



**MEETING MINUTES
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
WEDNESDAY, SEPTEMBER 16, 2020 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Present	Absent
Catherine Maus, Chair	P	3	0
Mary Fertig, Vice Chair	P	3	0
John Barranco	P	3	0
Brad Cohen	P	3	0
Coleman Prewitt	P	3	0
William Rotella	P	3	0
Jacquelyn Scott	P	3	0
Jay Shechtman	P	3	0
Michael Weymouth	P	3	0

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

Staff

- D'Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- Ella Parker, Urban Design and Planning Manager
- Jim Hetzel, Principal Urban Planner
- Karlanne Grant, Urban Design and Planning
- Nicholas Kalargyros, Urban Design and Planning
- Trisha Logan, Urban Design and Planning
- Benjamin Restrepo, Transportation and Mobility
- Igor Vassiliev, Public Works
- Brigitte Chiappetta, Recording Secretary, ProtoType, Inc.

Communications to City Commission

Motion made by Vice Chair Fertig, seconded by Mr. Cohen, to communicate to the City Commission a request for a presentation from Public Works, to understand the process of the City's infrastructure capacity analysis and how it relates to the quality of the City's waterways. In a voice vote, the **motion** passed unanimously.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:02 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Vice Chair Fertig, seconded by Mr. Rotella, 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.

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. R18025**	KT Seabreeze Atlantic, LP
2. PLN-SITE-20040004**	Las Olas Boulevard Ltd. % Amera Properties, Inc.
3. PLN-SITE-19110004* **	Preste Corporation, Royal Quality Homes, LLC, and Ocean Reef Investments, LLC
4. PLN-SITE-20020002**	City of Fort Lauderdale
5. PLN-ULDR-20070001**	City of Fort Lauderdale
6. T19013*	City of Fort Lauderdale
7. PLN-ULDR-20080002*	City of Fort Lauderdale
8. PLN-ULDR-20080001*	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.

It was noted that the Applicant of Item 1, Case Number R18025, had withdrawn that Application from the Agenda.

2. CASE:	PLN-SITE-20040004
REQUEST:**	Site Plan Level III Review: 8,523 Square Foot Restaurant with Parking Reduction
PROPERTY OWNER/APPLICANT:	Las Olas Boulevard Ltd. % Amera Properties, Inc.
AGENT:	Robert Lochrie / Lochrie & Chakas, P.A.
PROJECT NAME:	etta Las Olas
GENERAL LOCATION:	1002 East Las Olas Boulevard

ABBREVIATED LEGAL DESCRIPTION:	Leaird & Pellets Resub Colee Hammock 7-36 B Lots 6 Thru 10 Blk 13
COMMISSION DISTRICT:	4 - Ben Sorensen
NEIGHBORHOOD ASSOCIATION:	Colee Hammock Homeowners Association
ZONING DISTRICT:	Boulevard Business (B-1)
LAND USE:	Commercial
CASE PLANNER:	Nicholas Kalargyros

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, stated that the request is for approval of a restaurant with a parking reduction. Additional parking is available to both the north and south of the parcel. The Applicant proposes a two-story restaurant with ground floor interior seating and a second floor, including a terrace, with outdoor seating.

Mr. Lochrie showed multiple views of the property, noting that while there is no space for parking on the site itself, there is significant public parking in the general area. When a parking reduction is considered, Staff reviews the parking available within 700 ft. of the site. A traffic study shows there are 774 spaces within this distance.

Further inventory of nearby spaces used historic City data associated with the parking areas, including a base parking study dating to 2017 when activity was not affected by the COVID-19 pandemic. Of the 774 available spaces, 288 are available during peak weekday hours and 243 spaces are available on peak weekend hours. This significantly exceeds the 73 spaces grandfathered in for the existing building and use. Outside the 700 ft. area, there are approximately 1200 to 1300 additional public parking spaces. Parking along Las Olas Boulevard and its side streets is also available.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, that the Staff Report by the City be included as 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 these Items, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Fertig, seconded by Mr. Cohen, to approve based on the findings of fact in the Staff Report.

Assistant City Attorney Shari Wallen read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III Development Permit for the development known as Edo Las Olas, located at 1002 E Las Olas Boulevard, Fort Lauderdale, Florida, in the B-1 zoning district, for the development of a restaurant and

approving a parking reduction in accordance with Section 47-20.23 of the Unified Land Development Regulations.

Attorney Wallen added that the Resolution also includes the Staff Conditions listed on p.4 of the Staff Report. Mr. Lochrie confirmed that the Applicant accepts all of the Staff Conditions.

