



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**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2018-May 2019</b>	
		<b>Present</b>	<b>Absent</b>
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**

<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
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.

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

**5. CASE:** **Z18008**  
**REQUEST:** \* \*\* Rezoning from One-Family Detached Dwelling District (RS-3.52) to Parks, Recreation and Open Space (P)  
**APPLICANT:** City of Fort Lauderdale  
**PROJECT NAME:** Riverland Road Parcel  
**GENERAL LOCATION:** 2681 Riverland Road  
**ABBREVIATED LEGAL DESCRIPTION:** River Lands 19-12 B Lots 1 & 2 Block 1 & Together with South 20 of North 1/2 of Lots 11 & 12 of block 10 less East 250 thereof of Mary Brickells, Amended Plat 1-72 D  
**ZONING DISTRICT:** Current: One-Family Detach Dwelling District (RS-3.52)  
Proposed: Parks, Recreation and Open Space (P)  
**LAND USE:** Irregular 3.52  
**COMMISSION DISTRICT:** 4 – Ben Sorensen  
**CASE PLANNER:** Jim Hetzel

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Disclosures were made at this time.

Jim Hetzel, representing Urban Design and Planning, explained that this is a City-initiated rezoning Application led by Fort Lauderdale's Parks and Recreation Department. The request would rezone a single-family detached dwelling district to Parks, Recreation, and Open Space. The property is approximately 5.09 acres and was originally presented to the Planning and Zoning Board (PZB) in 2015. The Parks and Recreation Department is moving forward with conceptual plans to develop the parcel as a park.

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

Charlie Leikauf, representing the Riverland Preservation Society, recalled that the Board has twice previously voted against building homes on the subject parcel. He was in favor of rezoning the property.

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. Fertig, seconded by Mr. Weymouth, to approve. In a roll call vote, the **motion** passed 8-0.

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<b>2. CASE:</b>	<b>Z18004</b>
<b>REQUEST: * **</b>	Rezoning from Residential Multifamily Mid Rise/ Medium High Density (RMM-25) to Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) District
<b>APPLICANT:</b>	Mahyoub & Sons, Inc.
<b>PROJECT NAME:</b>	909 Sistrunk
<b>GENERAL LOCATION:</b>	909 Sistrunk Boulevard
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Lots 9 & 10 of June Park P.B. 22, Page 16 Broward County Records, Less Portion for Road Right-of Way and that Portion of the East ½ of the Vacated Alley Adjacent to Lots 9 & 10, Broward County, Florida <u>Current:</u> Residential Mid Rise Multifamily/Medium
<b>ZONING DISTRICT:</b>	High Density District (RMM-25) <u>Proposed:</u> Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw)
<b>LAND USE:</b>	Northwest Regional Activity Center
<b>COMMISSION DISTRICT:</b>	3 – Robert L. McKinzie
<b>CASE PLANNER:</b>	Randall Robinson

Disclosures were made at this time.

Debbie Orshefsky, representing the Applicant, recalled that this Item was previously presented at the October 17, 2018 Board meeting. The Application would rezone the parking lot of an existing neighborhood grocery store. The zoning of the store and its surrounding area are consistent with the Northwest Regional Activity Center – Mixed Use West (NWRAC-MUw) category. The request would bring the parking lot into conformity with its existing commercial use.

The Item was deferred from the October 17, 2018 meeting to provide the Applicant with an opportunity to meet with the Home Beautiful Park Civic Association and other neighbors. They have since met with representatives of the organization and assured them that the proposed use would be mixed-use, including ground floor retail with office space overhead. The retail space is being designed to accommodate a range of retail uses, including grocery store use. The Applicant plans to work with the community to reestablish this type of use if possible.

Ms. Scott requested clarification of the zoning of adjacent properties to the north and across the street from the subject parcel. Ms. Orshefsky replied that the property to the north is zoned Residential (RMM-25) and the property across the street to the east is Commercial Business (CB). The property to the southeast is zoned NWRAC Mixed Use.

