



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, MAY 15, 2019 – 6:00 P.M.

**Cumulative**

June 2018-May 2019

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Catherine Maus, Chair	P	10	2
Howard Elfman, Vice Chair	A	8	3
John Barranco (arr. 6:08)	P	8	3
Brad Cohen (arr. 6:05)	P	8	3
Mary Fertig (arr. 6:05)	P	10	1
Jacquelyn Scott	P	11	1
Jay Shechtman	P	12	0
Alan Tinter	P	10	2
Michael Weymouth	P	12	0

It was noted that a quorum was present at the meeting.

**Staff**

- Ella Parker, Urban Planning and Design Manager
- D'Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- Anthony Fajardo, Director, Department of Sustainable Development
- Karlanne Grant, Urban Design and Planning
- Jim Hetzel, Urban Design and Planning
- Trisha Logan, Urban Design and Planning
- Randall Robinson, Urban Design and Planning
- Yvonne Redding, Urban Design and Planning
- Benjamin Restrepo, Department of Transportation and Mobility
- Jamie Opperee, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Ms. Fertig, seconded by Mr. Shechtman, [for the communication on p.23]. [A vote was not taken. The communication will be voted upon at the June 19, 2019 meeting.]

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Maus called the meeting to order at 6:00 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced City Staff.

Chair Maus advised that the Applicant of Item 1 has requested that this Item be deferred to the July 2019 Planning and Zoning Board meeting.

**Motion** made by Mr. Shechtman, seconded by Ms. Scott, to defer.

It was noted that a member of the public wished to address the Board with regard to the deferral of Item 1. Phil Fleming, private citizen, stated that neighbors of the subject property of Item 1 would like the Applicant to provide the public with an idea of what will be done to address Code issues on the property, as well as how they might modify the property.

Chair Maus encouraged Mr. Fleming to speak at the July 2019 meeting to make his concerns known when the deferred Item is presented.

Mr. Cohen and Ms. Fertig arrived at 6:05 p.m.

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

### III. PUBLIC SIGN-IN / SWEARING-IN

Individuals wishing to speak on tonight's Agenda Items were sworn in at this time.

In a voice vote, the **motion** to defer passed unanimously.

### II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

**Motion** made by Mr. Tinter, seconded by Mr. Cohen, to approve.

The following correction was noted to the April 17, 2019 minutes:

- P.4, paragraph 9: remove "rather than on an individual to prove notice was not received"

Mr. Shechtman further clarified his statement on p.4, paragraph 9, explaining that his concern was for the lack of consequences for an applicant if notice is not sent.

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

Mr. Barranco arrived at 6:08 p.m.

### IV. AGENDA ITEMS

#### Index

Case Number  
1. R17057\*\*

Applicant  
94-96 Hendricks Isle, LLC

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|--------------|--|
| 2. R18073    | Pier 66 Ventures, LLC  |
| 3. R19008**  | Florida East Coast Railway, LLC / Gproulx Building Products, LLC |
| 4. R19018**  | Fort Lauderdale Community Redevelopment Agency                   |
| 5. PL18010** | Beach Boys Plaza Inc. % Hamuy                                    |
| 6. R19012**  | Bella Vista Terrace Condominium Association                      |
| 7. T19003    | City of Fort Lauderdale  |
| 8. T19004    | City of Fort Lauderdale  |
| 9. T19005    | City of Fort Lauderdale  |
| 10. T19007   | 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.

<b>2. CASE:</b>	<b>R18073</b>
<b>REQUEST:</b>	Site Plan Level III Review: Waterway Use, Conditional Use for Mixed-Use Development; 195 New Hotel Rooms, 152 Renovated Hotel Rooms, 16,000 Square Feet of Office, 17,000 Square Feet of Retail and Restaurant Use, Allocation of 127 Residential Flex Units and Parking Reduction
<b>APPLICANT:</b>	Pier 66 Ventures, LLC.
<b>PROJECT NAME:</b>	Pier Sixty-Six Hotel & Marina
<b>GENERAL LOCATION:</b>	2301 SE 17 <sup>th</sup> Street
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Tract A Kimberly Plat, According to the Plat Thereof, as Recorded in Plat Book 130, Page 1, of the Public Records of Broward County, Florida
<b>ZONING DISTRICT:</b>	Boulevard Business (B-1)
<b>LAND USE:</b>	Commercial
<b>COMMISSION DISTRICT:</b>	4 - Ben Sorensen



**CASE PLANNER:** Jim Hetzel

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Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, showed a PowerPoint presentation on the project, stating that this Item addresses property on the north side of the 17<sup>th</sup> Street Causeway known as Pier North. The site has had many uses in the years since its construction.

The Applicant has raised the ground level elevation of the site, which allows for garages to be hidden and rooftop amenities placed atop them. Repairs are planned for the existing Pier Tower. The site will include four residential villas and a new hotel tower as well as restaurant and retail uses. 12 single-family residential homes will be located on the east side of the property, adjacent to the Harbor Beach neighborhood.

Ms. Toothaker recalled that in 2007, the City approved a Site Plan that added two condominium towers with 58 residential units, 29,000 sq. ft. of retail and office use, and a three-story parking garage on Pier North. This Site Plan is still valid today. The Applicant acquired the property in 2016. Significant hurricane damage to the Pier Tower was sustained in 2017, resulting in the closing of hotel rooms in that building. In 2018, the City and City Commission entered into a development agreement with the Applicant, which led the developer to review the site as a whole.

