PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, SEPTEMBER 16, 2015 – 5:30 P.M.

Cumulative

		June 2015-May 2016	
Board Members	**Attendance**	**Present**	**Absent**
Patrick McTigue, Chair	P	4	0
Leo Hansen, Vice Chair	P	3	1
Theron Clark	P	1	0
Stephanie Desir-Jean (arr. 8:04)	P	4	0
Steven Glassman	A	3	1
Rochelle Golub	P	3	1
Richard Heidelberger	A	1	3
Catherine Maus	P	3	1
James McCulla	P	4	0

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

Staff
D'Wayne Spence, Assistant City Attorney
Eric Engmann, Urban Design and Planning
Karlanne Grant, Urban Design and Planning
Florentina Hutt, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Anthony Fajardo, Chief Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair McTigue called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members, and Chief Zoning Administrator Anthony Fajardo introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

Chair McTigue advised that Applicants' representatives will have 15 minutes to make their presentations. Individuals speaking on behalf of civic associations or groups will be allotted five minutes to speak, and individuals are allowed three minutes.

II. APPROVAL OF MINUTES

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

III. AGENDA ITEMS

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	Case Number	Applicant
1.	V15003**	Putnam Realty Ltd. Et al / Morgan on 3rd Avenue Alley Vacation
2.	PL15006**	Bank of America / JM-Cypress Creek
3.	R15027**	A&N Properties et al / Bridgepoint I-95
4.	ZR15005** *	Florida Marine Propulsion Corporation / Lauderdale Propeller
5.	T15003*	City of Fort Lauderdale
6.	T15004*	City of Fort Lauderdale
7.	R15013**	OTO Development / AC Marriott

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.

Chair McTigue noted that Staff had requested that Item 6 be deferred to the next meeting.

Motion made by Vice Chair Hansen, seconded by Mr. McCulla, to defer. In a voice vote, the **motion** passed unanimously.

Chair McTigue continued that there was also a request that Item 7 be deferred. This request was made by residents of the surrounding neighborhood and its civic associations.

Ms. Golub pointed out that although there have been multiple iterations of the project described in Item 6, the only public meeting held with its surrounding neighborhood was held on June 3, 2015. She did not feel the Applicant has fully satisfied the City's public participation requirement. Mr. McCulla did not agree, stating that he had spoken with the

Applicant's attorney and felt she should address this issue, as she may have additional information. Chair McTigue observed that both sides may present information showing the lengths to which the Applicant has gone to satisfy the City's public participation requirement.

Motion made by Ms. Maus, seconded by Ms. Golub, to defer.

Stephanie Toothaker, representing the Applicant of Item 7, stated that she was also asked to address the proposed deferral at the City Commission's September 1, 2015 Conference Agenda meeting. She explained that the Applicant first discussed the Item with the surrounding neighborhood in early 2014, followed by a discussion of the site plan and a meeting with the Central Beach Alliance (CBA) in May 2014. They also met with the CBA Board on November 5, 2014, followed by meetings with individual City Commissioners and Staff. The Applicant addressed the CBA Board in January 2015 and attended a CBA membership meeting the same month.

Ms. Toothaker advised that the Applicant then began meeting with the condominium associations of properties surrounding the subject site. She asserted that members of the CBA Board, neighborhood stakeholders, and other residents attended these meetings in January and February 2015. The Applicant submitted an application to the Development Review Committee (DRC) in February 2015 and met with the DRC in March. They also presented the site plan to the full CBA membership in March, at which time the CBA requested that the Applicant consider lowering the building's height.

Ms. Toothaker continued that the Applicant met once more with the CBA membership in June 2015, at which time the CBA voted in favor of the project. The site plan on which they voted is identical in height to the one prepared for the Planning and Zoning Board, except the membership preferred a previous version of the project's architecture. She emphasized that there was no suggestion that the Applicant return to the CBA for another vote, although the Applicant offered to provide an update. In addition to three CBA Board and two CBA membership meetings, the Applicant also sent letters to over 200 residents located within 300 ft. of the project, offering individual meetings. Only four individuals responded to these letters.

Ms. Toothaker stated that some individuals have filed Historic Preservation Board applications against the project, which required the Applicant to go before that advisory entity. Although the HPB voted in favor of designating one parcel as historic, this decision was unanimously overturned by the City Commission. When another application was submitted to the HPB for the subject property, that Board turned down the application. None of the subject properties are currently designated as historic. She concluded by requesting that the Board hear the full Item at tonight's meeting.

Ms. Toothaker clarified that the subject properties are not owned by the Applicant, but are three distinct parcels, each of which is under contract. If the approval process does not proceed at tonight's meeting, one property owner is required to close on a parcel

prior to the final site plan hearing. She estimated that this would cost the owner $2.5 million to close on a property that may or may not be available for development.