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

Paul Chettle, private citizen, recalled that the president of the Home Beautiful Park Civic Association stated in October 2018 that residents of that neighborhood were not given the opportunity to participate in the public process regarding the Item. For this reason, he did not feel the 4-4 vote taken at the October meeting was appropriate, as he believed the Item should have been automatically deferred.

Anna Henry, private citizen, stated that the meeting between the Applicant and the surrounding neighborhood allowed the community to provide input learn about the project. the neighborhood's intent is to provide ongoing opportunities for nearby residents. This would mean bringing businesses to the retail space that are sensitive to the needs and vulnerabilities of the community. She was supportive of the proposed change as long as it would benefit the surrounding community.

Marie Huntley, president of the Home Beautiful Park Civic Association, asserted that the parcel should be revitalized in a manner that would benefit residents of the neighborhood. Most members of the community who met with the Applicant were concerned with the plan to displace the local grocery store, as many residents are elderly and disabled and cannot access other areas of the City. She added that the proposed use had not been clearly explained to these residents, who were concerned with the possibility of displacement and gentrification.

Ms. Huntley continued that the Applicant's plans seemed to focus on attracting customers from outside the subject neighborhood, while nearby residents were more concerned with maintaining equitability for the surrounding community. She concluded that she supported the Application.

Margaret Haynie Birch, private citizen, advised that she is supportive of the proposed project and has had the opportunity to review drawings and speak with the project's developers. She felt the project would be an asset to the community while providing an opportunity for small businesses to thrive in the area. The project would bring the parking lot into compliance with surrounding zoning.

Frankie Lane, president of the Rock Island Homeowners' Association, stated that he was supportive of the project. He felt revitalization of the area would draw larger grocery stores to the proposed space, and emphasized that the community should have some input on what is ultimately placed there.

Tara Chadwick, private citizen, noted that she attended the meeting between the Home Beautiful Park Civic Association and the Applicant. She was not supportive of the project, as part of the parcel's current zoning is Residential, which is needed in the surrounding area. She added that without the community outreach provided by her neighbors, she would not have been aware of the proposed project.

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. Shechtman, seconded by Mr. Tinter, to make the Staff Report part of the minutes. In a voice vote, the **motion** passed unanimously.

Ms. Fertig requested information on the history of the Application. Randall Robinson, representing Urban Design and Planning, advised that rezoning Applications do not require review by the Development Review Committee (DRC); however, there was oversight of public participation meetings, all of which is included in the Applicant's backup materials.

Ms. Fertig also requested clarification of the Board's parameters regarding the actual design of the project. Assistant City Attorney Shari Wallen replied that the Board should only consider rezoning criteria, which are as follows:

- The proposed zoning district is consistent with the City's Comprehensive Plan
- The changes anticipated by the proposed rezoning will not adversely affect the character of development in or near the area under consideration
- The character is suitable for the uses permitted by the proposed zoning district and is compatible with the surrounding districts and uses.

Ms. Fertig asked if the public meetings noted in the Applicant's backup materials occurred prior to the October 17, 2018 PZB meeting. Mr. Robinson replied that one such meeting was prior to October 17, 2018, and one occurred after this date.

**Motion** made by Ms. Fertig, seconded by Mr. Tinter, to approve. In a roll call vote, the **motion** passed 8-0.

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<b>3. CASE:</b>	<b>R18063</b>
<b>REQUEST:**</b>	Site Plan Level III Review: Conditional Use for Medical Cannabis Dispensing Facility
<b>APPLICANT:</b>	Tara L. Tedrow
<b>PROJECT NAME:</b>	MedMen
<b>GENERAL LOCATION:</b>	2949 North Federal Highway
<b>ABBREVIATED LEGAL</b>	KARAM PLAT 181-8 B PARCEL A

**DESCRIPTION:**

**ZONING DISTRICT:** Boulevard Business (B-1)  
**LAND USE:** Commercial  
**COMMISSION DISTRICT:** 1 – Heather Moraitis  
**CASE PLANNER:** Karlanne Grant

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Disclosures were made at this time. Mr. Barranco recused himself from hearing the Item due to conflict and left the dais.