At present, the site includes 384 hotel rooms, 156 of which are the non-operational rooms within the Tower; 127 marina slips; and Grill 66 and Pelican Landing restaurants. In addition, there are 11,000 sq. ft. of internal restaurant space within the hotel. Current parking on the site includes 650 spaces, 531 of which are located on Pier North. An additional parking lot across the street, known as the Allison lot, contains another 119 spaces.

The Applicant proposes 347 hotel rooms, which represents a reduction of 37. The renovation of Pier Tower would bring 152 of its hotel rooms back into use. A 10-story hotel with 195 rooms would also be added to the property. 127 residential units in two 11-story condominiums, four 4-story villas, 12 single-family residences, and 16,000 sq. ft. of office and 17,000 sq. ft. of commercial use are also planned for the property.

The Applicant proposes to meet the on-site parking requirement of 885 spaces. There are 266 spaces for residential uses, which are not considered as part of the shared parking analysis. The hotel and other on-site uses are part of this shared parking analysis, with 613 proposed parking spaces for the hotel, restaurants, and other uses. No changes are proposed for the marina.

The site is accessed from the 17<sup>th</sup> Street Causeway. Access has been improved by shifting the hotel entrance further within the site, with additional access points for the

single-family residential and private condominium properties. This shift provides room for an existing tree on the site. The property also includes a marina promenade around the entire site. The Applicant hopes this feature will connect under the 17<sup>th</sup> Street Bridge on public property, with parking over the bridge to remain.

Ms. Toothaker reiterated that the property is subject to a development agreement, which was discussed at length before the City Commission. The Applicant has also met with neighborhood groups regarding this agreement, which states the Applicant will seek a parking reduction, amend the plat note to be consistent with the development, and designate Pier Tower as a historic structure after it has been repaired.

The planned development is mixed-use on a commercially zoned (B-1) property, which allows the Applicant to designate flex units. The development agreement also reserves a number of flex units. 127 of these reserved units are planned for the site. While the permitted density is 25 units per acre, allocation of 127 flex units provides only 5 units per acre.

While the maximum building height on the site is 120 ft., Ms. Toothaker acknowledged that the existing tower is significantly taller than this at 230 ft. All other buildings planned for the property are at lower heights: condominium buildings are 120 ft., while single-family residences are 44 ft. and the highest villa is 58.9 ft.

The site is compatible with the City's Comprehensive Plan and meets mixed-use requirements in the ULDR. It also meets the Conditional Use requirements that allow the Applicant to request residential units, and conditional requirements related to waterway use. The project meets water and sewer adequacy requirements: the Applicant worked closely with its engineering consultant as well as with the City, and is making significant improvements to these systems as part of Phase 1. The development agreement includes a requirement for community benefit, which Ms. Toothaker advised is met by the marina promenade.

Ms. Toothaker reiterated that the residential portion of the project meets parking requirements, with no shared parking analysis affecting this part of the development. 266 of the total 885 parking spaces are allotted for the residential development, while another 613 spaces are intended to be shared by the hotel, restaurants, and retail uses.

Parking is broken down as follows, pursuant to the shared parking analysis:

- 193 hotel spaces
- 177 function spaces
- 25 Piertop Lounge spaces
- 29 signature restaurant spaces
- 8 spa/fitness spaces
- 441 total shared parking spaces against a Code requirement of 537



Other existing on-site uses, including Grill 66, Pelican Landing, marina office uses, Podium 1, and marina slips require 911 parking spaces. The Allison lot, which is located across the street, has traditionally been used for employee parking. All non-residential uses on the site are valet only. If the Allison lot and residential uses are removed from the parking requirement, the Applicant feels there is more than adequate parking on the site.

With regard to traffic, the Applicant considered the hotel as if it were fully operational. The total net new traffic is 1031 vehicle trips. The City requires a traffic analysis for projects generating over 1000 new trips. The project is estimated to generate 68 a.m. and 57 p.m. peak hour trips.

The Applicant reached out to surrounding neighborhoods with notices, mailers, and a public website including paperwork related to the project. Although not required, neighborhood "open house" meetings were held in September and October 2018. The Applicant also met with the neighborhoods of Harbor Beach, Lauderdale Harbors, Harbordale, and Harbor Inlet. Ms. Toothaker provided 124 individual letters of support for the project.

**Motion** made by Ms. Fertig, seconded by Mr. Shechtman, to incorporate the Staff Report. In a voice vote, the **motion** passed unanimously.

Ms. Parker noted a minor correction to the Staff Report: Condition 3 should state "as depicted on the Site Plan."

Ms. Fertig noted that the Staff Report refers to provision of 785 parking spaces rather than the 885 cited in the Applicant's presentation. Jim Hetzel, representing Urban Design and Planning, stated that his information refers to 785 spaces. Benjamin Restrepo, representing the Department of Transportation and Mobility, explained that the reference to 785 spaces is based on a parking methodology study. The Applicant proposes 885 spaces according to the Site Plan.

Ms. Fertig also addressed the number of trips to be generated, which is listed as 4167 daily vehicular trips. Mr. Restrepo replied that the daily trip total is based on all the uses to be constructed. The net increase anticipated would be 1031 trips.

Ms. Fertig continued that the Staff Report mentions improvements related to water and sewer capacity, and asked if the Applicant intends to implement all four of these proposed improvements. Ms. Toothaker confirmed that the Applicant agrees to all Staff conditions.

