



CITY OF FORT LAUDERDALE

CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 16, 2019 – 6:00 P.M.

Cumulative

Board Members	Attendance	June 2019-May 2020	
		Present	Absent
Catherine Maus, Chair	P	5	0
Mary Fertig, Vice Chair	P	4	1
John Barranco	P	4	1
Brad Cohen (arr. 6:09)	P	4	1
Coleman Prewitt	P	5	0
Jacquelyn Scott	P	5	0
Jay Shechtman	P	5	0
Alan Tinter	P	5	0
Michael Weymouth	P	5	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
- Anthony Fajardo, Director, Department of Sustainable Development
- Jim Hetzel, Principal Urban Planner
- Tyler Laforme, Urban Design and Planning
- Yvonne Redding, Urban Design and Planning
- Lorraine Tappen, Principal Urban Planner
- 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 6:00 p.m. and introduced the Board members present. Urban Design and Planning Manager Ella Parker introduced City Staff.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Vice Chair Fertig, seconded by Mr. Tinter, to approve. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Members of the public wishing to speak on any Item on tonight's Agenda were sworn in at this time.

It was determined that Items 1 and 3 would be heard together and voted upon separately.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. R18054**	Summit Hospitality 134, LLC
2. R19055**	CRP LMC Prop Co., LLC
3. PL19001**	Summit Hospitality 134, LLC
4. T19013*	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.

1. CASE:	R18054
REQUEST: **	Site Plan Level IV Review: 150 Room Hotel with Parking Reduction
APPLICANT:	Summit Hospitality 134 LLC.
PROJECT NAME:	Residence Inn
GENERAL LOCATION:	425 Seabreeze Boulevard (SRA1A)
ABBREVIATED LEGAL DESCRIPTION:	A Portion of Lots 2, 3 And 4, Block 2 Laying Westerly ff the Westerly Right-Of-Way Line of Seabreeze Boulevard, "Re-Amended Plat of Blocks "A" And "2" of the Amended Plat of Las Olas By The Sea", According to the Plat Thereof, As Recorded In Plat Book 1, Page 16, of The Public Records of Broward County, Florida, And A Portion of New River Sound (Florida East Coast Canal) In Section 12, Township 50 South, Range 42

East, Lying West Of Said Lots 2, 3 And 4

ZONING DISTRICT: South Beach Marina and Hotel Area District (SBMHA)
LAND USE: Central Beach Regional Activity Center (Beach RAC)
COMMISSION DISTRICT: 2 - Steve Glassman
CASE PLANNER: Lorraine Tappen

3. CASE: **PL19001**
REQUEST: ** Plat Review
APPLICANT: Summit Hospitality 134, LLC.
PROJECT NAME: New River Sound
GENERAL LOCATION: 425 Seabreeze Boulevard (SRA1A)
ABBREVIATED LEGAL DESCRIPTION: A Portion of Lots 2, 3 And 4, Block 2 Laying Westerly ff the Westerly Right-Of-Way Line of Seabreeze Boulevard, "Re-Amended Plat of Blocks "A" And "2" of the Amended Plat of Las Olas By The Sea", According to the Plat Thereof, As Recorded In Plat Book 1, Page 16, of The Public Records of Broward County, Florida, And A Portion of New River Sound (Florida East Coast Canal) In Section 12, Township 50 South, Range 42 East, Lying West Of Said Lots 2, 3 And 4
CURRENT ZONING: South Beach Marina and Hotel Area District (SBMHA)
CURRENT LAND USE: Central Beach Regional Activity Center (Beach RAC)
COMMISSION DISTRICT: 2 – Steven Glassman
CASE PLANNER: Tyler Laforme

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, introduced Dan Hansen, President, Chairman, and CEO of Summit Hospitality 134, LLC. Mr. Hansen advised that his team has made multiple presentations to the Board of the Venetian condominium to address their concerns, and has also had discussions with the International Swimming Hall of Fame.

Ms. Toothaker stated that the request is for Site Plan Level IV approval, which goes before the City Commission, as well as a parking reduction request. The project is a 150-room hotel. At present, the property is an empty surface parking lot with a land use of Regional Activity Center (RAC) and a zoning designation of SB-MHA, which permits hotels with a height limitation of 120 ft. and structure length of 200 ft. The proposed project is 120 ft. tall and 175 ft. long.

Ms. Toothaker showed renderings of the proposed hotel layout, which includes parking on its lower floors and guest rooms on the higher floors. To activate the waterfront of the property, and to accommodate the concerns of nearby residents regarding loading, the Applicant will provide an exclusive loading area on one side of the property facing a convenience store. They will also combine the project's entrance and exit so there are fewer curb cuts on Seabreeze Boulevard.