In a roll call vote, the **motion** passed 9-0.

3. CASE:	PLN-SITE-19110004
REQUEST:* **	Site Plan Level IV Review: Rezoning from Residential Multifamily High Rise/High Density (RMH-60) District to Community Business (CB) District with .52 Acres of Commercial Flex Allocation for 28,795 Square-Foot Supermarket
PROPERTY OWNER/APPLICANT:	Preste Corporation, Royal Quality Homes, LLC., and Ocean Reef Investments, LLC.
AGENT:	Heidi Davis Knapik / Gunster Law
PROJECT NAME:	Publix Supermarket
GENERAL LOCATION:	2985 N. Ocean Boulevard Lot 90, Block 1, Lauderdale Beach, according to the plat thereof recorded in Plat Book 4, Page 2, together with Lot 2 , Block 23, Lauderdale Beach Extension, according to the plat thereof recorded in Plat Book 29, Page 22, of public records of Broward County, Florida
ABBREVIATED LEGAL DESCRIPTION:	2 - Steven Glassman
COMMISSION DISTRICT:	Central Beach Alliance Homeowners Association
NEIGHBORHOOD ASSOCIATION:	Community Business (CB) and Residential Multifamily High Rise/High Density (RMH-60)
ZONING DISTRICT:	Community Business (CB)
PROPOSED ZONING:	Commercial and High Density Residential
LAND USE:	
CASE PLANNER:	Jim Hetzel

Disclosures were made at this time.

Heidi Davis Knapik, representing the Applicant, showed a PowerPoint presentation on the Application, which is for a new Publix grocery store on Fort Lauderdale Beach. The site is 1.4 acre, or roughly 61,592 sq. ft., in size, and is surrounded by three rights-of-way. The site is currently vacant commercial development.

The Applicant's team has met with many of the site's neighbors and surrounding civic and homeowners' associations, all of which were supportive of the proposed project. The property is within walking distance, which was determined to be one quarter-mile or four and one-half blocks, of thousands of neighbors. Notice was provided to over 1000

property owners within 300 ft. of the site. The project is expected to help reduce the number of traffic trips on Oakland Park Bridge. Instacart delivery service will be provided from the site.

The Application requests that the project's rear two lots be rezoned from RMH-60 to Community Business (CB). It also requests 0.52 acre of commercial flex allocation. An application for minor setback variances associated with the site was unanimously approved by the Board of Adjustment at their September 2020 meeting.

The Site Plan is for a one-story, 29,495 sq. ft. Publix supermarket. 118 parking spaces are provided, which meets Code requirements. While parking is available on the first floor of the site's garage, the majority of parking will be on the roof of the structure. The building is 24 ft. in height where up to 120 ft. are permitted within CB zoning. All loading, recycling, and service operations will remain within the footprint of the structure.

The project uses contemporary architectural design, with natural materials and elements including coral, stone, and glass. Street-level façades enhance the pedestrian environment by incorporating architectural features into the design. Landscaping includes shade and flowering trees and palms that surround the site, with a buffer yard on the south side of the property. The Applicant proposes to include 29 trees within this buffer yard at a planting height of 18 ft. Shrubs, bushes, and ground cover will also be planted within this area. Rooftop trellises will help to screen the parking located there.

The property has split land use and zoning designations, with the northern three parcels zoned CB with an underlying land use of Commercial and the southern two parcels zoned RMH-60 and an underlying land use of High Residential (50). The Applicant requests that the two southern parcels be rezoned to CB for consistency with the northern parcels.

The request satisfies the ULDR criteria for rezoning as follows:

- CB zoning is consistent with the proposed commercial use and the City's Comprehensive Plan

The commercial flex allocation criteria are satisfied as follows:

- The request would rezone the site to CB
- The City has confirmed that no more than 5% of the total area would be rezoned to CB
- The property is 1.41 acre in size
- Applications are being reviewed as Site Plan Level IV
- Use is consistent and suitable with the surrounding area
- There will be no adverse impacts on the character of the area

The Applicant began meeting with community neighbors over one year ago, including the Central Beach Alliance, Galt Ocean Civic Association, Lauderdale Beach Homeowners' Association, and Dolphin Isles Homeowners' Association. Letters of support for the project are included in the Applicant's backup materials. A water/wastewater capacity

letter from the City, which states the project's impact on these systems will be negligible, is also provided.

The Applicant conducted a full traffic study of various intersections around the property, including the intersection at NE 30 Street and A1A. This study was reviewed and approved by both the City's traffic reviewer and outside traffic engineer. It includes some pedestrian considerations based on the number of residents and visitors within proximity of the project, as it is expected that many residents and visitors will walk or bicycle to the store.

