



CITY OF FORT LAUDERDALE

PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JANUARY 16, 2019 – 6:30 P.M.

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair	P	7	1
Howard Elfman, Vice Chair	P	6	2
John Barranco	A	6	2
Brad Cohen	P	6	2
Mary Fertig (arr. 6:35)	P	7	1
Jacquelyn Scott	P	8	0
Jay Shechtman	P	8	0
Alan Tinter	P	6	2
Michael Weymouth	P	8	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
- Jim Hetzel, Urban Design and Planning
- Tyler Laforme, Urban Design and Planning
- Yvonne Redding, Urban Design and Planning
- Benjamin Restrepo, Department of Transportation and Mobility
- Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

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

Motion made by Mr. Tinter, seconded by Vice Chair Elfman, to defer Item 8 to the February 20, 2019 meeting. In a voice vote, the **motion** passed unanimously.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Ms. Scott, seconded by Mr. Shechtman, to approve.

Mr. Tinter noted a correction on p.7, paragraph 6: the tandem spaces referred to are residential rather than guest spaces.

In a voice vote, the **motion** passed unanimously (as corrected).

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

<u>Case Number</u>	<u>Applicant</u>
1. R17076**	Marie C. Curtis Q Tip / 912 Victoria, LLC
2. V18008**	RWL 8, LLC., 812 NE 5 th Avenue, LLC., Helping Abused Neglected Disadvantaged Youth, Inc., Boyes GasServ., Inc.
3. R18056**	Lauderdale Yacht Club, Inc.
4. R18045**	Bimini Cove, LLC
5. R17072**	Fort Lauderdale Marina Partners, LLC
6. R18010**	Urban Development Partners, LLC
7. PL18009**	SOLIDSOCCKER, LLC
8. R18058**	Bayshore Hotel LLC and 3030 Bayshore Properties LLC
9. R17066**	Town Development Company

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:	R17076
REQUEST: **	Site Plan Level III Review: Ten multifamily units with Yard Modification
APPLICANT:	Marie C. Curtis Q Tip / 912 Victoria, LLC.

PROJECT NAME: 912 Victoria
GENERAL LOCATION: 912 NE 4th Street
ABBREVIATED LEGAL DESCRIPTION: RESUB BLKS 9-12 HOLMBERG & MC KEES 3-115 D Lot 20 W 20,21 E 41
ZONING DISTRICT: Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
LAND USE: Medium-High
COMMISSION DISTRICT: 2 – Steven Glassman
CASE PLANNER: Yvonne Redding

DEFERRED FROM THE DECEMBER 19, 2018 AGENDA

Disclosures were made at this time. Vice Chair Elfman recused himself from hearing this Item.

Stephanie Toothaker, representing the Applicant, stated that the project site is surrounded by other multi-family zoning districts, including other town home communities. The Land Use is medium-high density, with 25 units allowed per acre, and the zoning is RMM-25. The lot permits 10 units per acre, which is proposed by the Application.

Ms. Fertig arrived at 6:35 p.m.

The maximum building height permitted in the RMM-25 zoning district is 55 ft. and the minimum lot size is 5000 sq. ft. Minimum lot width is 50 ft. and minimum floor area is 400 sq. ft. per unit. The minimum distance between buildings is 10 ft. or 20% of the tallest building's height, whichever is greater. The proposed project meets all of these requirements.

This project is converting from an apartment building to a town home community and is before the Board to request yard modifications. It consists of two three-story structures, each containing five units. The buildings are 32 ft. in height. Garages are internalized, with the front entrance of each town home facing outward. Entrances to the town homes extend in from the sidewalk.

The project supplies two guest parking spaces where only one is required by Code. It also provides three additional parking spaces on both sides of the buildings. Parking requirements are met for the individual units within the garage space.

The requested front yard modification would decrease this space from 25 ft. to 17 ft. at the ground level, with larger modifications for the second and third floors. The Applicant

proposes 15 ft. 9 in. for the corner yard against a requirement of 20 ft. and a side yard of 12 ft. 7 in. at the ground level rather than the requirement of half the building height or 18 ft. 3 in.

The Applicant believes the proposed yard modifications meet the criteria required by the ULDR, which include:

- Scale, massing, and architectural treatment of the building are consistent with the emerging development pattern of the Victoria Park neighborhood
- The structure maintains a balance of light and shadow
- Required minimum distance of 10 ft. between the buildings is exceeded by providing 24 ft. of separation at the ground level and 19 ft. at the second and third levels

The Applicant also feels the project meets neighborhood compatibility requirements, as apartments and town homes surround the subject property. They have met with the Victoria Park Civic Association, including its Planning and Zoning Committee, and have made a presentation to the Association's full membership. The Association did not hold a formal vote on the project; however, its president has advised the Applicant he has not heard any concerns from the members.

Motion made by Mr. Shechtman, seconded by Ms. Scott, that the Staff Report is included as part of the backup on the minutes. [The Board approved the **motion** by consent.]

Mr. Weymouth pointed out that the address and mapping provided in the City's water and sewer capacity letter are not consistent with the location of the project. Yvonne Redding, representing Urban Design and Planning, explained that the letter was reissued after the first information packet was sent to the Board members. Ms. Parker asserted that the record will be corrected to reflect the appropriate header and map.

Ms. Fertig made her disclosures at this time.

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

Kathleen Burke, private citizen, stated that she lives across the street from the proposed project. She asserted that there is insufficient parking in the area and expressed concern with the amount of dirt blown from the project's construction.

Chair Maus recommended that Ms. Burke reach out to Ms. Toothaker regarding pollution from the site as required by Code, as well as to City Staff regarding concerns about parking. She noted that the project meets the City's parking requirements.

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 Ms. Scott, to approve.

Mr. Tinter observed that the two requested yard and setback modifications are approximately 38% of the Code requirement, which he felt was an excessive request.

At the request of a member of the audience, Chair Maus reopened the public hearing.

Carol Mangold, private citizen, pointed out that the south side of her condominium includes patio areas that exit onto a gravel alleyway, which is proposed for use by the Applicant. She felt the project is too large to be compatible with the surrounding area, and requested that the Applicant consider paving the alleyway to better accommodate traffic and construction. She also requested that the City install four-way Stop signs at NE 4th Street and 10th Avenue.

Chair Maus closed the public hearing once again.