Mr. Tinter expressed concern with the parking analysis, including whether or not the shared parking analysis arrives at the correct conclusion. Mr. Restrepo advised that he reviewed this analysis, although a third-party traffic consultant reviewed the traffic analysis but not the parking analysis. Mr. Tinter explained that while the demand indices

refer to parking generation rates, they do not refer to the rates used by the ULDR or the parking rates identified in the Institute of Parking Engineers (ITE) Parking Generation Manual. Mr. Restrepo stated that the demand indices are based on City parking requirements.

Mr. Tinter continued that the traffic consultant states one bus passes the site every 30 minutes, as does the Downtown Fort Lauderdale Transportation Management Association's (DFLTMA's) Sun Trolley. The consultant estimated that the modal split for public transportation is approximately 5%, while the parking analysis estimates this split at closer to 50%. Mr. Restrepo replied that although he would not typically be comfortable with a modal split of 50%, the Applicant has requested to use this split rather than the roughly 5% split cited in the traffic study. The overall parking reduction requested is approximately 30%. He felt it was possible the reduction could work, based on the size of the development and the shared parking.

Chair Maus asked what the Applicant plans to do to mitigate the impact of 1031 additional trips on the 17<sup>th</sup> Street Causeway. Mr. Restrepo advised that the current level of service on this full corridor is D, which falls within the acceptable range. This level of service degrades during special events. There are also timing and management plans that are intended to move vehicles in and out of 17<sup>th</sup> Street. The Applicant's traffic study shows that the intersections analyzed are operating above level of service D.

Chair Maus clarified that her concern was more for the traffic on the 17<sup>th</sup> Street Causeway than for the intersections, pointing out that the only worse level of services are E and F. She asked if the Department of Transportation and Mobility has ever recommended against a project based on traffic concerns. Mr. Restrepo replied that Staff recently made a negative recommendation for a project in the pipeline due to failing level of service, although he did not recall any other such recommendations since December 2016. He advised that mitigation may be implemented to address failing levels of service.

Chair Maus recalled that some projects have bonding requirements for future traffic improvements. Mr. Restrepo cited the example of a project in which an Applicant made a financial commitment to either fund improvements or provide the City with sufficient funds to do so. Chair Maus asserted that the City does not have sufficient tools in place to properly capture and mitigate the effects of large projects on traffic.

Mr. Shechtman requested an update on the possibility of a bypass road to alleviate traffic on 17<sup>th</sup> Street. Mr. Restrepo advised that the bypass road is tied to the proposed redevelopment of the Broward County Convention Center. The bypass would not be constructed unless the Convention Center is rebuilt.

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



Ina Lee, private citizen, stated that the proposed project is extraordinary and will revitalize the surrounding area. She emphasized the importance of the site to Fort Lauderdale's marine community.

Richard Doherty, private citizen, also spoke in support of the project, and commended the Applicant for their community involvement.

David Ross, private citizen, was also in favor of the project, and felt the Applicant's public outreach was exemplary.

Barbie Pearson, private citizen, felt the project will be a showcase for 17<sup>th</sup> Street and for the barrier island. She added that it is important that Pier Tower receives historic designation.

Robert Linder, private citizen, characterized Pier 66 as a landmark property for Fort Lauderdale. He was supportive of the project. He added that the City should address traffic on 17<sup>th</sup> Street after it crosses the bridge and moves north on A1A.

Annette Ross, president of the Harbor Beach Homeowners' Association, stated that the Applicant has been invited to this neighborhood on multiple occasions and has conducted extensive outreach. The most recent general membership meeting did not have a quorum, which meant they could not adopt a formal position on the project. She concluded that she is personally in favor of the project.

Barry Somerstein, private citizen, advised that he is both a Board member of the Harbor Beach Homeowners' Association and a representative of Tavistock, the Applicant's company. Although a quorum of the Association Board was not present at its most recent meeting, he noted that the members have informally indicated that they are supportive of it.

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. Tinter, seconded by Ms. Scott, to approve the project with the conditions in the Staff Report.

Mr. Hetzel noted a correction to Condition 8 in the Staff Report: the word "coordinate" should be removed. Mr. Tinter and Ms. Scott accepted the correction.

Ms. Scott stated that had two requests regarding the project:

- That the top of Pier 66 remain open to the public
- That the glass elevator remain part of the structure

The Applicant advised that both these requests are aspects of the plan.



In a roll call vote, the **motion** passed 7-1 (Chair Maus dissenting).

<b>3. CASE:</b>	<b>R19008</b>
<b>REQUEST: **</b>	Site Plan Level III Review: Parking Reduction
<b>APPLICANT:</b>	Florida East Coast Railway, LLC. / Gproulx Building Products, LLC.
<b>PROJECT NAME:</b>	Gproulx Warehouse Parking Reduction
<b>GENERAL LOCATION:</b>	3125 South Andrews Avenue
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	PACIFIC LUMBER NO 1 70-26 B PARCEL X TOGETHER WITH POR OF VAC STREETS ABUTTING SAID PAR ON N & S SIDES
<b>ZONING DISTRICT:</b>	Heavy Commercial/Light Industrial Business (B-3)
<b>LAND USE:</b>	Commercial
<b>COMMISSION DISTRICT:</b>	4 - Ben Sorensen
<b>CASE PLANNER:</b>	Yvonne Redding

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Disclosures were made at this time.

Benjamin Hedrick, representing the Applicant, explained that although the land on which the project is located is owned by the Florida East Coast (FEC) Railway, the Applicant is Gproulx Building Products, LLC, tenant on the property. The request is for a parking reduction for a 90,000 sq. ft. warehouse. The site is approximately 6.5 acres in size, with an existing 2500 sq. ft. office which will remain as an accessory to the warehouse.

