



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
CITY HALL COMMISSION CHAMBERS**

100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301

WEDNESDAY, FEBRUARY 17, 2021 – 6:00 P.M.

Board Members	June 2020-May 2021		
	Attendance	Present	Absent
Catherine Maus, Chair	P	8	0
Mary Fertig, Vice Chair	P	8	0
John Barranco	P	8	0
Brad Cohen	P	7	1
Coleman Prewitt	P	8	0
William Rotella	P	8	0
Jacquelyn Scott	P	8	0
Jay Shechtman	P	8	0
Michael Weymouth	P	7	1

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

Staff

- Ella Parker, Urban Design and Planning Manager
- D'Wayne Spence, Assistant City Attorney
- Jim Hetzel, Principal Urban Planner
- Trisha Logan, Historic Preservation Planner
- Karlanne Grant, Urban Design and Planning
- Yvonne Redding, Urban Design and Planning
- Adam Schnell, Urban Design and Planning
- Glen Hadwen, Sustainability Manager, Public Works
- Kimberly Pearson, Sustainability Coordinator, Public Works
- Benjamin Restrepo, Transportation and Mobility
- Igor Vassiliev, Public Works
- 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. Roll was called and the Pledge of Allegiance was recited. Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Ms. Scott, seconded by Mr. Cohen, to approve the minutes from the January meeting. 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

Case Number

Applicant

- | | |
|--------------------------|--|
| 1. PLN-VAC-20060001** | Len & Melody Renne / RLR Services, LLC |
| 2. PLN-VAC-20080001** | 800 Las Olas, LLC & Mustang Properties, Inc. |
| 3. PLN-SITE-20080001* ** | 800 Las Olas, LLC & Mustang Properties, Inc. |
| 4. UDP-S20002** | Zaim and Kristina Hoxha |
| 5. PLN-SITE-20090013* ** | First Presbyterian Church of Fort Lauderdale, Inc. |

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:	PLN-VAC-20060001
REQUEST: **	Right-of-Way Vacation: 50-foot by 209-foot Portion of Right-of-Way
PROPERTY OWNER/APPLICANT:	Len & Melody Renne / RLR Services, LLC.
AGENT:	Marc Isaac, Flynn Engineering Services, P.A.
PROJECT NAME:	Seven Seas Right-of-Way Vacation
GENERAL LOCATION:	South of Broward Boulevard and North of SW 1 st Street
ABBREVIATED LEGAL DESCRIPTION:	River Highlands Amended Plat, PB 15, PG 69 B
COMMISSION DISTRICT:	2 – Steven Glassman
NEIGHBORHOOD ASSOCIATION:	Sailboat Bend Civic Association

ZONING DISTRICT: Boulevard Business (B-1) and Residential Multifamily Low Rise/Medium High Density (RML-25) District
LAND USE: Commercial and Medium-High Residential
CASE PLANNER: Yvonne Redding

Disclosures were made at this time. Mr. Barranco recused himself from hearing Item 1 due to a conflict, and left the meeting while the Item was discussed.

Andrew Schein, representing the Applicant, stated that the request was for a right-of-way vacation at 1500 West Broward Boulevard. The property includes two parcels. The Applicant will bring a Site Plan Level III – Conditional Use and rezoning request before the Board in March 2021.

The right-of-way to be vacated is a portion of SW 15 Terrace just outside the Sailboat Bend neighborhood. It has been blocked off for approximately 12 years, with fencing added by the City in 2018. The area is not used for vehicular or pedestrian travel. Pedestrians are blocked from leaving the commercial corridor on Broward Boulevard to enter the Sailboat Bend community.

The Applicant proposes a 5 ft. high masonry wall to fully block the commercial corridor and separate it from Sailboat Bend. The Application was presented to the Sailboat Bend Civic Association in August 2020, and that organization voted unanimously to approve the project. Another community meeting was held with the Dorsey Riverbend and Riverside Park Civic Associations in September 2020. All three neighborhoods are located within 300 ft. of the subject property.

