CITY OF FORT LAUDERDALE

PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
TUESDAY, NOVEMBER 13, 2018 – 6:30 P.M.

Cumulative

		June 2018-May 2019	
Board Members	**Attendance**	**Present**	**Absent**
Catherine Maus, Chair	P	5	1
Howard Elfman, Vice Chair	A	5	1
John Barranco	P	5	1
Brad Cohen	P	5	1
Mary Fertig	P	5	1
Jacquelyn Scott	P	6	0
Jay Shechtman	P	6	0
Alan Tinter	P	4	2
Michael Weymouth	P	6	0

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

Staff
Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Karlanne Grant, Urban Design and Planning, Department of Sustainable Development
Jim Hetzel, Urban Design and Planning, Department of Sustainable Development
Florentina Hutt, Urban Design and Planning, Department of Sustainable Development
Randall Robinson, Urban Design and Planning Department of Sustainable Development
Benjamin Restrepo, Transportation and Mobility Department
Enrique Sanchez, Parks and Recreation Department
Gina Rivera, Parks and Recreation Department
Irina Tokar, Public Works Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

~~**Communication to City Commission**~~

~~**Motion** made by Ms. Fertig, seconded by Ms. Scott, that in the interest of responding to citizens' concerns about public safety, the Planning and Zoning Board requests that the City Manager provide the resources for Staff to review the current requirements involving wind vortex, compare them with other cities, and share with the Board and the City Commission any changes they believe would strengthen future planning for vertical development. In a roll call vote, the **motion** passed 5-3 (Mr. Cohen, Mr. Tinter, and Mr. Weymouth dissenting).~~

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board and Staff members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members.

Motion made by Ms. Scott, seconded by Mr. Shechtman, to move [Item 5] to the beginning of the Agenda. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Tinter, seconded by Ms. Scott, to defer Item 1 to the December 19, 2018 meeting. In a voice vote, the **motion** passed unanimously.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

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

III. PUBLIC SIGN-IN / SWEARING-IN

Individuals wishing to speak on tonight's Agenda Items were sworn in at this time.

IV. AGENDA ITEMS

Index

	Case Number	Applicant
1.	R17057**	94-96 Hendricks Isle, LLC
2.	Z18004* **	Mahyoub & Sons, Inc.
3.	R18063**	Tara L. Tedrow
4.	R18017**	1055 N Federal, LLC
5.	Z18008* **	City of Fort Lauderdale
6.	T18010*	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.

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

Motion made by Mr. Cohen, seconded by Mr. Shechtman, to approve.

Mr. Tinter requested the addition of **amendments** to the **motion**: that the Applicant go back to FDOT and go to the pre-application committee meeting for review of the site prior to the final DRC sign-off, and that the restaurant be limited to use by the hotel guests. Mr. Cohen accepted the addition of both **amendments**. Mr. Shechtman stated that he would accept only the first **amendment**, which would require FDOT outreach of the Applicant, and withdrew his **second** of the **motion**.

Mr. Tinter **seconded** the **motion** made by Mr. Cohen.

Ms. Fertig asked how the Applicant would enforce denial of restaurant service to non-hotel guests. Mr. Tinter explained that his concern was that a free standing restaurant would serve as an additional generator of traffic rather than an ancillary use of the hotel. Mr. Shechtman added that he did not feel it was reasonable for the Board to facilitate this condition, as the Applicant may decide they wish to serve the public.

Mr. Barranco stated that he would not support a **motion** with this type of condition, as he felt it was not enforceable. He also expressed concern with the City's practice of parliamentary procedure in relation to the **motion**, as he felt a second **motion** without the condition should be made in the event the original **motion** fails.

Ms. Parker advised that the parking reduction before the Board is predicated on a parking study for accessory uses to the hotel. The Applicant designed the project in accordance with the section of Code dealing with accessory uses, which specifies certain design provisions that would ensure the uses do not function as if they were open to the public. This would mean the proposed **amendment** dealing with the restaurant is not necessary, as the uses are accessory.

Attorney Spence recommended that either the **amendment** or the overall **motion** be withdrawn by the members who made them.

Mr. Tinter withdrew the second **amendment** regarding the restaurant. Ms. Crush confirmed that the Applicant was willing to comply with the first **amendment**, which would require them to go before FDOT.

