



**CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 16, 2019 – 6:00 P.M.**

Cumulative

Board Members	Attendance	June 2019-May 2020	
		Present	Absent
Catherine Maus, Chair	P	5	0
Mary Fertig, Vice Chair	P	4	1
John Barranco	P	4	1
Brad Cohen (arr. 6:09)	P	4	1
Coleman Prewitt	P	5	0
Jacquelyn Scott	P	5	0
Jay Shechtman	P	5	0
Alan Tinter	P	5	0
Michael Weymouth	P	5	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
Anthony Fajardo, Director, Department of Sustainable Development
Jim Hetzel, Principal Urban Planner
Tyler Laforme, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Lorraine Tappen, Principal Urban Planner
Benjamin Restrepo, Department of Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:00 p.m. and introduced the Board members present. Urban Design and Planning Manager Ella Parker introduced City Staff.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

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

III. PUBLIC SIGN-IN / SWEARING-IN

Members of the public wishing to speak on any Item on tonight's Agenda were sworn in at this time.

It was determined that Items 1 and 3 would be heard together and voted upon separately.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. R18054**	Summit Hospitality 134, LLC
2. R19055**	CRP LMC Prop Co., LLC
3. PL19001**	Summit Hospitality 134, LLC
4. T19013*	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. CASE:	R18054
REQUEST: **	Site Plan Level IV Review: 150 Room Hotel with Parking Reduction
APPLICANT:	Summit Hospitality 134 LLC.
PROJECT NAME:	Residence Inn
GENERAL LOCATION:	425 Seabreeze Boulevard (SRA1A)
ABBREVIATED LEGAL DESCRIPTION:	A Portion of Lots 2, 3 And 4, Block 2 Laying Westerly off the Westerly Right-Of-Way Line of Seabreeze Boulevard, "Re-Amended Plat of Blocks "A" And "2" of the Amended Plat of Las Olas By The Sea", According to the Plat Thereof, As Recorded In Plat Book 1, Page 16, of The Public Records of Broward County, Florida, And A Portion of New River Sound (Florida East Coast Canal) In Section 12, Township 50 South, Range 42

~~In a roll call vote, the motion passed 8-0. (Mr. Tinter recused himself. A memorandum of voting conflict is attached to these minutes.)~~

~~Mr. Tinter returned to the dais following the vote.~~

3. CASE:	T19013
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Amending Section 47-13, "Regional Activity Center Districts," to guide development within the Downtown Regional Activity Center zoning districts; Establishing Downtown Character Areas: "Downtown Core", "Near Downtown", "Urban Neighborhood"; Providing for maximum building height, maximum building tower setback, maximum building podium height, maximum building tower floorplate size, maximum streetwall length, minimum distance for building tower separation; Establishing open space requirements; Establishing commercial and residential transition zones to address building height at the boundaries of the Downtown Regional Activity Center; Amending Downtown street design, landscape and street tree requirements; Amending Section 47-13.21, Table of Dimensional Requirements; Amending review process for development permits; Amending Section 47-24, Table 1, Development Permits and Procedures; Amending Section 47-13.2.1.J, Definitions; Amending Section 47-25.3, Neighborhood Compatibility requirements, removing conflicting requirements.
APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	Downtown Regional Activity Center
CASE PLANNER:	Jim Hetzel

Mr. Weymouth recused himself from hearing or voting upon the Item due to a conflict, and left the dais at this time.

Jim Hetzel, Principal Urban Planner, explained that this Item proposes ULDR amendments to codify aspects of the Downtown Master Plan. This Master Plan was first adopted in 2003 and was amended in 2007. Its intent is to create a "live, work, play" environment that addressed the design of buildings in the Downtown as well as certain uses to make Downtown a more livable space on a 24-hour basis. Staff has conducted extensive public outreach with multiple civic associations and other groups from January to September 2019, as well as outreach in previous years.

The Downtown Master Plan codification elements include:

- Different character areas
- Floor plate sizes
- Tower separation
- Transition zones between character areas

Three Downtown character areas were created by the consultant team that developed the Downtown Master Plan:

- Downtown Core (includes the central business district)
- Near Downtown
- Urban Neighborhood

Mr. Hetzel advised that dimensional requirements apply differently to each of the three character areas, as well as what is already included in the Downtown Master Plan. They vary according to the context of the character areas as well as the appropriate scale and size of floor plates in that area. Examples include tower separation, which is 60 ft. for towers on the same property as well as on adjacent properties. Building street wall length will be limited to 300 ft. due to its impact on the public realm and experience. Building length may be broken up through articulation. Building podium height and setbacks also vary depending upon their character area. Staff is now proposing the addition of transition zones, which may vary between the three different character areas based on heights and setbacks.

Mr. Hetzel continued that Staff will be "cleaning up" the language in the Neighborhood Compatibility section of Code. Requirements will vary based on density and other considerations within individual zoning districts. Staff is also proposing language addressing open space and such open space be applicable to the entire Downtown area rather than referring only to the original pool of residential units.

