

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, FEBRUARY 17, 2016 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2015-May 2016</b>	
		<b>Present</b>	<b>Absent</b>
Patrick McTigue, Chair	P	9	0
Leo Hansen, Vice Chair	P	7	2
Theron Clark	A	5	1
Stephanie Desir-Jean	A	8	1
Steven Glassman	P	8	1
Rochelle Golub	P	8	1
Richard Heidelberg	P	6	3
Catherine Maus	P	7	2
James McCulla	A	7	2

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  
Lee Feldman, City Manager  
Eric Engmann, Urban Design & Planning  
Karlanne Grant, Urban Design and Planning  
Randall Robinson, Urban Design and Planning  
Anthony Fajardo, Chief Zoning Administrator  
Don Morris, Beach CRA Manager  
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 6:34 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker 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 and their agents are allowed 15 minutes for presentations; representatives of associations and groups are allowed five minutes, and individuals are allowed three minutes.

## II. APPROVAL OF MINUTES

Mr. Glassman noted that the testimony of Mary Fertig on p.17 of the December 16, 2015 minutes did not reflect the points made by Ms. Fertig in testimony made elsewhere on the same issue. It was clarified that it is not possible to amend an individual's statement based on intent.

**Motion** made by Ms. Maus, seconded by Mr. Heidelberger, to approve the December 16, 2015 minutes. In a voice vote, the **motion** passed unanimously.

**Motion** made by Ms. Golub, seconded by Mr. Heidelberger, to approve the January 19, 2016 minutes. In a voice vote, the **motion** passed unanimously.

## III. AGENDA ITEMS

### Index

<u>Case Number</u>	<u>Applicant</u>
1. R15062**	City of Fort Lauderdale / Las Olas Corridor Improvements
2. PL16001**	Curtis T. Bell Trust / 315 Flagler Plat
3. 35R11	Shaw Temple A.M.E. Zion Church / Shaw Temple A.M.E. Zion Church
4. T15005*	City of Fort Lauderdale / Amend Unified Land Development Regulations (ULDR)

### **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.

- Applicant / Project:** City of Fort Lauderdale / Las Olas Corridor Improvements

**Request: \*\*** Site Plan Level IV Review: Public Purpose Use

**Case Number:** R15062

**General Location:** 200 Las Olas Circle, 3000 E. Las Olas Blvd. and associated public realm improvements along E. Las Olas Blvd.

**Legal Description:** Las Olas Del Mar I, plat book 147 page 20 of the public records of Broward County, Parcel A, Parcel B.

Mooney Point plat book 3 page 28 of the public records of Broward County, Florida, Lot 2,4, Lot 3 South 50', Lot 1 less North 51', lot 3 less South 50', Lot 1 less North 51' less street right-of-way.

Las Olas by the Sea re-amended plat book 1 page 16 of the public records of Broward County, Florida, lot 8 less South 22' more or less for street right-of-way and lot 9 less South 21' more or less for street right-of-way and less portion of lots 8 and 9 described as beginning at corner of lot 9, southerly 114.79', westerly 34.95', that portion of Las Olas Blvd as designated in misc. map book 8-149, that portion of block A lying East of Seabreeze Ave less North 20' for street right-of-way and less East 10' for street right-of-way together with North 1/2 of vacated alley lying South above described parcel block A.

**Case Planner:** Randall Robinson

**Commission District:** 2

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

Jeff Suiter of EDSA, representing the Applicant, showed a PowerPoint presentation on the Item, stating that many of its goals are in line with the Fort Lauderdale Beach Master Plan. These goals include a pedestrian corridor, a legacy project, sustainability, open space, and no net loss of parking throughout the Beach area.

Mr. Suiter stated that the design of the project was inspired by the Fort Lauderdale Beach and Broward County, pointing out that the Beach is a resort destination. EDSA submitted a 15% design document to the City Commission, which was also presented to the Beach Redevelopment Board (BRB) and to the public on October 27, 2015. The RFP to which they responded called for the following:

- Two garages, one on the south side of the Las Olas Bridge and one to the north;
- Changing the Las Olas parking lot into a pedestrian plaza with green space;
- Tying improvements to A1A into the project.