Tara Tedrow, representing the Applicant, stated that the project is proposed for a 0.29 acre parcel on which an existing one-story building would undergo a change of use. The property is zoned Business (B-1) and has a future land use designation of Commercial, as do surrounding properties on the Federal Highway corridor.

No waivers or variances are requested for the project, which is seeking conditional use approval. The building is set back 300 to 500 ft. from any nearby residential uses, which are also buffered by landscaping, a waterway, and distance. The proposed 300 ft. rear setback exceeds the 20 ft. rear setback required by Code, and the building's height is 33 ft. against a maximum allowed height of 150 ft. The Applicant plans to provide 10,656 sq. ft. of landscaping, which exceeds the Code requirement of 7570 sq. ft.

The existing building would undergo a change from restaurant to retail use. The site will include a 3457 sq. ft. medical marijuana dispensing facility, while the remainder of the property may be used for either an existing restaurant or retail use. The request is for a conditional use permit for the dispensing of medical cannabis. Staff recommends approval of the request.

City regulations governing medical cannabis dispensaries include:

- The business must be located one mile from any other cannabis dispensing facility
- Only one cannabis dispensing facility may exist in each City Commission district
- A cannabis dispensing facility must be located 1500 ft. from a school, day care facility, park, or library

The Applicant has submitted a certified survey to demonstrate that they meet all setback requirements for these facilities.

Code also requires the hours of operation for cannabis dispensing facilities to be between 7 a.m. and 9 p.m., which is consistent with Florida Statutes. Minimum parking requirements are exceeded for the site, and drive-through facilities are prohibited. Marijuana plants, products, paraphernalia, or depictions thereof may not be visible from

the public sidewalk or right-of-way. The Applicant must ensure that adequate air filtration is provided within the dispensing facilities, and no odor from the product will be emitted outside the facility.

Code requires that the approval process for the facility must be conditional use, with the additional requirement of a detailed security plan, subject to review by the Police Department. Individuals entering the dispensary must be patients who are subject to a state registry process. Approval criteria include the following:

- The facility's impact on abutting properties must be evaluated under neighborhood compatibility requirements
- Access, traffic generation, and road capacities must be reviewed
- Applicant must show the location is not in conflict with the City's Comprehensive Plan
- Offsite conditions must reduce the impact of the use of the structure
- On-site improvements must be incorporated into the Site Plan to minimize adverse effects
- Location of the use must be similar to other uses in the area
- No adverse effects of the use may affect the health, safety, or welfare of the surrounding community

Ms. Tedrow advised that the Applicant, MedMen, is considered a leading cannabis company in the United States, with 69 retail stores and 17 facilities in 12 states. The state of Florida recognizes 11 debilitating conditions that may be treated by medical marijuana.

Mr. Tinter observed that the number of registered patients who may receive medical marijuana in the state of Florida may increase, as it may have been limited in the past by the number of dispensaries available to patients. He expressed concern that this could affect traffic volumes and other effects of the proposed use. Ms. Tedrow explained that the number of patients is limited by state law, which restricts eligibility for the medication. There are also stringent restrictions on prescribing physicians.

Mr. Tinter also asked if MedMen deals in recreational marijuana, and if the facility could convert to a recreational dispensary in the event the state of Florida elects to allow that use. Ms. Tedrow replied that in states that allow adult recreational marijuana, MedMen offers products for that use. She did not anticipate, however, that the state of Florida was likely to permit recreational use, as the enabling legislation for medical marijuana requires the redrawing of the entire system in the event recreational use is allowed. In addition, new statewide zoning regulations would determine where non-medical uses may be allowed if they are allowed in the future.

Mr. Tinter noted that the proposed medical dispensary use includes only a door on the east side of the building, with a parking lot in the back and a narrow sidewalk to the door. He asked if there has been consideration of additional access points into the building. Ms. Tedrow advised that state law requires that every medical cannabis



dispensary must be designed with a waiting area that is separate from the dispensing area and a back-of-house secure room. Another state requirement is a private consultation area. If the Application is approved, the Applicant must go back to the state to provide dispensing authorization for the site.