Marla Sherman Dumas, member of the public, stated that she is a professional planner and had contacted the Board to request deferral of the Item. She advised that she represents over 200 condominium units in the Lauder Del Mar area whose owners are not present in the City. Ms. Dumas asserted that these owners felt the hearing had been intentionally scheduled on tonight's date, which falls between two major Jewish holidays, so they would not be present to speak on the Item.

Ms. Dumas continued that one individual she represents is the President of Alhambra Place, who states he was never been contacted regarding the project. She added that the plans presented at the June 3 CBA meeting do not resemble the plans presented in Item 7. She also noted that the Application was submitted to the City on August 24, 2015, rather than August 7, which is late according to the City's requirements. She concluded that the timing of the plans' submittal places the community at a disadvantage in any attempt to review or respond to the plans.

John Weaver, President of the CBA, stated that he had sent an email to the City Commission, which was included in the Board members' information packets. He explained that he had asked the City to take action in deferral of the Item, as the CBA has not seen the finalized plans for the project: they had voted to approve a 10-story building with modifications, which was supposed to resemble a previously submitted design of a 15-story building that had not been approved. His request to the City asked Staff to contact the owner of a parcel and request that he extend the option. He felt the process would move more smoothly with full public participation.

Ms. Golub asked if there was communication between the CBA and the Applicant between June 3, when the membership voted to approve the project, and August 26, 2015. Mr. Weaver replied that he did not believe there was any such communication. He confirmed that the Applicant and CBA did meet multiple times, and that the votes taken by the CBA on this project are valid.

Vice Chair Hansen asked if the Applicant has legally gone through the public participation process. Mr. Fajardo replied that Staff believes the Applicant has met all the requirements of the City's Public Participation Ordinance as it is written.

Ms. Golub commented that as one of the drafters of this Ordinance, she felt this interpretation was contrary to the Ordinance's intention. Attorney Spence advised that the City is bound to the language of the Ordinance, which has been satisfied by the Applicant.

Mr. Fajardo read the following excerpt from the Public Participation Ordinance: "Prior to submittal of Application to the Planning and Zoning Board, a notice from the Applicant, be it a letter or an email, shall be provided to the official City-recognized civic

organizations within 300 ft. of the proposed project, notifying of the date and time and place of Applicant's project presentation meeting, to take place prior to the PZB [Planning and Zoning Board] meeting." He explained that this language does not require multiple meetings, nor does it require that the project be re-presented if changes are made.

Vice Chair Hansen pointed out that the Board encourages modification of projects as a result of public meetings. He pointed out that the approval process has lasted from February 2014 to September 15, which is more than 18 months.

In a roll call vote, the **motion** to defer failed 3-3 (Chair McTigue, Vice Chair Hansen, and Mr. McCulla dissenting).

1.Applicant / Project:	Putnam Realty Ltd, et al / Morgan on 3rd Avenue Alley Vacation
Request: **	Alley Vacation
Case Number:	V15003
General Location:	North of NE 4th Street between NE 3rd & NE 4th Avenue
Legal Description:	That portion of the 15 foot Alley, lying contiguous to Lots 5 through 12 and Lots 13 through 20, all of Block 30, AMENDED PLAT OF BLOCKS 1 thru 8 and 25 thru 33 OF NORTH LAUDERDALE, according to the Plat thereof, as recorded in Plat Book 1, Page 182, of the Public Records of Dade County, Florida; said lands situate, lying and being in Broward County, Florida; bounded on the north by a line connecting the northeast corner of Lot 20 with the northwest corner of Lot 5, on the east by the west line of said Lots 5 through 12, on the south by a line connecting the southwest corner of Lot 12 with the southeast corner of Lot 13 and on the west by the east line of said Lots 13 through 20. Said lands situate and being in the City of Fort Lauderdale, Broward County, Florida and containing 6,001 square feet, 0.138 acres, more or less.
Case Planner:	Randall Robinson
Commission District:	2

Disclosures were made, and any members of the public wishing to speak on this Item or other Items were sworn in.

Robert Lochrie, representing the Applicant, explained that the request is for the partial vacation of an alley. The portion to be vacated is 400 ft. of the alley's southernmost area, approximately two-thirds of the alley's length. He showed a PowerPoint presentation of the Item, noting that the northern portion of the alley would remain and the Applicant would provide new access to its east. The remaining portion of the alley will be widened and landscaped. Sewer and utility service will continue to exist in the

alley. There is no vehicular access to the residential project through the alley itself: all access will come from 4th Avenue.

Mr. Lochrie continued that the Applicant will also add pedestrian access to the alley, as well as a pedestrian connection from 3rd Avenue. The project has been presented to the Flagler Village Civic Association on three occasions, including a general membership meeting in August 2015 at which the members voted unanimously in support of the project. Significant revisions were made to the plans at the request of the Association. The Applicant's team has also reached out to other nearby residents on the same block. Mr. Lochrie concluded that the new alley will provide one-way service on its extension, which is consistent with all alleyways in the City.