Mr. Schein briefly reviewed the Site Plan for the project, which will be presented in detail at the March 2021 meeting. He concluded that the Application meets all required criteria, is not used for public purposes, and has been blocked off for years. The Applicant plans to grant a utility easement for the utilities located in the right-of-way.

Vice Chair Fertig joined the meeting at 6:10 p.m.

Chair Maus observed that the City has a number of street closures that no longer seem to make sense. If the subject roadway were opened, it would provide ingress/egress to the residential neighborhood which could alleviate traffic on other nearby streets. Mr. Schein advised that the prevailing sentiment at the Applicant's community outreach meetings was that residents were happy to have the road closed. No individuals expressed concern that additional vehicular access was needed into or out of the neighborhood.

Chair Maus asked City Staff if any consideration was given to opening the street at the time the Application was submitted. Yvonne Redding, representing Urban Planning and Design, replied that Staff had met with the Applicant and discussed a previous road closure from 1992, which had been approved by the Planning and Zoning Board at that

time but never advanced to the City Commission for approval. The City did, however, support that proposed closure. The Applicant was asked if pedestrian access could be granted in the subject area, but did not agree to provide it. The City does not feel the road should be open to vehicular access, but was in favor of pedestrian access.

Ms. Scott asked if the original road closure was made to prevent “cut-through” traffic in the Sailboat Bend neighborhood. Mr. Schein reiterated that the overall sentiment of nearby residents was not in favor of opening the roadway or providing pedestrian access. The proposed masonry wall and 10 ft. landscape buffer are Unified Land Development Regulations (ULDR) requirements for neighborhood compatibility when commercial uses abut residential areas.

Mr. Shechtman asked if the Applicant had received letters of support from the affected neighborhoods. Mr. Schein replied that the Sailboat Bend Civic Association had provided a letter in support of the project. Mr. Shechtman noted that if that neighborhood had wanted additional pedestrian access, they would have been unlikely to provide a letter. The other two neighborhoods, which are across Broward Boulevard and across the waterway from the Application, had not voted on the project, but had also indicated support.

Mr. Prewitt asked if two private homes located south of the vacation area were supportive of the project as well. Mr. Schein confirmed this, noting that the southwest lot was owned by the Applicant. The owner of the property to the southeast is a signatory to the Application.

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

The Board agreed by unanimous consensus to make the Staff Report part of the record for this Item.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to approve. In a roll call vote, the **motion** passed 8-0. (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)

Mr. Barranco rejoined the meeting following the vote.

It was determined that Items 2 and 3 would be heard together and voted upon separately.

2. CASE:	PLN-VAC-20080001
REQUEST: **	Vacation of Right-of-Way: 10-Foot Wide by 75-Foot Long Alley
PROPERTY	
OWNER/APPLICANT:	800 Las Olas, LLC & Mustang Properties, Inc.
AGENT:	Robert Lochrie, Lochrie & Chakas, P.A.

PROJECT NAME: 1007 East Las Olas Alley Vacation
GENERAL LOCATION: 1007 E. Las Olas Boulevard
ABBREVIATED LEGAL DESCRIPTION: That portion of the 10.00 foot alley lying adjacent to Lot 1 and the East 25.00 feet of lot 2, and lying adjacent to Lot 16 and the east 25.00 feet of Lot 15, Block 14, Colee Hammock 4 - Ben Sorensen
COMMISSION DISTRICT:
NEIGHBORHOOD ASSOCIATION: Beverly Heights
ZONING DISTRICT: Exclusive Use Parking (XP) and Boulevard Business (B-1)
LAND USE: Commercial and High Density Residential
CASE PLANNER: Trisha Logan

3. CASE: **PLN-SITE-20080001**
REQUEST: * ** Site Plan Level IV Review: Rezoning from Exclusive Use Parking (XP) District to Community Business (CB) District with .18 Acres of Commercial Flex Allocation for 138-Room Hotel and 5,698 Square Feet of Retail Use, with Associated Parking Reduction