Ms. Toothaker advised that the Applicant does not plan to use the alleyway referred to by Ms. Mangold, as the project dead-ends at this alley with no access. She added that while the Applicant is willing to look into the possibility of a four-way stop, it will ultimately be a County decision.

In a roll call vote, the **motion** passed 6-1 (Mr. Tinter dissenting). (Vice Chair Elfman recused himself. A memorandum of voting conflict is attached to these minutes.)

Vice Chair Elfman returned to the dais once the vote was taken.

2. CASE:	V18008
REQUEST: **	Right-of-Way (Alley Reservation) Vacation
APPLICANT:	RWL 8, LLC., 812 NE 5 th Avenue, LLC., Helping Abused Neglected Disadvantaged Youth, Inc., Boyes Gas Serv. Inc.,
PROJECT NAME:	Modera 555
GENERAL LOCATION:	555 NE 8 th Street
ABBREVIATED LEGAL DESCRIPTION:	West 7.5 feet of Lots 15-24 together with the east 7.5 feet of Lots 25-34 of Block 253 of PROGRESSO, according to PB 2 PG 18 of PRDC, FL.
ZONING DISTRICT:	Regional Activity Center – Urban Village (RAC-UV)
LAND USE:	Downtown Regional Activity Center
COMMISSION DISTRICT:	2 – Steven Glassman

CASE PLANNER: Yvonne Redding

Disclosures were made at this time. Mr. Cohen recused himself from hearing this Item.

Andrew Schein, representing the Applicant, stated that the alley to be vacated is north of NE 8th Street in the Flagler Village neighborhood. It bisects a proposed development site and is only an alley reservation, not an actual alleyway. The Flagler Village Civic Association has provided the Applicant with a letter of support.

Motion made by Mr. Shechtman, seconded by Ms. Scott, to make the Staff Report part of the record. [The Board approved the **motion** by consent.]

There being no questions from the Board at this time, Chair Maus opened the public hearing. As there were no 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. Tinter, seconded by Ms. Fertig, to approve with Staff conditions. In a roll call vote, the **motion** passed 7-0. (Mr. Cohen recused himself. A memorandum of voting conflict is attached to these minutes.)

Mr. Cohen returned to the dais once the vote was taken.

3. CASE:	R18056
REQUEST: **	Site Plan Level III Review: Waterway Use and Conditional Use; Yacht Club Addition
APPLICANT:	Lauderdale Yacht Club, Inc.
PROJECT NAME:	Lauderdale Yacht Club
GENERAL LOCATION:	1725 SE 12th Street
ABBREVIATED LEGAL DESCRIPTION:	Parcel A, LAUDERDALE YACHT CLUB TRACT REVISED No. 2, according to the plat thereof recorded in PB 72, PG 45, of Public Records of Broward County, Florida
ZONING DISTRICT:	Parks, Recreation and Open Space (P)
LAND USE:	Commercial Recreation
COMMISSION DISTRICT:	4 – Ben Sorensen
CASE PLANNER:	Jim Hetzel

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, stated that the request is for Site Plan Level III Conditional Use. The Lauderdale Yacht Club is located in the Parks, Recreation, and Open Space (P) zoning district. The facility has been on this site since 1938 and predates some of the City's Code. Its Land Use is Commercial Recreation.

Although the height permitted for the Yacht Club is 55 ft., the Applicant proposes a two-story structure. Ms. Toothaker noted that properties to the north and south in RS zoning districts also permit two stories. She provided renderings of the Yacht Club, including the existing and proposed facilities. The Applicant plans to rebuild the facility in almost the same footprint it is in today.

The Applicant plans to rebuild the property's clubhouse, but not to rebuild the majority of other structures on the site. To the east of the service lot is an existing kitchen that was rebuilt several years ago. The existing parking lot will be rebuilt and reconfigured to bring it up to Code. The net new square footage of the clubhouse will be 9789 sq. ft., accompanied by 63 net new parking spaces.

Ms. Toothaker showed a rendering of the proposed new clubhouse building, noting out that surrounding structures dictate its footprint to a great degree. The clubhouse's north side will be located further away from the property's northern seawall. The facility to be demolished is 20,732 sq. ft. and the rebuilt facility will be 29,857 sq. ft. The majority of this additional space will be on the building's second story, with minimal changes planned for the ground level. Parking and traffic circulation are not expected to change.

There are no open Code violations on the site other than the addition of a sprinkler system, which will be required due to the kitchen remodeling. The Yacht Club also installed a new state-of-the-art chiller, which is very quiet in comparison to a previous chiller.

In 2014, the kitchen, which is approximately 9300 sq. ft., underwent a multi-million dollar renovation. This facility is not changing as part of the remodel. The existing kitchen setback on the north side is roughly 6.9 to 7.5 ft. from the wet face of the seawall. The existing clubhouse setback is 7.5 ft., but this building will be moved back to allow 17.1 ft. from the seawall. The outside area will include Americans with Disabilities Act (ADA) accommodations and waterfront dining. Yacht Clubs are specifically exempt from the 20 ft. setback requirement for waterway use.

The permissible building height in the P zoning district is 60 ft. to the top of interior finished space. While the clubhouse's second story includes some taller features, Ms. Toothaker characterized the recorded height of the second story as consistent with that of a two-story home.

Notice was provided to the presidents of the Rio Vista Civic Association, Lauderdale Harbor Civic Association, and Harbordale Civic Association for both the Development Review Committee (DRC) and Planning and Zoning Board (PZ) meetings, as well as for

a public participation meeting. Ms. Toothaker stated that the majority of attendees at the public participation meeting were in favor of the project.

Motion made by Ms. Scott, seconded by Ms. Fertig, to have the Staff Report made part of the record. [The Board approved the **motion** by consent.]

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

John Rooper, private citizen, stated that he does not consider the Yacht Club to have been a good neighbor. The height of nearby residential homes is limited to 35 ft., which means those homeowners' views will be obstructed by the new two-story building. He noted that there was no outreach by the Applicant to the nearby homeowners during the past year prior to the public meeting at the Yacht Club, which he described as poorly attended. He concluded that the Yacht Club's plans would negatively affect his and other nearby property values.

Assistant City Attorney D'Wayne Spence advised that any individuals with display materials will need to leave these materials as part of the record.

Patricia Hamilton, private citizen, stated that she received no advance notice of the public participation meeting. She expressed concern that the proposed project will intensify and increase the activity and noise near the site. She requested that the Board require a 25 ft. setback for the new structure, deny the expanded use and intensification of activities on the Yacht Club's north side, and scale back the size of the proposed building.