Mr. Cohen arrived at 6:09 p.m.

The waterfront is enhanced with a pedestrian walkway on the outside of the building, for which the Applicant will record a public easement. The waterfront will also feature hotel and retail/rental kiosks, tables, and chairs to activate the space. The roadway side of the hotel will include a public plaza to provide pedestrian connectivity. The hotel lobby is raised and will be a clear structure so pedestrians can see through it to the water.

The project meets or exceeds minimum setback requirements:

- 22 ft. on the east side
- 25 ft. on the north and south sides
- 20 ft. on the waterfront

The subject site is tied together with a Marriott property across the street and the two properties will share a parking agreement. Marriott guests may use the surface parking at the subject property. There will be 175 spaces total for the Marriott, 104 of which are provided at the new hotel, which meets its parking requirement under Code. For the new project, 77 spaces are requested, which is a parking reduction request of 8.7% or 24 spaces. A parking study focused on the existing Marriott hotel for one weekday and one weekend day at which the facility was at 100% capacity. An off-street parking agreement for the Marriott would be terminated and a new agreement would address the new hotel and parking.

The Applicant has reviewed water and wastewater capacity with City Staff and feels sufficient capacity is available for the project. Ms. Toothaker showed a graphic of the subject site and surrounding properties, some of which were recently approved by the Planning and Zoning Board and the City Commission. An analysis of these planned and existing structures show that the proposed hotel would be among the lowest of these buildings.

The Applicant also measured the distance to the waterway, as half of the subject property faces the widest point of the Intracoastal Waterway. A shadow study was conducted and shows that there is no time during the year at which the Venetian condominium's swimming pool is affected by the proposed project. A portion of the Venetian's parking deck is affected on December 21 and March 21. The project also meets the requirements of the Central Beach District and Central Beach Master Plan.

The Applicant has met with the Central Beach Alliance (CBA) three times in addition to their meeting with the Venetian. The CBA did not approve the project by a vote of 99-61. Ms. Toothaker advised that after the CBA vote, the Applicant's team reached out to the surrounding neighborhood and secured over 100 individual letters of support from residents of the Fort Lauderdale Beach.

Motion made by Vice Chair Fertig, seconded by Mr. Tinter, to make the Staff Report a part of the record [for Item 1]. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Tinter, seconded by Vice Chair Fertig, to make the Staff Report a part of the record [for Item 3]. In a voice vote, the **motion** passed unanimously.

Mr. Tinter asked how parking for the nearby Marriott would be addressed during construction of the new property. Ms. Toothaker replied that the Marriott has an existing relationship with Coconuts restaurant which allows guests to use their parking facilities overnight when the restaurant is not open. Employees will be able to park in a nearby City parking garage and the Marriott will provide them with shuttle service. The City parking garage and Marriott shuttle will also be available to guests when Coconuts is open. Both the new and existing hotels provide 100% valet parking.

Mr. Tinter noted that employees of the Marriott would use roughly 25 of the 104 spaces needed; in addition, peak season at the hotel coincides with peak usage of the public garage. He expressed concern with the possibility of a parking shortage on the beach. Ms. Toothaker noted that Marriott representatives have also spoken with owners of another nearby property, Beach Boys Plaza, with regard to parking options, although no agreement has been signed thus far. It is also not known if the Plaza will have been constructed by the time the proposed hotel is being built.

Vice Chair Fertig recalled that Beach Boys Plaza had represented its parking as an incentive to approval, as there is a parking deficit on the beach. She asked how many of the letters of support from surrounding neighbors came from the area south of Las Olas Boulevard. Ms. Toothaker replied that she did not perform an analysis of locations: the letters were received from "all over the beach."

Mike Fleming, General Manager for the Marriott Courtyard hotel, further addressed parking concerns, stating that primary overnight parking occurs at the Courtyard itself. Most of the spaces across the street are used for employee parking. He clarified that there are typically more than 50 employees on the site each day, who are encouraged to

park off-site. There is also a dirt parking lot next to Beach Boys Plaza which is currently used for overflow parking. The Marriott's valet manager, which is an outside entity, has discussed using this space.

Mr. Weymouth recalled that when Beach Boys Plaza went before the City Commission for approval, the Commission required that they submit an in-season traffic study. He asked if the Applicant plans to do the same regarding the project. Carl Peterson, traffic engineer for the Applicant, replied that a traffic analysis was performed, as required by the City. The project falls below the 1000-trip threshold that would trigger a full traffic impact study, as it is estimated to generate roughly 330 daily trips. Trip generation calculations are independent of seasonality. No further analysis is anticipated at this time.