Mr. Hedrick advised that the site will operate in the following manner: building products will arrive via the FEC Railway and are unloaded and stored at the site, with local wholesale distribution and light assembly in commercial quantities. The site is not open to the public. Gproulx plans to consolidate all its Broward County operations onto this site. In 2018, the project received Development Review Committee (DRC) Level II Site Plan approval for the warehouse and existing office at standard parking rates, which for warehouse use is one space per 800 gross sq. ft. The same rate is applied to the accessory office.

The Applicant is seeking to reduce warehouse parking from 113 spaces to 46, which results in a total parking requirement of 49 when the three accessory office spaces are added. The DRC approved this request in February 2019. Mr. Hedrick showed pre- and post-parking reduction visuals of the site, stating that the Site Plan would eliminate the parking closest to the new warehouse in order to provide for more efficient transition of

building products from rail to the warehouse. This will also free up areas for outdoor storage in accordance with ULDR requirements.

The Applicant believes the parking request is justified for the following reasons:

- A parking study shows that 46 spaces for the warehouse are compatible with ITE rates at a rate of 0.51 per 1000 sq. ft. of warehouse space
- The Applicant's prior experience in Broward County shows that peak parking demand is 34 spaces, which are fewer than the requested reduction
- Use is limited to warehousing/distribution and light assembly, with no public retail
- The site is located in a heavy commercial/light industrial corridor along South Andrews Avenue, with no abutting residential properties or residential use near the project

Chair Maus asked why the Applicant did not construct a building on the site which met the City's requirements rather than to build a structure that does not meet Code. Mr. Hedrick replied that if the structure is built to current Code, vehicular use areas and landscaping requirements would apply, which would make the site less efficient for industrial purposes such as transport of goods within the site. The Applicant feels the reduction would maximize the site's potential.

Mr. Tinter asked if there is any assembly inside the building. Rodney Robinson, Applicant, stated that there is "very light" assembly and fabrication inside the warehouse.

Mr. Tinter also pointed out that the Applicant received Site Plan approval in 2018, and asked why the parking reduction was not requested at that time rather than a year later. Mr. Hedrick stated that the Applicant has other Broward County facilities they were trying to relocate to the site as quickly as possible. Because the parking reduction request would take some time, the Application was filed under Code standards in order to move the process along.

Ms. Scott asked how many individuals attended the Applicant's public participation meeting. Mr. Hedrick replied that no one attended, although the Applicant provided the president and board members of the Poinciana Park Civic Association with more than one notice. The project was explained via email and the Applicant's team made themselves available to answer questions.

Ms. Scott continued that she shared Chair Maus' concern regarding why the Applicant built a project with over 50% less parking than required by Code. Mr. Hedrick replied that this was due to the dynamics of the property. He added that placing parking between the rail and warehouse areas would be inefficient.

Mr. Weymouth asked how many full-time workers are employed by the site. Mr. Hedrick stated that there will be approximately 100 employees at the facility when it is completed.



Ms. Fertig requested further clarification of the number of employees and where they would be expected to park. Mr. Hedrick explained that 100 employees work in two 24-hour shifts: the Applicant believes no more than 60 employees would be on-site at any given time. He added that many employees carpool in groups of four from another city, with additional spaces available for administrative employees and contractors.

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

Ms. Fertig asked for additional analysis from Staff regarding the Board's concerns with the requested reduction. Mr. Restrepo of the Department of Transportation and Mobility advised that parking Code requires one space per 800 sq. ft. for warehouse use. The Applicant is requesting to provide one space per 2000 sq. ft. He noted that the ITE Parking Generation Manual justifies the request. He concluded that he was not uncomfortable with the request.

Mr. Barranco requested further clarification of the Applicant's outreach to the Poinciana Park Civic Association. Mr. Hedrick advised that the Applicant's team reached out to this association to arrange a meeting and made themselves available, but the association indicated that the project was not of great concern to them, and no members of the association attended.

Mr. Barranco commented that a civic association will typically invite an applicant to attend its board meeting. Mr. Hedrick pointed out that the association's next board meeting would have been two months later than the time requested by the Applicant, which had been in March 2019 in order to meet deadlines. Mr. Barranco noted that the Poinciana Park Civic Association met in May 2019.

Mr. Barranco continued that the Board typically sees a complete Application including elevations so they can consider all aspects of the project, including adequacy requirements, as a whole. Yvonne Redding, representing Urban Design and Planning, advised that at the time of Site Plan Level II approval, the Applicant met the parking requirement.

Mr. Barranco also asked if the subject property will be walled in. Ms. Redding responded that it is not required to be walled in, as it abuts other industrial and general business uses. Outdoor storage is permitted on the site and is not unusual along the rail corridor.

Ms. Scott asked if the Applicant specifically raised the issue of the parking reduction when reaching out to the Poinciana Park Civic Association. Mr. Hedrick confirmed that the request was explained via email to the president of the Association.



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

**Motion** made by Ms. Fertig, seconded by Mr. Tinter, to approve with Staff conditions. In a roll call vote, the **motion** failed 3-5 (Chair Maus, Mr. Barranco, Mr. Cohen, Mr. Shechtman, and Ms. Scott dissenting).