Mr. Suiter continued that EDSA opted to protect the existing wave wall and to combine the two proposed garages into a single facility on the north side. They presented a 30% design document in December 2015, which was presented to the City Commission. It was decided that parking may be distributed throughout the entire Beach Community Redevelopment Agency (Beach CRA) district rather than consolidated within a smaller area. This meant the project may include a single four-story parking garage while preserving open space as well as the possibility of future marina expansion.

Mr. Suiter showed renderings of the pedestrian plaza, which leads to a Police substation, public restrooms on the Beach, informational kiosks, and an interactive fountain. In the background of this feature is the four-story garage, which will also include a fifth level with a restaurant and a green rooftop. The garage is fully wrapped in green screening. He noted that a wave theme continues from the wave wall and

extends to the garage screening. The garage is also further from Las Olas than originally planned, which provides a landscape buffer.

The oceanfront plaza also shares the wave theme, and includes hardscaping, palm growth, and a generous lawn that can serve as event space. The plaza will feature a natural dune setting in the back. Two through lanes will be provided throughout the area, with additional space beneath the canopy to serve as a drop-off lane for beachgoers. A transit system will bring visitors from the garage to the plaza.

In order to create more pedestrian-friendly intersections, the center median will be removed from the Las Olas intersection, and travel lanes will be minimized. Bike lanes are planned for both sides of the roadway, and raised planters will serve both as barriers and as seat walls for the park. Mr. Suiter explained that the entire intersection will be raised to create a tabletop effect, creating a festival street that can more easily be closed during events.

The Intracoastal lot would become the plan's single four-story garage with a green rooftop and a rooftop restaurant. A transit system will pick up riders at the building. Pedestrians may also exit the building beneath the bridge to the park. There are also plans to enhance the boardwalk around the existing marina, creating a 25- to 30 ft. pedestrian-friendly space.

Mr. Suiter advised that the marina boardwalk would be separated from vehicular space by raised planters which will also serve as pedestrian seating. Two pocket parks are located near the plaza. The length of the garage would be expanded in order to keep its height at five stories with rooftop features. City Code requires a 5% slope of drive aisles within the garage, although up to 6.2% is allowed under Florida Building Code. The Applicant is requesting a 5.5% slope in order to make the garage more efficient. The canopy over the drive aisle on the Beach lot has an overhang that extends 1 to 2 ft. into the right-of-way.

Mr. Suiter concluded that there have been multiple public meetings, as well as meetings with the City Commission. The project has been before the City's Development Review Committee (DRC) and is awaiting its first reading by the City Commission. The Applicant hopes to work with the Fort Lauderdale International Boat Show and to complete these plans before the sunset of the Beach CRA. It is hoped that construction may begin on the project by November or December 2017.

Randall Robinson, representing Urban Design and Planning, stated that the Application is for Site Plan Level IV review and includes several Las Olas Corridor improvements. The parking garage is 261 ft. in length against a maximum of 200 ft. as allowed in the ABA zoning district. The parking garage slope is also 5.5% rather than the permitted maximum of 5%.

Mr. Robinson clarified that the criteria for public purpose use are as follows:

- There is a need for the use or structure to be located where proposed;
- Use meets a valid municipal purpose;
- Location of the use or structure is not in conflict with the City's Comprehensive Plan;
- Offsite or onsite conditions exist which reduce any impact of permitting the public use or structure;
- Onsite improvements have been incorporated into the Site Plan which minimize any adverse impact as a result of permitting the public use or structure;
- Alternative locations have been identified and reviewed, or it has been determined that no feasible alternative locations are available;
- The proposed Site Plan is found to be the most feasible for location of the public use or structure;
- The public purposes to be met by the location of the use or structure outweigh the application of zoning regulation and prohibiting the location of the public use or structure.

Other criteria for review are found in the Beach Revitalization Plan:

- Proposed development or use is compatible with the character of the overall plan or development contemplated by the Revitalization Plan for the Central Beach area;
- Architectural design of the proposed development is compatible with the design guidelines provided in the Central Beach section of the ULDR;
- Design guidelines in the ULDR are not intended to be exclusive: alternative architecture and concepts outlined in the Application will be considered during the Development Review phase, and the Applicant must show that the proposed alternative architectural and design concepts are compatible with the character of the overall plan of development contemplated for the Central Beach by the Revitalization Plan;
- Proposed development should incorporate design and architectural elements that mitigate the development impacts, if any, on existing uses in the immediate vicinity of the proposed development;
- The goal of the Revitalization Plan is to facilitate development of the Central Beach area as a world-class destination resort; the primary objective of the design review shall be to implement the overall plan of development and foster redevelopment as contemplated in this Plan.