Vice Chair Fertig requested additional information on the traffic analysis, including the month in which it was conducted. Mr. Peterson replied that the analysis assesses the number of trips the property is expected to generate on daily, a.m. peak, and p.m. peak bases. This analysis uses accepted industry data. With regard to parking, the analysis was performed in May at a time when the Courtyard Marriott was fully occupied, which Mr. Peterson characterized as fully reflective of peak season conditions. The traffic analysis was conducted in October 2019.

Mr. Tinter asked if beach traffic counts are expected to remain below their required threshold with the addition of the project. Benjamin Restrepo, representing the Department of Transportation and Mobility, confirmed that total trips do not exceed the maximum established by a previous study on the beach.

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

William Brown, president of the Central Beach Alliance (CBA), stated that representatives of the project brought it before the CBA in April 2019 for a final presentation and vote. Most questions about the project centered on traffic, parking, loading zones, trip counts, setbacks, construction, and exterior lighting. The Applicant had made two previous presentations to the CBA. The majority of the CBA membership voted against the project.

Ms. Scott asked if there were concerns the Applicant has been able to satisfy through changes to the project. Mr. Brown replied that the Applicant had first presented the project to the CBA in January and in March. He was not aware of changes made to the Site Plan following these meetings.

Ms. Scott also asked if a large number of members might not have been present for the first two meetings. Mr. Brown confirmed this.

Ms. Toothaker advised that major changes to the project following the Applicant's first two presentations to the CBA addressed loading zones, pedestrian access, waterway

modifications, and changes to the project's entrance and exit. These were in response to concerns raised by the CBA membership.

Chair Maus asked what steps have been taken to ensure parking does not back up onto Seabreeze Boulevard. Ms. Toothaker stated that stacking was added internally by creating two separate drive aisles for valet parking. The loading area was also configured so trucks do not have to back out onto the roadway.

John Burns, president of the Venetian Condominium Association, advised that issues began when the Courtyard Marriott did not provide sufficient parking. This resulted in the Application proposing to provide parking for two hotels in one building. He felt the project's mass is too large for the subject lot.

Mr. Burns continued that a 1997 attended off-street parking agreement states that 123 parking spaces would not be sold or disposed of unless in conjunction with the sale of a specific parcel as long as the facilities are required. He asked the reason behind the proposed change to this agreement, pointing out that the Applicant must have been aware of the restriction when both the Courtyard Marriott and the subject parcel were purchased.

Residents of the Venetian did not believe the parking study provided by the Applicant was conducted at 100% occupancy; in addition, the study took place on Wednesday, Thursday, Sunday, and Monday, which are not peak days for resort hotels. Mr. Burns concluded that the subject parcel is located at a "choke point" on the barrier island, and requested that the Application be denied.

Shirley Smith, private citizen, advised that she lives at the Venetian. She expressed concern with insufficient parking, congestion, delivery traffic, and construction in the subject area. She recommended that a traffic study be conducted.

Mr. Cohen asked if Ms. Smith had expressed concerns with the nearby Beach Boys Plaza project. Ms. Smith replied that she opposed the project but had not been present to speak about it before the Board.

Victoria Mowrey, private citizen, stated that she also lives at the Venetian. She pointed out that a number of buildings on Seabreeze Boulevard have no way for their delivery trucks to enter or exit their properties without stopping in the roadway. Vehicles entering and exiting properties alone contribute to congestion.

Mr. Cohen asked if Ms. Mowrey had been present in May 2019 when the Beach Boys Plaza project came before the Board. Ms. Mowrey replied that she was not present, although she is a full-time resident.

Sharon White, private citizen, also resides at the Venetian. She advised that she shared the concerns raised by her neighbors regarding congestion, loading/unloading, and setbacks. Congestion in the area is exacerbated by construction. She noted that tourists

already have difficulties moving throughout the area, and added that the parking plans for construction workers, local employees, restaurant patrons, and others are minimal. The reduced number of parking spaces would create more difficulties for tourists.

Mr. Cohen asked if Ms. White had been present in May when the Beach Boys Plaza application was discussed. Ms. White replied that she was not at the Planning and Zoning Board meeting, although she had attended previous meetings regarding the application and expressed her concerns.