Ms. Knapik requested that time be reserved for rebuttal if necessary.

The Board agreed by unanimous consensus to include the Staff Report for this Item in the record.

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

William Brown, president of the Central Beach Alliance (CBA), stated that this organization's membership is supportive of the proposed development. He felt the Applicant heard the community's concerns, including a number of nearby homeowners' associations. The CBA voted 135-7 in favor of the project at a July 2020 meeting.

Steve Ganon, private citizen, advised that there is overwhelming support for the project in the Lauderdale Beach neighborhood. His only concern was for increased traffic, as there is no left turn signal for ingress into this neighborhood. The Applicant is working with the area's City Commissioner to request this signal in case the project produces more traffic than expected.

Ms. Scott asked how many residents are in the Lauderdale Beach neighborhood. Mr. Ganon replied there are 125 single-family homes and 80 condominiums. He was not aware if this met the standard required by the Florida Department of Transportation (FDOT) for a traffic light.

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. Knapik clarified that the subject neighborhood wants a left turn lane southbound into their neighborhood. The Applicant is not associated with the proposed signal or traffic conditions but is looking into the issue to determine if they can help.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to approve with Staff Conditions.

Assistant City Attorney D'Wayne Spence noted that because the Board is making a recommendation to the City Commission, no Resolution is necessary for this Item.

In a roll call vote, the **motion** passed 9-0.

4. CASE:	PLN-SITE-20020002
REQUEST:**	Site Plan Level IV Review: Public Purpose Use for a Temporary Fire Station in the Central Beach Regional Activity Center
PROPERTY OWNER/APPLICANT:	City of Fort Lauderdale
AGENT:	Alex Scheffer, Craven Thompson & Associates
PROJECT NAME:	Temporary Fire Station #13
GENERAL LOCATION:	735 North Fort Lauderdale Beach Boulevard BIRCH OCEAN FRONT SUB NO 2 21-22 B BEG 223 E OF NW COR,S 71.62, E 220.56,N 74.35 TO NE COR BLK 10 W 224.2 TO POB BLK 10 of public records of Broward County, Florida
ABBREVIATED LEGAL DESCRIPTION:	2 - Steven Glassman
COMMISSION DISTRICT:	Central Beach Alliance Homeowners Association
NEIGHBORHOOD ASSOCIATION:	A-1A Beachfront Area District (ABA)
ZONING DISTRICT:	Central Beach Regional Activity Center
LAND USE:	Karlanne Grant
CASE PLANNER:	

Disclosures were made at this time.

Alex Scheffer, representing the Applicant, stated that the Application is for a temporary fire station and surface parking lot. The Applicant has met with the Central Beach Alliance (CBA) and received a letter of support from them. A public purpose meeting was held on August 6, 2020. Bonnet House has also provided a letter of support.

The project is located on a vacant site formerly occupied by the Natchez Hotel. There are 92 total parking spaces on the site, with 11 secure spaces dedicated for Fire Department Staff and personnel. The site includes four Americans with Disabilities Act (ADA) – accessible spaces. It consists of five parcels within the A1A Beachfront Area district (ABA) along Fort Lauderdale Beach.

The request is for an amendment to the site's land use classification in order to allow the operation of a temporary fire station. In order for a permanent fire station to be reconstructed on Sunrise Boulevard, a temporary facility must be constructed so services can continue to be provided. Construction of the temporary station is expected to begin in summer 2021 and last through the end of calendar year 2021. The new permanent fire station is currently in its initial design process, with construction expected to begin in late summer 2023.

The Applicant agrees with all recommendations made by the Development Review Committee (DRC) and Staff. An initial archaeological study on the site, which was requested by the City's Historic Preservation Board (HPB), has been completed, and additional testing will be provided prior to permit approval.

Mr. Scheffer showed slides of the location and current site conditions, as well as the proposed Site Plan. New sidewalks are proposed for the site as well as new stormwater infrastructure for a nearby building. There is an existing traffic preemption device at the location to allow left turns at A1A.

One issue that arose at the public purpose meeting was a conflict with existing parking along Vistamar Street. Under a separate permit, the project will remove three spaces on the west side and two on the east side of Vistamar Street to allow for clear sight.

Motion made by Vice Chair Fertig, seconded by Mr. Rotella, that the Staff Report be included as 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.