Mr. Robinson concluded that Staff supports the Application.

Mr. Glassman requested clarification of how many parking spaces are currently included on the parcel to the north of the bridge. It was estimated that there are approximately 400 spaces, while the garage proposes 428 spaces. Mr. Suiter also provided additional details regarding the Police substation, pointing out that the intent is to have an office with one to two Officers present. The substation on the Beach is not intended to provide full service.

Mr. Glassman requested additional information on the public input phase of the Application. Mr. Suiter advised that when the 15% design document was complete, a public meeting was held to present this document. The design was then tabled for two weeks. After this period, a questionnaire was developed to seek additional public input before the design was presented once more. This questionnaire allowed participants to vote on what they felt was or was not important about the proposed design.

Mr. Robinson clarified that the Public Participation Ordinance is applicable in this case, and the Applicant has complied with its requirements. Don Morris, Director of the Beach CRA, added that the project was presented to the Central Beach Alliance (CBA) in early February 2016, and has also been presented to the Beach Business Improvement District (BID) Advisory Committee. Extensive public outreach was conducted at the two public meetings described by Mr. Suiter.

With regard to traffic and circulation, Mr. Glassman observed that the project's backup materials assert that a reduction of a portion of the westbound lanes on Las Olas Boulevard would not result in operating conditions below the grade of C. Jason Webber of Kimley-Horn and Associates, also representing the Applicant, replied that traffic analysis reflects a C level of service. The lane elimination on Las Olas Boulevard removes a turn lane and reduces a median while retaining two lanes of traffic in each direction.

Mr. Glassman requested clarification of the modification to be made at the northeastern corner of the site. Mr. Suiter replied that the intersection of Birch Road and Las Olas Circle is currently a triangular intersection; the Application would eliminate one leg of this triangle and create a three-way stop.

Mr. Glassman pointed out that DRC comments identify the site as an archaeologically significant zone by the City. There are also jurisdictional issues to be resolved between the City and Broward County in the event that artifacts are discovered during excavation and/or construction. Ms. Parker explained that Staff is working with the County to identify the realm of these reviews: as Applicants bring forward projects on sites within this archaeological zone, they are sent before the County to ensure that they provide a report.

Ms. Maus requested clarification of the total parking on all parcels identified within the Application. Mr. Suiter replied that the total parking count on the oceanfront and back lots, as well as on-street, comes to 835. There is no net loss of parking, as the remaining 400 spaces may be made up throughout the entire CRA.

Mr. Morris added that the City is also looking at Bahia Mar to provide some public parking spaces that will offset the lack of parking at the Aquatic Center complex, for which no additional parking is currently planned. While there is no other public parking proposed within the immediate area, the City is always looking for opportunities to

provide additional parking. Mr. Morris continued that the Central Beach Master Plan proposes a combination of public and privately owned parking spaces, as the City cannot fill the entire need for public parking.

Mr. Suiter replied that the parking and traffic studies have shown there are five peak dates during the year, primarily during holidays, when the Beachfront and Intracoastal parking lots are at maximum capacity. Most of the lots are not full at other times. It was confirmed that two lots are used by the Fort Lauderdale International Boat Show as staging areas.

Ms. Parker advised that as a destination, the Fort Lauderdale Beach has been missing the type of public realm improvements proposed by the project, which help create a sense of place. It is believed that the Beach can be promoted as a destination through multimodal improvements, which can mitigate the effect of individual cars coming to the Beach.

Mr. Heidelberger requested additional information on how portions of the project will be used over the long term. Mr. Suiter replied that the City Commission supports preserving a lot on the south side of the Las Olas Bridge as green space. He noted, however, that he could not speak to whether or not this portion of land would be deeded as a public park. The site to the north of the bridge will either be preserved as green space or dredged in order to expand the marina.