Howie Schwab, private citizen, stated that he is a resident of the Venetian and his health and quality of life are negatively affected by construction and congestion in the area. He is often unable to access transit services that take him to and from health care, and it is also difficult to enter and exit the Venetian due to traffic.

Marvin Srulowitz, private citizen, observed that most developments provide traffic documents that estimate their impact at fewer than 1000 cars, which means further study is not required. He expressed concern with this trend, pointing out that they do not take the full picture of an area into consideration. He suggested that cumulative studies which consider the effects of multiple developments be required in the future.

Robert Marshall, private citizen, stated that he is a resident of the Venetian. He agreed with many of the concerns raised by his neighbors with respect to parking, congestion, safety, and the effects of tourism. He did not feel the project demonstrated responsible urban planning for the beach area due to its size and use. He requested that the Board deny the project.

Bill Kent, Chairman of the International Swimming Hall of Fame, spoke in support of the Application. He explained that the project would integrate the Hall of Fame into the community more effectively and help it thrive by generating more traffic to the facility. The Hall of Fame has proposed a new building to replace its existing structure, which would include approximately 170 parking spaces. He did not feel the Hall of Fame negatively affected traffic in the area.

Vice Chair Fertig asked if the Hall of Fame project has been designed. Mr. Kent characterized it as being in the "design and discussion" stage, with no formal agreements with the City. The project would be a public-private partnership.

Dan Teixeira, president of Harbor House East condominium, stated that one reason the CBA may have voted against the project may have been the inability for some condominium board members to cast proxy votes. While he had not been in favor of the Beach Boys Plaza project, he was supportive of the proposed project, which has no retail or restaurant space open to the public.

Abby Laughlin, private citizen, commended the Applicant's outreach and responsiveness to the CBA and the Venetian. She was in favor of hotels within the subject zoning district.

She added that the proposed garage would provide consolidated parking for other buildings.

Ms. Scott asked if Ms. Laughlin was a resident of the area. Ms. Laughlin replied that she had recently moved from the Fort Lauderdale Beach.

Vice Chair Fertig recalled that the proposed parking garage, as presented at public meetings, would result in a deficit of public parking in the area. Ms. Laughlin commented that surface parking is not the same as parking within a consolidated structure, although she acknowledged that there would be a decrease in the number of spaces provided. She felt transportation to and from the parking structure would make up for the loss of spaces.

Thetis Palamiotou, private citizen, advised that she is a resident of the Fort Lauderdale Beach. She read a letter from Harbor Beach resident Chris Hendricks, who was in favor of a mixture of four- to five-star as well as budget-conscious hotels in the beach area. Mr. Hendricks' letter concluded that the Marriott brand would provide neighborhood compatibility, and requested that the project be approved.

Monty Lolwani, private citizen, stated that he is a resident of Carlton Towers. He owns two businesses on the Fort Lauderdale Beach which have experienced hardship due to the closing of a parking lot and/or streets. He emphasized the importance of tourism to the beach area, and described the proposed hotel as a good addition to the beach.

Karen Turner, private citizen, recalled that the CBA had approved the Beach Boys Plaza project. She was in favor of the proposed hotel, which she thought would be a positive addition to the beach area.

As there were no other individuals wishing to speak on these Items, the Chair closed the public hearing and brought the discussion back to the Board.

Ms. Scott asked how many members of the CBA were present when the organization voted against the project. Mr. Brown, president of the CBA, recalled that seven condominiums were represented at the meeting. The CBA's voting system provides for 10 votes per building. There were also 11 individuals present. Of the 61 votes in favor of the Application, 50 of the votes came from five condominiums; of the 99 votes against, 20 votes came from two condominiums and 79 votes came from individuals.

Mr. Tinter asked if the Site Plan met all the City's Unified Land Development Regulations (ULDR) requirements aside from the parking reduction request. Lorraine Tappen, Principal Urban Planner, confirmed this. She further clarified that Site Plan Level IV approval means the project must meet the criteria of the Central Beach district. The Applicant's narrative provided information on how they met zoning requirements and fit into the Central Beach Master Plan. She added that the setback reductions are not waivers but are classified as requests for specific setbacks.

Vice Chair Fertig asked how individuals would cross the street from the subject site to the Courtyard Marriott once they have parked at the new building. Ms. Toothaker replied that they are supposed to use a crosswalk. She added that the Applicant has considered approaching the nearby convenience store, particularly during construction, to offer them the use of the proposed hotel's loading zone.