PROPERTY OWNER/APPLICANT: 800 Las Olas, LLC & Mustang Properties, Inc.
AGENT: Robert Lochrie, Lochrie & Chakas, P.A.
PROJECT NAME: 1007 East Las Olas
GENERAL LOCATION: 1007 E. Las Olas Boulevard
ABBREVIATED LEGAL DESCRIPTION: Lot 1, the East one-half (E ½) of Lot 2, Lot 15 and Lot 16, Block 14 Colee Hammock
COMMISSION DISTRICT: 4 - Ben Sorensen
NEIGHBORHOOD ASSOCIATION: Beverly Heights
EXISTING ZONING DISTRICT Exclusive Use Parking (XP) and Boulevard Business (B-1)
PROPOSED ZONING DISTRICT: Community Business (CB) and Boulevard Business (B-1)
LAND USE: Commercial and High Density Residential
CASE PLANNER: Trisha Logan

Disclosures were made at this time. Mr. Weymouth recused himself from hearing the Items due to a conflict, and left the meeting while the Items were discussed.

Robert Lochrie, representing the Applicant, stated that the request is for approval of a new 138-room hotel on Las Olas Boulevard. It will be part of several larger improvements made in the area by the developers on properties they own.

Mr. Lochrie showed a visual of the hotel property, noting that its southern portion is currently zoned B-1 and the northern portion XP. The request in Item 2 is a partial alley vacation extending from the western property line to 10 Avenue, with the condition that the Applicant will dedicate a vehicular and pedestrian access easement back to the City to allow access through the alley when the project is complete. The northern portion of the property will be rezoned from XP to CB.

Mr. Lochrie reviewed the site, explaining that the Applicant will make streetscape improvements along SE 2 Court. The building on this site will be set back significantly further than the distance required, and new landscaping and lighting will be installed. The building will also be set back on 10 Terrace with a wide sidewalk, street trees, and lighting. On Las Olas Boulevard, the building will include street trees and a wide sidewalk, which will be consistent with a design already adopted to the east. Other improvements on Las Olas Boulevard include ground floor retail, a second-story terrace, and stepback of the upper floors of the building on 2 Court and 10 Terrace.

Access to the subject site will be available from 2 Court and 10 Terrace. The current driveway, which exists from Las Olas Boulevard, will be closed. All parking for the project will be below grade, which is another reason for the alley vacation. Mr. Lochrie reviewed details of the project from each side of the building.

The alley will be widened from its present state. Currently, the alley provides access in one direction from east to west. The Applicant proposes to maintain this direction while widening the roadway to provide two-way access at the hotel site. The Department of Transportation and Mobility, as well as the City's Engineering Department, agree that this proposal is acceptable. These plans are not in the Board members' information packets for the Items; however, the Applicant has requested that this change be a condition of final Development Review Committee (DRC) approval.

The project has been presented to neighborhood leaders as well as to the general public. A letter of support has been forwarded from an individual to the Board members. The Applicant agrees with Staff conditions, with the caveat that Condition #5 not be met prior to issuance of a building permit. The condition will be required in advance of any construction on the street. The Applicant meets criteria for right-of-way vacation as well as Site Plan approval and its associated rezoning.

Chair Maus asked if the Site Plan Application requires any variances or modifications from the ULDR. Mr. Lochrie confirmed that it does not. He also addressed neighborhood compatibility, noting that this is an issue when a project is adjacent to another zoning district, such as a single-family residential area. Another aspect of neighborhood compatibility applies when zoning districts are separated by rights-of-way. He noted that the subject area includes a mixture of building heights, pointing out that the project before the Board is 116 ft. in height while Code allows up to 150 ft. Moving hotel parking underground is also considered to have a positive effect on neighborhood compatibility.

The owner of a property to the north of the proposed hotel responded favorably when the Applicant's team showed him the subject site.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to make the Staff Report part of the record for Item 2. In a voice vote, the **motion** passed unanimously (Mr. Weymouth abstained).

It was clarified that the Board's disclosures for Item 2 were also applicable to Item 3.