Randall Robinson, representing Urban Design and Planning, stated that the request is for right-of-way vacation in association with Site Plan Level IV review. The development block is bisected by the subject alleyway from NE 4th Street to NE 5th Street. The bisecting portion of the alley will be vacated. Staff supports the proposed vacation.

Mr. Robinson confirmed that the Applicant is responsible for the costs associated with moving any utilities. It was also noted that there are four conditions of approval listed in the Staff Report.

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

Frank Kirschner, private citizen, requested clarification of how garbage pickup will be managed on the site. Mr. Lochrie explained that the project has an internal garbage room inside the building to accommodate both garbage and recyclables. These materials will be brought to the loading/unloading area for pickup.

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

Motion made by Mr. McCulla, seconded by Vice Chair Hansen, to approve with Staff conditions. In a roll call vote, the **motion** passed 6-0.

1.	**Applicant / Project:**	Bank of America / JM - Cypress Creek
	Request: **	Plat Approval
	Case Number:	PL15006
	General Location:	NW 62nd Street, East of NW 9th Avenue
	Legal Description:	A portion of the Northwest One-Quarter (NW 1/4) of the Southwest One-Quarter (SW 1/4) of Section 10, Township 49 S, Range 42 E. Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 48,644 Square Feet (1.1167 Acres) more or less.

Case Planner: Karlanne Grant

Commission District: 1

Disclosures were made at this time.

Mr. Lochrie, representing the Applicant, stated that the request was to plat a 1.1 acre parcel of property on Cypress Creek Road. The plat would allow for commercial development on the site. The parcel will be accessible through a shared driveway with Bank of America. The Applicant will dedicate an additional 11 ft. for right-of-way, which meets Broward County traffic requirements.

Karlanne Grant, representing Urban Design and Planning, advised that the proposed plat includes the following plat note restriction: the plat is restricted to 8000 sq. ft. of restaurant use. Free-standing banks or banks with drive-through facilities are not permitted within the plat without approval from the Broward County Board of County Commissioners, who shall review and address these issues for increased impacts. Staff recommends approval of the Application.

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

Motion made by Mr. McCulla, seconded by Vice Chair Hansen, to approve.

Attorney Spence explained that for the purposes of imposing impact fees on the Applicant and developer, the County requires that the Applicant determine the level of development intended for a given parcel and then restricts the plat to this level. Mr. Lochrie added that one prerequisite to asking the County to place or amend a plat note is a letter from the City which agrees to the change.

Attorney Spence emphasized that when the Board addresses quasi-judicial issues, they are reviewing the criteria included in Code and determining whether or not the Applicant meets these criteria. The Board may not add additional criteria unless they have determined the Applicant has not met the existing criteria.

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

2. **Applicant / Project:** A & N Properties et al / Bridgepoint I-95

Request: ** Conditional Use Permit; Industrial Use (Warehouses) within 300 Feet of Residential

Case Number: R15027

General Location: South side of Sunrise Boulevard just west of I-95

Legal Description:	A portion of Tracts 1, 2, 15 AND 16, "RESUBDIVISION OF TRACT 1, 2, 15 AND 16 BLOCK "B", CITRUS PARK FARMS", according to the plat thereof recorded in Plat Block 33, Page 23, of the Public Records of Broward County, Florida This site contains 763,472 square feet (17.5269 acres) more or less.
Case Planner:	Eric Engmann
Commission District:	3

Disclosures were made at this time.

Nectaria Chakas, representing the Applicant, stated that the subject site is 17.5 acres and is located on the southwest corner of Sunrise Boulevard and I-95. The site is surrounded by the FEC Railroad, industrial uses, and some residential uses to the southwest and west. The Applicant plans to keep and improve an existing wall on the property.

Ms. Chakas showed a PowerPoint presentation on the Item, noting that the Applicant has been asked by Staff to plant additional trees along one side of the property in order to prevent illegal parallel parking in the swale. The site plan divides an existing building on the property into two buildings and internalizes the truck court area. The site has three access points, including vehicular access on the west and truck access in the center. Setbacks are approximately 78 ft. on the west side and 84 ft. from the property line to the building on the north side, providing a significant buffer between the shared boundary line with nearby residential properties. At the south end of the property, there is no access to or from the neighborhood.

Ms. Chakas advised that the Applicant will improve the side of the wall facing the nearby residential properties by incorporating a trellis feature with bougainvillea. The wall on the southern side of the property will be repainted and new trees, hedges, and plants will be installed to prevent illegal parking. She showed several renderings of the property.

The request is for conditional use approval of a site located in an industrial district, where warehousing and distribution are permitted uses. Because the site is within 300 ft. of residential property, conditional use approval is required. Ms. Chakas noted that these uses are also allowed in the B-3 zoning district.