Mr. Weymouth asked if medical cannabis may only be dispensed with a prescription from a physician. Ms. Tedrow explained that instead of a prescription, a doctor must provide a recommendation for a patient who is registered with the state's Office of Medical Marijuana Use Registry. Pharmacies may not dispense medical cannabis under federal law.

Mr. Weymouth also requested information on outreach to the surrounding neighborhood. Ms. Tedrow replied that the Applicant met with the Coral Shores Civic Association and Coral Ridge Association in August and September 2018 and provided full presentations on the Application. The Coral Ridge Association provided a statement of neutrality on the Application, which was submitted to Urban Design and Planning. Mr. Weymouth expressed concern that the proposed site is 1500.04 ft. from a day care/preschool facility.

Mr. Shechtman requested clarification of how the facility's consultation room is used. Ms. Tedrow explained that this would provide a space in which individuals may privately discuss medications with trained employees. No licensed physician is on-site for purposes of consultation.

Mr. Barranco clarified the nature of his conflict of interest, stating that he has worked with the Item's developer on the Site Plan and therefore has a financial conflict.

Karlanne Grant, representing Urban Design and Planning, advised that when the members' backup materials were originally sent to them, a different Staff Report was included. An updated email has since been sent for clarification.

The criteria for a medical cannabis dispensing facility are as follows:

- Facility must be 1500 ft. from a day care facility, school, park, or library
- Facility must be 1 mile from any other medical cannabis dispensing facility
- Only one facility may be located in each City Commission district

The proposed facility would be located in an existing building to which improvements will be made to ensure buffering from residential development to the west. It also meets adequacy and neighborhood compatibility requirements. Staff recommends approval of the request.

Mr. Weymouth requested clarification of the difference between a permitted and a conditional use as applied to the proposed facility. Ms. Grant replied that a conditional use requires the Board to approve the use, while permitted uses are allowed by right and does not need additional approval.

Mr. Weymouth asked what might happen if a nearby community developed a "pocket park" or another facility from which 1500 ft. distance is required of the Applicant. Ms. Grant advised that should this occur, the use would be considered legal and nonconforming.

Mr. Shechtman asked if medical cannabis dispensaries are a permitted use anywhere within the City. Ms. Grant advised that this is always a conditional use and may only be allowed within B-1, B-2, and B-3 zoning districts.

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

Dr. Genester Wilson-King, medical director for MedMen and co-vice president of the Society of Cannabis Clinicians, explained that her responsibilities include providing oversight and facilitating education and training for retail stores, patients, and caregivers. She stated that the criteria used to determine which patients may receive medical cannabis are severe. She emphasized that the medication can help patients become productive citizens.

Sonya Moste, president of the Coral Shores Civic Association, advised that this neighborhood would be directly affected by the proposed project. She expressed concern with existing issues on Federal Highway, including crime, drugs, and homelessness, which she felt would be exacerbated by a cannabis dispensary. She had not been made aware of the proposed facility aside from emails from an attorney representing MedMen.

Ms. Moste continued that she received a voicemail on September 11, 2018 regarding the request for a presentation, which did not specify that the Applicant was proposing a cannabis dispensary. Residents of the Coral Shores neighborhood were sent a flyer on September 21 posting notice of a meeting on October 1. She received a summary of this community meeting on October 11, which was attended by only one individual. Two other individuals who communicated with the Applicant were divided on their opinions of the project, one in favor and one opposed. Ms. Moste provided the notice and summary for inclusion in the record.

Chair Maus requested clarification of whether or not members of the Applicant's team may speak during public comment, as they are allowed time to address the Board during the Applicant's presentation. Attorney Wallen advised that representatives of the Applicant may speak during public comment at the Board's discretion, as their comments are part of the presentation. The Board agreed by consensus that no additional presentation from the Applicant's team would be heard.

Catherine Nichols, private citizen, expressed concern with the location of the proposed dispensary, pointing out that a hotel located near the facility is home to individuals who

have been convicted of various offenses. While she did not oppose the use of medical cannabis, she was opposed to the subject location. She also noted that a school is located approximately one mile from the location, and noted that a second dispensary may be expected to open on N. Federal Highway within the Coral Ridge neighborhood.

