



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
VIRTUAL MEETING
WEDNESDAY, DECEMBER 16, 2020 – 6:00 P.M.**

Board Members	Attendance	June 2020-May 2021 (Cumulative)	
		Present	Absent
Catherine Maus, Chair	P	6	0
Mary Fertig, Vice Chair	P	6	0
John Barranco	P	6	0
Brad Cohen	P	6	0
Coleman Prewitt	P	6	0
William Rotella	P	6	0
Jacquelyn Scott	P	6	0
Jay Shechtman	P	6	0
Michael Weymouth	P	5	1

Communication to the City Commission

Motion made by Ms. Fertig and seconded by Ms. Scott, to communicate to the City Commission a request to authorize staff to review the City's code in respect to parking requirements for townhouse and cluster developments and bring forth potential recommendations.

In a roll call vote, the **motion** passed 9-0



CITY OF FORT LAUDERDALE

DRAFT

**MEETING MINUTES
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
CITY HALL COMMISSION CHAMBERS**

100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301

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William Rotella	P	6	0
Jacquelyn Scott	P	6	0
Jay Shechtman	P	6	0
Michael Weymouth	P	5	1

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
Jim Hetzel, Principal Urban Planner
Trisha Logan, Historic Preservation Planner
Yvonne Redding, Urban Design and Planning
Benjamin Restrepo, Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, ProtoType, Inc.

Communications to City Commission

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to communicate to the City Commission a request to authorize Staff to review the City's Code in respect to parking requirements for townhouse and cluster developments, and bring forth potential recommendations. In a roll call vote, the **motion** passed unanimously (9-0).

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:02 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members at this time.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Shechtman, seconded by Mr. Weymouth, to approve the minutes from the November meeting. 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.

IV. AGENDA ITEMS

Index

Case Number

Applicant

- | | |
|------------------------|---|
| 1. PLN-SITE-20070017** | FLL Hospitality, LLP |
| 2. R19005** | Enrique Lisker |
| 3. PLN-SITE-20050005** | 6500 4R3G, LLC; Poliakoff Becker & Streitfeld |
| 4. PLN-ULDR-20010001* | 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:	PLN-SITE-20070017
REQUEST: **	Site Plan Level III Review: Parking Reduction Request for 138-Room Hotel
PROPERTY OWNER/APPLICANT:	FLL Hospitality, LLP.
AGENT:	Deena Gray, Greenspoon Marder, LLP.
PROJECT NAME:	Aloft Hotel Parking Reduction Request
GENERAL LOCATION:	501 SE 24 Street
ABBREVIATED LEGAL DESCRIPTION:	Lauderdale 2-9, Lots 3,4, 21 and 22 Block 130
COMMISSION DISTRICT:	4 - Ben Sorensen
NEIGHBORHOOD ASSOCIATION:	Poinciana Park Civic Association
ZONING DISTRICT:	Boulevard Business (B-1) and Residential Office (RO)
LAND USE:	Commercial
CASE PLANNER:	Yvonne Redding

Disclosures were made at this time.

Deena Gray, representing the Applicant, showed a PowerPoint presentation on the Application, which requests a parking reduction for a proposed 14-story, 138-room hotel. The property's front lot is zoned B-1 and is approximately 0.3 acre, while the rear lot is zoned RO and is 0.62 acre. The property is a total of 0.92 acre with a 16 ft. alley between these lots. The hotel would be constructed on the front lot, with surface parking on the back lot. The project meets Code requirements except for the requested parking reduction.

When the Applicant held neighborhood participation meetings, the surrounding neighbors requested additional landscaping. The Site Plan has been revised to include as much landscaping as possible. There were also concerns regarding the site's traffic circulation plan for delivery vehicles. The design team mitigated this concern by redesigning the site to allow trucks to enter from Federal Highway, circulate through the surface parking lot, and exit back onto Federal Highway.

The Applicant proposes to provide 99 of the required 138 parking spaces, which is a 28% reduction. Ms. Gray noted that this percentage is consistent with a number of other hotel projects approved by the City. The project is located close to the airport and would provide van service for guests. The Applicant has been provided with a capacity letter from the City in acknowledgement that the project meets capacity requirements, and plans to provide 100% valet service. The Applicant has provided a traffic generation statement, which shows that during peak daytime hours, 86 parking spaces are expected to be used.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, that the City Staff report be included as part of the record. In a voice vote, the **motion** passed unanimously.