Vice Chair Hansen noted that the Board had received a letter from an individual not present at the meeting, who had raised concerns about the proposed hedge, maintenance, and wall improvements. Ms. Chakas clarified that the Applicant does not plan to remove barbed wire from the top of the wall, although they are open to consideration of its removal. Mr. Fajardo advised that current regulations do not allow barbed wire at this location.

Ms. Golub asked if the facility would operate on a 24-hour, seven-day-per-week basis. Ms. Chakas replied that this would be left to the tenant's discretion. Ms. Golub stated that 24-hour operations would be a significant increase in activity on the site.

Mr. Clark asked if there are City Ordinances addressing sound generated by a site. Mr. Fajardo replied that while there is a noise Ordinance to stipulate the number of decibels according to time of day, it does not regulate the delivery of items. The burden would be on nearby homeowners to request a decibel measurement from Code Enforcement.

Eric Engmann, representing Urban Design and Planning, advised that the warehouse/distribution use is permitted by right in the industrial zoning district, but is made conditional due to the proximity of residential development. The 17.53 acre property is zoned Industrial and is within the Northwest Regional Activity Center (RAC). Staff has worked with the Applicant to improve the condition of the existing wall as it terminates on residential streets by providing enhanced landscaping on the residential side. Trucks will enter and exit the development without driving through residential neighborhoods. Staff recommends approval of the Application.

Ms. Maus asked if there had been discussion between Staff and the Applicant regarding restriction of the facility from operating 24 hours per day due to the proximity of residential development. Mr. Engmann replied that there was no such discussion, as there is no such restriction under Code.

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

John Weaver, private citizen, requested clarification of where illegal parallel parking occurs. Ms. Chakas advised that this has happened along the south property line on 8th Street. Mr. Weaver suggested that rather than planting trees and hedges, the City should make it legal to park on the street in this area. Ms. Chakas noted that the Applicant would be willing to plant fewer trees in the area if the City wished.

Mr. Fajardo clarified that parking is legal on City swales; however, parking and dumping of trash has occurred on the Applicant's private property, which they wish to curtail. He confirmed that the trees to be planted by the Applicant would not extend into the public right-of-way.

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

Ms. Golub observed that light from the site's parking lot may spill over from the site onto residential properties. Vice Chair Hansen pointed out that Code requires the Applicant to prevent light spillage over their property line. Ms. Chakas added that the existing facility on the property operates 24 hours per day and seven days per week, and that the buildings themselves will serve as buffers for noise and light.

Motion made by Mr. McCulla, seconded by Ms. Golub, to approve. In a roll call vote, the **motion** passed 6-0.

3.	**Applicant / Project:**	Florida Marine Propulsion Corporation / Lauderdale Propeller
	Request: ** *	Rezoning with flex allocation from County Intense Commercial Business District (B-3) and Intense Manufacturing and Industrial District (M-3) to General Business (B-2)
	Case Number:	ZR15005
	General Location:	South of W State Road 84 SR, west of Marina Rd.
	Legal Description:	A portion of the West one-half (W ½) of Section 20, Township 50 South, Range 42 East, more fully described as follows: Commencing at the West one-quarter (W ¼) corner of said Section 20; thence North 03°32'20" West, on the West line of said Section 20, a distance of 44.58 feet, thence North 82°29'59" East, on the South right-of way line of State Road No. 84 (200' R/W), a distance of 812.88 feet to the Point of Beginning; thence continuing North 82°29'59" East, on the said South right-of-way line, a distance of 205.31 feet; thence South 19°3'25" West, a distance of 161.66 feet; thence South 32°25'38" West, a distance of 182.30 feet; thence North 85°01'25: West, a distance of 59.96 feet; thence North 01°36'30" East, a distance of 274.34 feet to the Point of Beginning. Said lands situate, lying in being in Broward County, Florida and containing 40,562 square feet or 0.9312 acres more or less.
	Case Planner:	Florentina Hutt
	Commission District:	4

Disclosures were made at this time.

Michael Garreffi, representing the Applicant, stated that in the 1990s, the County annexed a portion of land to the City of Fort Lauderdale, including property owned by his client. The property was zoned M-3 and B-3 at the time. The request is to rezone both these parcels to B-2, General Business.

Vice Chair Hansen asked if the Applicant has plans for the future development of this property. Mr. Garreffi replied that the Applicant plans to keep the property as it is now, with the possibility of expanding the existing business in the future.

Mr. Clark briefly left the meeting (7:56 p.m.).

Florentina Hutt, representing Urban Design and Planning, advised that the subject property has a future land use designation of Commercial/Industrial. The rezoning request is consistent with the City's Comprehensive Plan, as both the commercial and industrial land use designations encourage a mix of uses to accommodate the retention and expansion of businesses. An adjacent property to the west has already been

rezoned from the County's M-3 designation to the City's B-2 designation. Staff recommends approval of the Application.