James Brown, private citizen, advised that the height of the proposed building is 63% taller than any other building in the surrounding residential area. He objected to the Yacht Club's disregard for neighboring residential properties. He requested that the Board cite the specific language exempting the Yacht Club from these dimensional requirements, concluding that the expansion of the facility would also affect the character of the residential neighborhood through noise, lighting, and loss of privacy.

William Stacey, private citizen, agreed that the Yacht Club was not a good neighbor to nearby residential properties, as it uses nearby driveways and swales for parking. He also took issue with the proposed height, which would block views through the site. He referred to ULDR Section 47-23a, requesting that the Board help preserve the character of the area and enhance the scenic quality and tranquility of the City's waterways by requiring the Yacht Club to provide the 25 ft. setback.

Paul Priest, private citizen, advised that he was supportive of the earlier statements made by Ms. Hamilton and Mr. Brown. He pointed out that there is no reliable sound barrier to block noise from mechanical equipment or trucks when the Yacht Club remodeled its kitchen in the past.

Chuck Dunn, Commodore of the Lauderdale Yacht Club, recalled that the chiller used after the kitchen remodeling was the same device used previously, reoriented so it faced west instead of north. The Yacht Club invested in acoustic paneling and blanketing to minimize its noise. Finally, the chiller was replaced with a new model 18 months ago, which he felt has made a significant difference. He felt the new Yacht Club would be a more attractive facility, and pointed out that it will be oriented to the east.

John Dunn, member of the Yacht Club, stated that he was supportive of the project, advising that most outdoor dining is located on the north side of the property.

Bob Tuthill, member of the Yacht Club, addressed the building height, stating that there are four buildings on the same street as the property of approximately the same height as the proposed clubhouse building. These properties also include roof towers and stairwells which raise the height further.

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.

Mr. Cohen referred to a slide in the Applicant's presentation that showed the footprint of the new clubhouse overlaid on the existing one, noting that the new building will have less coverage than the existing building at ground level.

Ms. Fertig asked how the Applicant advertised the public participation meeting. Ms. Toothaker replied that letters were sent to the presidents of the three nearby neighborhood associations, all of whom sent the letter on to their surrounding neighborhoods.

Ms. Fertig requested clarification of what would happen on the north side of the property. Ms. Toothaker stated that the setback on the north side will increase from 7.2 ft. to the wet face of the seawall to 17.1 ft. She also identified the existing kitchen on the slide, reiterating that this part of the facility will not move.

Ms. Scott commented that the Yacht Club does not seem to have taken sufficient action to mitigate noise from the facility, as neighbors have cited noise as a concern. She suggested that the Applicant consider taking further action, such as addressing delivery trucks and other issues. Ms. Toothaker replied that this was one reason she had conducted a Code search, as she had wished to find out if there had been Code complaints related to noise from the site. When complaints were made, Code Officers determined that the property was in compliance.

Mr. Tinter requested that Staff clarify the waiver of setback requirements for yacht clubs. Jim Hetzel, representing Urban Design and Planning, replied that the ULDR includes a table addressing properties zoned P that have dimensional requirements for setbacks. The table includes a footnote referring to Site Plan Level III and stating that there is an

opportunity to modify this setback before the Planning and Zoning Board. A 20 ft. landscape requirement for waterway use is not applicable to yacht clubs or marinas. Ms. Toothaker advised that the Zoning Administrator had provided the Applicant with written confirmation of this lack of requirement.

Vice Chair Elfman asked how excessive lighting would be prevented from the property. Ms. Toothaker replied that there is no light spillage to the north or south, as the site is located across the canal and partially blocked by boats docked on the property.

Ms. Fertig asked if the project went before the City's Marine Advisory Board (MAB). Ms. Parker responded that the MAB typically sees new projects related to marinas, but does not serve as a recommending body. For this reason, improvements to an existing building are not sent to this advisory entity.

Ms. Scott requested additional information to clarify the setback requirement. Mr. Hetzel explained that the existing facility has a nonconforming kitchen structure within its setback; the expanding clubhouse does propose a setback, although it is less than 25 ft. The Zoning Administrator has interpreted this as meaning the Applicant may request a lesser setback based on the use of the site.

Attorney Spence cautioned that without written documentation signed by the Zoning Administrator, or inclusion of this information in the Staff Report, he would advise the Board against taking action based on hearsay of statements by the Zoning Administrator. A written interpretation should be part of the Staff Report or part of the presentation in order for them to make a determination based on this explanation.

Ms. Fertig strongly emphasized the importance of the Applicant meeting with the neighborhood residents who expressed concerns with the project. Ms. Toothaker replied that the Yacht Club would be happy to comply with this recommendation.

Motion made by Mr. Tinter, seconded by Mr. Cohen, to approve the Site Plan as presented, including waiver of the setback as shown on the plans. In a roll call vote, the **motion** passed 8-0.

4. CASE:	R18045
REQUEST: **	Site Plan Level III Review: Conditional Use for Mixed Use Development with Allocation of 140 Residential Flex Units and 1,927 Square Feet of Retail Use and Parking Reduction
APPLICANT:	Bimini Cove, LLC.
PROJECT NAME:	Bimini Cove
GENERAL LOCATION:	2275 W State Road 84

ABBREVIATED LEGAL DESCRIPTION:	Parcel B, 2275 W. STATE ROAD 84 PLAT, according to the plat thereof recorded in PB 178, PG 198, of Public Records of Broward County, Florida
ZONING DISTRICT:	General Business (B-2)
LAND USE:	Commercial
COMMISSION DISTRICT:	4 – Ben Sorensen
CASE PLANNER:	Jim Hetzel

Disclosures were made at this time.

Keith Poliakoff, representing the Applicant, stated that the Bimini Cove project will include 140 market-rate units, 81 of which will be single-bedroom and 58 of which will be two-bedroom units. There will also be two penthouse units. The project is planned to be a mid-rise development with eight stories, including roughly 1700 sq. ft. of commercial office space to add a mixed-use element. Amenities will include energy-efficient appliances, a two-story parking garage with a charging station for electric vehicles, a pool deck, fitness facility, movie and gaming rooms, indoor/outdoor bike stations, and a leasing office.