Vice Chair Fertig explained that her question related to circulation on the two lots, including crossing the street in guests' cars. She pointed out that there are times when the roadway is at gridlock, which may affect movement across the street to the proposed garage. Mr. Fleming replied that this occurs at present, so no change is anticipated to the current valet setup for cars. He added that he understood the sites' two driveways, once the proposed project is complete, would be located directly across from one another.

Vice Chair Fertig asked if this back-and-forth traffic between the two properties was taken into consideration as part of the Applicant's traffic analysis. Mr. Peterson confirmed this. Valets and others are expected to cross the street at a signalized crosswalk.

Motion made by Mr. Tinter, seconded by Mr. Cohen, to approve [Item 1] subject to Staff conditions. In a roll call vote, the **motion** passed 6-3 (Chair Maus, Vice Chair Fertig, and Mr. Cohen dissenting).

Motion made by Mr. Tinter, seconded by Mr. Weymouth, [to approve Item 3]. In a roll call vote, the **motion** passed 6-3 (Chair Maus, Vice Chair Fertig, and Mr. Cohen dissenting).

2. CASE:	R19055
REQUEST: **	Site Plan Level III Review: Waterway Use for 2,610 Square Foot Restaurant, 400 Square Foot Bar with Outdoor Seating
APPLICANT:	CRP LMC Prop Co., LLC.
PROJECT NAME:	LMC Crew Lounge
GENERAL LOCATION:	2001 SW 20th Street
ABBREVIATED LEGAL DESCRIPTION:	LAUDERDALE MARINE CENTER 168-42 B PARCEL A
CURRENT ZONING:	Heavy Commercial/Light Industrial (B-3)
CURRENT LAND USE:	Commercial
COMMISSION DISTRICT:	4 - Ben Sorensen
CASE PLANNER:	Yvonne Redding

Disclosures were made at this time. Mr. Tinter recused himself from hearing or voting upon the Item due to a conflict, and left the dais.

Robert Lochrie, representing the Applicant, stated that the request is for approval of restaurant and outdoor seating use at the existing Lauderdale Marine Center. The Center has been in place on the New River since the 1940s. The entire complex is comprised of 55 acres and is a dedicated yacht repair facility which is also home to yacht brokers, yacht builders, and similar accessory uses.

The request would convert a portion of an existing restaurant area, which is currently used only by the marina, into public use. It would also allow an outdoor dining area and bar. This means individuals on-site will no longer have to leave the site for meals. Mr. Lochrie showed slides of the overall site as well as the current and proposed restaurant, outdoor seating, and bar areas.

The project was presented to both the River Oaks Civic Association in August 2019 and the Shady Banks Neighborhood Association. As a result of these public meetings, the Applicant has created a list of voluntary conditions. Copies of the list were provided to the Board members at this time. Mr. Lochrie noted that the primary concerns of neighbors were hours of operation, limitations on amplified and/or live music, boat access to the restaurant, lighting, monitoring of sound levels in accordance with the City's Noise Ordinance, and limiting the maximum occupancy of restaurant space to 220 individuals.

Motion made by Mr. Shechtman, seconded by Vice Chair Fertig, to make the Staff Report for R19005, Agenda Item No. 2, 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.

Nancy Long, president of the River Oaks Civic Association, stated that members of this organization who saw the Applicant's presentation were pleased with the proposed use. They felt it may keep more marina traffic on the Applicant's site rather than accessing through the nearby residential neighborhood.

As there were no other individuals wishing to speak on these Items, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Shechtman, seconded by Vice Chair Fertig, to approve as consistent with [the City's] ULDR.

Assistant City Attorney Shari Wallen advised that findings of fact are now required to approve certain Applications. She read the Resolution associated with this Application into the record.

In a roll call vote, the **motion** passed 8-0. (Mr. Tinter recused himself. A memorandum of voting conflict is attached to these minutes.)

Mr. Tinter returned to the dais following the vote.

3. CASE:	T19013
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Amending Section 47-13, "Regional Activity Center Districts," to guide development within the Downtown Regional Activity Center zoning districts; Establishing Downtown Character Areas: "Downtown Core", "Near Downtown", "Urban Neighborhood"; Providing for maximum building height, maximum building tower setback, maximum building podium height, maximum building tower floorplate size, maximum streetwall length, minimum distance for building tower separation; Establishing open space requirements; Establishing commercial and residential transition zones to address building height at the boundaries of the Downtown Regional Activity Center; Amending Downtown street design, landscape and street tree requirements; Amending Section 47-13.21, Table of Dimensional Requirements; Amending review process for development permits; Amending Section 47-24, Table 1, Development Permits and Procedures; Amending Section 47-13.2.1.J, Definitions; Amending Section 47-25.3, Neighborhood Compatibility requirements, removing conflicting requirements.
APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	Downtown Regional Activity Center
CASE PLANNER:	Jim Hetzel

Mr. Weymouth recused himself from hearing or voting upon the Item due to a conflict, and left the dais at this time.