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

Greg McAloon, representing FLL Hotels, Inc., which owns the Crown Plaza hotel next door to the subject property, stated there is no issue regarding development of the site for hotel use or the requested parking reduction. He advised, however, that the Site Plan would create a number of negative impacts on the alleyway, particularly regarding circulation. There is an existing apartment complex behind the Crown Plaza with backout parking spaces. The Crown Plaza also has a loading zone on the western side of the alley.

Mr. McAloon advised that the Applicant's Site Plan shows surface parking on only one side of the alley. This would mean all cars must cross the alleyway. Any traffic spilling over from US-1 would have an additional negative effect on all surrounding businesses.

Chair Maus asked if the client represented by Mr. McAloon had any requests of the Applicant that might resolve the situation. Mr. McAloon replied that these concerns were raised by his client at the Applicant's public participation meeting in September 2020. The Applicant has offered to provide signage; however, Mr. McAloon stated that it is difficult to regulate activity. His client opposed the proposed development due to the need to traverse the alley for all parking activity, as internalized parking is not an option.

Ms. Gray confirmed that the Applicant is amenable to adding wayfinding signage to direct traffic in the area of the alleyway as a condition of approval. She asserted that the Applicant is willing to work with City Staff to determine what is permitted regarding signage.

Yvonne Redding, representing Urban Design and Planning, advised that the first condition of approval included in the Staff Report should be amended to read as follows: Should the Application for the parking reduction be approved, the parking reduction order must be executed and recorded in the public records of Broward County at the Applicant's expense prior to final Development Review Committee (DR) approval.

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 valet parking arrangement on the surface lot would preclude the Applicant from entering into parking arrangements with other properties in the subject area, or if such agreements remained a possibility. Benjamin Restrepo, representing the Department of Transportation and Mobility, advised that if the parking reduction is approved, and the property owner later decides to approve parking for other uses on the site, additional analysis would be required to show that the parking demand for other sites does not conflict with the demand of the subject site. Both property owners would need to formally apply for such an agreement and come back before the Planning and Zoning Board to adjust the parking reduction.

Motion made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve with Staff conditions and the two conditions Mr. McAloon had suggested: signage for the parking and assurance that traffic would not conflict with the neighboring properties as well as the change to condition #1 that [was] read into the record.

Chair Maus further clarified that the Board was adopting the findings of fact from the Staff Report as part of the **motion**.

Assistant City Attorney Shari Wallen read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the city of Fort Lauderdale, Florida, approving a Site Plan Level III development permit and a parking reduction for the property known as Aloft Hotel, located at 501 SE 24 Street, Fort Lauderdale, Florida, Case Number PLN-SITE-20070017.

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

2. CASE:	R19005
REQUEST: **	SitePlan Level III Review: Conditional Use for 5-Unit Cluster Development
PROPERTY OWNER/APPLICANT:	Enrique Lisker
AGENT:	Karyn Rivera
PROJECT NAME:	Edgewood Villas
GENERAL LOCATION:	3110 SW 15 Avenue
ABBREVIATED LEGAL DESCRIPTION:	Jacob's Hammock 182-40 B Portion of Parcel A
COMMISSION DISTRICT:	4 – Ben Sorensen
NEIGHBORHOOD ASSOCIATION:	Edgewood Civic Association
ZONING DISTRICT:	Residential Single Family and Duplex/Medium Density (RD-15)
LAND USE:	Medium Density Residential
CASE PLANNER:	Yvonne Redding

Disclosures were made at this time.

Manuel Rodriguez, representing the Applicant, showed a PowerPoint presentation on the Application, which requests Site Plan Level III review for a five-unit cluster development known as Edgewood Villas. The site is zoned RD-15 and the subject parcel is 17,871 sq. ft. in size. The units are grouped together for maximum efficiency and to allow as much green space as possible.