The Site Plan for the Bimini Cove originally included a great deal of parking, which City Staff requested that the Applicant consider reducing in order to provide more open space. The Applicant determined that some of the parking could be shared with the site's commercial space. A parking reduction is not possible on this site due to its zoning.

Mr. Poliakoff continued that the commercial space is located on the northeast quadrant of the site, with seven unrestricted parking spaces behind it, four parallel parking spaces on the street, and 13 unrestricted spaces in the garage. The commercial tenant will have full access to the project's gated area.

Mr. Poliakoff showed multiple renderings of the project, stating that its maximum height is 75 ft. where 150 ft. is permitted. Setbacks are 68.9 ft., 11.8 ft., and 13.8 ft., which exceed requirements. There will be a total of 261 parking spaces on the site, with 80 spaces for bicycles. The site includes 48,322 sq. ft. of landscaped open space.

This site was originally platted and approved for a 175-unit hotel, which would have contributed significant traffic to the surrounding area. The current project is expected to generate far less traffic.

The Applicant reached out to the owner of an adjacent trailer park community, as well as to a representative of the nearby Marina Bay apartments. Mr. Poliakoff stated that neither entity expressed a desire to meet with the Applicant before tonight's meeting. He

provided emails between himself and the Marina Bay representative related to this communication. There are no neighborhood associations near the project, as it is outside the City Commission District boundaries. He recognized City Commissioner Ben Sorensen for his assistance in setting up a public meeting with multiple associations.

Mr. Tinter requested additional information about parking, including access to the gated area for the commercial tenant. Mr. Poliakoff explained that the tenant would be able to "buzz in" clients or customers who wish to park in the gated area, which is provided for greater security.

The Board agreed by consensus to make the Staff Report part of the record.

Mr. Shechtman noted that the Applicant's materials stated they would adhere to any education mitigation, but he did not recall seeing it mentioned that the Applicant satisfied a concurrency requirement for education, which is typically required before a project can be approved. Mr. Hetzel of Urban Design and Planning advised that because this is a residential project, the Applicant is asked to provide a School Concurrency Adequacy Determination (SCAD) letter from the Broward County School Board. Staff may not consider the project to have completed final DRC approval until the letter is provided. This is one of the Staff conditions attached to the Application.

Mr. Tinter asked if the current plat must be revised, as it specifies a 175-unit hotel on the site. Mr. Poliakoff replied that this is not a condition of the plat and is being addressed through an administrative process. The Applicant must process a plat note amendment through the County before the proposed project may be developed on the site.

Mr. Tinter also requested clarification of the difference between a parking reduction and a shared parking analysis. Benjamin Restrepo, representing the Department of Transportation and Mobility, explained that the Applicant has requested a parking reduction of seven spaces for the commercial use but not the residential use on the site. The residential use may not be reduced, as the project lies outside a Regional Activity Center (RAC). The shared use analysis means some residential and guest parking will be used to offset the need for seven commercial spaces.

Mr. Cohen referred to the email exchange between the Applicant and the representative of Marina Bay, asking if the email was accompanied by an information packet from the Applicant. Mr. Poliakoff responded that the email included "a more descriptive narrative" rather than the full PowerPoint presentation. He added that the representative may have received additional information from the City but had not requested the information packet directly from the Applicant.

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

Stephanie Toothaker, representing the Marina Bay apartments, asserted that she was never provided with an information packet. She was given a traffic analysis which showed the difference between what the plat permits today and the Site Plan. She provided the Marina Bay property owner, Jack Taplin, with this information, and communicated Mr. Taplin's concerns regarding shared access back to Mr. Poliakoff. She had requested that Mr. Taplin and the Applicant meet prior to tonight's Board meeting to address these concerns. Mr. Taplin subsequently wrote a letter to the Board requesting deferral of the Item for 30 days so he may have a traffic engineer review the materials with the Applicant.

Jack Taplin, property owner, stated he was not aware of new plans for the subject site until a sign was posted on the property in December 2018. Before that, a sign at the property entrance referred to the planned project as a 150-room hotel. He pointed out that Marina Bay is located on the same street, with 150 rooms for guests coming from airport shuttles and cruise ships who are not expected to contribute to traffic congestion.

Mr. Taplin continued that three months ago, his hotel contacted a traffic engineer who informed them they were at the maximum for concurrency. Marina Bay is currently working to change its marina slip size to accommodate 150 ft. vessels. He advised that no one representing the Applicant has contacted Marina Bay. He requested that a traffic study be done to determine if the new project would affect his hotel's business, and concluded that he did not want to make renovations on the marina if this is the case.

Ms. Fertig requested additional information on problems the Marina Bay's restaurant is experiencing due to traffic. Mr. Taplin replied that the restaurant manager, Marina Bay tenants, and the dry dock manager have reported issues due to traffic congestion. He added that Marina Bay has contacted a traffic engineer who estimates a traffic study will take four to seven weeks.

Mr. Cohen asked if Mr. Taplin was asking the Board to defer the Item. Mr. Taplin responded that he is asking the Board to wait until a traffic study has been conducted. An attorney for the Applicant stated that the Applicant would pay for the study.

David Hole, manager of a portion of the Marina Bay property, advised that his concern was for a stretch of road approximately 1000 ft. long, which includes the entrance to Marina Bay Drive. He estimated that roughly 100 vendors use this entrance each day, including vendors accessing the marina and restaurant areas. He agreed with Mr. Taplin that it may be difficult for nearby traffic to accommodate the addition of permanent residents rather than hotel guests. He encouraged the Board to consider additional traffic studies to determine what the area can accommodate.

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.

Mr. Poliakoff advised that a full traffic study has been performed and is included in the record along with a letter of no objection from the Florida Department of Transportation (FDOT). He added that the study includes a summary comparison between the proposed project and a hotel site, and emphasized that the project would represent a reduction in traffic rather than an increase, as it would present a less intense use than what was previously planned for the site.

Mr. Tinter asked if the Applicant would commit to not adding a restaurant use in the project's space, as restaurants generate greater traffic and parking. Mr. Poliakoff confirmed this would not be an issue.

Ms. Scott observed that she was in favor of deferring the Application, as neighbors to the subject property were not involved in the process and have expressed concerns.

Motion made by Ms. Scott, seconded by Mr. Cohen, to defer.

Mr. Tinter asked if the Board has directions for the Applicant during the deferral period. Ms. Scott **restated** her **motion** as follows: **motion** to defer to give time to the neighbors, who want to also do a traffic study and evaluate the situation so they can make their long-term business plans that might affect their properties.