Open space requirements are based upon the size of the residential development by the density and number of units. There are three different categories of minimum open space that can be provided, with minimums of the second and third categories required to be the maximum of the category before it. Open space requirements are slightly different for residential, non-residential, and RAC uses. Credit is given to developers or property owners who enhance streetscape elements. Mr. Hetzel showed examples of projects that provided open space that complies with or exceeds the proposed Code requirements.

The Downtown Master Plan has always applied to residential use and will now be applied to non-residential use as well. The criteria for the City Commission call-up process are being changed, and Staff proposes a process through which developers or owners may request relief from the City Commission if they cannot meet requirements. Mr. Hetzel anticipated that the proposed Downtown Master Plan amendments would go before the City Commission in December.

Mr. Tinter asked what might become of property owners who purchased a piece of property in the Downtown area with plans for its development but would be unable to follow through with those plans once the new amendments are approved. He felt this would be a loss of those individuals' property rights. Mr. Hetzel explained that the intent of the open space requirements is to ensure sufficient space for the number of residents being brought into the Downtown area by a project.

Chair Maus addressed character areas, noting that a section of the west side of 7th Avenue considered Near Downtown includes buildings that can be 30 stories tall. Meanwhile, the Flagler Village community is designated Urban Neighborhood, which has the lowest development intensity of the three character areas but includes larger developments than 7th Avenue and Victoria Park. She also noted that the Victoria Park Civic Association objects to the classification of 7th Avenue as Near Downtown and feels Urban Neighborhood is more appropriate for its existing patterns of development.

Mr. Hetzel replied that the Commission's directive for Staff did not include making changes to the character areas that were created in 2003. If the Board wishes, they may recommend that the City Commission direct Staff to conduct additional research into the character areas. Chair Maus stated that it could be problematic to use character areas which have not held up over the years and codify their standards into law. She felt the Commission should take a closer look at the portion of 7th Avenue south of Broward Boulevard in particular.

Anthony Fajardo, Director of Sustainable Development, continued that the ULDR is considered a Euclidean code: it is a written document without illustrations. This can make it difficult to express intent. The Downtown Master Plan, however, includes images and graphics that help communicate this intent. He cited Flagler Village as an example of where this intent has been successfully expressed. Mr. Fajardo also agreed with Chair Maus that development patterns in Flagler Village and Victoria Park have evolved differently from their original characterization in the 2003 Downtown Master Plan, and it may be necessary to reexamine these areas.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, that before [the Board has] further discussion on these plans, they ask the City Commission to clarify what their expectations of the Planning and Zoning Board's input will be.

Attorney Wallen explained that in this case, the Board would be either recommending approval or denial of the proposed ULDR changes. She noted that recommended changes may also be included in the language of their motion.

Vice Chair Fertig **amended** her **motion** as follows: to defer this until we [the Board] have a clarification of the process from the City Commission. [The **motion** died for lack of second.]

Attorney Wallen reiterated that according to Code, the Planning and Zoning Board is supposed to recommend approval or denial of ULDR amendments. While the Board may choose to defer the Item, she pointed out that recommendation of approval or denial is already a part of Code.

Vice Chair Fertig asserted that while she did not want to deny the ULDR amendments, she would like to know what the City Commission had in mind when they directed Staff to update the Downtown Master Plan.

Assistant City Attorney D'Wayne Spence advised that the Board is asked to act in its capacity as Local Planning Agency (LPA) by reviewing the regulations to determine whether or not they are consistent with the Comprehensive Plan. Staff received direction from the City Commission to review the existing Downtown Master Plan and codify it. To this end, Staff has taken the existing language of the Downtown Master Plan and incorporated it into the ULDR. There was no direction provided to Staff regarding additional studies or incorporation of additional information into Code. The Board has the opportunity to comment on the document and to identify issues they see with the document, such as the need to update the existing Downtown Master Plan.

Attorney Spence continued that the Board is allowed to defer the Item pending additional information; however, the **motion** has suggested that the City Commission provide the Board with guidance, when in fact the Board's role as LPA is to advise the Commission regarding how they would like the updated Plan to be adopted. He recommended that the Board move the Item forward with a recommendation that communicates their concerns.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to deny it pending a more comprehensive update and a process which helps include the comments of the community in the Plan.

Mr. Fajardo requested clarification that this would have Staff reanalyze the entire Downtown Master Plan, including previously established character area boundaries and zoning requirements, and bring back a recommendation based on community input and consensus. Vice Chair Fertig felt this would be preferable to relying on a Master Plan developed 16 years ago that has changed significantly in places since that time.

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

Lianne Rubbo, secretary/treasurer of the Las Olas by the River Homeowners' Association, advised that this community was formerly considered a transitional zone between character areas. There have been concerns regarding further development of the neighborhood, including potential plans for a 20-story building. She pointed out that while the area was intended to be a transition zones, the neighborhood has never been contacted or notified with regard to this categorization.