<b>4. CASE:</b>	<b>R19018</b>
<b>REQUEST: **</b>	Site Plan Level III Review: Conditional Use for House of Worship
<b>APPLICANT:</b>	Fort Lauderdale Community Redevelopment Agency
<b>PROJECT NAME:</b>	Anointed by Christ International Christian Center Church
<b>GENERAL LOCATION:</b>	501 NW 7th Terrace
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	NORTH LAUDERDALE 1-48 D LOT 21 - 26 TOGETHER WITH E 1/2 OF PT VAC'D ALLEY LYING W OF & ADJ TO LOTS 21 - 26 AS PER OR 15316/195, BLK 15
<b>ZONING DISTRICT:</b>	Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
<b>LAND USE:</b>	NW Regional Activity Center
<b>COMMISSION DISTRICT:</b>	3 - Robert L. McKinzie
<b>CASE PLANNER:</b>	Yvonne Redding

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Disclosures were made at this time.

Florentina Hutt, representing the Applicant, showed a PowerPoint presentation on the Item, for which Site Plan Level III Review with Conditional Use for a House of Worship is requested. The church proposes to relocate to a new location across the street at the intersection of NW 5 Street and NW 7 Terrace.

The proposed site is currently vacant and is located within an RMM-25 zoning district. The surrounding properties are residential and generally within one and two stories in height. The underlying Land Use is Northwest Regional Activity Center (Northwest RAC). The RMM-25 zoning district requires Board review for Conditional Use.

Ms. Hutt showed the proposed Site Plan, which includes improved streetscapes, 7.5 ft. wide sidewalks on both streets, and 15 parking spaces, four of which are on-street spaces. The design of the church takes Conditional Use criteria into account. The Site Plan combines three sites for approximately 18,263 sq. ft. The site is 122.5 ft. wide

against a minimum requirement of 100 ft. The Applicant met with the Dorsey Riverbend Civic Association in April 2019 and received positive feedback from its members.

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

Johnny Gaines, Pastor of the Anointed by Christ International Christian Center Church, stated that the development of the church property will be helpful to the community.

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. Tinter, to have the Staff Report read into the record. In a voice vote, the **motion** passed unanimously.

Mr. Tinter asked if the Site Plan's proposal for three of the church's required parking spaces to be on-street spaces was permissible. Ms. Redding clarified that in the Northwest RAC, on-street parking may count toward the parking requirement.

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

<b>5. CASE:</b>	<b>PL18010</b>
<b>REQUEST: **</b>	Plat Approval
<b>APPLICANT:</b>	Beach Boys Plaza Inc. % Hamuy
<b>PROJECT NAME:</b>	Beach Boys Plaza Plat
<b>GENERAL LOCATION:</b>	401 South Fort Lauderdale Beach Boulevard
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Lot 1 and 2, of "Las Olas By The Sea" re-amended Plat Book 1, Page 16 of the Public Records of Broward County, Florida
<b>ZONING DISTRICT:</b>	A1A – Beach Front District (ABA)
<b>LAND USE:</b>	C Regional Activity Center
<b>COMMISSION DISTRICT:</b>	2 – Steven Glassman
<b>CASE PLANNER:</b>	Yvonne Redding

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Disclosures were made at this time.

Jerry McLaughlin, representing the Applicant, stated that the request is for approval of a plat for Beach Boys Plaza. The site is roughly 1.66 acre. The plat would be restricted to

205 hotel rooms and 28,000 sq. ft. of commercial use, of which 10,950 sq. ft. are existing and 17,050 sq. ft. are proposed.

The plat has been reviewed by the DRC and all comments from that body have been addressed. The Site Plan that accompanies the plat was approved by the Planning and Zoning Board in February 2019.

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

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

Ms. Fertig asked what would happen regarding the plat amendment if the pending application for a Site Plan is not approved by the City Commission. Assistant City Attorney Shari Wallen explained that the plat application is subject to separate criteria than a Site Plan application and should be evaluated accordingly.

Chair Maus pointed out that the plat amendment application is tailored to the project that is pending before the City Commission. Attorney Wallen clarified that should the Site Plan not be approved by the Commission, any future development on the subject site would need to either conform to the approved plat or re-plat the property. She re-emphasized that plat approval requires different review criteria from Site Plan approval.

Ms. Scott asked why the plat did not come before the Board at the same time as the Site Plan. Mr. McLaughlin recalled that when the Site Plan was being prepared for presentation to the Board, the Applicant was first informed they did not have to amend the plat; when a platting issue arose later, the Applicant went through that process separately.

Assistant City Attorney D'Wayne Spence further clarified that if a plat is approved with restrictions, the Applicant must still secure approval of development through the Site Plan process. Plat restrictions affect the intensity of development based on adequacy.

Mr. Barranco requested clarification of what triggered the need for a plat. Courtney Crush, also representing the Applicant, replied that the west side of Seabreeze Boulevard is now under separate ownership, which means the County cannot easily distinguish one half of the parcel from the other half. Upon further consideration, it was determined necessary for the west side of Seabreeze Boulevard to be separately identified from the east parcel.

Mr. Barranco also requested clarification of the purpose of a Florida Power and Light (FPL) easement which bisects the site. Mr. McLaughlin advised that this easement will not be vacated.



**Motion** made by Mr. Shechtman, seconded by Mr. Weymouth, to approve. In a roll call vote, the **motion** passed 7-1 (Mr. Cohen dissenting).