Mr. Hetzel noted the project's roadway obligations and construction were determined at the time the plat was issued. If the requested traffic study determines that additional improvements are necessary, it will be difficult to apply that determination to the project, as the Staff Report's traffic impact analysis indicates traffic is not expected to be a problem.

Chair Maus observed that a traffic study provided by a neighboring property is likely to consider multiple properties on the roadway, including the project under consideration in the Application. She asked if the results of another traffic study were likely to trigger any changes to the Application or its processing. Mr. Hetzel replied it would not, as the Applicant's traffic study is part of the official record and is attached to the Site Plan. He reiterated that the property's concurrency obligations for roadway construction have been met.

Mr. Tinter asked if the City has reviewed and approved the Applicant's traffic study. Mr. Hetzel noted that the Applicant did not provide a full traffic study, as the project is not expected to generate more than 1000 trips; instead, the Applicant provided a traffic impact analysis statement. Because the project does not directly abut a state road, the Applicant was not required to go to FDOT for approval.

It was clarified that should the **motion** to defer fail, another motion would need to be made for approval of the project.

Attorney Spence stated that Code provides criteria for review when considering approval of a project, including adequacy, which deals with the project's traffic impact. The Applicant has provided a traffic analysis. He advised that his concern would be for the traffic analysis to be provided by a neighboring property, as only the impact of the project before the Board is to be considered, not the impact of other developments.

Chair Maus asked if the Board may recommend deferral of a project, or if only the Applicant may make this request. Attorney Spence replied that the Applicant has a right to ask the Board to make a decision on the Application if all their evidence and testimony has been offered into the record, along with public testimony. The Board has the discretion, however, to suggest they have not been provided with sufficient information on which to base their decision, and to request more information.

Mr. Tinter observed that the backup materials show the Applicant's traffic statement was done to show there would be fewer than 1000 trips generated, which would have required a full traffic study. He felt there was already sufficient traffic information to indicate the Applicant has met his obligation under Code, and that the dispute with a neighboring property owner is not the Board's responsibility to address.

In a roll call vote, the **motion** to defer failed 4-4 (Chair Maus, Mr. Shechtman, Mr. Tinter, and Mr. Weymouth dissenting).

Ms. Fertig asked if the plat for the subject site would come back to the Board at a later time if they approve the Site Plan. Attorney Spence explained that the plat would not come back to the Board, as the Applicant is considering a plat note modification, which requires only technical review a letter of no objection from City Staff. The Application is subject to call-up by the City Commission and is also subject to appeal. Mr. Hetzel added that plat note modification is not granted until the Site Plan has either finished the DRC process or gone through Level II or Level III review.

Motion made by Ms. Fertig, seconded by Mr. Tinter, to approve.

Mr. Tinter requested the addition of two conditions for approval to the **motion**: that the Application meet the two conditions listed in the Staff Report, and that the Applicant agree not to have a restaurant in the commercial area. Ms. Fertig agreed to the addition of these conditions.

In a roll call vote, the **motion** passed 6-2 (Mr. Cohen and Ms. Scott dissenting).

5. CASE:	R17072
REQUEST: **	Site Plan Level III Review: Waterway Use and Conditional Use for Dry Stack Storage Marina
APPLICANT:	Fort Lauderdale Marina Partners, LLC

PROJECT NAME: Fort Lauderdale Marina
GENERAL LOCATION: 1915 SW 21st Avenue
ABBREVIATED LEGAL DESCRIPTION: Lots 1 and 2, in Block 9 of the Brickell's Subdivision Plat, according to the Plat thereof, recorded in Plat Book 1, Page 72, of the Public Records of Dade County, Florida
ZONING DISTRICT: Industrial (I)
LAND USE: Industrial
COMMISSION DISTRICT: 4 – Ben Sorensen
CASE PLANNER: Jim Hetzel

Disclosures were made at this time.

Barbara Hall, representing the Applicant, stated that the Fort Lauderdale Marina was built in 1955. At that time, there was no significant development around the facility, although residential development has occurred over time. The property deteriorated and was not kept up to date regarding environmental and maintenance requirements. When the current owners purchased the property in 2016, there were existing Code violations.

The new property owners began redeveloping a portion of the marina under a permit, including new docks, seawall repairs, and a fueling system. This work is nearly complete. They have now moved forward to address upland development, which includes the Application before the Board tonight. The owners plan to build dry stack storage, as well as ground level offices, storage, and repair facilities on the upland portion of the site.

The site will be developed in two phases. Phase 1 includes the addition of 274 dry slips in approximately 28,000 sq. ft. of indoor first-level space, which will also include service, storage, and office areas. All infrastructure necessary for the full build-out of the marina will be installed during Phase 1. Ms. Hall showed an aerial view of this phase, including the westernmost portion of dry stack storage. The remainder of the site will be used for ground level repair of large boats.

Phase 1 will remain in effect until the full capacity of the dry stack storage is reached, at which time Phase 2 will begin. This will include an additional 356 dry slips in 15,284 sq. ft. of enclosed space.

The Applicants have taken steps to address the nearby residential community. This marina is zoned Industrial (I), which is atypical of other marinas in Fort Lauderdale. It complies with all zoning requirements, including a maximum storage building height of 70 ft. Because the marina abuts residential development, it requires a 30 ft. setback, as well as compliance with neighborhood compatibility standards. Code requires that for

every foot over 40 ft. of building height, 1 ft. of setback is needed. This would require a 60 ft. setback. The portion of the building at the 60 ft. setback is no higher than 41 ft. 10 in. The remaining dry stacks are terraced back so the tallest portion of the building is set back nearly 85 ft.

Because Staff expressed concern that the stacks not create great bulk, the design is intended to allow light and air to pass through the structure. The dry stack system features perforated aluminum screening, which faces the residential development. The Applicants also plan to place the quieter side of the marina adjacent to residential development: forklifts will place the boats in dry storage internally, and service bay doors are internalized as well. Ground level repair for large boats will be placed along I-95 and will be screened from the residential neighborhood by the dry stacks.

The west side of the marina, which is closest to the residences, will include a wall that is 6 ft. in height on the marina side and 8 ft. on the residential side due to a difference in grading. There will also be a 10 ft. landscaped strip with oversized trees, as well as a two-way drive aisle, parking, and landscaping along the building frontage.