Mr. Rodriguez reviewed the Site Plan, noting that the development includes a private two-car garage for each unit. Because concerns were raised by the property's neighbors for the amount of parking provided on the property, the Applicant increased its visitor parking stalls to two, which exceeds what is required by Code and provides 12 spaces for the development.

The project is a low-scale development and will retain existing trees on the site. It is intended to have as little impact as possible on, and to be consistent with, its surroundings. A number of palm trees will be relocated.

Chair Maus requested clarification of the garage layout. Mr. Rodriguez explained that the owners are intended to park their cars in the garages. Due to the units' layout, the garage doors will not be visible from the street. It is recommended that the units keep their trash and recycling inside the garages until the residents roll them out to a designated area on 31 Court for pickup.

Chair Maus expressed concern that keeping trash and recyclables inside the garages would mean only one car could be parked there. Mr. Rodriguez stated that the garages are intended to be of sufficient size to accommodate trash, although this space has not been measured. He emphasized that trash cans are not intended to be visible on the property, and the project's documents will reflect that trash must be kept inside.

Ms. Scott observed that if a unit has a guest park in front of his/her garage, it could compromise ingress/egress on the site. She was also concerned with the garbage issue. Mr. Rodriguez advised that the solution regarding trash pickup was provided by the City. With regard to visitor parking, he pointed out that there are two designated parking spaces for guests. He further clarified that the development's units have three bedrooms each, and that the project is done to the specifications of Code.

Chair Maus commented that while the Board recognizes that the project meets Code, the Code regarding cluster developments is flawed and should require more guest parking. She noted that some of the homeowners in the development are likely to have more than two vehicles, and reiterated her concern that the garages may not be able to accommodate two cars as well as garbage and recycling bins.

Ms. Scott asked where visitors would park if more than one unit at a time has guests and both visitor spaces are taken. Mr. Rodriguez replied that guest parking is available on a "first come, first served" basis. He stated that the Applicant does not want anyone parking in the surrounding neighborhood, but acknowledged that it is not possible to predict what might happen in the event of a need for multiple guest spaces.

Ms. Scott asked if more guest parking could be provided if the development proposed only four cluster units instead of five. Mr. Rodriguez stated that this would require major revisions to the project.

Vice Chair Fertig asked how many members of the public attended the Applicant's public participation meeting. Mr. Rodriguez replied that while he did not know the exact number of attendees, all were in favor of the project. Some of the attendees raised concerns regarding parking, but were informed that parking would be provided inside the development. The public participation meeting was held in early 2019. He concluded that the project is residential in nature and large numbers of visitors are not anticipated.

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

Nicole Ciovacco, president of the Edgewood Civic Association, emphasized that the Association is in favor of the project and feels it is necessary; however, she acknowledged the issue presented by its parking. They are most concerned with the possibility of guests parking on the swale, particularly on 15 Avenue, which is a heavily trafficked road. She also noted that 31 Place is a very narrow roadway on which parking

would present a problem. She requested that this be addressed, and emphasized again that the neighborhood wants the project to move forward.

Ms. Scott asked if there is a way to adapt a swale for parking, pointing out that if the swale is damaged through parking, it negatively affects the neighborhood. Mr. Restrepo replied that the Applicant can design and construct parallel on-street parking and provide an inlet for water storage; however, he would need to go back to the DRC for additional review by the Engineering and Public Works Departments to ensure that there are no negative effects to the drainage on adjacent streets.

Chair Maus asked if changes to the swale could be made by administrative review if the project is approved by the Board. Ms. Parker stated that if the Board recommends this change, it would be subject to City Engineering and Transportation and Mobility review. The change may be required as a condition of approval. Mr. Rodriguez advised that he would need to review this proposed change with the Applicant as soon as possible in order to proceed with the project.

Ms. Parker confirmed that if approval is conditional, based on Staff's review of additional parking, the Application would not have to come before the Planning and Zoning Board again, with the caveat that Staff review would include drainage and other potential impacts of the construction of additional parking. Mr. Rodriguez reiterated that the design team is willing to make any changes that are positive for the project and the neighborhood.

Vice Chair Fertig asked if the Board may recommend, as a condition, that Staff review drainage and parking. Attorney Wallen clarified that this may be added to the conditions of approval presented in the Staff Report, and would go before the DRC for final approval. If the project fails to receive final DRC approval, it would need to come back before the Planning and Zoning Board. She recommended that the Board clearly state any condition of approval they wish to add. It was further clarified that the project must receive final DRC approval in any case.

