



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

**100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, FEBRUARY 17, 2021 – 6:00 P.M.**

Board Members	June 2020-May 2021		
	Attendance	Present	Absent
Catherine Maus, Chair	P	8	0
Mary Fertig, Vice Chair	P	8	0
John Barranco	P	8	0
Brad Cohen	P	7	1
Coleman Prewitt	P	8	0
William Rotella	P	8	0
Jacquelyn Scott	P	8	0
Jay Shechtman	P	8	0
Michael Weymouth	P	7	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
Jim Hetzel, Principal Urban Planner
Trisha Logan, Historic Preservation Planner
Karlanne Grant, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Adam Schnell, Urban Design and Planning
Glen Hadwen, Sustainability Manager, Public Works
Kimberly Pearson, Sustainability Coordinator, Public Works
Benjamin Restrepo, Transportation and Mobility
Igor Vassiliev, Public Works
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. Roll was called and the Pledge of Allegiance was recited. Urban Design and Planning Manager Ella Parker introduced the Staff members present.

The Applicant has submitted a parking study which shows the Bridgeside Place parking garage as underused. The Applicant's team has also spoken with the president of the Tides Condominium, who confirmed that the garage is underused at all times except during the City's annual Boat Parade. Once the parking reduction is approved, the Applicant may terminate the offsite parking agreement.

The Application was presented to the Central Beach Alliance (CBA) as well as in a public participation meeting. The CBA has provided a letter of support for the reduction. The Tides and Berkley South Condominiums were also supportive of the plan.

Chair Maus requested clarification of whether or not the Applicant's team formally met with the two condominiums. Ms. Chakas explained that the condominiums' Boards did not feel it was necessary to hold individual public participation meetings with them. The Applicant held its own public participation meeting, for which over 600 notices were sent out. Only five individuals attended this meeting. The Applicant met with Berkley South's Board of Directors and with the president and management company for the Tides. Neither entity objected to the parking reduction.

Motion made by Vice Chair Fertig, seconded by Mr. Prewitt, that the Staff Report for Item 4 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.

Steve Ganon, President of the Lauderdale Beach Homeowners' Association, stated that members of this neighborhood attended a public participation meeting and is in favor of the proposed parking reduction.

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. Prewitt, [in favor of] the Resolution to approve.

Assistant City Attorney D'Wayne Spence read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a parking reduction for an existing restaurant located at 3074 NE 33 Avenue, Fort Lauderdale, Florida, Case # UDP-S20002.

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

5. CASE:
REQUEST: * ******

PLN-SITE-20090013
Site Plan Level IV Review: Rezoning from Community Facility-
House of Worship (CF-H) District to Community Business

	(CB) District with 0.274 Acres of Commercial Flex for a Surface Level Parking Lot.
PROPERTY	
OWNER/APPLICANT:	First Presbyterian Church of Fort Lauderdale, Inc.
AGENT:	Stephen Tilbrook, Esq, Akeman LLP
PROJECT NAME:	First Presbyterian Church Rezoning
GENERAL LOCATION:	401 SE 15 th Avenue
ABBREVIATED LEGAL DESCRIPTION:	Colee Hammock 1-17 B LOT 13 BLK 34
COMMISSION DISTRICT:	4 - Ben Sorensen
NEIGHBORHOOD ASSOCIATION:	Colee Hammock Homeowners Association
EXISTING ZONING DISTRICT:	Community Facility-House of Worship (CF-H) District
PROPOSED ZONING DISTRICT	Community Business (CB) District
LAND USE:	Low-Medium
CASE PLANNER:	Adam Schnell

Disclosures were made at this time.

Steve Tilbrook, representing the Applicant, showed a PowerPoint presentation on the request, which would rezone the subject property from Community Facility – House of Worship (CF-H) to Community Business (CB). The site is 2.74 acres in size. Because it includes an allocation of commercial flexibility, the request requires Site Plan Level IV review.

The subject site is part of the First Presbyterian Church campus. Most parking is located east of the sanctuary building. A Site Plan for a church family center was approved on Las Olas Boulevard in 2012, although the building was never constructed. A full block of the property was rezoned CF-H to implement a family campus project, which was built in 2016. The Applicant received DRC approval for a parking lot in 2020.

Mr. Tilbrook showed a visual of the proposed family campus parcel, which includes 25 parking spaces. A reconstructed parking area is complete but has not been opened, as the City interpreted that CF-H zoning was inappropriate to permit public parking. This is the reason behind the rezoning request.