<b>5. CASE:</b>	<b>R19012</b>
<b>REQUEST: **</b>	Site Plan Level III Review: Waterway Use and Yard Modification for 16 Multifamily Residential Units
<b>APPLICANT:</b>	Bella Vista Terrace Condominium Association
<b>PROJECT NAME:</b>	Bella Vista Terrace
<b>GENERAL LOCATION:</b>	160 Isle of Venice Drive
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Island no. 4, Nurmi isles, the south 60 feet of lot 31 and all of lots 32 and 33
<b>ZONING DISTRICT:</b>	Residential Multifamily Mid Rise/ Medium High Density (RMM-25)
<b>LAND USE:</b>	Medium-High Density Residential
<b>COMMISSION DISTRICT:</b>	2 – Steven Glassman
<b>CASE PLANNER:</b>	Randall Robinson

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Disclosures were made at this time.

Courtney Crush, representing the Applicant, stated that the Application proposes a 16-unit residential project in an RMM-25 zoning district. There is presently an existing 25-unit condominium on the property. Neighbors to the site include other residential development and town homes, which range in height from three to seven stories.

Ms. Crush showed renderings of the property, which will have one level of parking and four levels of residential use. The maximum height in this zoning district is 55 ft. The height from the top of the fifth floor to the roof is 50 ft., with the remaining 5 ft. consisting of a glass railing that surrounds an active rooftop. Part of the request before the Board is waterway use.

The Applicant has met with neighbors, including some neighbors from across the waterway. While backup materials reflect an April 2019 meeting with members of the Nurmi Isles community, a follow-up meeting in May 2019 was also scheduled, as not all residents were able to attend the first meeting. Ms. Crush noted that some of these residents of Nurmi Isles had suggested the project's eastern façade could be softened through the addition of trees and use of more transparent materials. These comments were addressed in the Site Plan.

Ms. Crush continued that the Applicant is seeking modest yard modifications. Setbacks in the RMM-25 zoning district must be half the height of the building, but are reducible to 10 ft. on the sides, 20 ft. in the rear, and 25 ft. in front. The Applicant proposes 20 ft. side setbacks to the balconies/25 ft. to the building itself, a 25 ft. front setback, and a 20 ft. rear setback to the balconies/25 ft. to the building. Parking will be fully enclosed.

Mr. Barranco requested clarification from the Assistant City Attorneys regarding whether or not having a relative who is a consultant to the project represents a conflict. Attorney Wallen advised that if Mr. Barranco felt the situation created a potential bias, he should abstain from voting.

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

Randall Robinson, representing Urban Design and Planning, read the following condition into the record: "Final DRC plans shall conform with the additional trees at [the] southeast corner parcel, and the removal of the canopies above the southernmost and northernmost parking spaces."

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

Larry Wilkins, private citizen, advised that he lives across the street from the proposed development. He requested that the City prohibit any on-street parking by workers during construction.

Ms. Scott asked how many extra parking spaces the project would provide for guests and/or workmen. Ms. Crush replied that there are 35 parking spaces for the 16 proposed units. Code requires 34 spaces.

Jorge Benitez, private citizen, stated that he was not supportive of the project. The Applicant had not reached out to him or to his closest neighbors. He pointed out that the proposed five-story height is significantly larger than the existing two stories.

Mike Schneider, private citizen, expressed concern with the headlights of individuals driving into the parking structure, which could be seen from his property across the waterway. He requested that the Applicant's representative discuss how the project meets yard modification criteria. He acknowledged that the Applicant was very accommodating to the requests of neighbors to the property.

Bill Holzinger, private citizen, also expressed concern with the possibility of on-street parking during construction, as this has been an issue in the past. He suggested that workers be bused in to the project.



Ms. Fertig noted that a staging plan would be required of the Applicant during construction. Ms. Parker replied that parking during construction in the staging plan can be made a requirement of Site Plan approval. Mr. Robinson of Urban Design and Planning added that this issue is addressed in a preliminary staging and storage plan.

Ms. Crush addressed the yard modifications, stating that the project's plans are consistent with, and in some cases greater than, the yards of surrounding development. The modification criteria require that architectural features, such as terracing and roof lines, be taken into consideration. She reiterated that the proposed setbacks are larger than the minimum that could be requested.

Ms. Crush continued that the Applicant feels 35 parking spaces for 16 units would be sufficient for the project once it is constructed. With respect to construction, Note 8 of the Applicant's construction staging plan indicates that construction worker parking will be limited on-site, and efforts will be made to ensure no workers park in unapproved neighborhood locations on the street. She noted that a phone number can be provided so neighbors may contact the Applicant's team if issues arise.

Ms. Crush concluded that the garage will be appropriately screened and landscaped, with a wall height that is greater than the height of headlights. The Applicant's photometric plan, which is in the Board's backup materials, shows virtually no light spillage.

Ms. Fertig asked for the current building's rear setback from the waterway. Jiro Yates, architect for the Applicant, replied that the setback to the envelope of the existing building is approximately 23 ft.

Mr. Weymouth suggested that residents of the surrounding neighborhood act on their own to monetize the parking issue by charging for vacant spaces.

**Motion** made by Ms. Fertig, seconded by Mr. Cohen, to approve with Staff conditions, including a condition that addresses a parking plan as part of the staging. In a roll call vote, the **motion** passed 4-3 (Chair Maus, Mr. Shechtman, and Ms. Scott dissenting). (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)

**7. CASE:**

**T19003**

**REQUEST:**

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-27.4, Notice Requirements to Notify Property Owners within Two-Hundred (200) feet and Civic Recognized Civic Association(s) within Three-Hundred (300) feet via Mail Notice of a Proposed Development of the Date and Time of the Project Presentation at the Public Participation Meeting Prior to the Planning and Zoning Board Meeting



**APPLICANT:** City of Fort Lauderdale

**GENERAL  
LOCATION:** City-Wide

**CASE PLANNER:** Karlanne Grant

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**DEFERRED FROM APRIL 17, 2019 AGENDA**

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Mr. Tinter and Mr. Cohen left the dais at 8:14 p.m.