Mr. Shechtman asked if the proposed condition meant the Board wished to establish formal parking spaces on the swale. Ms. Scott explained that when there is inadequate parking, individuals will begin parking on swales, which destroys the grass. The intent is to find a way to provide parking on a medium other than grass. Mr. Shechtman observed that this would, however, encourage the practice of cars parking on swales and then pulling out into a busy street. He expressed concern that this could establish an unwanted precedent.

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.

Motion made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve adopting Staff findings and conditions, plus the condition of asking Staff to review the drainage

and parking to determine if parking on the swale is possible, and incorporate it if it can be.

Assistant City Attorney Shari Wallen read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the city of Fort Lauderdale, Florida, approving a Site Plan Level III development permit for a five-unit cluster development located at 1430 SW 31 Court, Fort Lauderdale, Florida, Case # R19005.

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

3. CASE:	PLN-SITE-20050005
REQUEST: **	Site Plan Level III Review: Conditional Use for Building Height Greater than 75 Feet; Approval for Alternative Design Solutions to the Uptown Master Plan Standards for Allocation of: 295 Residential Flex Units, inclusive of 8 Affordable Housing Units, 2,323 Square Feet of Retail, 6,850 Square Feet of Restaurant, 21,715 Square Feet of Office, and 15,847 Square Feet of Existing Office with Shared Parking, in the Uptown Project Area
PROPERTY OWNER/APPLICANT:	6500 4R3G, LLC; Poliakoff Becker &Streitfeld
AGENT:	Robert Lochrie, Lochrie & Chakas, P.A.
PROJECT NAME:	Fairfield Cypress Creek
GENERAL LOCATION:	6500 N. Andrews Avenue
ABBREVIATED LEGAL DESCRIPTION:	Pine Crest Isles 63-48 B
COMMISSION DISTRICT:	1 – Heather Moraitis
NEIGHBORHOOD ASSOCIATION:	N/A
ZONING DISTRICT:	Uptown Urban Village Northeast (UUV-NE)
LAND USE:	Employment Center
CASE PLANNER:	Jim Hetzel

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, showed a PowerPoint presentation on the request for Site Plan Level III approval of a property within the City's new Uptown zoning category. This overlay zoning district was recently approved by the Board and City Commission. The subject property was rezoned Uptown Urban Village Northeast (UUV-NE) earlier in 2020.

Mr. Lochrie noted that there are currently three office buildings located on the site. The proposal before the Board includes demolition of the northern and eastern buildings,

while the southern office building will remain. New development on the site will provide 295 residential units and over 46,000 sq. ft. of commercial uses. The commercial uses will include the remaining office building as well as a new building with 21,000 sq. ft. to the southwest. The new residential building and central garage will include ground-floor retail of roughly 2300 sq. ft. of commercial space and 6800 sq. ft. of restaurant space.

The project is before the Board because it exceeds the 75 ft. height limit requiring conditional use approval. Mr. Lochrie pointed out that at a height of 86 ft., the building is well below the maximum permitted height of 150 ft. He also noted that the top portion of the project is set back 30 ft. from Andrews Avenue, providing a significant setback.

Another requirement of approval is a variety of design requirements. The Applicant requests alternative design solutions permitted by Code:

- The building's shoulder height is 74 ft.
- The building's eighth floor is set back 30 ft. from Andrews Avenue
- The Applicant plans to add a turn lane on the building's north side to alleviate traffic on Andrews Avenue

The project will retain a 7 ft. sidewalk and landscaping between the sidewalk and the building.

Code requires additional landscape elements, which will comprise approximately 13,000 sq. ft. of the subject site. These include a "pocket park" between the new office building and the residential/retail building, as well as a plaza. These spaces are connected by a corridor with a 10 ft. overhang as well as landscaped treatment with the sidewalk all the way to the northern edge of the site. The elevation from the ground floor to its ceiling is 16 ft. The first two floors include enhanced architectural features, including stacked stone and glazing, all the way along Andrews Avenue.