When single-family residential development first occurred next to the marina, a 20 ft. access easement in favor of the marina was created over the rear portion of the single-family parcels. This easement has served as the main access for the marina, with an existing marina building located 4 ft. from the access easement. The Applicants plan to return the 20 ft. access easement to the residents, remove the roadway, grade the site, and provide homeowners with a stipend to bring in sod and/or topsoil.

The Board agreed by consensus to provide the Applicants with three additional minutes of presentation.

Ms. Hall continued that in response to neighbors' concerns regarding hurricanes, the Applicants are terracing the site and will rate the dry stacks to withstand winds of up to 170 miles per hour (mph). The Applicants will also provide a hurricane plan stating that in the event of a category 2 storm, boats will be removed from the top racks of dry storage and tied down. A shadow study shows that shadows will only affect residential neighbors in the morning during one month of the year. A security gate will be locked at 6 p.m. and the property will be protected by cameras and an alarm system.

The trees included in landscape buffering will be oversized. The Applicants plan to fund a street tree program in the amount of \$25,000 for a neighboring street, and will work with the City to provide wayfinding signage for the marina.

Ms. Fertig requested information on the Applicant's fire suppression system and fire containment plan. Ms. Hall replied that buildings will be equipped with sprinklers, and storage racks will have an additional system that would drench any boats stacked there in the event of a fire. A fire plan has been provided to and signed by the appropriate authority.

Motion made by Mr. Cohen, seconded by Mr. Shechtman, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

Mr. Hetzel of Urban Design and Planning submitted letters of support and opposition from the nearby residential neighborhood into the record as well.

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

Ed Murphy, private citizen, stated that several members of the Greater Flamingo Park Civic Association were not notified of public participation meetings or did not participate in them. He objected to the construction of a seven-story structure on the site, pointing out that this is a small residential neighborhood with no transient streets. He expressed concern that large vehicles could find themselves unable to turn around, and requested that a vote on the project be deferred until neighboring property owners have had the opportunity to discuss it.

Joe Grano, private citizen, advised that his home is adjacent to the marina. He was concerned with the addition of traffic to a single-lane access road, NE 21st Avenue, which he felt would create a safety hazard for residents in the area. He also expressed concern that NE 21st Avenue does not have sidewalks and is used by children walking to school. He concluded that residents were not given sufficient notice for public participation meetings and would not be allowed to attach the ends of their fences to the wall proposed for the property line.

Natalie Wallace, private citizen, also expressed concern for the safety of the neighborhood. She noted that the 20 ft. easement will not be returned to the residents until Phase 1 is complete, which is estimated to take up to 18 months. She did not feel residents should be asked to maintain the wall, which will be located approximately 6 in. from their own fencing but cannot attach to it.

Clint Gordon, private citizen, stated that residents near the marina do not want a wall constructed between the marina and their neighborhood and do not wish to maintain this structure. He added that the marina owners have not maintained the alley, and did not feel it was reasonable to wait 18 months before the easement is returned to residents. He felt boats in slips should be enclosed in the event of a hurricane.

Byron Linder, private citizen, advised that his property abuts the marina. He added that the construction of a wall on this property line would cross his driveway, and asked if the residents have a right to continue using the alleyway.

Mr. Cohen asked if Mr. Linder has front access to his home as well as the driveway. Mr. Linder confirmed that he has front access at present, although his primary access is through the alley.

Ivan Niles, private citizen, reiterated that NE 21st Avenue is a single-lane access road with no sidewalks, which may create a safety concern when used by large trucks. He felt the height of the storage facility would be excessive, and did not believe the marina's hurricane preparedness plan for boats in storage would be sufficient. He was not opposed to the redevelopment of the marina or the terraced setbacks proposed for the storage facility.

Ericka Helmick, private citizen, stated that residents of 25th Avenue were not informed or consulted about the project, although most traffic to the Flamingo Park neighborhood seems to come from this area. She requested information from any traffic studies that show how traffic to the marina would affect SE 25th Avenue, pointing out that large trucks already drive through this neighborhood. She also asked if there are environmental impact studies available regarding the effects of working on boats at the marina.

Gigi Niles, private citizen, expressed concern with the height of the storage building and its proposed screening, which she did not feel would be sufficient in the event of a hurricane. She also cited traffic in the area, and requested that residents on 23rd Avenue be provided with notice of public meetings.

Mike Resta, private citizen, commented that although his property shares a common boundary line with the marina, a previous owner of his property reclaimed a portion of the 20 ft. easement several years ago. For this reason, he has not experienced issues with the alleyway behind his property. He felt the proposed development would be an improvement over his experiences with past owners of the marina property.

George Cable, private citizen, said he was in favor of the project and felt the retention of Fort Lauderdale's working waterfront was important.

Kitty McGowan, president of the U.S. Super Yacht Association, stated she was in favor of the marina's redevelopment. Although she recognized there are challenges in the area surrounding the marina, she pointed out that significant infrastructure supporting the marine industry has already been lost. She urged the Board to allow the redevelopment to continue.

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.

Mr. Shechtman observed that there seems to be a lack of communication between the Applicants and residents of the surrounding neighborhood. He also expressed concern with the potential impact of traffic on pedestrians in the area.

Motion made by Mr. Shechtman to defer the Application for two months.

Ms. Scott requested clarification of what is required by Code in the event of a hurricane. Mr. Hetzel replied that Florida Building Code regulates structures and what is contained in them, including actions related to what these structures contain. In the case of a storage facility, the site is required to tie down items during its construction period. When a structure is complete and meets Florida Building Code standards, this becomes an occupancy issue and addresses how boats are strapped into a storage facility. Based on these standards, nearby residents should not be concerned with how boats are stored.

Ms. Scott also requested additional information regarding traffic in the alleyway. Ms. Hall replied that 21st Avenue, which has served the marina for many years, is 20 ft. wide, which is narrower than a typical two-lane road; however, it can accommodate cars and trucks moving in opposite directions.

Ms. Fertig asked if 21st Avenue is a street or an alley. Ms. Hall replied that it is a street, controlled by the City. She was not aware of whether or not children use this street to walk to school.

Ms. Fertig also requested clarification of whether or not residents may attach their private fences to the proposed wall. Ms. Hall replied that because the wall is concrete, there may be no reasonable way to attach other fences to it. The wall is set back 6 in. from the marina property, but includes footers in some areas that may prevent attachment of another structure.