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

6. CASE: **T18010**

REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-37A, Innovative Development District; Providing for a New Title for the Zoning

	District, Additional Public Outreach, Limitations on Density, Maximum Floor Area, and Building Height Requirements, Permitting Certain Public Improvements, Requiring Development Applications for Flexibility Units to be located within the adopted Unified Flex Boundary, Removing Minimum Acreage When Improved Land Contains Existing Uses, and Removing Supermajority Vote for Planning and Zoning Board Approval.
APPLICANT:	City of Fort Lauderdale
PROJECT NAME:	Innovative Development (ID) Proposed Revisions
GENERAL LOCATION:	City-Wide
CASE PLANNER:	Jim Hetzel

Jim Hetzel, representing Urban Design and Planning, stated that the Item is a City-initiated Amendment to the Unified Land Development Regulations (ULDR) to amend Section 47-37a. This Section refers to the Innovative Design (ID) Ordinance. A committee met for approximately 18 months at the direction of the City Commission to review this Ordinance and develop recommendations.

Ms. Scott commented that the Planned Unit Development (PUD) Ordinance, which predated the ID Ordinance, had been problematic for the City for various reasons, including the perception that it provided a loophole for the construction of large developments. She asserted, however, that she was very disappointed with the proposed Ordinance, as it made only minimal changes. She stated that she could not support the Amendment without the following modifications:

- A supermajority of both the Planning and Zoning Board and the City Commission would be required for approval of these projects
- More than one public meeting would be required of the developer
- The Ordinance's requirement of a minimum two-acre project did not seem to be a firm requirement

Mr. Hetzel pointed out that the proposed Amendment would still be subject to the City's public participation process: one additional public outreach meeting would be required prior to the submission of an ID application as well as the regular public meeting.

Ms. Fertig also addressed concerns regarding the public participation process, particularly in the context of holding required meetings during the summer when fewer affected members of the public may be present. This led to the requirement for pre- and post-application public meetings before the project comes before the Board. Mr. Hetzel advised that the proposed Amendment provided greater clarity regarding public participation requirements and adds a follow-up meeting after the DRC process.

Ms. Fertig continued that another concern was the possibility that building height could be increased by as much as 125% of the existing height in the underlying zoning district without exceeding a maximum height of 300 ft. She pointed out that a maximum height of 240 ft. was more palatable to the committee that discussed Amendments to the Ordinance. She concluded that she was also supportive of a supermajority for the City Commission and the Planning and Zoning Board.

The Board discussed possible alternatives to the 300 ft. maximum building height, with Mr. Hetzel noting that the Amendment included recommendations made by the ID Advisory Committee to the City Commission. The Board may make further recommendations to the language of the Amendment if that is their desire.

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

Paul Chettle, private citizen, stated that the Board should strongly consider requiring the approval of a supermajority of its members as well as of the City Commission.

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

Motion made by Ms. Scott, seconded by Ms. Fertig, to approve, with the exception or the change that the Planning and Zoning Board must have a supermajority.

Ms. Fertig requested the consideration of an **amendment** limiting height to 240 ft. or less in areas where there are specific height requirements. Ms. Scott agreed to the addition of this **amendment**.

Mr. Hetzel requested clarification that the **amendment** would change the height limitation from 300 ft. to 240 ft. Ms. Fertig confirmed this was her intent. Mr. Hetzel further clarified that if buildings may be constructed to 125% of the existing height limit in a district, this would mean buildings constructed under this Ordinance in a district where the height limit is 100 ft. could build as high as 225 ft.

Ms. Scott and Ms. Fertig restated their **amended motion** and **second** as follows: **motion** to approve the new Ordinance, with the exception that the Planning and Zoning Board must pass it with a supermajority, and [the reference on] p.5 of Exhibit 2 “shall not exceed 300 ft.” will be changed to “shall not exceed 240 ft.”

Mr. Barranco asked if this meant no project shall exceed 240 ft. even in a Regional Activity Center. Mr. Hetzel explained that this would only be the case if a project is proposed under the ID Ordinance. He added that the only area of the City allowing height up to 300 ft. by right is the Downtown area.

In a roll call vote, the **motion** passed 6-2 (Mr. Barranco and Mr. Weymouth dissenting).

Catherine Manso

Chair

Brigitte Chappetta

Prototype

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