Mr. Heidelberger noted that Bahia Mar also proposes a large parking garage, and asked if the design for the north side of this site could be developed to accommodate some of the needs of the Boat Show. He felt the City would have an interest in coordinating these projects for this reason.

Mr. Suiter stated that he could not speak for this effort, as the subject project has only recently reached the 30% design phase. He agreed that all parties should come together to fully discuss any coordination. Mr. Morris added that the City Commission made it clear that expansion of the marina is a priority: as the design phase continues, the project will consider two concepts, one with an expanded marina and one without.

City Manager Lee Feldman also addressed the issue of the Boat Show, stating that its operators' primary concern is with the grassy area on the south side of the bridge. They hope to continue staging for the Boat Show from this area. With regard to the potential conversion of the proposed Bahia Mar garage into event space, Mr. Feldman advised that adding this type of infrastructure to a City garage would be cost-prohibitive.

Chair McTigue asked if there is concern at the City level regarding the reduction of 400 parking spaces. Mr. Feldman replied that the City encourages individuals to use alternative methods of transportation to access the Beach rather than taking their cars.

Ms. Golub asked if there has been consideration of maintaining some of the south side green space as surface parking enhanced by landscaping. Chair McTigue noted that the north side could also be used to preserve parking. Mr. Morris replied that it would be useful to maintain this parking until the expansion of the marina or creation of a park.

Ms. Golub also addressed the proposed curbless conditions at Las Olas Boulevard and A1A. Mr. Suiter explained that the project hopes to raise this intersection as a traffic calming condition. In addition, during events with a great deal of pedestrian activity, signalization can shut down this intersection for a longer period of time in order to promote safe pedestrian crossing and an open view corridor.

Mr. Suiter continued that bollards and planters will surround in the curbless intersection. Ms. Golub observed that there is a lack of sidewalk space in the area. Mr. Suiter pointed out that sidewalks flank the park to the north and all three sides of the parking garage; however, there is no sidewalk on the north side of the parking garage, as pedestrian activity is discouraged there. There is a raised sidewalk to the east of the garage in addition to the nearby pedestrian walkway.

Ms. Golub pointed out that the restaurant proposed for the rooftop of the four-story garage could block the views of residents in buildings to the east of the facility. Mr. Suiter confirmed that the current plan is to construct a restaurant on a green rooftop. The building will also include a lobby and elevator access to the restaurant.

Ms. Golub asked if other garages have a 5.5% elevation. Mr. Suiter reiterated that Florida Building Code allows up to 6% in self-park garages. Ms. Parker advised that Staff does not feel this will affect the function of the garage. Attorney Spence noted that the Applicant is specifically requesting a waiver of that section of Code for this project alone, but is not changing Code for other garage facilities in the future.

Chair McTigue pointed out that the capacity of the restaurant will need to be deducted from the overall parking. Mr. Suiter stated that because the parking lot is associated with a destination, the restaurant will be considered part of that destination.

Chair McTigue also asked if lifeguards have been involved in the public process. Mr. Suiter replied that while City Staff from several different Departments have attended these meetings, he was not aware of whether or not lifeguards have participated.

Chair McTigue asked if a second garage was previously considered from the northern parcel of land. Mr. Suiter advised that the 15% design study showed various configurations of garages on this parcel; however, they were considered to be at the expense of the best and highest use of the property. The City Commission prefers to preserve this land for potential marina expansion. Mr. Morris observed that another issue is the limited amount of funding available within the CRA, which would prohibit the construction of a second garage.



Vice Chair Hansen asked if EDSA plans to address the area to the west of the Las Olas Corridor in the future by correcting mistakes made in the past. He clarified that this would include four bridges that are in need of repair, as well as a damaged roadway. Mr. Morris advised that the focus at present is within the Central Beach area.

Mr. Suiter estimated that the project would have a two-year buildout, with its first phase beginning with garage construction in December 2016. After the garage is constructed, there would be a break in construction for the Boat Show, followed by an additional 12-month buildout. The A1A portion of the project, which is along the coast, would follow a similar schedule so both projects proceed at roughly the same time.