Historic Planner Trisha Logan noted a correction to the Staff Report for Item 2: the general location should read "north of Las Olas Boulevard" rather than Broward Boulevard. She added that Staff agrees with the Applicant's proposed adjustment to Condition #5 as described by Mr. Lochrie.

The Board agreed by unanimous consensus to make the Staff Report part of the record for Item 3 as well (Mr. Weymouth abstained).

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

Viorica Neagu, private citizen, addressed Item 3, expressing concern that the proposed hotel could negatively affect water pressure in the surrounding neighborhood as well as traffic on Las Olas Boulevard and N 2 Street.

Chair Maus advised that the Applicant has been issued a letter by the City which states that the project meets adequacy requirements and will not create undue pressure on the water system. Mr. Lochrie added that a traffic report was conducted during analysis of the additional trips expected to be generated by the hotel. The project was approved by the City as meeting all requirements without the need for additional traffic improvements. He noted, however, that while water capacity and pressure were determined to be sufficient on the street, the Staff Report includes a request that the Applicant make off-site sewer improvements that will benefit other properties in the subject area. The Applicant will make these improvements at their own expense.

Chair Maus advised that the Applicant's team may be able to provide Ms. Neagu with additional information as the project moves forward. She also noted that Staff may be able to provide more information as well.

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.

Motion made by Vice Chair Fertig, seconded by Mr. Cohen, to approve the partial vacation of the alley [Item 2] with Staff conditions, including the alley improvement. 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. Shechtman, to approve [Item 3] with Staff conditions, including the amended Condition #5. In a roll call vote, the **motion** passed 7-1 (Chair Maus dissenting). (Mr. Weymouth abstained. A memorandum of voting conflict is attached to these minutes.)

Mr. Weymouth rejoined the meeting following the vote.

4. CASE:	UDP-S20002
REQUEST: **	Site Plan Level III Review: Parking Reduction Request
PROPERTY	
OWNER/APPLICANT:	Zaim and Kristina Hoxha
AGENT:	Nectaria Chakas, Lochrie & Chakas, P.A.
PROJECT NAME:	3074 NE 33 rd Ave Parking Reduction
GENERAL LOCATION:	3074 NE 33 rd Avenue
ABBREVIATED LEGAL DESCRIPTION:	Lauderdale Beach Ex. Unit B, PB 29, PG 22, South ½ Lot 2, Block 27
COMMISSION DISTRICT:	2 – Steven Glassman
NEIGHBORHOOD ASSOCIATION:	Central Beach Alliance HOA
ZONING DISTRICT:	Community Business (CB)
LAND USE:	Commercial
CASE PLANNER:	Jim Hetzel

Disclosures were made at this time.

Nectaria Chakas, representing the Applicant, stated that the request is for a parking reduction, which would allow the Applicant to terminate a previous parking agreement made in 1991. There is an existing 1750 sq. ft. restaurant located on the subject parcel with no on-site parking. The restaurant began as a takeout business, but in 1991 was converted to a full-service restaurant, which triggered a higher parking requirement. The necessary spaces were acquired through an offsite parking agreement with the owner of a nearby parcel. This agreement was not discovered until the current developer conducted a title search.

The developer would like the existing parking agreement to be terminated, as both the circumstances and character of the neighborhood have changed since the agreement was originally executed. These changes include construction of the Bridgeside Place parking garage, which provides 504 parking spaces. This garage was constructed in the early to mid-2000s.

The Applicant requests a 100% parking reduction for the 15 spaces required by Code for the restaurant. The ULDR allows parking reductions to be requested if the Applicant can demonstrate sufficient public parking within 700 ft. of the use.

The Applicant has submitted a parking study which shows the Bridgeside Place parking garage as underused. The Applicant's team has also spoken with the president of the Tides Condominium, who confirmed that the garage is underused at all times except during the City's annual Boat Parade. Once the parking reduction is approved, the Applicant may terminate the offsite parking agreement.