Mr. Clark returned to the meeting (7:59 p.m.).

Mr. McCulla observed that the County's M-3 zoning designation also permitted uses that were allowed in less intensive districts. He pointed out that this would mean by rezoning the subject property to B-2, the Applicant may be restricting himself. Mr. Fajardo advised that he was not fully familiar with the County's zoning districts, and could not confirm that the rezoning would be restrictive. He explained that the intent was to "clean up" cases in which the zoning of a parcel is inconsistent with the City's zoning districts. It was also noted that separation of certain County zoning districts is required, including separation of the M-3 district.

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

Motion made by Vice Chair Hansen, seconded by Mr. McCulla, to approve. In a roll call vote, the **motion** passed 6-0.

It was determined by consensus that the Board would hear Item 7 at this time. The Item was taken out of order on the Agenda.

Ms. Desir-Jean arrived at this time (8:04 p.m.).

7.	**Applicant / Project:**	OTO Development/AC Marriott
	Request: **	Site Plan Level IV Review: Hotel use with reduced front, side and rear yard setbacks
	Case Number:	R15013
	General Location:	3017-3029 Alhambra Street
	Legal Description:	LAUDER DEL MAR Lots 16-20, Block 6, PB 7, PG 30, PRBC
	Case Planner:	Lorraine Tappen
	Commission District:	2

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, showed a PowerPoint presentation to the Board, explaining that an AC Marriott hotel is proposed for the subject site. The request is for Site Plan Level IV review of three parcels. While all three parcels have had historic applications filed against their potential development, Ms. Toothaker reiterated that the City Commission unanimously denied the applications for the

eastern- and westernmost parcels, while the Historic Preservation Board (HPB) denied the application for the center parcel.

She continued that the property is zoned ABA, which permits a height of up to 200 ft. or 240 ft. with bonuses. The proposed project is 10 stories high and has been scaled back, with no bonuses requested. In addition to Site Plan Level IV review, the Application also requests yard modifications. The project complies with both the ULDR and the Central Beach Revitalization Plan. Hotels are permitted uses within the ABA district, but are automatically subject to Site Plan Level IV review.

Ms. Toothaker provided a copy of the letter sent to all property owners within 300 ft. of the project, recalling that the plans were initially presented to the Central Beach Alliance (CBA) in November 2014. She asserted that the ground level details of the site plan have never changed from the original proposal. She also showed markups of the site plan submitted to the CBA Board in early 2015, which reflect changes requested by the board members. Another rendering was presented to the CBA membership in March 2015, but was voted down due to the proposed height. After additional conversations with stakeholders, the Applicant reduced the height of the building to 107 ft. 2 in. When this design was presented to the CBA membership in June 2015, the membership approved it by a vote of 93-60.

The CBA then requested that the Applicant revisit some of the earlier architectural concepts for the building. Ms. Toothaker advised that some edges of the building were rounded out as a result of this request. She concluded that the building is nearly identical to the last proposal seen by the CBA. The Applicant has not met with the CBA since June, as the CBA does not meet during the summer, although Ms. Toothaker stated that the Applicant's team is willing to meet with them again.

Jordana Jarjura, also representing the Applicant, reviewed the project's specifications, including a floor area ratio (FAR) of 3.97, 29% open space, and 25% landscaping. The proposed height is less than half of what is permitted by zoning. Ground floor setback modifications include 20 ft. in the front, 30 ft. on both sides, and 20 ft. in the rear of the property. The largest requested setback modifications are on the 8th and 9th floors and allow for balconies and architectural features, some of which were recommended by City Staff.

Ms. Jarjura continued that nearby residents expressed concern for how traffic and circulation patterns would affect Alhambra Place. Although ABA zoning does not require hotels to have a loading zone, the Applicant created such a zone that was internal to the site and would be shared with the Casablanca Café. Circulation on the west side is captured internally within the building by a covered arc. The building will be Leadership in Energy Efficiency and Design (LEED)-certified, incorporating several green technologies. It will feature a 6000 sq. ft. public urban plaza. The Applicant is completing the streetscape proposed by the Central Beach Revitalization Plan on the north side of

the street, with 7.5 ft. sidewalks, public art, and a rain garden. Off-street parking will replace backout parking.

Lorraine Tappen, representing Urban Design and Planning, stated that the project is located within the Central Beach Regional Activity Center (RAC) and consists of 0.71 acre. The proposed project includes a 10-story hotel with limited café and lounge use within the interior lobby. The second and third floors will be parking, surrounded by a louvered system to screen this area. Floors 4 through 10 provide hotel uses, with a pool on the 4th floor. The development increases ground-floor pedestrian activity through the increased street canopy, rain garden, and on-street parking.