Jim Hetzel, Principal Urban Planner, explained that this Item proposes ULDR amendments to codify aspects of the Downtown Master Plan. This Master Plan was first adopted in 2003 and was amended in 2007. Its intent is to create a "live, work, play" environment that addressed the design of buildings in the Downtown as well as certain uses to make Downtown a more livable space on a 24-hour basis. Staff has conducted extensive public outreach with multiple civic associations and other groups from January to September 2019, as well as outreach in previous years.

The Downtown Master Plan codification elements include:

- Different character areas
- Floor plate sizes
- Tower separation
- Transition zones between character areas

Three Downtown character areas were created by the consultant team that developed the Downtown Master Plan:

- Downtown Core (includes the central business district)
- Near Downtown
- Urban Neighborhood

Mr. Hetzel advised that dimensional requirements apply differently to each of the three character areas, as well as what is already included in the Downtown Master Plan. They vary according to the context of the character areas as well as the appropriate scale and size of floor plates in that area. Examples include tower separation, which is 60 ft. for towers on the same property as well as on adjacent properties. Building street wall length will be limited to 300 ft. due to its impact on the public realm and experience. Building length may be broken up through articulation. Building podium height and stepbacks also vary depending upon their character area. Staff is now proposing the addition of transition zones, which may vary between the three different character areas based on heights and stepbacks.

Mr. Hetzel continued that Staff will be “cleaning up” the language in the Neighborhood Compatibility section of Code. Requirements will vary based on density and other considerations within individual zoning districts. Staff is also proposing language addressing open space and such open space be applicable to the entire Downtown area rather than referring only to the original pool of residential units.

Open space requirements are based upon the size of the residential development by the density and number of units. There are three different categories of minimum open space that can be provided, with minimums of the second and third categories required to be the maximum of the category before it. Open space requirements are slightly different for residential, non-residential, and RAC uses. Credit is given to developers or property owners who enhance streetscape elements. Mr. Hetzel showed examples of projects that provided open space that complies with or exceeds the proposed Code requirements.

The Downtown Master Plan has always applied to residential use and will now be applied to non-residential use as well. The criteria for the City Commission call-up process are being changed, and Staff proposes a process through which developers or owners may request relief from the City Commission if they cannot meet requirements. Mr. Hetzel anticipated that the proposed Downtown Master Plan amendments would go before the City Commission in December.

Mr. Tinter asked what might become of property owners who purchased a piece of property in the Downtown area with plans for its development but would be unable to follow through with those plans once the new amendments are approved. He felt this would be a loss of those individuals' property rights. Mr. Hetzel explained that the intent of the open space requirements is to ensure sufficient space for the number of residents being brought into the Downtown area by a project.

Chair Maus addressed character areas, noting that a section of the west side of 7th Avenue considered Near Downtown includes buildings that can be 30 stories tall. Meanwhile, the Flagler Village community is designated Urban Neighborhood, which has the lowest development intensity of the three character areas but includes larger developments than 7th Avenue and Victoria Park. She also noted that the Victoria Park Civic Association objects to the classification of 7th Avenue as Near Downtown and feels Urban Neighborhood is more appropriate for its existing patterns of development.

Mr. Hetzel replied that the Commission's directive for Staff did not include making changes to the character areas that were created in 2003. If the Board wishes, they may recommend that the City Commission direct Staff to conduct additional research into the character areas. Chair Maus stated that it could be problematic to use character areas which have not held up over the years and codify their standards into law. She felt the Commission should take a closer look at the portion of 7th Avenue south of Broward Boulevard in particular.

Anthony Fajardo, Director of Sustainable Development, continued that the ULDR is considered a Euclidean code: it is a written document without illustrations. This can make it difficult to express intent. The Downtown Master Plan, however, includes images and graphics that help communicate this intent. He cited Flagler Village as an example of where this intent has been successfully expressed. Mr. Fajardo also agreed with Chair Maus that development patterns in Flagler Village and Victoria Park have evolved differently from their original characterization in the 2003 Downtown Master Plan, and it may be necessary to reexamine these areas.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, that before [the Board has] further discussion on these plans, they ask the City Commission to clarify what their expectations of the Planning and Zoning Board's input will be.