Karlanne Grant, representing Urban Design and Planning, recalled that this Text Amendment was first presented at the April 2019 Board meeting. It proposes to amend the public participation portion of the Code to require Applicants to provide additional notification to neighbors. The Item was deferred in order to better define the intent of the Amendment.

The Text Amendment has been revised to require Applicants to send mail notices to property owners within 200 ft. of the proposed development, as well as to City-recognized homeowners'/civic associations within 300 ft. of the development. The notices to associations would provide a date, time, and location for a public participation meeting prior to the Item coming before the Planning and Zoning Board. The Applicant must also provide an affidavit showing Staff and the Board that this mail notice was sent.

**Motion** made by Ms. Fertig to approve.

Mr. Shechtman observed that Applicants are asked to confirm that they provided notice of their projects; however, the proposed language does not require them to provide evidence that this notice was sent. He felt any action less than a requirement would be insufficient.

Chair Maus pointed out that if there is the suggestion before the Board that public notice did not occur or was faulty, the project will likely be deferred. Mr. Shechtman asserted that Applicants should provide evidence, such as receipts, of sent mail rather than simply affirming that notice was sent.

Mr. Tinter returned to the dais at 8:17 p.m.

Ms. Grant explained that Applicants are asked to provide Staff with a list of notices to be sent: Staff is responsible for actually sending out the notice. This process would not change. If a property owner does not receive notice, the mail comes back to Staff.

Mr. Weymouth **seconded** Ms. Fertig's **motion**. In a roll call vote, the **motion** passed 7-0 (Mr. Cohen not present).

It was agreed by unanimous consensus that the Board would hear Items 8, 9, and 10 together and vote upon them separately.

**8. CASE: T19004**

**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.11., Historic Designation of Landmarks, Landmark Site or Buildings and Certificate of Appropriateness, to provide additional definitions that further clarify the text contained within the ordinances; modifications to designation process; proposed language to address administrative review for minor alterations and minor demolition, amendments to work that was previously approved, and after-the-fact work by the Historic Preservation Board.

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** City-Wide

**CASE PLANNER:** Trisha Logan

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**DEFERRED FROM APRIL 17, 2019 AGENDA**

**9. CASE: T19005**

**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-27.7., Historic designation and 47-27.8., Certificate of appropriateness and economic hardship exception to revise the existing notification requirements.

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** City-Wide

**CASE PLANNER:** Trisha Logan

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**DEFERRED FROM APRIL 17, 2019 AGENDA**

**10. CASE: T19007**

**REQUEST:** Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections 47-3.6., Change in Structure; 47-16.5., Building Regulations; 47-16.6., Certificate of Appropriateness; 47-16.23., Parking Exemption; 47-17.4., Application for Alterations or New Construction; 47-17.5., Application for Yard and Minimum Distance Separation



Reduction; 47-17.6., Alterations to Non-conforming Structures to re-number sections pertaining to Historic Preservation; and the removal of Article XII.-Purpose and Intent of the ULDR, which will be replaced by a Historic Preservation intent section within Section 47-24.11 of the ULDR.

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** City-Wide

**CASE PLANNER:** Trisha Logan

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**DEFERRED FROM APRIL 17, 2019 AGENDA**

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Trisha Logan, representing Urban Design and Planning, recalled that these Items were first presented at the April 2019 Board meeting. They include proposed Amendments to the City's Historic Preservation Ordinance, including the main portion of the Ordinance itself, notice requirements, and updating/numbering of sections.

The Board had requested that Staff take these Items back before the Historic Preservation Board (HPB) to affirm their support for or opposition to the proposed changes. The HPB provided a motion in support of the proposed changes, and requested that Staff investigate additional ways to provide notice to property owners if the HPB is making a motion in support of initiating an application for historic designation.

The Planning and Zoning Board also asked if approval of the current Amendments be delayed until the section including Phase 2 (incentives) is ready. The HPB made a motion stating they do not think the current proposed changes should be delayed until Phase 2 incentives are ready to proceed.

Staff also researched ways to incorporate additional means of providing notice into the noticing section of Code. This information was emailed to Planning and Zoning Board members two days ago as part of a memorandum, with proposed language for Section 47-27.7. It asks that notice be sent within 10 days after a motion to initiate a historic designation application by the HPB.

Ms. Fertig requested confirmation that all these changes have been incorporated into the Amendments presented for approval. Ms. Logan agreed, noting that two other minor items were included in the memo sent to Board members:

- Clarification of language identifying who may apply for historic designation.
- Clarification of who can apply for a historic designation by changing "by resolution" to "by motion" of the City Commission.

Ms. Fertig asked Ms. Logan to explain the changes proposed for designation of a historic district. Ms. Logan advised that at present, any designation application may be

brought forward by anyone living or owning a business within the City, including the City itself. The proposed changes list different options for whom the Applicant may be for any type of designation application, including historic landmarks, landmark sites, historic districts, or archaeological sites:

- By motion of the HPB
- By motion of the City Commission
- Property owner
- Nonprofit organization with a vested interest in historic preservation
- Simple majority of property owners within a community interested in designation as a historic district

Ms. Fertig expressed concern with the proposed simple majority of property owners within a district, stating that this may be too high a requirement, particularly in areas of significant density. Ms. Logan pointed out that the other methods listed above may also be used to obtain historic designation for a district.