Ms. Tappen advised that Staff has received communications from nine individuals, the CBA, and the board of the Versailles condominium with regard to the Application. Staff recommends approval of the Application, with the following conditions:

- At the time of permit submittal, Applicant will be required to pay a park impact fee for the proposed residential units prior to issuance of a building permit in accordance with ULDR Section 47-38A;
- Prior to final DRC, the Applicant must comply with Section 47-25.2.P, regarding archaeological resources, by requesting information from the State, County, and local government or other entity with jurisdiction over archaeological matters, and submitting this information to the City.

Vice Chair Hansen requested clarification of the concerns regarding archaeological resources. Ms. Tappen replied that the Applicant has submitted a full archaeological report for the three parcels. Code requires that this information be reviewed by the County, which will send a report to Staff.

Mr. Fajardo added that although the city is a certified local government (CLG), the County recently adopted its own language regarding historical properties. At present, there is ongoing discussion between the City and County to determine where these thresholds lie and when the County would become involved in historical reviews. Rather than withholding approval until this is resolved, the condition asks the Applicant to allow this review before final DRC approval. A City map showing general areas of archaeological sensitivity includes most of the barrier island, although there is no information at present on any specific archaeological sensitivity in the subject area. A third party must review the archaeological report submitted by the Applicant.

Ms. Golub requested clarification of the extension of the 20 ft. front setback. Ms. Tappen described improvements to the front of the property, including landscaping, a sidewalk, and on-street parking within the setback and within the right-of-way. Mr. Fajardo stated that the extension was reviewed and approved by the City's Engineering Department. He added that this is typical of development within an RAC: the Applicant is expanding the effective width of the pedestrian realm by providing amenities, a loading zone, and landscaping. The City has given its permission to the Applicant to construct these improvements in conjunction with the development.

Ms. Golub continued that she was confused by the setbacks shown on the renderings. Mr. Fajardo reviewed the plans, explaining that the Applicant is getting additional sidewalk space to increase the width to 7.5 ft., as well as a landscaped area with on-street parking, outside the setback area. Ms. Desir-Jean asked what the sidewalk might look like if the Applicant was not provided space within the right-of-way for streetscape design. Mr. Fajardo stated that the Applicant is also providing additional width for the sidewalk on their property, as well as the easement, for perpetual public use.

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

Marla Sherman Dumas advised that she would be speaking on behalf of approximately 200 condominium units in three separate buildings within the Central Beach area. Attorney Spence stated that whether to allow Ms. Dumas additional time as a representative was left to the Board's discretion, as she did not have a letter of agency or other documentation on record to identify her as a representative. It was clarified that the maximum amount of time for a representative of an organization would be five minutes, and that individuals may not defer their speaking time to other individuals.

Ms. Dumas stated that she represented multiple individuals who could not be present at the meeting. She pointed out that the proposed hotel would include 175 rooms and 117 parking spaces, but no interior amenities for the public, such as a restaurant or lobby bar, which had been included in previous renderings. She added that there are no parking spaces designated for employees or visitors. The facility will provide many more hotel rooms than the number of residential units previously located on the three subject parcels.

Ms. Dumas provided a photograph, Exhibit R15013-A, showing neighborhood traffic on Alhambra Street. She noted that the proposed hotel's parking garage provides at least 50% tandem parking, which makes it unlikely to provide any public parking. In addition, she characterized the east side loading zone as likely to back up onto the street, noting that other trucks loading and unloading in the area contribute to traffic congestion. She did not feel the Applicant's plans to share the loading zone with the Casablanca Café were realistic. She also expressed concern with the requested setback reductions, noting that the site does not appear to create beachfront access. She concluded that she felt the development was unfair to neighboring residents.

Ms. Desir-Jean asked if Ms. Dumas had shared her concerns at the Applicant's meeting with the CBA on June 3, 2015. Ms. Dumas replied that she had been present and seen the presentations at the meeting and asked questions, but had not received responses she felt were sufficient. She asserted that the rendering shown to the Board was very different from the one shown to the CBA on June 3, and that at least one of her clients had anticipated seeing the final plans before they were submitted. She stated that it was her understanding that the Casablanca Café was not in favor of the project.

Ms. Toothaker clarified that Robert Lochrie represents the Casablanca Café, and that the Applicant has met with the operator of this restaurant. She reported that the Applicant showed the site plan to the Casablanca Café team and offered to share a service aisle with the restaurant, among other discussions. Thus far, the Applicant is working to finalize the details of an agreement in writing before the Application goes before the City Commission.

Charlie Esposito, private citizen, advised that many residents who will be affected by the proposed project will not be in Fort Lauderdale until the next month. He submitted a letter, Exhibit R15013-B, which challenged the CBA's vote taken on June 3, 2015.

Vicky Ferran, Board President of the Seasons condominium, asserted that the Applicant has not met with the Seasons' board or its residents as a group. She felt the proposed project would negatively affect the quality of life of these residents by constructing a building that was too large for its parcel. She added that traffic would increase until small local streets became main thoroughfares, and that these quiet streets provide therapy and exercise to local residents.