Mr. Lochrie showed additional views of the site, including the park and plaza as well as the setback of the eighth floor. The project also includes a dedicated bus bay.

The Applicant's consultant performed a parking analysis based on standards from the Urban Land Institute (ULI). The peak hour of demand was determined to be 11 a.m. on both weekdays and weekends. The maximum number of spaces required for the site is 661 on the weekend. The site provides 709 parking spaces. The Applicant presented the project at two public participation meetings in July and October 2020.

Motion made by Mr. Shechtman, seconded by Ms. Scott, that the Staff Report be made part of the record. In a voice vote, the **motion** passed unanimously.

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

Chuck Luedemann, representing the owner of the 6400 building directly south of the subject site, stated that while his client was supportive of the project, a previous site plan for the property included an access drive connecting multiple office parks. While there is no legal document for this cross-access, Mr. Luedemann asserted that the drive has existed for 20 to 30 years. He pointed out that the access drive is preferred by first responders for life safety and helps alleviate traffic on Andrews Avenue.

Mr. Lochrie recalled that when this question arose in the Applicant's first public participation meeting, it was determined that there is no legal easement or other right of adjacent property owner to cross the property. While the connection remains, it has been physically closed for a number of years. The Applicant proposes to close this area and landscape it. Mr. Lochrie continued that the Applicant discussed the subject area with a case planner as well as with the Fire Department and determined there would be no cross-access.

Mr. Luedemann stated that the Fire Department made an official comment to the DRC, to which the Applicant responded that they would not accommodate the access. While there is no specific Code requiring the access from a life safety standpoint, the Fire Department has indicated that the access is a preference of first responders. He proposed that a traffic engineer conduct further research into the potential effects of closing this access. He concluded that the access remained open until approximately one year ago.

Chair Maus commented that at the conclusion of the approval process, the Applicant will need Police and Fire services to sign off on the Application, which will provide these entities with an opportunity to comment further on the project.

Lisette Rivera, also on behalf of the ownership of the 6400 N Andrews Avenue property, stated that she is the property manager of this location. The access drive has been in existence for many years, and since it has been blocked, a number of accidents, including one fatality, have occurred. A number of tenants have also complained about the closure.

Ms. Rivera continued that 6400 N Andrews Avenue has two access points, both of which lead to NE 1st Avenue. Traffic on this roadway is very heavy, and it can be difficult to exit when traffic is backed up. Tenants have expressed concern with this issue, and the current blockage may delay the response of emergency vehicles. She concluded that the access drive be revisited and a traffic study be conducted in order to ensure proper egress.

Mr. Lochrie showed a diagram of the access drive, which serves multiple buildings in the area. He noted that it is not possible to make a left turn onto Andrews Avenue from the access drive. He reiterated that there is no legal access to the adjoining property. Mr. Lochrie concluded that the Applicant is willing to work with City Staff and the DRC

on this issue; however, because there is no recorded easement, the Applicant was not providing for the access drive.

Michael Cohen, resident of the building at 6400 N Andrews Avenue, stated that the planters used to block the access drive make the area significantly less convenient for traffic to exit on the right side of his building. He recalled that there have been accidents in this area, and characterized the existing situation as dangerous.

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. Prewitt pointed out that the first condition reflected in the Staff Report requires a traffic study to be completed. He felt this could address a number of the concerns that have been raised at the meeting.

Mr. Shechtman observed that the members of the public have described NE 1st Avenue as dangerous, and asked if this meant making a left turn out of the area was the danger. Mr. Cohen explained that there is no light at this intersection, which can make a left turn dangerous. Making a right turn can also be problematic when traffic backs up. He concluded that making NE 1st Avenue the only way out of the area created difficulty.

Chair Maus commented that she understood NE 1st Avenue was not the only exit from the subject area. Mr. Lochrie reiterated that the exit from the Applicant's site is to the north, while the adjoining property's exit is to the north. He noted that it is not possible to make a left turn from the access drive onto Andrews Avenue, or a left from Andrews Avenue onto the access drive.

