



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, MARCH 20, 2019 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2018-May 2019	
		Present	Absent
Catherine Maus, Chair	P	9	1
Howard Elfman, Vice Chair (phone)	P	7	2
John Barranco	P	7	2
Brad Cohen	A	7	3
Mary Fertig	P	8	1
Jacquelyn Scott	A	9	1
Jay Shechtman	P	10	0
Alan Tinter	P	8	2
Michael Weymouth	P	10	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
Jamie Opperlee, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Shechtman, modified and seconded by Ms. Fertig, to communicate to the City Commission a desire for the appropriate staff person to be designated by the City Manager's Office to speak with the Florida Department of Transportation (FDOT) in regard to improving the intersection of Davie Boulevard and SW 25th Avenue, and also communicate the desire of this Board that FDOT meet with the neighborhood to hear their concerns.

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.

Chair Maus explained that Vice Chair Elfman had requested to attend the meeting via telephone. While he may listen to and participate in the meeting, he may not vote on Agenda Items while attending telephonically.

Motion made by Mr. Barranco, seconded by Mr. Weymouth, [to allow the Vice Chair to attend by telephone]. In a voice vote, the **motion** passed unanimously.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Tinter, seconded by Mr. Weymouth, 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

<u>Case Number</u>	<u>Applicant</u>
1. R17072**	Fort Lauderdale Marina Partners, LLC

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:	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 21 st 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, recalled that when this Item came before the Board on January 17, 2019, the Board asked the Applicant to meet again with nearby residents to further explain the project and address their concerns.

The Fort Lauderdale Marina has been in existence for 63 years and is an Industrial use that is also conditional due to its proximity to the waterway. It meets or exceeds all Code requirements. The project's proposed height is 70 ft. against a limitation of 150 ft., and the closest portion of the building to another property is 60 ft. against a setback requirement of 32 ft. Because the tallest portion of the building is 70 ft., it would require a 60 ft. setback; the Applicant is providing a setback of 83 ft.

The project is being redeveloped in two phases, with one and one-half dry stacks in the first phase and ground-level storage and repair in the second phase. The marina will have a total of 630 dry stacks.

At the January 16, 2019 meeting, eight people spoke against the project. Of these eight individuals, Ms. Hall has provided letters of support from the three whose properties abut the marina.

In advance of the January 2019 meeting, the Applicant invited neighbors in the Flamingo Park neighborhood to another meeting, although no individuals attended. The Applicant had contacted the individual listed as the president of that neighborhood association on the City's website. After that, another meeting was held to which everyone living within 300 ft. of the project was invited, along with residents of Flamingo Park. Notice was provided to 51 homes and 25 individuals attended.

When the Applicant was asked to come back before the Board after additional outreach, the Applicant's team spoke with the president of the Flamingo Park association and sent a blast email to his contacts from the organization, although the Flamingo Park association was disbanded. These contacts were invited to a subsequent meeting. Notice was also sent to 43 homes on 22nd Street and 72 homes on 23rd Street. 66 neighbors representing 51 of these homes attended the meeting and saw a full presentation on the project.

Concerns raised during this second neighborhood meeting included hurricane safety, height, general and cut-through traffic, and the intersection of SW 25th Avenue and Davie Boulevard. In response to concerns regarding hurricanes, the Applicant has submitted a

hurricane preparation plan to the City. The marina will close 72 hours in advance of a storm, and boats on the top rack of storage will be removed and placed in ground-level racks. Loose items will be removed from all boats. Planned structures will be rated to withstand winds of up to 170 miles per hour. The fuel dock will be closed and all removable objects subject to wind damage will be taken down.

Residents had concerns with both the planned building's height and the visibility of boats above the 70 ft. screening. The Applicant was asked by the residents if the screening would cover the boats on the top rack of storage. This issue has been addressed. Ms. Hall reiterated that the height is below the maximum allowed, setbacks are exceeded, and separations ensure there are no structures longer than 200 ft. The project is designed to avoid creating shadows on the surrounding neighborhood. Written agreements with three neighbors exist and others are in progress.

Trees in the marina's buffer area are oversized, and the marina will provide an additional \$1500 stipend to lots that back up to the property so those residents may create an additional landscape buffer on their own properties. The Applicant will also provide \$25,000 for street trees on the west side of 22st Avenue.

With respect to the screening of visible boats, the Applicant has brought some of the storage layers closer by up to 2 ft., which means the top racks can be lowered so the screening will cover them.

John McWilliams of Kimley-Horn and Associates, also representing the Applicant, addressed general traffic issues, including the amount of traffic the project can be expected to generate. Although the traffic statement submitted to the City indicated that the project is below the threshold that would require a traffic study, additional work was done to determine the traffic expected to be generated from this use.