Attorney Wallen explained that in this case, the Board would be either recommending approval or denial of the proposed ULDR changes. She noted that recommended changes may also be included in the language of their motion.

Vice Chair Fertig **amended** her **motion** as follows: to defer this until we [the Board] have a clarification of the process from the City Commission. [The **motion** died for lack of second.]

Attorney Wallen reiterated that according to Code, the Planning and Zoning Board is supposed to recommend approval or denial of ULDR amendments. While the Board may choose to defer the Item, she pointed out that recommendation of approval or denial is already a part of Code.

Vice Chair Fertig asserted that while she did not want to deny the ULDR amendments, she would like to know what the City Commission had in mind when they directed Staff to update the Downtown Master Plan.

Assistant City Attorney D'Wayne Spence advised that the Board is asked to act in its capacity as Local Planning Agency (LPA) by reviewing the regulations to determine whether or not they are consistent with the Comprehensive Plan. Staff received direction from the City Commission to review the existing Downtown Master Plan and codify it. To this end, Staff has taken the existing language of the Downtown Master Plan and incorporated it into the ULDR. There was no direction provided to Staff regarding additional studies or incorporation of additional information into Code. The Board has the opportunity to comment on the document and to identify issues they see with the document, such as the need to update the existing Downtown Master Plan.

Attorney Spence continued that the Board is allowed to defer the Item pending additional information: however, the **motion** has suggested that the City Commission provide the Board with guidance, when in fact the Board's role as LPA is to advise the Commission regarding how they would like the updated Plan to be adopted. He recommended that the Board move the Item forward with a recommendation that communicates their concerns.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to deny it pending a more comprehensive update and a process which helps include the comments of the community in the Plan.

Mr. Fajardo requested clarification that this would have Staff reanalyze the entire Downtown Master Plan, including previously established character area boundaries and zoning requirements, and bring back a recommendation based on community input and consensus. Vice Chair Fertig felt this would be preferable to relying on a Master Plan developed 16 years ago that has changed significantly in places since that time.

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

Lianne Rubbo, secretary/treasurer of the Las Olas by the River Homeowners' Association, advised that this community was formerly considered a transitional zone between character areas. There have been concerns regarding further development of the neighborhood, including potential plans for a 20-story building. She pointed out that while the area was intended to be a transition zones, the neighborhood has never been contacted or notified with regard to this categorization.

Ms. Rubbo continued that because the neighborhood is being overdeveloped, they are requesting that the City codify nearby Smoker Park as a park to be given to the community rather than to be partially developed. They would also like the City to codify the neighborhood as a transitional zone, as utilities and traffic are suffering from the effects of overdevelopment.

Dan Lindblade, president and CEO of the Greater Fort Lauderdale Chamber of Commerce, stated that the Chamber opposes moving the Item on to the City Commission at this time. The Chamber saw a presentation on the Item in August 2019 and does not feel that advancing the Application to the Commission would be a good process. He advocated for a workshop or other professional meeting where interested parties can discuss different ways toward a successful Downtown Master Plan.

Chair Maus left the meeting at 8:17 p.m. Vice Chair Fertig assumed the role of Chair for the remainder of the meeting.

Michael Dutko, private citizen, commented that his workplace lies within a commercial transition zone, which he characterized as "useless," as it does not serve any actual purpose and could lead to a lawsuit against the City on behalf of private property owners. He advised that this zone provides transition from one commercial zoning district to another, which limits height on a portion of Federal Highway that already has a buffer to serve as a transition zone.

Stan Eichelbaum, representing the Downtown Fort Lauderdale Civic Association, stated that he had asked Staff to send the Civic Association's communication to the Board members in advance of tonight's meeting. The Civic Association hosted a public workshop on June 5, 2019 to discuss the proposed amendments; however, Mr. Eichelbaum noted that the Association did not receive a direct response from the City.

Mr. Eichelbaum continued that the document submitted to the Board includes a number of public comments which have not been considered, as Staff needs direction from the City Commission in order to consider their input. He requested that the Application be denied in order to send a message to the Commission that these comments should be taken into consideration.

Marvin Srulowitz, private citizen, addressed transition zones, stating that codifying the transition zones as they currently are would result in codifying an error. He also felt the Item should be denied at this time so appropriate study can be given to the drawing of boundaries and transition zones.

Jenni Morejon, president and CEO of the Downtown Development Authority (DDA), explained that as a former City employee, she had worked on the original Downtown Master Plan as well as additional plans within the Downtown area. She emphasized that cities take generations and multiple economic cycles to grow and change, and

characterized the current development in the Downtown area as the realization of the vision established by the Master Plan.