Mary Ann Haywood, private citizen, stated that homelessness is a problem in the Coral Ridge community, which can contribute to crime in the area. She was concerned that the proposed facility would not be a positive addition to the neighborhood. She was not provided with notice of the Applicant's community outreach.

Aaron Nevins, president of the Patients and Producers Alliance, explained that this group is a nonprofit advocacy organization for the medical cannabis industry. He advised that the industry contributes to high-paying jobs, increased property values, and community improvement. The facility will serve only patients with recommended orders from physicians.

Daniel Sparks, private citizen, pointed out that 71% of the state's population voted for an Amendment to allow access to medical cannabis. He characterized the proposed facility as an asset to the community that would not contribute to crime. He was supportive of the Application.

Seth Lubin, general counsel for Green Scientific Labs, explained that his client is a third-party cannabis testing facility in the state of Florida. He clarified that he is not affiliated with MedMen, but wished to make clear that medical cannabis is subject to a stringent testing policy to ensure its safety for patients. The need for testing will also contribute to the economy by creating jobs.

Mr. Lubin assured concerned residents that the proposed facility will be a safe, secure location where patients in need can access their medication, and cited a 2017 study which found neighborhoods with cannabis dispensaries do not experience more crime than others.

Dr. Scott Kjelson, private citizen, stated that he is an assistant professor at Nova Southeastern University and a member of the Broward Sheriff's Office Community Response Team and other educational and health organizations. He emphasized the need for education regarding the use of medical cannabis, explaining that the patient database used by medical cannabis facilities serves as a barrier to crime.

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.

Ms. Parker addressed Mr. Weymouth's earlier question regarding conditional uses, advising that due to certain characteristics as evaluated under the review criteria, these uses may not be appropriate at certain locations within the zoning district but may be more desirable in other locations. These criteria include:

- Impact on abutting properties as evaluated under neighborhood compatibility;
- Access, traffic generation, and road capacities;
- Applicant must show that the location of the use or structure does not conflict with the Comprehensive Plan; off- or on-site conditions exist to reduce the impact of the use; on-site improvements in the Site Plan minimize adverse effects of the use; proximity to similar use does not affect the character of the zoning district; and no adverse effects of the use affect the health, safety, or welfare of adjacent properties;
- Use is subject to City Commission request for review.

Ms. Parker confirmed that Staff feels the Application has met the conditional use criteria.

Mr. Tinter requested clarification of whether or not other dispensaries have been approved or are pending on Federal Highway, as asserted during public comment. Ms. Grant advised that one other application is pending for 4500 N. Federal Highway, but reiterated that only one facility may be approved per City Commission district. Approval is given on a first-come, first-served basis.

Mr. Tinter asked if the second applicant may request a variance that would allow for a second medical cannabis dispensary on Federal Highway. Assistant City Attorney D'Wayne Spence stated that while another applicant may apply for a variance, s/he would have to demonstrate hardship in order to qualify.

Mr. Weymouth commented that while he did not object to the purpose of the proposed facility, he was concerned with the location, particularly the distance from a local church. He also felt outreach should have been extended to both the church and a nearby school. He noted that MedMen's gross retail revenue is \$6200 per square foot per year, and advised that this sales volume would generate more traffic to the area than may be anticipated.

**Motion** made by Ms. Scott, seconded by Ms. Fertig, to approve.

Ms. Fertig observed that individuals under qualified medical care should not be stigmatized due to these needs. She expressed concern, however, that there are problems with the City's public participation policy, as noted during recent Board meetings. Her concern in this case was that a neighborhood was not notified of the opportunity for public participation.