The marina will include 630 dry slips and 35 wet slips, which were compared to similar marina properties in neighboring municipalities. The Applicant's team used a generator suggesting that 1.2 vehicles per launch would be produced. To calculate the traffic anticipated by service bays, the Applicant used an industrial park trip generation rate, which provided a calculation of 3.37 trips per 1000 sq. ft. The marina will have 40,000 sq. ft. of space, which results in another 136 daily trips.

Mr. McWilliams estimated that eight employees would be on-site at the facility each day, resulting in another 16 trips. Vendors servicing the site are estimated to generate an additional 30 trips. When trips are combined, the total trips generated are estimated to be 326 per day on a 10 acre site.

Mr. McWilliams continued that launches at comparable facilities are spread evenly throughout the day rather than generating peak hours of use. There is also a limitation on the number of boats per hour that can be launched using the marina's equipment.

Regarding cut-through traffic, Ms. Hall stated that the Applicant does not feel this will have a meaningful impact. There is a direct route to the marina that avoids the surrounding neighborhood, and the lack of peak hour trips means drivers are not trying to avoid traffic on the main roadway network. Information on the direct route will be provided on the marina's website, and a signage plan will be implemented and funded.

The intersection of 25th Avenue and Davie Boulevard has proved to be problematic, as it includes many conflicting movements and turns. There is no traffic light at this intersection, despite oncoming traffic. The Applicant's consultant, Kimley-Horn and Associates, has studied this intersection, and the Applicant has reached out to the Florida Department of Transportation (FDOT) to provide accident data and other information. The neighborhood has also requested a study of this intersection to address issues.

An abbreviated study, including traffic counts, is currently underway by FDOT, after which time they will meet with the Applicant to discuss how they can best work together to implement the next stage of the traffic study. The Applicant will commit \$25,000 toward this effort.

Mr. Tinter referred to the traffic calculations, stating that the study provided to the Board members considered net trips generated by the new, larger marina as compared to the trips currently generated by the existing facility. This showed over 700 net new trips, which increased to 1300 to 1400 when considered with the existing trips. Mr. McWilliams replied that this is because the preliminary analysis used the Institute of Traffic Engineers (ITE) generation rate for marinas rather than for industrial parks. This use typically refers to public marinas with only wet slips, which would generate significantly more traffic. This data does not capture information on dry stack usage.

Chair Maus asked if the Applicant considered setbacks and roads in their calculations for the traffic generated by different uses. Mr. McWilliams explained that the study considered what could be reasonably built when roadways, floor area ratios, required green space, and setbacks were taken into account.

Mr. Shechtman noted that the traffic information does not mention the range of trips that could be generated by the maximum number of uses in a given day. Mr. McWilliams advised that the average in one day was 60 trips, depending upon peak days, hours, and conditions. Ms. Hall added that the number of launches also depends upon forklift operation within a one-day period, which can accommodate roughly six launches per hour.

Motion made by Ms. Fertig, seconded by Mr. Tinter, for the Staff Report to be made part of the record. In a voice vote, the **motion** passed unanimously.

Urban Design and Planning Manager Ella Parker clarified that there are two corrections to the proposed Site Plan that should be reflected in the record:

- The proposed front setback is 140.8 ft.

- The west side setback is 60 ft.

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

Byron Linder, private citizen, stated that his property is adjacent to the north end of the marina. He pointed out that there are no plans for landscaping on this side of the subject property. He added that he would not grant the marina permission to enter his property to complete work on the back side of a planned wall.

David Hand, private citizen, advised that he was unhappy with the potential traffic and was not certain the traffic data provided was accurate. Mr. Hand continued that he would like to see an annual review or survey by residents of 22nd Avenue for the first five years of the project.

Ellen Murphy, private citizen, stated that residents of the Flamingo Park neighborhood have worked with City Staff to implement traffic calming measures. She characterized the entrance to the neighborhood at SW 25th Avenue and Davie Boulevard as "a shambles" and expressed concern with the height of the dry stack structure and the noise generated by the equipment moving boats. She also requested clarification of the marina's planned hours of operation.

Ed Murphy, private citizen, commented that traffic issues in the area remain unresolved, the neighborhood remains opposed to the main structure's height, and construction trucks are currently accessing the surrounding neighborhood. He expressed concern with safety in the area, requesting the implementation of signage at present rather than in the future.

Ryan Feldman, private citizen, referred to the Applicant's hurricane plan, stating that he had not seen any changes from the plan as discussed at previous meetings. He expressed concern with the number of boats that would need to be removed from the top rack of dry storage in the event of a storm.