William Brown, president of the CBA, reported that the Applicant held a joint public participation/CBA meeting to discuss the proposed project. One concern was for potential traffic issues in a public parking lot as well as ingress/egress of emergency vehicles onto Vistamar Street. The District Commissioner has committed to working with the Department of Transportation and Mobility to resolve this issue, possibly by removing some medians on Vistamar Street as well as the parking spaces to be removed by the Applicant. This was acceptable to the CBA.

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

Motion made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve with the conditions. In a roll call vote, the **motion** passed 9-0.

5. CASE:

PLN-ULDR-20070001

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-14, General Aviation Districts, to Comply with Florida Statutes (F.S.), Chapter 333, Airport Zoning, to add Regulations for Obstructions to Airspace such as Structures around Airports and Heliports, and Create Section 47-3.12 entitled "Nonconforming Obstructions" to add regulations for nonconforming obstructions located within the Airport Hazard Area, General Aviation Airport District, or Airport Industrial Park District.

REQUEST: *

APPLICANT: City of Fort Lauderdale
GENERAL LOCATION: In and around the General Aviation Airport (GAA) District and Airport Industrial Park (AIP) District Zoning Districts
COMMISSION DISTRICT: 1 – Heather Moraitis
CASE PLANNER: Karlanne Grant

Karlanne Grant, representing Urban Design and Planning, explained that the Application requests amendment of ULDR Section 47-14 to provide for the inclusion of requirements found in Florida Statutes Chapter 333. These include the following:

- All governments with airports where a hazard or obstruction may exist must adopt, administer, and enforce Airport zoning and land use compatibility regulations
- Land use and zoning regulations must be amended to address land use restrictions, noise, height limitations, locational requirements, permit requirements, administration, and enforcement of airport protection

Regulations are intended to minimize the exposure of adjacent properties to airport hazards and noise, and to prohibit incompatible land uses and structures around the airports. They are also necessary to ensure safe, efficient use of the airport and preservation of navigable airspace.

The two locations affected by this Ordinance would be the Fort Lauderdale Executive Airport (FXE), located in the northern Uptown area, and the Heliport in the Downtown area. These sites are in and around the two Airport zoning districts of General Aviation Airport (GAA) and Airport Industrial Park (AIP).

Some of the regulations propose locational requirements. These include incompatible uses for runway protection zones, such as buildings and structures, transportation and fuel storage facilities, hazardous material storage, and wastewater treatment facilities. Lands under the noise contour that are greater than or equal to 65 Day-Night Average Sound Level (DNL) will be part of the aircraft noise control zone. Prohibited land uses include residential and educational facilities (with the exception of aviation schools).

Land use restrictions are intended to prohibit smoke, glare, or other visual hazards that could affect operation within three miles of the runway at a public airport. Other restrictions would include electronic interference with navigational aids or radio communication.

Anyone proposing to construct, alter, or allow an airport obstruction within the airport hazard area that would be in violation of the airport protection zoning regulations must apply for a permit and comply with federal requirements for notification. This regulation would apply only to the heliport and the area in and around FXE. Permits may not be approved solely on the basis of the Federal Aviation Administration's (FAA's) determination that the construction, alteration, or obstruction was not an airport hazard.

Chair Maus noted that Ms. Grant's presentation constituted the Staff Report and is included in the record.

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

Mr. Prewitt asked if adoption of these regulations would turn residential homes into nonconforming uses, as residential properties are prohibited within noise zones. Monty Gettys, also representing the City, stated that existing land uses will be grandfathered into Code. The regulations apply only to new land uses or changes that might occur. If a home within the noise zone is demolished, its owner would be able to rebuild it.

Ms. Scott asked if the regulations would prohibit a school at the soccer stadium. Robert Mentzer, also representing the City, stated that if the school is within the contour of the airport noise zone and is not an aviation school, it would be prohibited. He further clarified that there are currently no residential properties within the 65 DNL contour.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to approve. In a roll call vote, the **motion** passed 8-1 (Mr. Cohen dissenting).

As a member of the public had requested permission to speak, Chair Maus reopened the public hearing at this time.

Stephanie Toothaker, representing the ownership of the Inter-Miami Stadium, advised that a sports management school has been approved to operate from the stadium. The owners would object to any regulation that would prohibit this school, as they have previously received approval from the City to operate at that facility.

Attorney Spence advised that the regulation being adopted is required under Florida Statutes and provides for uses regulated by the FAA. If the FAA has approved a school at the stadium facility, there is a provision within the Ordinance that provides for operation of a school with FAA approval.