Mr. Rotella noted that there was no surface parking for the restaurant or retail uses in front of the property, and asked if this would be provided in the project's garage. Mr. Lochrie confirmed this, adding that there is an exit from the garage into the pocket park that will lead to the restaurant/retail space. Loading and unloading for these uses also occurs inside the garage. The first floor of the garage has sufficient height to accommodate delivery and garbage trucks. The restaurant will also include outdoor seating near the plaza.

Jim Hetzel, Principal Urban Planner, advised that there is a correction to the Staff Report: condition #1 should read "Per the City's Transportation and Mobility Department, prior to final DRC, the Applicant shall complete the traffic study and implement any mitigation measures resulting from the completion of the traffic study, such mitigation measures being implemented, or as approved as part of an agreement, as the case may be, prior to the issuance of the building's Certificate of Occupancy."

Chair Maus asked if the revised condition would have any effect on the concerns regarding traffic circulation which were raised during the meeting. Mr. Hetzel replied that

the traffic study includes review of the 1st Avenue/Andrews Avenue intersection. The study has not yet been completed.

Mr. Lochrie confirmed that the Applicant accepts this modified condition and all other conditions of approval listed in the Staff Report.

Motion made by Vice Chair Fertig, seconded by Mr. Rotella, to adopt Staff findings and conditions, including the changes that [Mr. Hetzel] just made, and add a condition that Staff review ingress/egress in context of the Police and Fire and emergency response issue as part of [the conditions].

Vice Chair Fertig added that the condition regarding ingress/egress could be addressed under condition #1 if that is easier, or it can remain a separate condition. Mr. Lochrie confirmed that the Applicant was willing to discuss this.

Assistant City Attorney Shari Wallen read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the city of Fort Lauderdale, Florida, approving a conditional use permit for a mixed-use development which includes restaurant space, retail space, and office buildings, located at 6500 and 6520 N Andrews Avenue, Fort Lauderdale, Florida, and includes a height increase from 75 ft. to 86 ft., allocation of 295 residential flex units which includes eight affordable housing units, and a parking reduction: Case #PRN-SITE-20050005.

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

4. CASE:	PLN-ULDR-20010001
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) By Creating Article XII., Section 47-36; Establishing a Transfer of Development Rights Program
PROPERTY OWNER/APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	City-Wide
CASE PLANNER:	Trisha Logan

Historic Preservation Planner Trisha Logan recalled that at the previous Planning and Zoning Board meeting, the Board had requested several items from that discussion be addressed. These included:

- Incorporation of language to allow properties identified as eligible for historic designation to apply for a Certificate of Eligibility, as well as criteria for structures to be designated historic resources, and requirement for properties to receive this designation prior to their application for a Certificate of Transfer

- Allow for the density and floor area of the existing structures to be included in the calculation of what is available to transfer; however, as this is not consistent with the Broward County Land Use Plan, only the unbuilt and permitted uses may be transferred
- Allow a receiving site to “re-transfer” their Transfer of Development Rights (TDR) once they have been purchased; to achieve this, the receiving site must meet all criteria required to become a sending site
- Remove or extend the 18-month expiration of the Certificate of Eligibility; however, Staff has concerns regarding potential changes to the site, the ULDR, zoning, or potential addition that would alter the property rights, and would like to maintain the 18-month expiration period; a sending property may re-apply for a Certificate of Eligibility if it has expired

Additional changes since the advertisement of the draft Ordinance include:

- P.3: further expansion on what is allowed to be transferred to a receiving site in the Uptown Urban Village and Unified Flex Zone, both of which permit an additional 10 units per acre
- P.9: remove the word “density” from the reference to the Comprehensive Plan
- P.4: adjust how the barrier island is described within the proposed text of the Ordinance to clarify that this refers to “any property located east of the Intracoastal Waterway within the boundaries of the City of Fort Lauderdale” within the TDR program

Motion made by Ms. Scott, seconded by Vice Chair Fertig, to include the Staff Report in the record. In a voice vote, the **motion** passed unanimously.

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

William Brown, representing the Central Beach Alliance (CBA), stated that this organization strongly supports the change in language on p.4 of the Ordinance, which clarifies the definition of the barrier island.

Paul Chettle, private citizen, also thanked City Staff for the changes made to the definition of the barrier island.