Ms. Morejon felt it was not necessary to approve and codify the proposed amendments, as the Downtown Master Plan continues to work for the community. Furthermore, she felt the proposed changes would impose untested regulations on non-residential development, which was never the intent of the original document. She encouraged denial of the Application.

Robert Lochrie, representing multiple property owners within the Downtown area, asserted that the amendments should be denied, as acting otherwise would amount to a taking of property rights and require compensation. In addition, he felt codifying the amendments would apply the Downtown Master Plan to all projects, including non-residential, which were intended to be excluded by the City Commission since the time of the Master Plan's first adoption. He added that the amendments would take away the flexibility within the Master Plan to come up with creative solutions by changing from a form-based Code to a very refined and specific format. Another unintended result of the amendments could be that many buildings Downtown could become nonconforming, which could create issues in the future should they require rebuilding.

Alan Hooper, private citizen, commented that none of the projects he has developed in the Downtown area could have been realized without the flexibility of intent in the current Downtown Master Plan. He was concerned that once codified, the Plan would become very rigid. He also felt there could be unintended consequences, including a loss of creativity upon codification. Mr. Hooper concluded that the existing Master Plan has resulted in development of a City that appears to be well-planned and projects that meet the intent of the document.

As there were no other individuals wishing to speak on these Items, the Chair closed the public hearing and brought the discussion back to the Board.

Vice Chair Fertig commented that while there had seemed to be a desire for codification from the community, to which the amendments were a response, the response did not seem to have taken changes since 2003 into account.

Mr. Tinter asked if the Item would go to the City Commission for further action whether the Board's recommendation is for approval or denial. Attorney Spence confirmed this, reiterating that the only action the Board may take is a recommendation to the Commission. The **motion** made and seconded by Vice Chair Fertig and Ms. Scott would recommend denial, pending the addition of more information. He also advised that the **motion** be very clear in communicating the Board's concerns so the City Commission understands the reason for denial.

Mr. Prewitt requested clarification of the possibility of liability to the City should the amendments be codified. Attorney Spence replied that this was not a very realistic

concern or it would have been communicated as such: although litigation could result from the amendments, the City's attorneys felt that a comprehensive rezoning scheme is allowable under the City's police powers.

Vice Chair Fertig's **motion** was restated as follows: **motion** to recommend denial, pending a more comprehensive update and a process which helps include the comments of the community and the Master Plan.

In a roll call vote, the **motion** passed 7-1 (Mr. Tinter dissenting). (Mr. Weymouth recused himself. A memorandum of voting conflict is attached to these minutes.)

V. COMMUNICATION TO THE CITY COMMISSION

None.


VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 8:41 p.m.

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



Chair



Prototype

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Weymouth, Michael	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning & Zoning Board
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY _____ COUNTY _____	NAME OF POLITICAL SUBDIVISION: City of Fort Lauderdale
DATE ON WHICH VOTE OCCURRED October 16, 2019	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Michael Weymouth, hereby disclose that on October 16, 20 19 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, sons, brothers, sisters, nieces, aunts, and cousins ;
- inured to the special gain or loss of The Las Olas Company, Inc., by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am the President and a shareholder of The Las Olas Company, Inc., and several of my relatives are also shareholders. The Board will consider proposed amendments to Section 47 of the Unified Land Development Regulations. The proposed amendments would affect properties owned by The Las Olas Company, Inc. in a manner that would inure to my special private gain or loss, to the special gain or loss of The Las Olas Company, Inc., and to the special gain or loss of my relatives. I do not believe that I can objectively discharge my responsibilities as a Board member with respect to this item.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10.15.19
Date Filed

Michael Weymouth
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Tinter, Alan Lee		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning & Zoning Board	
MAILING ADDRESS 2857 N.E. 25 Street		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Ft. Lauderdale	COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED October 16, 2019		NAME OF POLITICAL SUBDIVISION: City of Ft. Lauderdale	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan L. Tinter, hereby disclose that on October 16, 2019 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, Kids In Distress ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item No. R19055 - Site Plan Review for LMC Crew Lounge (applicant: CRP LMC Prop Co., LLC)

Applicant is major donor to charity organization, Kids In Distress, whose Board of Directors I initially joined as a member in 1992. That relationship could be perceived as a conflict although I will not experience any personal gain or loss as a result of the P&Z Board action.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

October 16, 2019

Date Filed

Alan L. Tinter

Signature Alan L. Tinter

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.