In a roll call vote, the **motion** passed 6-1 (Mr. Weymouth dissenting). (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)

**4. CASE:**

**R18017**

**REQUEST: \*\***

Site Plan Level III Review: Parking Reduction for Modifications to Existing Hotel and 9,981 Square Foot Building Addition Including

Accessory Uses; 3,701 Square Foot Restaurant, 3,794 Square Foot Gym and 420 Square Foot Barbershop

**APPLICANT:** 1055 N Federal, LLC

**PROJECT NAME:** The Dale / Link Hotel

**GENERAL LOCATION:** 1055 N Federal Highway

**ABBREVIATED LEGAL DESCRIPTION:** The Portion of Lot 1, LAKE PARK - UNIT 1, According to the Plat thereof, as Recorded in Plat Book 23, Page 36, of the Public Records of Broward County, Florida

**ZONING DISTRICT:** Boulevard Business (B-1)

**LAND USE:** Commercial

**COMMISSION DISTRICT:** 2 – Steven Glassman

Mr. Barranco rejoined the Board at this time, and disclosures were made.

Courtney Crush, representing the Applicant, showed a PowerPoint presentation on the Application, which proposes the addition of accessory amenities to an existing hotel. This would include a new building and lobby on a strip of the property, as well as a new barbershop and an expanded gym.

Ms. Crush noted that the subject property is located in the Lake Ridge neighborhood. In addition to its existing 145 rooms, which are not expected to change, the Application will provide accessory uses, some of which are open to the public. These include a bar, restaurant, gym, and public meeting rooms. The Application proposes expanding the restaurant, continuing the lobby bar, constructing an independent building to house the gym, and introducing a barbershop and yoga facility. The existing pool area will be buffered by the proposed amenity building. This building is expected to create a different visual from US-1 due to its use of screening and architectural detail.

Ms. Crush showed renderings of the proposed buildings and amenities, explaining that the single-story amenity building would be placed over existing parking spaces. The Application requests a parking reduction to 102 spaces for the proposed Site Plan. She pointed out that due to the use of transportation network companies, fewer vacationers use dedicated spaces at hotels. The request would reduce the number of spaces from 1 to 0.71 spaces per room. A parking reduction study has been reviewed by City Staff.

Chair Maus pointed out that the Applicant proposes adding a barbershop in addition to the requested parking reduction. Ms. Crush replied that the barbershop is expected to be 420 sq. ft. and will be an amenity for hotel patrons. The Applicant does not plan to open this amenity to the public. She added that the City recently modified parking

requirements in the Fort Lauderdale Beach area to 0.67 spaces per room due to that area's resort and hotel orientations.

Ms. Crush concluded that the Applicant has reached out to the Lake Ridge Civic Association's board and membership.

Mr. Tinter asked how many parking spaces would be eliminated by the Site Plan. Ms. Crush replied that there are currently 160 spaces on the site. Mr. Tinter pointed out that the site's restaurant would move from within the hotel to a free-standing building. Ms. Crush clarified that the restaurant is presently located on the first floor of the free-standing lobby building; the proposal is to move this square footage to the second floor. The first floor will serve as a lounge or bar, which is a less intensive use. The restaurant will be restricted to hotel guests only if the Application is approved.

Mr. Tinter continued that the Site Plan was not reviewed by the Florida Department of Transportation (FDOT) because the traffic generated by the property is not expected to change. He advised that because there are three existing driveways on the site, and due to the hotel's proximity to a gateway intersection, input from FDOT could be helpful. Ms. Crush replied that the Applicant consulted both a traffic engineer and the City regarding the project. Because the intensity was not expected to increase due to the accessory uses and amenities, there was no outreach to FDOT.

Ms. Crush further clarified that what is before the Board at tonight's meeting is the parking reduction request only. Site Plan approval is not requested at this time. The Site Plan and parking reduction have gone before the DRC; if the parking reduction is granted by the Board, the Applicant must obtain final DRC approval. The Board may ask that the Applicant approach FDOT for consideration prior to DRC approval.

Mr. Tinter noted that the property's central driveway is currently entrance-only, while its southern driveway is exit-only. The Site Plan for the new development shows the central driveway as a two-way facility. He also expressed concern with "dead-end" parking, which includes the majority of the building's parking spaces as they wrap around the building, and asked if additional access could be provided.