Nivea Cordova Berrios, private citizen, stated that she is a former president of the Seasons condominium board. She urged the Board to reject the Application, stating that the neighborhood is already overwhelmed by delivery vehicles, which often make their deliveries late at night or early in the morning and block one lane of an already congested street. She felt the proposed building was too large for its site and would not be compatible with the surrounding neighborhood. Ms. Berrios provided a photograph, Exhibit R15013-C, and asserted that the Applicant did not meet with residents of the Seasons.

Jim Ostryniec, owner of 3017 Alhambra Street, characterized the comments from several individuals as part of a ploy to stop the development of the proposed hotel. He pointed out that the Marriott already employs over 200 residents of the City and has been a good neighbor in the past. He encouraged the Board to approve the Application, and concluded that there are many individuals unable to be present at tonight's meeting who would like the project to move forward.

Dr. John Gaeta, private citizen, pointed out that traffic on Alhambra Street is already a challenge, and stated that the proposed project would contribute significantly to existing congestion. He felt the addition of more trucks in the neighborhood would make traffic even more difficult, and that a development of this size might be better suited to A1A rather than on a side street.

Marc Karmatz, private citizen, advised that he is a resident and board member of the Seasons condominium. He stated that the Applicant did not meet with these residents, and shared Mr. Gaeta's concerns regarding traffic on Alhambra Street. He did not feel

the proposed project was comparable to nearby buildings such as the Versailles or Alhambra Street, which have arterial access to larger streets.

Attorney Spence clarified that any materials or photographs submitted as Exhibits must become part of the record. He explained that photographs on a phone may be emailed to the City for inclusion so all present may see them.

Dr. Dawn Bearden, private citizen, is also a resident of the Seasons. She provided photographs, Exhibit R15013-D, taken on a street similar to Alhambra Street, pointing out that existing congestion makes pedestrian and vehicular access very difficult in the area. She felt the proposed project was too large for its parcel, and that the requested setback reductions would make it seem even larger. She asked that the Board reject the Application.

Ms. Desir-Jean asked if the City restricts the hours in which vehicles may load or unload in the area. Ms. Tappen replied that there are currently no such restrictions. Mr. Fajardo advised that delivery vehicles may not use the public right-of-way for loading or unloading, and noted that residents who witness this activity may contact Code Enforcement to report it.

Dan Teixeira, President of Harbor House East, stated that the Applicant met with the Board of his condominium, which voted 5-0 in favor of the project. He is also a member of the CBA. He added that most trucks making deliveries in the area are accessing restaurants, which the hotel will not have. He characterized the Marriott as a good neighbor and a limited-service facility, and asked the Board to approve the Application.

John Weaver, President of the CBA, stated that the CBA members have not voted on any of the historic claims or designations, and asserted that no other individuals who are members of the CBA may speak on the organization's behalf. He recalled that on June 3, the Applicant made its second presentation to the CBA membership, which voted 93-60 to approve the project, subject to architectural enhancements. The Applicant had previously presented a 15-story modern building to the CBA Board on March 12, which voted unanimously against this proposed height. He concluded that the building approved by the CBA is more similar to the earlier rendering than to the one presented on June 3.

Mr. Weaver also emphasized that the CBA does not discuss zoning issues at its meetings. He added that any questions about the CBA vote should have been raised during the meeting rather than afterward.

Patricia Robinson, representing the Board of Residences at the Ritz-Carlton, stated that her building is in favor of the Application and welcomes the investment on the beach.

Kim Ward, private citizen, advised that while she is pro-development, she was not called by the Applicant although her partner owns the building immediately to the west of the

subject parcel. She felt the lack of parking and the requested setbacks were both contentious issues and should not be approved on a very busy street.

Mark Levin, private citizen, felt that the project's proposed loading/unloading zone would not work, particularly if shared with the Casablanca Café, because it is a small area not suited to large vehicles that may need to back in or out. He also expressed concern with the lack of parking for service personnel accessing the site.

Karen Turner, member of the CBA Board of Directors, pointed out that another Item on the Agenda of tonight's meeting is discussion of whether or not to allow multifamily residential use within the ABA zoning district.

Fred Carlson, private citizen, stated that he is a longtime resident of the Central Beach area and a member of the CBA. He encouraged the Board to approve the Application.

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

Ms. Golub commented that the Application does not include a traffic study, and stated her concern for the cumulative effect of so many developments in the area. She also expressed concern with the plans for delivery and valet parking areas, which she did not believe were sufficient for the size of the project.

Ms. Toothaker replied that the loading zone was not a required feature, but was incorporated into the plans because the Applicant felt it would be beneficial to the neighborhood and to the Casablanca Café. She clarified the location of the loading area on the plans, noting that it is intended to accommodate only one truck at a time. Service personnel will park in the building's garage, which will be 100% valet for both guests and service trucks.