Ms. Toothaker requested that the City not pass an Ordinance prohibiting a use that was recently granted without first having discussions with the stadium ownership. Attorney Spence reiterated that the Ordinance is being adopted pursuant to federal regulations, with which the City is overdue in coming into compliance. The Ordinance is also being adopted in consultation with the FAA and the State of Florida. While he did not anticipate a conflict, he noted that there are two additional public hearings of this Ordinance before the City Commission, at which time the City and the appropriate owner(s) may review the regulation's language.

Attorney Spence advised that if the Board wished to discuss the Item further, any member who was on the prevailing side of the vote may move to reconsider the Item.

Motion made by Mr. Barranco, seconded by Ms. Scott, for reconsideration of that Item.

Vice Chair Fertig requested additional information regarding the school that would operate from the Inter-Miami Stadium complex. Ms. Toothaker explained that the City Manager and City Attorney approved the addition of a sports management school to be housed in the northwest club and training facility at the stadium.

Chair Maus observed that the Assistant City Attorney has opined that the Application would not prohibit this use by Ms. Toothaker's client(s). She reiterated that the Application will go before the City Commission for further discussion. Mr. Cohen stated, however, that he had not understood Attorney Spence to confirm the use is permitted, but to suggest there may be loopholes that would permit exceptions to the regulation. He did not feel the Board has heard sufficient information on these potential loopholes and their limitations, and was in favor of reconsidering the Item for this reason.

Mr. Prewitt recalled that the proposed Ordinance is a required federal regulation/State Statute, and asked if what is proposed goes beyond these requirements. Attorney Spence stated that the Board is required to adopt the regulations as presented and does not have any leeway on the matter. He added that this process is governed by the State, and the City has attempted to meet the criteria set forth for compliance with this Statute.

Attorney Spence advised that the Ordinance proposes changes to permitted uses within zoning districts that include uses in compliance with lease agreements and other restrictions placed on the properties by the FAA. The structure of these arrangements is not being changed by the proposed Ordinance. That there are provisions within the Ordinance that provide for input from the FAA regarding the approval process for the proposed school. Attorney Spence concluded that the City does not have the final say on this matter, and that the Ordinance does not block the school.

Mr. Barranco explained that the reason behind his **motion** for reconsideration was because he had voted to approve the Item without being aware of the possibility of a school within the subject area. Had he been aware a school was being proposed for the Inter-Miami Stadium, it might have influenced his vote.

Chair Maus announced that the **motion** to reconsider the Item had passed, and a second vote on the Item would be taken.

Mr. Shechtman asked what would happen had the Board voted against approval of the Item. Attorney Spence replied that this would mean the Item moved forward to the City Commission without the support of the Board.

Motion made by Vice Chair Fertig, seconded by Mr. Barranco, to approve with [Staff conditions]. In a roll call vote, the **motion** failed 2-7 (Mr. Barranco, Mr. Cohen, Mr. Prewitt, Mr. Rotella, Ms. Scott, Mr. Shechtman, and Mr. Weymouth dissenting).

Attorney Spence asked if City Staff may note that the primary issue for the Board was the proposed sports management school at the Inter-Miami Stadium and not any other possible issues. Chair Maus confirmed this. Attorney Spence added that he would speak further with Ms. Toothaker and her client(s) regarding the proposed Ordinance and its effects and impacts on the school at Inter-Miami Stadium. They would discuss the possibility of amended language that could address these concerns.

It was determined that Items 6, 7, and 8 would be presented together and voted upon separately.

6. 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; 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; 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
COMMISSION DISTRICT:	2 - Steven Glassman, 3 - Robert L. McKinzie, 4 - Ben Sorensen
CASE PLANNER:	Jim Hetzel

7. CASE:	PLN-ULDR-20080002
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Amending Section 47-13, "Regional Activity Center Districts," to establish Downtown Character Areas: "Downtown Core", "Near Downtown", "Urban Neighborhood".
APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	Downtown Regional Activity Center
COMMISSION DISTRICT:	2 - Steven Glassman, 3 - Robert L. McKinzie, 4 - Ben Sorensen

CASE PLANNER: Jim Hetzel

8. CASE:	PLN-ULDR-20080001
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Amending Section 47-13, "Regional Activity Center Districts," to establish Downtown Transition Zones, adjacent to Residentially and Commercially zoned properties to address building height at the boundaries of the Downtown Regional Activity Center.
APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	Downtown Regional Activity Center
COMMISSION DISTRICT:	2 - Steven Glassman, 3 - Robert L. McKinzie, 4 - Ben Sorensen
CASE PLANNER:	Jim Hetzel

Mr. Weymouth advised that he would recuse himself from voting upon Items 6, 7, and 8 due to a conflict.