The subject lot is small and triangular, and was previously a nonconforming property without drainage or lighting. A Site Plan for the larger parking lot was approved by the DRC in 2019 and has been constructed consistently with that approval. The portion of the lot that is subject to review at tonight's meeting requires rezoning in order to accommodate public parking. The lot cannot be managed properly without a metered operating system. It will be used for church purposes with the possibility of limited availability to the public at other times.

The remainder of the church campus is zoned CF-H or CF-HS. The proposed CB zoning district for the subject parcel permits public parking and can accommodate the underlying land use through an allocation of commercial flexibility. Criteria for this rezoning are included in the Staff Report. Mr. Tilbrook recalled that this parcel previously received a commercial flex allocation when it was approved for the family center project; however, when that Site Plan approval expired, so did the flex allocation.

The Applicant has had several meetings with the surrounding community with regard to the proposed parking lot and rezoning. The DRC reviewed the property in October 2020, and a public participation meeting was held for the rezoning in November 2020 using Zoom. No members of the public participated in that meeting. The Applicant's team has had multiple conversations with the Colee Hammock Homeowners' Association, and the president of this Association has provided a letter of support for the project.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, that the Staff Report for Item #5, PLN-SITE-20090013, be made part of the record. In a voice vote, the **motion** passed unanimously.

Vice Chair Fertig asked if CB was the only zoning category to which the subject parcel could be rezoned for parking. Mr. Tilbrook replied that XP zoning would also permit parking; however, upon review of these options with Staff, the church, and the surrounding neighborhood, the Applicant preferred the additional flexibility provided by CB zoning, which would prepare the site for further redevelopment in the future if appropriate. The parking lot is considered an interim rather than a long-term use.

Ms. Scott requested additional information on the parking lot's current use by the church. Mr. Tilbrook explained that the parking lot was originally developed as parking for a hotel. The Applicant redeveloped the parcel and brought it into compliance to accommodate church services; however, because services do not occur every day, the church has traditionally made the parking available for public use when church is not in session.

Ms. Scott asked if church members using the lot have to pay for parking. Mr. Tilbrook replied that the Applicant has an arrangement with the City through which the parking lot is not charged for parking during church services. The agreement provides for use of the lot at no charge whenever it is used for church parking. The Applicant provides notice to the City, which does not enforce paid parking during the requested time.

Chair Maus observed that she would prefer the subject lot being rezoned to XP rather than CB due to the amount of church property in the area, previous rezonings, and expansion plans that have come forward over the years. She recalled that for several years, the Applicant submitted a number of plans for its surrounding neighborhood. The Applicant has also purchased several properties, including residential properties, in that neighborhood and rezoned them. This resulted in a number of parking lots in the subject area.

Mr. Shechtman suggested that one benefit of CB zoning could be the possibility of changing the parking lot to another use in the future. Chair Maus indicated that this was a reason for her concern. Ms. Scott agreed that rezoning the property to XP would accomplish the Applicant's goals and would require them to come back before the Board with a Site Plan if they choose to develop the parcel further in the future.

Vice Chair Fertig commented that the site's existing zoning has a maximum height of 35 ft., while the proposed CB zoning has a maximum of 150 ft. She also felt the Applicant might have proposed XP zoning if the intended use of the parcel was parking.

Ms. Scott asked if the Applicant would be able to bring the request back and ask for XP zoning if the Board denies the Application at tonight's meeting. Attorney Spence advised that if the Planning and Zoning Board determines an Application does not meet the necessary criteria, they may deny it or determine if the Applicant, at this meeting, would consent to a more restrictive zoning district. If the Applicant does not give this consent, the Board would deny the Application, at which time the Applicant may appeal to the City Commission.

Mr. Tilbrook stated that the church's surrounding neighborhood is supportive of the proposed CB zoning, and advised that the church does not have plans to expand. While the family campus can accommodate parking, it was built as a recreational space. The Applicant has other parcels along Las Olas Boulevard that may be made available for commercial development rather than church uses, and the subject parcel may or may not be part of this development.

Mr. Tilbrook reiterated that CB was chosen as the preferred zoning district because it provided the most flexibility. If the Board has a different zoning recommendation, however, he did not know whether or not the Applicant would be willing to withdraw the Application.

Chair Maus noted that one of the rezoning criteria states that "the changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration." She pointed out that Mr. Tilbrook had said a rezoning to CB could possibly serve the church in the future if it changes its mind about redeveloping the property. This was the source of her conflict, as later plans could adversely impact the character of development in or near the area.

Chair Maus continued that another rezoning criterion states "the character of the area proposed is suitable for the uses permitted in the proposed zoning district." As the character of the area surrounding the church is historic, CB may not be the best possible zoning category for that area.