Scott Brian, private citizen, was also concerned with the hurricane plan, as well as the proposed 70 ft. height of the building, the facility's hours of operation, the definition of "oversized" trees, the SW 25th Avenue and Davie Road intersection, light and noise pollution, and machinery used on the site.

Diane Conley, private citizen, stated that her primary issues were lighting and noise on the property.

Mike Resta, private citizen, expressed concern with construction machinery on the subject site. He also noted that significant traffic cuts through the neighborhood to avoid the 27th Avenue and Davie Boulevard intersection, and cited the need for signage guiding traffic to the marina. He clarified that he was not unhappy with the redevelopment of the marina itself.

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 existing traffic issues at the Davie Boulevard/SW 25th Avenue intersection were widely acknowledged at tonight's meeting, and asked if the Board has any recourse to share its concern with prioritizing this intersection. Ms. Parker replied that Davie Boulevard is not a City roadway. Mr. Shechtman reiterated that the Board should take action to make sure the public's concern with this intersection has been heard and should be addressed.

Ms. Hall addressed the issues raised during the public hearing, providing the three letters of support from adjacent residents to which she had referred earlier. She continued that uses such as dry storage are quieter than alternative uses such as an open boatyard, and concluded that the Applicant has committed to working with FDOT to improve the SW 25th Avenue/Davie Boulevard intersection.

Mr. Barranco commented that any motion to approve this Item should address the following issues:

- \$1500 stipend per adjacent neighbor for additional landscaping on their side of the wall
- \$25,000 toward a street tree program for 22nd Avenue
- Funding up to \$25,000 for a traffic design study for improvements to the SW 25th Avenue/Davie Boulevard intersection

Assistant City Attorney Shari Wallen advised that these are not conditions that would be acceptable to the City, as it cannot be imposed by a governmental entity on a private property with no nexus to legitimate public purpose. The study would not be considered proportionate to the effects of the proposed use, as it could subject the City to a lawsuit.

Mr. Barranco pointed out that the group with the greatest interest in the proposed traffic design study would be the nearest neighborhood association, as the surrounding neighborhood has expressed concerns with cut-through traffic. He suggested that the Applicant could instead offer the stated amount to the neighborhood for purposes of the study. Attorney Wallen further clarified that offering funds to individual neighbors, as stated by the Applicant, is not acceptable, as the funds would not go toward a specific public purpose.

Assistant City Attorney D'Wayne Spence added that the City's concern is that the Board may not sanction payments to individuals or entities from the Applicant. Any arrangements made between the developer and third parties may not be conditions of approval by a governmental entity.

Chair Maus asked if the Application will go before the City Commission following action by the Board. Ms. Parker explained that because the request is for conditional use

approval, the Application would be subject to call-up by the City Commission within the next 30 days. Chair Maus pointed out that this would give the Applicant 30 days within which to come to agreements with the appropriate neighborhood association addressing items the Board may not include in approval.

Mr. Tinter recalled that the Flamingo Park Neighborhood Association has disbanded. Ms. Hall stated that the Applicant is drafting individual agreements with neighbors of the property. Chair Maus recommended that the abutting neighbors reach out to their City Commissioners to request a full public hearing if they would like this issue addressed further, as the Board cannot make motions including these monetary items.

Ms. Hall asked if this meant the street tree program and traffic study were acceptable. Attorney Wallen clarified that while these programs are acceptable, the exchange of monies between neighbors as a condition of approval are not. The contributions would need to be made to a neighborhood fund for general public purpose use. She explained that the concern was with the lack of a neighborhood association to which funds could be donated.

Ms. Fertig requested clarification of the facility's hours of operation. Ms. Hall replied that the marina's dry dock operations will be between 8 a.m. and 6 p.m. Work done within the service bays would be entirely enclosed. Lighting will be designed to meet foot candle requirements at the property boundary. Trees planted by the Applicant will include oaks and royal palms.

Mr. Barranco asked for more information regarding the Applicant's hurricane plan, pointing out that this is not a condition of Staff approval and there is no information currently on record about the plan. He added that the plan should be linked to the announcement of a hurricane watch or warning for Broward County. Mike Finson, also representing the Applicant, clarified that the plan would take effect 72 hours before the anticipated landfall of a hurricane.

Mr. Barranco continued that the Applicant's directional signage plan would also be a condition of approval. He noted that the landscape drawings provided by the Applicant include a generous buffer on the west side of the property, but do not show the same treatment in the area of a nearby park and its neighbors. Ms. Hall stated that the Applicant was willing to extend the buffer along the north side of the property as well, although the existence of power lines could limit the extent to which the buffer may be implemented or necessitate the use of smaller trees.