Jim Hetzel, Principal Urban Planner, noted that the Board members received an email from Ms. Parker regarding corrections to language in Exhibit 3, p.7. He added that while the presentation was first made to the Board in October 2019, new elements have been added, and Staff felt it would be best to provide an overview of the entire presentation due to the length of time since the previous presentation.

Mr. Hetzel explained that the Downtown Master Plan was first adopted in 2003, with updates occurring in 2007. In 2018, the City Commission asked Staff to codify updates to this Master Plan once more. The proposed 2020 updates include:

- Additional public outreach extending through September 16, 2020
- Changes to character area boundaries and patterns of development
- Changes to building height, tower separation, and transition zones
- Providing flexibility to applicants on a case-by-case basis
- Applicability of the Downtown Master Plan to both residential and non-residential development going forward

Staff also received comments on which they are awaiting additional policy direction, including:

- Implementing minimum residential unit size for the Downtown area
- Discussion of residential parking
- Discussion of more open space and landscaping

One element of the Downtown planning framework is character areas, which establish a particular built form depending upon a project's location. The most dense character area is the Downtown Core, which is an essential business district with taller buildings. The Near Downtown area is less dense and has lower requirements for building shoulder

heights and towers. The Urban Neighborhood character area provides more of a neighborhood scale, with less intense building height and residential units including town homes, apartments, and walk-up units.

The following changes are proposed to the character area boundaries:

- The Downtown Core would be expanded to NW 4 Street and westward along Broward Boulevard
- The Near Downtown would expand northward to 6 Street, with a sliver extending along Federal Highway
- The Urban Neighborhood area would change where it is adjacent to the neighborhoods of Victoria Park, Tarpon River, and Sailboat Bend

Mr. Hetzel reviewed these changes in greater detail, noting that the sliver of Near Downtown along Federal Highway can be widened to accommodate development. This would bring a portion of Urban Neighborhood under the designation of Near Downtown. Another sliver of Near Downtown near Victoria Park, Tarpon River, and Sailboat Bend would change to Urban Neighborhood.

The purpose of transition zones is to provide additional compatibility requirements for parts of the Downtown Regional Activity Center (RAC) that are adjacent to residential neighborhoods. Staff proposes both residential and commercial transition zones on Federal Highway and in the Sailboat Bend areas. These zones address the maximum building height based upon proximity to the RAC boundary.

Mr. Hetzel reviewed some of the changes found between Downtown character areas, pointing out that floor plate sizes in these areas are based on use as well as density. Tower separations on the same lot or on adjacent parcels must be maintained at 60 ft. Additional changes are planned for building street wall lengths, which have a maximum of 300 ft. Building articulation, treatment, and design can break up this length and improve the pedestrian experience.

Podium heights also vary based upon character areas, with no maximum established for the Downtown Core. Because building podiums are also often parking podiums, Staff seeks for these podiums to be screened and lined without exceeding the height established by the Downtown Master Plan.

Another part of codification is the adoption of streetscape design. While the City does not have jurisdictional control over all Downtown streets, they hope to promote coordination with FDOT and Broward County to ensure that street cross-sections reflect the Downtown Master Plan.

The review and approval processes for most Downtown development applications are Site Plan Level II, which requires DRC approval. Once the DRC has conducted technical review, an application is sent to the City Commission for call-up. In some situations, Site

Plan Level III review may be required of Downtown developments due to considerations such as building height.

Staff proposes to codify the criteria by which the City Commission can call up an item. There is also a proposal that an applicant be permitted to request relief of the City Commission. Mr. Hetzel concluded that after the Board's review of today's Items, they will advance to the City Commission for further consideration.

Chair Maus noted that the Staff Report is already incorporated into the record for Items 6, 7, and 8.

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

Dan Lindblade, president and CEO of the Greater Fort Lauderdale Chamber of Commerce, recalled that the Chamber's Government Affairs Council also saw a presentation from City Staff on the Downtown Master Plan approximately one year ago. They had expressed concern at that time with the lack of comprehensive economic analysis in relation to non-residential real estate, and do not feel that these concerns have yet been addressed.

The Chamber feels that without significant review of the economic impact of the proposed codifications on non-residential real estate, it is too risky to proceed with the changes at this time. They would like to see non-residential development removed from any recommendation the Board makes to the City Commission.

Chair Maus observed that the proposed Downtown Master Plan amendments have been in process for approximately two years, and asked if the Chamber has prepared any information regarding economic impact that could be helpful to the process. Mr. Lindblade replied that the Chamber feels this is a City obligation and has not been asked to provide this information.