Ms. Scott commented that the means for applying for historic district designation should not include a simple majority, but should be left as it currently is. Ms. Logan clarified that at present, any individual living within the City may propose designation of a historic district.

Mr. Cohen returned to the dais at 8:31 p.m.

Mr. Shechtman requested clarification of how the 51% of individuals within a district would be determined. Ms. Logan replied that if, for example, a homeowners' association wishes to propose the boundaries of its community as a historic district, it would require a simple majority of property owners within the boundaries of the association to agree with that designation.

Ms. Fertig reiterated that she felt a 51% requirement is too high for initiation of an application. Chair Maus observed, however, that historic designation can represent a radical change to what owners may do with their property, and for this reason, 51% is not unreasonable. Attorney Wallen explained that the applicant for a historic district proposes its boundary, which determines the number of homeowners the district would include.

Mr. Shechtman pointed out that in some cases, historic designation can represent "a taking of property rights" from homeowners, as designation can limit what that owner may do with his/her property. For this reason, he also felt 51% is not unreasonable.

Mr. Weymouth requested clarification that the 51% refers to properties within a proposed boundary and not within the boundary of a homeowners' association. Ms. Logan confirmed this reference was to property owners within a proposed boundary.



Ms. Scott asked what had triggered the proposal to change the approval of property owners to 51%. Ms. Logan advised that Staff conducted several public outreach meetings at which members of the community raised their concerns regarding historic designation in both the existing and proposed Historic Preservation Ordinance. Because of these comments, Staff researched how other municipalities allow historic designation applications to be brought forward.

It was noted that a homeowners' or civic association would be able to propose a historic district if they can demonstrate a vested interest in historic preservation and have been in existence for five years.

**Motion** made by Ms. Fertig to pass what we have in front of us tonight.

Ms. Fertig further clarified that her **motion**, which referred to Item T19004, included the changes proposed in the memorandum sent to the Board.

Ms. Scott asked what changes are proposed for bond requirements. Ms. Logan replied that this would add a reference to the existing portions of Building Code for the required bond: there is no change to the bond requirement itself.

Mr. Tinter **seconded** the **motion** to approve Item T19004. In a roll call vote, the **motion** passed 7-1 (Ms. Scott dissenting).

At this time Chair Maus opened the public hearing. As there were no individuals wishing to speak on Item T19004, the Chair closed the public hearing and brought the discussion back to the Board.

At this time Chair Maus opened the public hearing. As there were no individuals wishing to speak on Items T19005 or T19007, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Tinter, seconded by Mr. Weymouth, to approve [Item 9, T19005] including the changes proposed in the memorandum. In a roll call vote, the **motion** passed 7-1 (Ms. Scott dissenting).

**Motion** made by Mr. Weymouth, seconded by Mr. Shechtman, [to approve Item 10, T19007]. In a roll call vote, the **motion** passed 7-1 (Ms. Scott dissenting).

## V. COMMUNICATION TO THE CITY COMMISSION

Chair Maus asked if the Board would consider supporting a communication suggesting that traffic analysis in the City of Fort Lauderdale is inadequate and should be looked into in order to capture opportunities to mitigate projects' impact on the streets as part of the development process.

Ms. Scott recommended that the Board recommend that the City follow its Code. Ms. Fertig added that she did not feel levels of service on specific roadways are clearly communicated. She also proposed that the Board be provided with trip charts for every project located on the barrier island.

Mr. Shechtman commented that transportation is changing rapidly with the advent of transportation network companies, autonomous vehicles, and micromobility devices such as scooters. He was in favor of the proposed communication to the City Commission. Mr. Tinter agreed that level of service analyses information supplied by the Florida Department of Transportation (FDOT), the Broward County Traffic Engineering Division, and the Broward Metropolitan Planning Organization (MPO) should be provided as part of the Staff Report and the reports provided by applicants' traffic consultants.

Chair Maus explained that her concern was the information supplied with regard to levels of service is inadequate, and that the City should take additional steps outside accepted methods of measuring traffic. Mr. Tinter asserted that the quality of traffic analysis is very subjective, and level of service is only one measurement of it. While individuals may not find levels of service on some roadways to be acceptable, those roadways may still meet the criteria for an acceptable level of service in the City's or County's Comprehensive Plans.

Chair Maus explained that when major projects are proposed, there may be the opportunity for the City to require funding from developers to improve the situation in the future. Mr. Tinter added that while more information may have been made available to Staff, the Board may only receive executive summaries of traffic analyses.

Chair Maus proposed the following communication to the City Commission: that the Commission look at the current measurements of traffic impact in the City.

**Motion** made by Ms. Fertig, seconded by Mr. Shechtman, to communicate to the City Commission that traffic analysis in the City is inadequate and current measurements of traffic impacts should be investigated in terms of capturing opportunities in the development process to mitigate projects' impacts on the streets [A vote was not taken. The communication will be voted upon at the June 19, 2019 meeting.]

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

Mr. Shechtman commented that he felt there is too much space dedicated to parking in the City, and commended the amount of green space proposed by developments such as Pier 66.

Ms. Scott stated that too many projects are approved with inadequate parking.



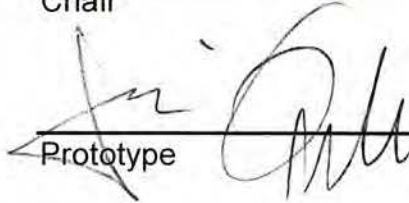
There being no further business to come before the Board at this time, the meeting was adjourned at 8:52 p.m.

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



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Chair



Prototype

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