The Application was presented to the Central Beach Alliance (CBA) as well as in a public participation meeting. The CBA has provided a letter of support for the reduction. The Tides and Berkley South Condominiums were also supportive of the plan.

Chair Maus requested clarification of whether or not the Applicant's team formally met with the two condominiums. Ms. Chakas explained that the condominiums' Boards did not feel it was necessary to hold individual public participation meetings with them. The Applicant held its own public participation meeting, for which over 600 notices were sent out. Only five individuals attended this meeting. The Applicant met with Berkley South's Board of Directors and with the president and management company for the Tides. Neither entity objected to the parking reduction.

Motion made by Vice Chair Fertig, seconded by Mr. Prewitt, that the Staff Report for Item 4 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.

Steve Ganon, President of the Lauderdale Beach Homeowners' Association, stated that members of this neighborhood attended a public participation meeting and is in favor of the proposed parking reduction.

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. Prewitt, [in favor of] the Resolution to approve.

Assistant City Attorney D'Wayne Spence read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a parking reduction for an existing restaurant located at 3074 NE 33 Avenue, Fort Lauderdale, Florida, Case # UDP-S20002.

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

5. CASE:
REQUEST: * **

PLN-SITE-20090013
Site Plan Level IV Review: Rezoning from Community Facility-House of Worship (CF-H) District to Community Business

(CB) District with 0.274 Acres of Commercial Flex for a Surface Level Parking Lot.

PROPERTY OWNER/APPLICANT:	First Presbyterian Church of Fort Lauderdale, Inc.
AGENT:	Stephen Tilbrook, Esq, Akeman LLP
PROJECT NAME:	First Presbyterian Church Rezoning
GENERAL LOCATION:	401 SE 15 th Avenue
ABBREVIATED LEGAL DESCRIPTION:	Colee Hammock 1-17 B LOT 13 BLK 34
COMMISSION DISTRICT:	4 - Ben Sorensen
NEIGHBORHOOD ASSOCIATION:	Colee Hammock Homeowners Association
EXISTING ZONING DISTRICT:	Community Facility-House of Worship (CF-H) District
PROPOSED ZONING DISTRICT	Community Business (CB) District
LAND USE:	Low-Medium
CASE PLANNER:	Adam Schnell

Disclosures were made at this time.

Steve Tilbrook, representing the Applicant, showed a PowerPoint presentation on the request, which would rezone the subject property from Community Facility – House of Worship (CF-H) to Community Business (CB). The site is 2.74 acres in size. Because it includes an allocation of commercial flexibility, the request requires Site Plan Level IV review.

The subject site is part of the First Presbyterian Church campus. Most parking is located east of the sanctuary building. A Site Plan for a church family center was approved on Las Olas Boulevard in 2012, although the building was never constructed. A full block of the property was rezoned CF-H to implement a family campus project, which was built in 2016. The Applicant received DRC approval for a parking lot in 2020.

Mr. Tilbrook showed a visual of the proposed family campus parcel, which includes 25 parking spaces. A reconstructed parking area is complete but has not been opened, as the City interpreted that CF-H zoning was inappropriate to permit public parking. This is the reason behind the rezoning request.

The subject lot is small and triangular, and was previously a nonconforming property without drainage or lighting. A Site Plan for the larger parking lot was approved by the DRC in 2019 and has been constructed consistently with that approval. The portion of the lot that is subject to review at tonight's meeting requires rezoning in order to accommodate public parking. The lot cannot be managed properly without a metered operating system. It will be used for church purposes with the possibility of limited availability to the public at other times.

The remainder of the church campus is zoned CF-H or CF-HS. The proposed CB zoning district for the subject parcel permits public parking and can accommodate the underlying land use through an allocation of commercial flexibility. Criteria for this rezoning are included in the Staff Report. Mr. Tilbrook recalled that this parcel previously received a commercial flex allocation when it was approved for the family center project; however, when that Site Plan approval expired, so did the flex allocation.

