miles of public seawall.

Ms. Golub complimented City Staff on its work in addressing this issue, including improvements to the proposed Ordinance made after public comment. She suggested that there may be opportunities for public-private partnerships for property owners who may face difficulties meeting the expenses of improving their seawalls.

Attorney Spence advised that the Board will be acting in its capacity as local planning agency as well as its capacity as a Planning and Zoning Board with regard to this Item: they must make a recommendation to the City Commission based on whether or not they find the Ordinance to be consistent with the local Comprehensive Plan. He read from the Coastal Management section of the Fort Lauderdale Comprehensive Plan, which refers to increasing the City's resiliency to the effects of climate change and rising sea levels by developing and implementing adaptation strategies that protect human life

and natural resources and systems. These strategies may require adaptation of public infrastructure and services, as well as public and private property.

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

Ronald Weir, private citizen, expressed concern for the potential cost of repairing his seawall, and pointed out that the recent WaterWorks 2011 project allowed some residents a mechanism to finance necessary repairs. Dr. Gassman reiterated that the Ordinance would be phased in throughout the City, first addressing the places most affected by flooding, such as the Cordoba and Rio Vista neighborhoods and the Las Olas Isles area. The City has prioritized these areas for public investments to reduce their vulnerability to sea level rise, although private investment will also be necessary.

Dr. Gassman continued that at their May 3, 2016 meeting, the City Commission discussed possible funding mechanisms for private infrastructure, such as tax assessments or community development districts. Discussions will continue at the City Commission level to determine how to proceed.

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

**Motion** made by Ms. Maus, seconded by Ms. Desir-Jean, to approve.

In a roll call vote, the **motion** passed 5-1 (Mr. McCulla dissenting).

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| <b>6. <u>Applicant / Project:</u></b> | City of Fort Lauderdale  |
| <b>Request: *</b>                     | Amend Section 47-24.4.D, Rezoning Criteria.<br>Amending the Unified Land Development Regulations to revise the rezoning criteria requirements of Section 47-24.4.D as part of the requirements for a rezoning of property within the City for Fort Lauderdale. |
| <b>Case Number:</b>                   | T16002   |
| <b>General Location:</b>              | City-wide  |
| <b>Case Planner:</b>                  | Anthony Gregory Fajardo  |
| <b>Commission District:</b>           | All Districts  |

Eric Engmann, representing Urban Design and Planning, explained that this text amendment would affect the criteria in ULDR Section 47-24.4. Previous meetings held on this Item, from January 2015 to the present, are included as part of the record.

On March 16, 2016, three criteria were presented to replace criterion #2 of this Section; however, as reaction from the Board was mixed, Staff brought the Item before the City Commission on April 19 for further discussion. The City Commission asked Staff to

revisit criterion #2. The result was removal of questionable language regarding substantial changes to the area, focusing instead on how a development would affect the area itself.

The new language is as follows: "The changes anticipated by the proposed rezoning will not adversely impact the character of the development in or near the area under consideration."

**Motion** made by Ms. Maus, seconded by Ms. Desir-Jean, to approve. In a roll call vote, the **motion** passed 6-0.

#### **IV. COMMUNICATION TO THE CITY COMMISSION**

None.

#### **V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

It was suggested that the City look further into a mechanism to help property owners pay for repairs to their seawalls.

Mr. Engmann thanked Chair McTigue on behalf of City Staff for his time on the Board. All present recognized his service with a round of applause.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:56 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

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Chair

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Prototype

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