Ms. Fertig asked what impact the redevelopment will have on properties with driveways that back out onto the alley. Ms. Hall reiterated that the alley will be given back to the residents on the west side of the marina.

Vice Chair Elfman requested additional information regarding the maintenance of the wall. Ms. Hall explained that the Applicants are willing to maintain the wall, including the side facing the residents' homes, but will require an access easement from the residents to do so.

Vice Chair Elfman continued that he was concerned some neighbors of the marina were not aware of the public participation meetings. Ms. Hall advised that a presentation was made to "the staff" of the Greater Flamingo Park Civic Association, and referred to copies of overnight letters and mailing confirmation. She noted that Mr. Murphy is listed as the president of the Greater Flamingo Estates Homeowners Association, and as such, he was sent letters informing him of two meetings.

Ms. Hall noted that there were three public participation meetings: one for neighbors closest to the marina, one specifically for Mr. Murphy's association, and one that invited all residents within 300 ft.

Mr. Tinter pointed out that if the marina requires an easement from homeowners for the maintenance of the wall, the residents' fences may not abut the wall. Ms. Hall replied that the agreement would include notification to homeowners when the marina plans to maintain the wall, and the individuals would need to provide reasonable access for this purpose.

Mr. Shechtman restated his **motion** to defer for two months. Mr. Cohen **seconded** the **motion**. In a roll call vote, the **motion** passed 8-0.

Mr. Hetzel asked if the **motion** required the Applicant to take any specific action within the deferral period. Chair Maus replied that the deferral was in response to the Board members' concerns regarding issues raised by the public. Mr. Shechtman advised that his intent was for the Applicant to meet again with the public.

Ms. Fertig asked if it would be possible for the Board's backup materials to include copies of the notice provided to nearby residents, as well as the sign-in sheets from public meetings.

6. CASE:	R18010
REQUEST: **	Site Plan Level III Review: Three Unit Residential Cluster Development
APPLICANT:	Urban Development Partners, LLC
PROJECT NAME:	Genco Cluster
GENERAL LOCATION:	120 and 124 NE 12 Street and 1145 NE 2 Avenue
ABBREVIATED LEGAL DESCRIPTION:	Progresso 2-18 D Lots 1-3 Blk 141
ZONING DISTRICT:	Residential Single Family/Duplex/Low Medium Density (RD-15)
LAND USE:	Medium Residential
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Tyler Laforme

Disclosures were made at this time.

Gus Carbonell, representing the Applicant, advised that the project before the Board is a two-story, three-unit cluster development on a corner lot. He characterized it as a boutique project on which the Applicant worked with Staff and the surrounding neighborhood for over a year.

The Board agreed by consensus to make the Staff Report part of the record.

There being no questions from the Board at this time, Chair Maus opened the public hearing. As there were no 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 Vice Chair Elfman, to approve, subject to conditions of Staff. In a roll call vote, the **motion** passed 7-0 (Ms. Fertig was not at the dais).

7. CASE:	PL18009
REQUEST: **	Plat Review
APPLICANT:	SOLIDSOCCER, LLC
PROJECT NAME:	M.A.S Café
GENERAL LOCATION:	333 NE 6 th Street
ABBREVIATED LEGAL DESCRIPTION:	Progresso 2-18 D E 67 1/2 of Lots 21 to 24 BLK 316
ZONING DISTRICT:	Regional Activity Center – Urban Village (RAC-UV)
LAND USE:	Downtown Regional Activity Center (D-RAC)
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Tyler Laforme

Disclosures were made at this time.

Elizabeth Tsouroukdissian, representing the Applicant, stated that the request before the Board is for plat approval. The parcel is 6750 sq. ft. in size, with a plat for 2000 sq. ft. of commercial use for a coffee shop. The Site Plan for the coffee shop has already been approved and all Staff comments have been addressed.

The Board agreed by consensus to make the Staff Report part of the record.

There being no questions from the Board at this time, Chair Maus opened the public hearing. As there were no 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. Tinter, seconded by Vice Chair Elfman, to approve. In a roll call vote, the **motion** passed 8-0.

The Board took a brief recess from 9:33 p.m. to 9:39 p.m.

9. CASE:	R17066
REQUEST: **	Site Plan Level IV Review: Rezoning from Residential Single Family/Duplex/Low Medium Density (RD-15) to Community Business (CB) with Site Plan Approval and Allocation of 0.462 Acres of Commercial Flex for 20,115 Square Feet of Gas Station and Convenience Store Use
APPLICANT:	Town Development Company
PROJECT NAME:	Cumberland Farms
GENERAL LOCATION:	333 E. Sunrise Boulevard
ABBREVIATED LEGAL DESCRIPTION:	Progresso 2-18 D Lot 25 LESS S 15 For ST, 26, 27 BLK 183
ZONING DISTRICT:	Boulevard Business (B-2) / Community Business (CB) / Residential Single Family/Duplex/Low Medium Density (RD-15)
LAND USE:	Commercial and Medium Residential
COMMISSION DISTRICT:	2 – Steven Glassman
CASE PLANNER:	Tyler Laforme

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, stated that the request is for Site Plan Level IV review with rezoning, flex allocation, and a parking reduction. The property currently includes two Land Use categories and three zoning designations. The Land Uses are Commercial and Medium Residential, while the zoning districts are B-2, CB, and RD-15. Both B-2 and CB permit the proposed use by right. The Applicant is requesting rezoning from RD-15 to CB with a flex allocation.

The site is surrounded by railroad tracks, a cement plant, affordable housing, and commercial businesses. The Applicant owns the remainder of the block with the exception of a shelter operated by the Department of Children and Families. There are some remaining residential homes in the area.

Ms. Toothaker noted that the Central City Community Redevelopment Agency (CRA) rezoning process has been in process for some time and will go before that CRA for approval in February 2019. The subject property is located on a corridor that is intended to be rezoned as a Community Commercial Corridor at a later date.

The portion of the subject site currently zoned RD-15 is 0.46 acre, while the remainder of the site is 1.48 acres. Because the underlying Land Use for this portion is still Residential, the Applicant is requesting a commercial flex allocation for this area.