The Applicant has had several meetings with the surrounding community with regard to the proposed parking lot and rezoning. The DRC reviewed the property in October 2020, and a public participation meeting was held for the rezoning in November 2020 using Zoom. No members of the public participated in that meeting. The Applicant's team has had multiple conversations with the Colee Hammock Homeowners' Association, and the president of this Association has provided a letter of support for the project.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, that the Staff Report for Item #5, PLN-SITE-20090013, be made part of the record. In a voice vote, the **motion** passed unanimously.

Vice Chair Fertig asked if CB was the only zoning category to which the subject parcel could be rezoned for parking. Mr. Tilbrook replied that XP zoning would also permit parking; however, upon review of these options with Staff, the church, and the surrounding neighborhood, the Applicant preferred the additional flexibility provided by CB zoning, which would prepare the site for further redevelopment in the future if appropriate. The parking lot is considered an interim rather than a long-term use.

Ms. Scott requested additional information on the parking lot's current use by the church. Mr. Tilbrook explained that the parking lot was originally developed as parking for a hotel. The Applicant redeveloped the parcel and brought it into compliance to accommodate church services; however, because services do not occur every day, the church has traditionally made the parking available for public use when church is not in session.

Ms. Scott asked if church members using the lot have to pay for parking. Mr. Tilbrook replied that the Applicant has an arrangement with the City through which the parking lot is not charged for parking during church services. The agreement provides for use of the lot at no charge whenever it is used for church parking. The Applicant provides notice to the City, which does not enforce paid parking during the requested time.

Chair Maus observed that she would prefer the subject lot being rezoned to XP rather than CB due to the amount of church property in the area, previous rezonings, and expansion plans that have come forward over the years. She recalled that for several years, the Applicant submitted a number of plans for its surrounding neighborhood. The Applicant has also purchased several properties, including residential properties, in that neighborhood and rezoned them. This resulted in a number of parking lots in the subject area.

Mr. Shechtman suggested that one benefit of CB zoning could be the possibility of changing the parking lot to another use in the future. Chair Maus indicated that this was a reason for her concern. Ms. Scott agreed that rezoning the property to XP would accomplish the Applicant's goals and would require them to come back before the Board with a Site Plan if they choose to develop the parcel further in the future.

Vice Chair Fertig commented that the site's existing zoning has a maximum height of 35 ft., while the proposed CB zoning has a maximum of 150 ft. She also felt the Applicant might have proposed XP zoning if the intended use of the parcel was parking.

Ms. Scott asked if the Applicant would be able to bring the request back and ask for XP zoning if the Board denies the Application at tonight's meeting. Attorney Spence advised that if the Planning and Zoning Board determines an Application does not meet the necessary criteria, they may deny it or determine if the Applicant, at this meeting, would consent to a more restrictive zoning district. If the Applicant does not give this consent, the Board would deny the Application, at which time the Applicant may appeal to the City Commission.

Mr. Tilbrook stated that the church's surrounding neighborhood is supportive of the proposed CB zoning, and advised that the church does not have plans to expand. While the family campus can accommodate parking, it was built as a recreational space. The Applicant has other parcels along Las Olas Boulevard that may be made available for commercial development rather than church uses, and the subject parcel may or may not be part of this development.

Mr. Tilbrook reiterated that CB was chosen as the preferred zoning district because it provided the most flexibility. If the Board has a different zoning recommendation, however, he did not know whether or not the Applicant would be willing to withdraw the Application.

Chair Maus noted that one of the rezoning criteria states that "the changes anticipated by the proposed rezoning will not adversely impact the character of development in or near the area under consideration." She pointed out that Mr. Tilbrook had said a rezoning to CB could possibly serve the church in the future if it changes its mind about redeveloping the property. This was the source of her conflict, as later plans could adversely impact the character of development in or near the area.

Chair Maus continued that another rezoning criterion states "the character of the area proposed is suitable for the uses permitted in the proposed zoning district." As the character of the area surrounding the church is historic, CB may not be the best possible zoning category for that area.

Mr. Tilbrook read a portion of the Staff Report relating to Criterion #2, which states "The use is permitted within the CB zoning district or in alignment with the adjacent B-1 zoning district, and would not have an adverse impact on the surrounding neighborhood."