Vice Chair Fertig requested clarification of Mr. Lindblade's request. Mr. Lindblade replied that the Chamber would like to see all non-residential development removed from the proposed codification, in addition to the aforementioned economic impact analysis.

Mr. Prewitt commented that the Chamber's request for an economic impact study suggests that commercial industries have expressed concern with certain aspects of the proposed amendments, and requested additional information on what the commercial development community found to be problematic. Mr. Lindblade advised that he could not provide specific information at this time, but reiterated that the Chamber is concerned with the lack of economic analysis of non-residential development in the Downtown area.

Mr. Prewitt stated that he would expect the development community to cite examples of any problematic provisions in the amendments, and the lack of detail is not helpful to any recommendations made by the Board.

Alison Foster, president of the Tarpon River Civic Association, noted that Staff has worked closely with this organization to address their concerns and questions. She noted that there are two key points of importance to the Association:

- Transition zones: the Association asks that these zones begin in the middle of the street for purposes of consistency
- Character areas: the Association supports what Staff has submitted regarding the change of the Tarpon River area from Near Downtown to Urban Neighborhood

Ms. Foster continued that the Association is asking Staff to explore a minimum unit size of 400 sq. ft. for Downtown in general. This size is the minimum efficiency unit standard.

Mr. Hetzel advised that Staff is requesting additional policy direction from the City Commission on a number of issues, based upon public comment. Unit size is one of these issues on which they have asked for direction.

Mr. Hetzel continued that the transition zones are currently measured from the zoning district line or boundary line of the RAC from the adjacent zoning district. While most of these lines are located in the middle of the street, as Ms. Foster had recommended, their locations can vary from one area to another.

Janet Scaper, Board member of the Tarpon River Civic Association, commented that while there may be the need for additional improvements, the City should attempt to pass and codify these standards in order to have regulations on the books. She added that she was supportive of the changes to transition zones and character areas as described by Mr. Hetzel, although she felt the Tarpon River character area should extend farther north.

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

Vice Chair Fertig commented that she hoped the Board would provide some policy direction by way of amendments addressing unit size and minimum residential parking requirements, as well as the measurement of transition zones from the center lines of roadways, as requested by the Tarpon River Civic Association. She also asked if Staff has reached out to the community for additional input since October 2019.

Mr. Hetzel confirmed that Staff has held numerous public outreach meetings since the amendments were first proposed to the Board in 2019. These include meetings of civic associations, the Chamber of Commerce, Fort Lauderdale Forum, and other public entities. A number of these meetings were virtual, as they were held after the onset of the COVID-19 pandemic.

Chair Maus asked if the Chamber of Commerce's position on non-residential development was the same in 2019 as stated at tonight's meeting by Mr. Lindblade. Mr. Hetzel pointed out that two recent non-residential projects have reached out to Staff voluntarily, stating that they wished to follow the proposals of the Downtown Master Plan. He added that an economic analysis was not part of the directive with which Staff was tasked regarding this Plan.

Motion made by Vice Chair Fertig to recommend to the City Commission that they amend this Plan to include a minimum residential parking requirement and unit size, and measuring from the center line as in the Tarpon River [document] which reads "the right-of-way will not be counted as part of the transition zone and the zone depth [to] begin at the property line."

Attorney Wallen stated that **motions** to approve Items 6, 7, and 8 must be made separately from one another.

Chair Maus requested that Vice Chair Fertig make all of her comments regarding changes to the Items at this time.

Vice Chair Fertig requested more information regarding tower separation. Mr. Hetzel clarified that Staff is not proposing any changes to the Downtown Master Plan regarding the minimum 60 ft. tower separation. This separation would be reduced to 30 ft. on an individual parcel: the developer would be required to maintain a distance of 30 ft. from the tower to the property line. If an adjacent parcel also proposes a tower, they would be required to follow the same guideline, resulting in 60 ft. separation of the two towers. A developer is only responsible for their own 30 ft. separation from an adjacent lot.

Vice Chair Fertig asked how Staff determined a minimum of 10% open space on a lot as opposed to specific dimensions. Ms. Parker explained that the RAC-CC, or urban core district, is typically more built out than other areas such as urban neighborhoods. The additional 10% requirement is not proposed for non-residential development. Upon hearing feedback from the urban development community, Staff's intent was not to remove any existing open space provisions in Code. This issue may be addressed at greater length in the future, possibly through a Downtown Master Plan amendment.

Vice Chair Fertig addressed the boundaries of character areas, asking what notifications were given to property owners in these areas. Ms. Parker replied that Staff provided the required newspaper notice and voluntarily posted signs providing notice of public meetings at major intersections in the Downtown area. Mr. Hetzel estimated that this was done approximately 15 days in advance of the meetings.