Ms. Rubbo continued that because the neighborhood is being overdeveloped, they are requesting that the City codify nearby Smoker Park as a park to be given to the community rather than to be partially developed. They would also like the City to codify the neighborhood as a transitional zone, as utilities and traffic are suffering from the effects of overdevelopment.

Dan Lindblade, president and CEO of the Greater Fort Lauderdale Chamber of Commerce, stated that the Chamber opposes moving the Item on to the City Commission at this time. The Chamber saw a presentation on the Item in August 2019 and does not feel that advancing the Application to the Commission would be a good process. He advocated for a workshop or other professional meeting where interested parties can discuss different ways toward a successful Downtown Master Plan.

Chair Maus left the meeting at 8:17 p.m. Vice Chair Fertig assumed the role of Chair for the remainder of the meeting.

Michael Dutko, private citizen, commented that his workplace lies within a commercial transition zone, which he characterized as "useless," as it does not serve any actual purpose and could lead to a lawsuit against the City on behalf of private property owners. He advised that this zone provides transition from one commercial zoning district to another, which limits height on a portion of Federal Highway that already has a buffer to serve as a transition zone.

Stan Eichelbaum, representing the Downtown Fort Lauderdale Civic Association, stated that he had asked Staff to send the Civic Association's communication to the Board members in advance of tonight's meeting. The Civic Association hosted a public workshop on June 5, 2019 to discuss the proposed amendments; however, Mr. Eichelbaum noted that the Association did not receive a direct response from the City.

Mr. Eichelbaum continued that the document submitted to the Board includes a number of public comments which have not been considered, as Staff needs direction from the City Commission in order to consider their input. He requested that the Application be denied in order to send a message to the Commission that these comments should be taken into consideration.

Marvin Srulowitz, private citizen, addressed transition zones, stating that codifying the transition zones as they currently are would result in codifying an error. He also felt the Item should be denied at this time so appropriate study can be given to the drawing of boundaries and transition zones.

Jenni Morejon, president and CEO of the Downtown Development Authority (DDA), explained that as a former City employee, she had worked on the original Downtown Master Plan as well as additional plans within the Downtown area. She emphasized that cities take generations and multiple economic cycles to grow and change, and

characterized the current development in the Downtown area as the realization of the vision established by the Master Plan.

Ms. Morejon felt it was not necessary to approve and codify the proposed amendments, as the Downtown Master Plan continues to work for the community. Furthermore, she felt the proposed changes would impose untested regulations on non-residential development, which was never the intent of the original document. She encouraged denial of the Application.

Robert Lochrie, representing multiple property owners within the Downtown area, asserted that the amendments should be denied, as acting otherwise would amount to a taking of property rights and require compensation. In addition, he felt codifying the amendments would apply the Downtown Master Plan to all projects, including non-residential, which were intended to be excluded by the City Commission since the time of the Master Plan's first adoption. He added that the amendments would take away the flexibility within the Master Plan to come up with creative solutions by changing from a form-based Code to a very refined and specific format. Another unintended result of the amendments could be that many buildings Downtown could become nonconforming, which could create issues in the future should they require rebuilding.

Alan Hooper, private citizen, commented that none of the projects he has developed in the Downtown area could have been realized without the flexibility of intent in the current Downtown Master Plan. He was concerned that once codified, the Plan would become very rigid. He also felt there could be unintended consequences, including a loss of creativity upon codification. Mr. Hooper concluded that the existing Master Plan has resulted in development of a City that appears to be well-planned and projects that meet the intent of the document.

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

Vice Chair Fertig commented that while there had seemed to be a desire for codification from the community, to which the amendments were a response, the response did not seem to have taken changes since 2003 into account.

Mr. Tinter asked if the Item would go to the City Commission for further action whether the Board's recommendation is for approval or denial. Attorney Spence confirmed this, reiterating that the only action the Board may take is a recommendation to the Commission. The **motion** made and seconded by Vice Chair Fertig and Ms. Scott would recommend denial, pending the addition of more information. He also advised that the **motion** be very clear in communicating the Board's concerns so the City Commission understands the reason for denial.

Mr. Prewitt requested clarification of the possibility of liability to the City should the amendments be codified. Attorney Spence replied that this was not a very realistic

concern or it would have been communicated as such: although litigation could result from the amendments, the City's attorneys felt that a comprehensive rezoning scheme is allowable under the City's police powers.

Vice Chair Fertig's **motion** was restated as follows: **motion** to recommend denial, pending a more comprehensive update and a process which helps include the comments of the community and the Master Plan.

In a roll call vote, the **motion** passed 7-1 (Mr. Tinter dissenting). (Mr. Weymouth recused himself. A memorandum of voting conflict is attached to these minutes.)

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 8:41 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.]