Mr. Tinter observed that a hurricane watch is not issued until 36 hours before the expected landfall of a hurricane. He asked how long it would take the Applicant to complete preparations before a storm. Mr. Finson explained that it should only take approximately two hours to carry out the hurricane plan.

Mr. Shechtman asked how many forklifts will be in use on the property. Ms. Hall replied that the Applicant anticipates the use of two forklifts. Attorney Wallen stated that a condition regarding the number of forklifts would not be appropriate, as it is not related to the criteria by which the Application can be evaluated.

Motion made by Mr. Tinter, seconded by Mr. Weymouth, to approve the Item with Staff conditions and the following conditions:

1. Contribute towards and coordinate with adjacent property owners to provide additional landscape buffer to plant landscaping on the north side of the property and to plant trees on the west side;
2. Contribute towards completing a traffic study for the Davie Boulevard/SW 25th Avenue intersection and coordinate with City and Florida Department of Transportation (FDOT);
3. Coordinate and install directional signage from Frontage Road to SW 21st Avenue that is acceptable to the City, County and FDOT;
4. Hours of forklift operation will be limited from 8 a.m. until sunset or 6 p.m., whichever is later;
5. Provide a Hurricane Plan; and

Staff Conditions:

6. Prior to Final Development Review Committee (DRC) approval, applicant shall:
 - a. Coordinate with City staff (including City Attorney's Office, Fire Plan Review, and Parks & Recreation department) as appropriate to resolve the potential need for a recorded public access easement in the vicinity of proposed cul-de-sac located at south end of SW 21st Avenue, to mitigate the proposed dead-end condition within City right-of-way. Any required easement shall be recorded prior to issuance of Final Certificate of Occupancy (C.O.);
 - b. Revise plans to show/label the existing fifteen (15) foot public sewer easement located along north property boundary. Please be advised that any proposed concrete structure located within this public sewer easement will require a 'no objection' letter from City Public Works staff;
 - c. Coordinate with City staff (Parks & Recreation department) regarding any required special restoration of asphalt pavement area to be removed by this project near southeast corner of the adjacent Flamingo Park property, and revise plans accordingly if appropriate;
 - d. Refine conceptual grading/drainage design of proposed cul-de-sac located at south end of SW 21st Avenue, such that storm runoff within the property is contained on-site, any proposed increase in impervious area within adjacent City right-of-way is mitigated, and vehicular access to adjacent Seaboard System Railroad property isn't impeded. Proposed power pole/down guy relocation within adjacent City right-of-way shall have minimum clear offset from travel lane edge per Florida Department of Transportation (FDOT) Greenbook criteria.

In a roll call vote, the **motion** passed 6-0.

V. COMMUNICATION TO THE CITY COMMISSION

Mr. Weymouth asked if the City Commission had responded to the suggestion of changing the Board's meeting time from 6:30 p.m. to 6 p.m. Ms. Parker replied that Staff is preparing a resolution to adopt the time change and will let the Board know if it is approved by the City Commission.

Mr. Shechtman recommended that the Board bring the need for a City representative to meet with FDOT regarding the SW 25th Avenue/Davie Boulevard intersection to the City Commission's attention.

Motion made by Mr. Shechtman, modified and seconded by Ms. Fertig, to communicate to the City Commission a desire for the appropriate staff person to be designated by the City Manager's Office to speak with the Florida Department of Transportation (FDOT) in regard to improving the intersection of Davie Boulevard and SW 25th Avenue, and also communicate the desire of this Board that FDOT meet with the neighborhood to hear their concerns. In a roll call vote, the **motion** passed 6-1.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Chair Maus noted that Staff provided a list of potential dates in June 2019 for a special meeting to review the City's updated Comprehensive Plan. This will be prior to the Board's official review of the Comprehensive Plan at the regular meeting of July 2019. Chair Maus suggested that the dates be sent to the individual members, who may respond directly to Ms. Parker's office but may not communicate with one another due to the constraints of the Sunshine Law. It was determined that the dates would be voted upon at the Board's April 2019 meeting.

Ms. Fertig commented that the Applicant and Ms. Hall met and exceeded the Board's request to communicate with the surrounding neighborhood regarding tonight's Agenda Item.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:52 p.m.

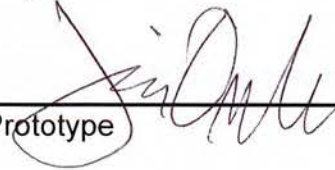
Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Chair



Vice Chair

Planning and Zoning Board
March 20, 2019
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A handwritten signature in black ink, appearing to be 'K. McGuire', is written over a horizontal line. The signature is stylized and cursive.

Prototype

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



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In a roll call vote, the **motion** passed 6-1