The Applicant has worked closely with the City on the Site Plan, which resulted in placing the proposed building on the western portion of the site. There are 16 fuel pumps associated with the Site Plan, which are located at the southernmost portion of the site in order to minimize any adverse effects to properties to the west. The proposed convenience store is 5618 sq. ft. in size and is placed as close to Sunrise Boulevard as possible. The landscape plan for the property includes buffers along the property lines.

Although Staff wanted the Applicant to move direct access to the site off Sunrise Boulevard, neighbors to the property hoped access would remain on Sunrise. The Applicant has provided shared access with a neighboring property to the north, as well as a full access point on 3rd Street that can be expanded if necessary.

The project's gross floor area is 4574 sq. ft., with a parking requirement of one space per 150 sq. ft. This would mean 30.5 spaces are required. The customer service area, which includes outdoor seating, is 779 sq. ft. with a requirement for one space per 30 sq. ft. This would require a total of 57 spaces. The Applicant is requesting a four-space reduction to 53 spaces. Code allows an Applicant to remove certain areas, such as equipment and storage, from the parking requirement of a Site Plan, which accounts for a difference between the parking requirement listed in the Staff Report and the Site Plan.

The Applicant went before the South Middle River Civic Association in 2018 to provide updated drawings and review changes made to the Site Plan. When they returned to a second meeting, the District Commissioner was in attendance as well. The Association voted unanimously in favor of the project. The Applicant also went before the Middle River Terrace Neighborhood Association Board of Directors, which voted in favor of the development and provided letters of support. The project received unanimous approval from the Central City CRA. Adjacent neighbors have also provided letters of support.

The Board agreed by consensus to make the Staff Report part of the record.

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

Lane Kerr, private citizen, advised that his wife owns the property at 1021 NE 3rd Avenue. He was not aware of the project until he received public notice on Wednesday, January 9, 2019. He felt many aspects of the Application are inconsistent with the City's Comprehensive Plan, including the proposed access at the northwest corner of the site, which would place traffic directly in the path of a single-family home. He asked the

Board to consider having the Applicant meet with him and his wife to discuss changes to this access point.

Deborah Kerr, private citizen, reiterated that the access point to Cumberland Farms is directly opposite the front door of her property. She objected to the project for this reason.

The Board agreed by consensus to extend the meeting until discussion of Item 9 has concluded.

Mark Antonelli, private citizen, stated that he owns property in the subject area. He described the proposed project as a welcome addition to the neighborhood.

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. Fertig recommended deferring the Item until the February 20, 2019 meeting, citing the need for better communication between property owners and the Applicant.

Motion made by Ms. Fertig to defer. [The **motion** died for lack of second.]

Mr. Tinter addressed rezoning, pointing out that the depth of the B-2 and CB zoning would be extended into a residential area by the requested change. He asked to know the status of a study regarding zoning restrictions within the subject area. Ms. Parker replied that the CRA is leading an effort to consider an overall study for the Central City area, including this corridor. The study is currently in progress and its ultimate recommendations regarding policy direction are not yet known. She added that Staff can continue to work with the Applicant to address the access issues raised at tonight's meeting.

Mr. Tinter pointed out that the Board does not know what the zoning of certain parcels in the area will be, including whether they will be consistent with the B-2, CB, or other zoning districts. Ms. Parker confirmed that this will not be known until the study process is complete and comes back before the Board and the City Commission. Mr. Tinter concluded that he did not feel the proposed rezoning would be compatible with other residential areas across the street or consistent with adjacent zoning.

Motion made by Mr. Tinter, seconded by Ms. Fertig, to defer.

Mr. Shechtman requested additional information from Staff regarding the access into a residential neighborhood. Mr. Restrepo of the Department of Transportation and Mobility replied that trips are distributed based on land uses and programming in the subject area. Staff did not take issue with this access.

Mr. Weymouth stated he would support the **motion** to defer if the Applicant uses this time to reach out to Mr. and Ms. Kerr regarding their concerns with the northwest entrance. He also requested clarification of whether the owner or the tenant of a rental property may respond in support of or objection to a project near that property.

Ms. Parker advised that the property owner is considered to have the primary stake in the property, although Applicants reach out to all community members, including residents who live in a given neighborhood. Attorney Spence added that an Application is evaluated based on the evidence provided: letters of support are generally considered to be provided for additional consideration. The letters do not determine whether or not an Application meets the criteria of Code.

Ms. Fertig pointed out that while neighborhood associations may have been contacted regarding public participation meetings, immediate residents near the property may not have been notified. She felt the deferral period would allow the Applicant time to reach out to these residents and clarify any issues or concerns regarding changes to the property, its zoning, or its underlying land use.

In a roll call vote, the **motion** failed 4-4 (Vice Chair Elfman, Mr. Cohen, Mr. Shechtman, and Ms. Scott dissenting).

Motion made by Mr. Cohen, seconded by Vice Chair Elfman, to approve.

In a roll call vote, the **motion** passed 5-3 (Chair Maus, Ms. Fertig, and Mr. Tinter dissenting).

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Mr. Weymouth suggested the Board consider revisiting the notification process for public hearings. Chair Maus advised that the City has precise geographical requirements regarding provision of notice, and that individuals speaking on Items may live outside these boundaries. Mr. Weymouth recommended that the City take note of where signage is placed, pointing out that the signage for the marina, for example, was placed at the end of a dead-end street.

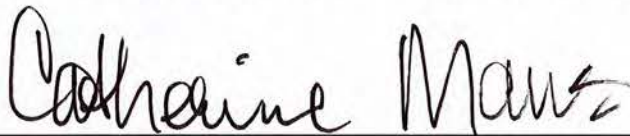
Ms. Fertig requested that the next Agenda include a proposal that in addition to notifying nearby homeowners' or civic associations, applicants must also notify property owners within a specific distance of public participation meetings.

Mr. Shechtman asked if Staff checks to ensure public notices posted by an applicant are clearly visible. Ms. Parker explained that Staff ensures signage to face every right-of-

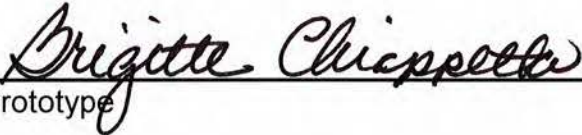
way, which means if there are multiple rights-of-way, an applicant must post multiple signs. Staff receives photographs documenting the signs' placement, and the applicant must sign an affidavit affirming that signs were posted. Ms. Fertig also pointed out that some public participation meetings are held months in advance of signage placement, which means some property owners may not have seen them.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:22 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