Mr. Weymouth commented that the requests made in Items 2 and 3 show a pathway the Applicant may pursue in the future, should they wish to develop the site later with frontage onto Las Olas Boulevard. If the parcel before the Board tonight is granted XP zoning, the church may come back and request more aggressive zoning. He suggested a 30-day extension until the Board's March 2021 meeting, which would provide the Applicant with time to consider this option.

Mr. Tilbrook replied that while the church could accept XP zoning, they do not feel it is the proper rezoning category for future redevelopment. He noted that the subject parcel has been rezoned three times in the past 12 years. Vice Chair Fertig observed that the parcels surrounding the subject property would require rezoning as well for any future development.

Adam Schnell of Urban Design and Planning confirmed that the Board may vote in favor of a more restrictive zoning classification. Mr. Tilbrook replied that the Applicant would accept this if it is the Board's desire.

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

Mr. Barranco noted that XP zoning comes with a number of requirements, and asked Staff how this might be addressed. Mr. Schnell stated that if the parcel is zoned XP, it is simply limited to parking rather than other uses. In addition, the parcel must be in proximity to another site. The development to which the parcel would be tied would be left to the Applicant's discretion, although it would most likely be the abutting site owned by the church. He did not see any additional barriers that might exist if the parcel is converted to XP.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to approve XP zoning on the site. In a roll call vote, the **motion** passed 9-0.

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

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Staff Presentation: Proposed Landscape and Tree Preservation Ordinance Revisions

Glenn Hadwen, Sustainability Manager, and Kimberly Pearson, Sustainability Coordinator, both of the Public Works Department, introduced proposed revisions to Code Section 47-21, the Landscape and Tree Preservation Ordinance in the ULDR. These revisions require review by the Planning and Zoning Board before they are sent to the City Commission. Staff has conducted significant outreach to stakeholders, and expects

that when the proposed revisions are presented to the Board in March, there will be significant public comment.

The last major revision to this section of the ULDR occurred in February 2015. In 2019, the City Commission directed Staff to review the City's Code and address urban forestry concerns in a comprehensive manner, with the goal of a more streamlined and consistent application of regulations while strengthening tree preservation as a whole. This direction is consistent with the City's Strategic Plan, and includes objectives to grow and enhance the urban forest and improve water quality and the natural environment.

Ms. Pearson explained that the Ordinance modification is intended to address the preservation of specimen old-growth trees in terms of approval of tree removal during development and construction. Staff has held several presentations and meetings with different stakeholder groups since June 2020. These included presentations to discuss newly created language, update a stakeholder group on progress, and gather additional feedback. Separate meetings were scheduled to review specific comments shared during the outreach process, including one-on-one and small group meetings.

Stakeholders were provided the opportunity to participate in the exchange of ideas, perspectives, and experiences, with the goal of working collaboratively to create updated language meant to resolve conflicts in the maintenance of the tree canopy, planning of new trees, application of Codes related to the removal of trees, and mitigation, enforcement, and civil penalty calculations. Staff has incorporated stakeholder comments consistent with the scope and goals of this effort, recognizing that all revisions to the Ordinance must balance the input from stakeholder groups, with diverse applications and interpretations of Code.

Staff considered all feedback with the goal of proposing updated Ordinance language that can be consistently applied, interpreted, represented, and enforced. This feedback includes over 300 pages of email communications, over 40 exhibits and/or illustrations, and approximately 200 phone conversations. The Board will be provided with a link or a thumb drive to access this feedback at their March 2021 special meeting.

ULDR Section 47-21 currently has 18 subsections and is roughly 30 pages long. The revised Ordinance language is largely within the framework and layout of the existing Ordinance and addresses 16 of the 18 subsections. The document to be provided for full review is 97 pages in length.