Mr. Prewitt addressed the 400 sq. ft. minimum unit size, recommending that the Board keep the City's need for affordable housing in mind. He expressed concern that requirements of this nature could make it more difficult for developers to build affordable housing in the future. Mr. Hetzel replied that Staff is working toward a separate City-wide

Plan for affordable housing. Most of the City's residential growth is occurring along the RACs and corridors that align with flex policy.

Mr. Hetzel continued that all zoning districts outside the Downtown RAC have a minimum residential unit size of 400 sq. ft. While this requirement has been part of Code for some time, recent trends toward "micro-units" have taken root in other U.S. cities. These smaller units are typically offset by communal space, such as amenity decks, to make the developments more livable. The City continues to hear input from the public and the development community and monitor national trends regarding minimum space requirements.

Motion made by Vice Chair Fertig, seconded by Mr. Barranco, to approve [Item 6] with the amendments previously proposed.

It was clarified that the amendments Vice Chair Fertig intended to include for Item 6 addressed minimum unit size, minimum residential parking requirement, measurement for transition zones beginning in the center of the right-of-way, and tower separation of 60 ft.

In a roll call vote, the **motion** passed 8-0. [Mr. Weymouth abstained. A memorandum of voting conflict is attached to these minutes.]

Motion made by Vice Chair Fertig to approve [Item 7] including previous amendments where relevant.

Ms. Parker pointed out that the amendment addressing transition zones would apply to approval of Item 8. All four amendments brought forward by the Vice Chair were applicable to Item 6. It was clarified that no amendments or conditions would be attached to approval of Item 7.

Mr. Prewitt **seconded** the **motion**.

In a roll call vote, the **motion** passed 8-0. [Mr. Weymouth abstained. A memorandum of voting conflict is attached to these minutes.]

Motion made by Vice Chair Fertig, seconded by Mr. Prewitt, to approve or adopt [Item 8], with the amendment that the right-of-way will not be counted as part of the transition zone [and] that the zone does begin at the property line; that the zoning district boundary should be changed from the middle of the street between zoning districts and start at the property line and the transition zone.

In a roll call vote, the **motion** passed 8-0. [Mr. Weymouth abstained. A memorandum of voting conflict is attached to these minutes.]

Mr. Shechtman requested additional information on the affordable housing plan Mr. Hetzel had referred to earlier. Mr. Hetzel reiterated that this is a separate effort in which the City Commission directed Staff to analyze affordable housing and come up with a policy. Staff is also working to develop Code language to address affordability on a City-wide basis.

V. COMMUNICATION TO THE CITY COMMISSION

Mr. Barranco observed that the condition of the City's waterways has been brought to light recently, and recommended that the Board keep water quality in mind when applications come before them. He pointed out that Fort Lauderdale's waterways are one of its key attractions, and that both zoning Code and Utilities should prioritize the protection of the City's waterways. He suggested that the Board focus more closely on how to maintain water quality as more development occurs.

The Board discussed this further, with Ms. Scott noting that while they often receive letters from Staff referring to adequate capacity, spills remain a major issue. Vice Chair Fertig recommended that the Board again request a presentation from Staff on infrastructure, and that the presentation be expanded to cover waterway quality. The Board may then be able to offer policy recommendations.

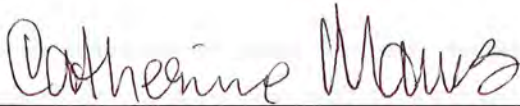
It was noted that this presentation was not made to the Board in the past, as the City felt it could affect their decisions on individual projects. Ms. Scott emphasized that a presentation of this nature could help the Board further understand the entire City process in relation to capacity.

Motion made by Vice Chair Fertig, seconded by Mr. Cohen, to request a presentation from Public Works, to better understand the City's infrastructure capacity analysis process and how it relates to the quality of the City's waterways. In a voice vote, the **motion** passed unanimously.

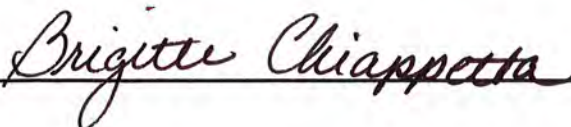
VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 8:51 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 600 Sagamore Road		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Fort Lauderdale, Florida 33301	COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED September 16, 2020		NAME OF POLITICAL SUBDIVISION: City of Fort 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:

- 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 September 16, 20 20 ;

(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 _____, 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.

9.14.2020
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.