Ms. Crush advised that if a new building were proposed, the current design would not be used; however, it functions properly for the property. In relation to the location of the yoga amenity, she did not feel another curb cut would be appropriate. She confirmed that the Applicant did not object to contacting FDOT prior to final DRC approval.

Mr. Shechtman asked if the site provides bicycle and scooter parking. Ms. Crush replied that there are 10 spaces available for these vehicles.

Florentina Hutt, representing Urban Design and Planning, stated that the request is for Site Plan Level III review with a parking reduction and modifications to an existing hotel, including a 9981 sq. ft. building addition and accessory use, a 3701 sq. ft. restaurant, a

3794 sq. ft. gym, and a 420 sq. ft. barbershop. Staff determined that the proposed renovation and additions do not affect more than 50% of the total square footage of the property.

The parking requirement for the subject property is 145 spaces, and the Applicant proposes 102 spaces. The Applicant provided a report from a consultant dated December 11, 2017, which was reviewed by Staff and found to be in compliance with the Code section regulating parking reductions. The Applicant has demonstrated compliance with the City's public participation requirements. Staff recommends approval of the request.

Mr. Shechtman asked if Staff has considered the type of vehicular traffic in the subject area when approving plans with sidewalks. He asked if there are any pedestrian safety requirements attached to the proposed redevelopment. Ms. Hutt replied that Staff always considers conflicts between pedestrian circulation and vehicular traffic, including the number of curb cuts and vehicular access to the site. They also consider landscape buffers between the sidewalk and the traffic lane. In this case, the project demonstrated that the modifications did not exceed the 50% threshold that would trigger compliance with updated Code requirements.

Mr. Shechtman requested additional information on which Code requirements related to pedestrian safety are or are not adhered to in this case. Ms. Hutt explained that this is not a Code requirement but a planning principle. Ms. Parker further clarified that these are adequacy requirements that ensure safe access, pedestrian connections, and sidewalks for an existing site. Some existing aspects of the site may be legal nonconforming uses.

Mr. Shechtman asked if the Applicant might be amenable to incorporating additional modifications, such as curb cuts, to provide greater safety for pedestrians. Ms. Parker confirmed that Staff works with Applicants to improve these conditions and has recommended the Site Plan as presented.

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

Ted Spiliotes, board member of the Lake Ridge Civic Association, stated that the Application would improve the property, which would add value to the surrounding area. He was supportive of the project.

Michael Albetta, president of the Lake Ridge Civic Association, advised that both the Board and general membership of the Association voted in favor of the project. He pointed out that the Applicant has also made a commitment for the upkeep of a private lake located behind the hotel. He added that residents of the East Point Towers are also supportive of the project.

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.

<b>6. CASE:</b>	<b>T18010</b>
<b>REQUEST: *</b>	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

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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).

## V. COMMUNICATION TO THE CITY COMMISSION

Ms. Fertig stated that she hoped the City would make its public participation requirements more specific and stringent to ensure that residents receive the same notice regarding projects as Board members.

Chair Maus recommended that the language of public notice mirror the language used in the Board's or the DRC's Agenda. Ms. Parker advised that the current Ordinance requires that the project, its intent, and the level of review be provided to the public. She proposed that in the future, Staff could advise applicants to use the DRC or Planning and Zoning Board Agenda heading in their provision of public notice.

Ms. Fertig also provided a written copy of a proposed communication to the City Commission which addressed public safety concerns raised by residents at the September 17, 2018 Board meeting. These concerns specifically referred to wind vortex and how it is handled according to Code in Fort Lauderdale. She recommended that City Staff be asked to review what is currently being done in Fort Lauderdale, compare it to the work of other cities, and bring forward amendments where appropriate.

**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 planning 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).

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

Ms. Parker reviewed the proposed Board meeting dates for 2019, which fell on the third Wednesday of each month.

**Motion** made by Mr. Tinter, seconded by Ms. Scott, to approve the meeting dates for 2019. In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:05 p.m.

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

Planning and Zoning Board

November 13, 2018

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*Catherine Mans*

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Chair

*Briette Chappetta*

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Prototype

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