The revised Ordinance language includes:

- Additional language to the intent and purpose of the Ordinance
- Addition of documents incorporated by reference language
- Significant definition updates
- Addition of engineered soil and modular suspended pavement system requirements

- Exemptions for tree removal in accordance with Section 163.045 and Section 163.3209 of the Florida State Statutes
- Additional language requiring a landscaping and tree document packet upon permit submittal
- Updated soil analysis requirement language
- Updates to tree and palm selection, location, and design language
- Revised surface cutout and soil volume measurement requirements
- Revised maintenance responsibility requirements
- Addition of language for stormwater and water body shoreline considerations
- Revised vehicular use area language
- Increased parking waiver for greater tree protection opportunities
- Outlined landscaping requirement language to be a more user-friendly document
- Prioritized tree preservation section to begin with tree protection
- Addition of significant language for tree protection, root pruning, root protection, tree relocation, tree pruning, permitting, mitigation calculations, tree abuse, and enforcement of civil remedies
- Clarified public street tree planting project section
- Updated language for prohibited landscaping

Ms. Pearson concluded that Staff hoped to confirm a date on which the proposed Ordinance changes may be presented to the Board for further review.

The Board discussed a proposed special meeting to discuss changes to landscaping and tree preservation Code. Mr. Weymouth asked if the draft Ordinance is ready to be distributed at this time or if additional work is required. Mr. Hadwen replied that the draft Ordinance is expected to be complete by February 26, 2021, if not earlier. The draft seeks to balance the diversity of stakeholder input while meeting the original intent and direction given by the City Commission. He felt there has been a fair sounding of public input, which extended from June to October 2020, with additional outreach as well.

Vice Chair Fertig and Mr. Shechtman requested that the document be provided to the Board members at least two weeks in advance of the special meeting so they would have sufficient time for review. Mr. Rotella expressed concern that the time frame from June 2020 to the present would provide enough time for stakeholder outreach and review due to the COVID-19 pandemic. Chair Maus noted that Staff has been diligent in its outreach to the community.

The Board agreed by unanimous consensus to schedule the special meeting for Tuesday, March 30, 2021 at 6 p.m.

I. COMMUNICATION TO THE CITY COMMISSION

Mr. Shechtman reported that he had received a response to the Board's communication to the City Commission from the January 13, 2021 meeting, regarding the 3 Avenue and

Andrews Avenue bridge crossing. The communication was well-received by the City Commission, and he received an email from the Department of Transportation and Mobility advising him that the SE 3 Avenue bridge is under Broward County jurisdiction. A project is underway to refurbish the bridge opening in 2022. The County is willing to work with the City on these improvements, beginning with a feasibility analysis to improve bicycle and pedestrian accommodations as part of the project.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:56 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 C.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE FT. LAUD. PLANNING & ZONING BOARD
MAILING ADDRESS 600 SAGAMORE ROAD	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 FT. LAUDERDALE BROWARD	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 2.17.21	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

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 C. WEYMOUTH, hereby disclose that on FEBRUARY 17, 20 21:

(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, _____;
- 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:

IMPACT + POTENTIAL CONFLICT WITH RETAIL AND HOTEL OPERATIONS.

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.

2-17-21
Date Filed

Michael C. 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 WEYMOUTH, MICHAEL C.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE FT. LAUD. PLANNING & ZONING BOARD
MAILING ADDRESS 600 SAGAMORE ROAD	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 FT. LAUDERDALE BROWARD	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 2.17.21	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.

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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 C. WEYMOUTH, hereby disclose that on FEBRUARY 17, 20 21:

(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, _____;
- 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:

IMPACT & POTENTIAL CONFLICT WITH RETAIL AND HOTEL OPERATIONS.

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.

2.17.21
Date Filed

Michael C. 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.

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, John Barranco, hereby disclose that on February 17, 20 21 :

(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, _____ ;
- 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:

I am the architect of record for the project.

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.

4/5/2021
Date Filed

John Barranco
Signature

Digitally signed by John Barranco
DN: cn=John Barranco, o, ou,
email=John@bgarchitecture.com,
c=US
Date: 2021.04.05 15:28:18 -04'00'

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.