Mr. Tilbrook read a portion of the Staff Report relating to Criterion #2, which states "The use is permitted within the CB zoning district or in alignment with the adjacent B-1 zoning district, and would not have an adverse impact on the surrounding neighborhood."

Mr. Weymouth commented that the requests made in Items 2 and 3 show a pathway the Applicant may pursue in the future, should they wish to develop the site later with frontage onto Las Olas Boulevard. If the parcel before the Board tonight is granted XP zoning, the church may come back and request more aggressive zoning. He suggested a 30-day extension until the Board's March 2021 meeting, which would provide the Applicant with time to consider this option.

Mr. Tilbrook replied that while the church could accept XP zoning, they do not feel it is the proper rezoning category for future redevelopment. He noted that the subject parcel has been rezoned three times in the past 12 years. Vice Chair Fertig observed that the parcels surrounding the subject property would require rezoning as well for any future development.

Adam Schnell of Urban Design and Planning confirmed that the Board may vote in favor of a more restrictive zoning classification. Mr. Tilbrook replied that the Applicant would accept this if it is the Board's desire.

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

Mr. Barranco noted that XP zoning comes with a number of requirements, and asked Staff how this might be addressed. Mr. Schnell stated that if the parcel is zoned XP, it is simply limited to parking rather than other uses. In addition, the parcel must be in proximity to another site. The development to which the parcel would be tied would be left to the Applicant's discretion, although it would most likely be the abutting site owned by the church. He did not see any additional barriers that might exist if the parcel is converted to XP.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to approve XP zoning on the site. In a roll call vote, the **motion** passed 9-0.

The following Item was taken out of order on the Agenda.

~~VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE~~

~~Staff Presentation: Proposed Landscape and Tree Preservation Ordinance Revisions~~

~~Glenn Hadwen, Sustainability Manager, and Kimberly Pearson, Sustainability Coordinator, both of the Public Works Department, introduced proposed revisions to Code Section 47-21, the Landscape and Tree Preservation Ordinance in the ULDR. These revisions require review by the Planning and Zoning Board before they are sent to the City Commission. Staff has conducted significant outreach to stakeholders, and expects~~

- Exemptions for tree removal in accordance with Section 163.045 and Section 163.3209 of the Florida State Statutes
- Additional language requiring a landscaping and tree document packet upon permit submittal
- Updated soil analysis requirement language
- Updates to tree and palm selection, location, and design language
- Revised surface cutout and soil volume measurement requirements
- Revised maintenance responsibility requirements
- Addition of language for stormwater and water body shoreline considerations
- Revised vehicular use area language
- Increased parking waiver for greater tree protection opportunities
- Outlined landscaping requirement language to be a more user friendly document
- Prioritized tree preservation section to begin with tree protection
- Addition of significant language for tree protection, root pruning, root protection, tree relocation, tree pruning, permitting, mitigation calculations, tree abuse, and enforcement of civil remedies
- Clarified public street tree planting project section
- Updated language for prohibited landscaping

Ms. Pearson concluded that Staff hoped to confirm a date on which the proposed Ordinance changes may be presented to the Board for further review.

The Board discussed a proposed special meeting to discuss changes to landscaping and tree preservation Code. Mr. Weymouth asked if the draft Ordinance is ready to be distributed at this time or if additional work is required. Mr. Hadwen replied that the draft Ordinance is expected to be complete by February 26, 2021, if not earlier. The draft seeks to balance the diversity of stakeholder input while meeting the original intent and direction given by the City Commission. He felt there has been a fair sounding of public input, which extended from June to October 2020, with additional outreach as well.

Vice Chair Fertig and Mr. Shechtman requested that the document be provided to the Board members at least two weeks in advance of the special meeting so they would have sufficient time for review. Mr. Rotella expressed concern that the time frame from June 2020 to the present would provide enough time for stakeholder outreach and review due to the COVID-19 pandemic. Chair Maus noted that Staff has been diligent in its outreach to the community.

The Board agreed by unanimous consensus to schedule the special meeting for Tuesday, March 30, 2021 at 6 p.m.


I. COMMUNICATION TO THE CITY COMMISSION

Mr. Shechtman reported that he had received a response to the Board's communication to the City Commission from the January 13, 2021 meeting, regarding the 3 Avenue and

~~Andrews Avenue bridge crossing. The communication was well received by the City Commission, and he received an email from the Department of Transportation and Mobility advising him that the SE 3 Avenue bridge is under Broward County jurisdiction. A project is underway to refurbish the bridge opening in 2022. The County is willing to work with the City on these improvements, beginning with a feasibility analysis to improve bicycle and pedestrian accommodations as part of the project.~~

There being no further business to come before the Board at this time, the meeting was adjourned at 7:56 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.]