Vice Chair Hansen observed that the current lack of a loading zone is not an ideal situation, but it could not yet be determined if the establishment of a loading zone would be an improvement or a detriment. He pointed out, however, that trucks making deliveries would otherwise remain on the street.

Dennis Mitchell, representing OTO Development, clarified that the proposed project is not the largest AC Marriott development in the United States. He cited a project underway in New York with 240 rooms and two restaurants, as well as a Chicago development with over 220 rooms.

Vice Chair Hansen observed that the key issue is the reduction in setbacks in relation to the building's height, and whether 10 stories is the appropriate height for the project and the design is compatible with the surrounding neighborhood. Ms. Golub felt it was the Board's responsibility to determine whether or not the size of the building, rather than its aesthetic features, was appropriate for the area, considering its density.

Mr. McCulla commented that the zoning of the subject area, which has been in place for approximately 30 years, was intended to provide intense resort-oriented development, and the question was whether or not the Application meets the spirit and the letter of that zoning, without consideration of whether or not this zoning may change the character of the area.

Ms. Maus pointed out that ABA zoning encourages high-density intense development, but also requires setbacks that are half the proposed height of a building, which is not the case with the Application. She requested an update from Staff regarding similar developments on the beach and whether they meet the setback requirement in Code. Mr. Fajardo replied that setback reductions are not an unusual request, and cited examples of developments that received these reductions.

Motion made by Ms. Maus, seconded by Mr. McCulla, to approve. In a roll call vote, the **motion** passed 5-2 (Ms. Golub and Ms. Maus dissenting).

Chair McTigue advised that the Application would now move forward to the City Commission for approval, which could provide individuals who could not be present at tonight's meeting with an opportunity to be heard.

5.	**Applicant / Project:**	City of Fort Lauderdale
	Request: *	Section 47-24.4.D. Criteria. Amending the Unified Land Development Regulations to revise the rezoning criteria requirements of Section 47-24.4.D to permit the existing language as stated in criterion 2 as optional where it is currently non-optional as part of the requirements for a rezoning of property within the City for Fort Lauderdale.
	Case Number:	T15003
	General Location:	City-wide
	Case Planner:	Anthony Gregory Fajardo
	Commission District:	All Districts

Mr. Fajardo advised that this Item is a request for an amendment to the ULDR Section 47-24.4, Rezoning Criteria. He recalled that at the January 20, 2015 Planning and Zoning Board meeting, the Board sent a communication to the City Commission requesting that Staff be directed to look at the three criteria currently written into this Ordinance. He read the following three criteria into the record at this time:

1. The zoning district proposed is consistent with the City's Comprehensive Plan;
2. Substantial changes in the character of development in or near the area under consideration support the proposed rezoning;
3. The character of the area proposed is suitable for the uses permitted in the zoning district and is compatible with the surrounding districts and uses.

Staff arrived at the determination that criterion #2 could be made optional, which is the decision before the Board. Mr. Fajardo explained that Staff rewrote the language of the standard requirements in order to allow the Applicant to select one criterion and submit an application under this guideline.

Ms. Golub stated that there should not be an issue with a developer fulfilling one of the two criteria, as they require different analysis. Ms. McCulla added that developers did not seem to be complying with criterion #2, which led to the Board's recommendation that it be removed. Ms. Desir-Jean agreed that this had been the Board's original intent when their communication had been sent to the City Commission.

Motion made by Mr. McCulla, seconded by Ms. Maus, to pass on to the Commission Staff's proposed rewording of the rezoning criteria, with the following amendment: that the Board amend their proposed wording to exclude what is now identified as criterion #1, that being "substantial changes have occurred in the area," and that criterion #2 would now be included within the body of D criterion.

Mr. Fajardo suggested that the Board ask to have the language of criterion #1 removed, and Staff will work with the City Attorney's Office to determine the appropriate method of incorporating it into the criteria before recommending approval to the City Commission. Mr. McCulla and Ms. Maus agreed to **amend** their **motion** and **second** to use the language recommended by Mr. Fajardo.

In a roll call vote, the **motion** passed 7-0.

IV. COMMUNICATION TO THE CITY COMMISSION

None.

V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Mr. Fajardo read an email from Pamela Adams into the record, noting that as part of the public participation process regarding the City's Parks and Recreation Master Plan update, the consulting team will conduct focus groups and encourage the participation of the City's advisory board members. The Planning and Zoning Board is asked to attend a focus group meeting on September 23, 2015 at 9 a.m. at City Hall in the 8th Floor Conference Room. He concluded that the members are not required to attend this focus group, as it is an attempt to seek input from the Board on the master planning process.

Ms. Golub stated that she would be willing to participate on a more convenient date when another board is meeting, and requested that the consultant publicize other dates when Planning and Zoning Board members might attend.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:07 p.m.

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

Patrick E. McGuire

Chair

Brigitte Chiappetta

Prototype

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