Mr. Shechtman requested further clarification of the requirement for a property to be designated as historic prior to the application for a Certificate of Transfer. Ms. Logan replied that a property owner may apply for a Certificate of Eligibility without designating the property if it meets one of the criteria for qualification; however, the owner may not proceed with a Certificate of Transfer until the property receives a historic designation.

Mr. Shechtman also requested more information on the ability of a property that has received transferred rights to transfer their rights to another receiving site. He asked if a sending property would need to be designated as historic before it can send these rights

to another property. Ms. Logan confirmed that this was the case, even if the building was recently constructed and would not otherwise qualify as a sending site.

Patricia Halliday, private citizen, also thanked Staff for the changes to their definition of the barrier island.

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 recommended that any motion made on this Item include permission for a receiving site to automatically qualify as a future sending site. He expressed concern that the current language in the Ordinance does not fully address this issue.

Attorney Wallen advised that this qualification is not included in the Ordinance because the Broward County Land Use Plan states, in Policy 2.34.1, that “a sending area must further a public purpose” to protect historic and archaeological resources. The objective of the Ordinance is historic preservation. The ability to transfer development rights is not sufficient reason by itself to protect the subject property as a resource.

Motion made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve and send [the Application] to the Commission. In a roll call vote, the **motion** passed 9-0.

V. COMMUNICATION TO THE CITY COMMISSION

Chair Maus asked if the Board members who are physically present in the City Commission Chambers are comfortable in continuing to meet there. It was confirmed that this was not an issue for those members.

Chair Maus explained that if the meeting were held virtually, Staff may also attend remotely. Vice Chair Fertig commented that other Board members are not comfortable meeting in person at this time, and asked if the Board members in physical attendance objected to meeting virtually.

Attorney Wallen advised that Staff requires clarification on how the Board wishes to proceed with future meetings, either in a remote or a hybrid format. She noted that Staff must be informed of any changes in advance so they can provide the appropriate notice for the meeting.

Motion made by Ms. Scott, seconded by Mr. Barranco, to have [the] meetings for January and February virtually and then reconsider after that. In a roll call vote, the **motion** passed 6-3 (Mr. Cohen, Mr. Shechtman, and Mr. Weymouth dissenting).

Chair Maus concluded that the Board will reconsider this issue prior to the March 2021 meeting.

Attorney Wallen asked if the Board wished to send a communication to the City Commission regarding the issue of parking for cluster developments. Chair Maus recalled that the Board has sent similar communications on this issue in the past. Vice Chair Fertig suggested that the Board ask the City Commission if they may review this topic, as it is a recurring concern.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to ask the City Commission to authorize Staff to review the parking requirements for cluster developments and townhouses with possible changes to the Code.

Vice Chair Fertig explained that her intent was for Staff to review this issue and bring forth any proposals they may have for amendment to the Code. Chair Maus added that she would be present to discuss this item at a City Commission meeting.

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

Mr. Shechtman commented that he has noticed the conditions are unsafe for cyclists and users of “micromobility” modes of transportation crossing the New River, particularly the 3rd Avenue Bridge, where no barricade exists to protect pedestrians or others from traffic. The only safe means of crossing the New River is on Andrews Avenue. He suggested sending a communication to the City Commission to improve safety for cyclists and other micromobility users.

Chair Maus proposed requiring all cyclists and users of alternate micromobility devices to walk across the 3rd Avenue Bridge. Mr. Shechtman recalled that the City had previously rejected a proposal from the County and state to construct an iconic pedestrian bridge across the river, and stated that he would follow up individually with the Department of Transportation and Mobility to suggest that the City re-initiate this effort and work toward a solution with the Broward Metropolitan Planning Organization (MPO). If this is not successful, he requested that at the next Board meeting, the Board send a communication to the City Commission asking that they re-open this issue.

Mr. Cohen stated that he agreed with having cyclists and others walk across all of the City’s bridges as a temporary solution to improve safety. Vice Chair Fertig added that the City should review all its bridges in the context of safety and mobility.

Mr. Weymouth suggested that the issue will ultimately require a decision by the Army Corps of Engineers rather than the City. It was determined that Mr. Shechtman would reach out as previously stated, and Ms. Parker would determine whether or not the City has jurisdiction on this issue.

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 8:11 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.]