Ms. Golub pointed out that the DRC report includes several questions and requirements for approval from other agencies and regulatory bodies. Mr. Suiter noted that while there may be modifications to the project as presented, he did not foresee drastic changes. He concluded that flexibility is built into the design, such as maintaining the proposed corridor around the marina for public purpose use, even if marina expansion proceeds at the same time as the Las Olas Corridor project.

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

Paul Chettle, private citizen, stated that the number of parking spaces in lots throughout the Beach CRA, including those north and south of the bridge, totaled approximately 2000. He felt the staging of the Boat Show would significantly affect parking, as both the north and south lots are shut down when staging is underway. He also pointed out that 50% of the net profits associated with the rooftop restaurant parking lot must go to the State.

Mr. Chettle continued that the marina has a submerged land lease subject to multiple restrictions from the State, which may limit what can be done to the property. He concluded that all residents in the area may not have been appropriately informed of the meeting between the Applicant and the CBA.

Vice Chair Hansen requested additional information on notification issues related to the Applicant's meeting with the CBA. Mr. Robinson advised that the Applicant has complied with the requirements of the Public Participation Ordinance, which requires a written report on the presentation. The Ordinance does not require an organization to vote on a project. As the Application is for public purpose use, mailings to all addresses within 300 ft. of the subject site are required in addition to public participation. Mr. Chettle asserted that few of these individuals received notice in the mail. Mr. Robinson noted that he received telephone calls from nearby residents who received the mailing.

Moneda Marker, private citizen, stated that the height of the proposed garage is 67 ft., which is not acceptable from the perspective of residential buildings. She also addressed traffic on Las Olas Circle, noting that making this traffic one-way would block

in residents of The Venetian condominium who wish to travel west on Las Olas Boulevard.

Carla Buchtel, private citizen, commented that parking spaces are not at full occupancy during most of the year. She suggested an alternative be found to the proposed parking garage.

Kyle Campbell, private citizen, stated that the Leisure Beach South building would be greatly affected by the proposed garage, as its balconies would be approximately 35 ft. from the building. He added that his building was not informed of a public meeting or requests for public input before Thursday, February 11, 2016. He also noted that traffic is already heavy in the surrounding area.

Mr. Campbell continued that a better solution would be the adoption of legislation requiring any new development on the Beach to include parking for City residents. He added that residents are in favor of expanding the Las Olas Marina, which currently has limited dock space. He requested that the project be required to reduce setbacks at least 20 ft. from the bridge to the garage.

Mr. Glassman asked if Leisure Beach South is a member of the CBA. Mr. Campbell replied that while he did not know if the building is a CBA member, residents in the building were not informed of public meetings about the project. Mr. Glassman emphasized the need for residents to be active in their neighborhood associations in order to stay abreast of issues and express their concerns.

John Roth, private citizen, stated that prior to now, he felt most of the improvements in the Las Olas Bridge area were good work. He suggested that all parking garages in seaside communities be constructed beneath the water, which is done in some European cities. Mr. Roth concluded that there are insufficient security measures planned between the proposed public promenade and boats in the marina.

Shirley Smith, private citizen, stated that the proposed project has evolved significantly from its original version, which proposed two parking garages on either side of the Las Olas Bridge. She asserted that the current plan is preferable to its previous iterations.

Craig Fisher, private citizen, expressed concern with the upkeep of public restrooms on the Beach, as well as the possible expansion of the marina. He continued that backing out of parking is extremely difficult on Birch Road on the weekends, and advised that landscaping and green space would create difficulty for the machinery used in staging the Boat Show.

Mr. Glassman asked if Mr. Fisher's building has taken a position on any of the projects under consideration. Mr. Fisher replied that he had seen no notification of tonight's meeting other than a posted sign.

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 asked if the assertion of roughly 2000 parking spaces in the area was accurate. Mr. Suiter replied that an official survey found 835 spaces affected by the project.

Mr. Morris provided some history on the Beach CRA, which was created in 1989 and is a 30-year CRA. They will continue to receive revenue through fiscal year (FY) 2020, although the project technically sunsets in November 2019. All CRA funding must be encumbered prior to this date.

**Motion** made by Ms. Maus to approve with Staff conditions.

Ms. Golub offered an **amendment** to approve the project without the proposed restaurant. Ms. Maus did not accept the **amendment**, stating that this should be left to the discretion of the City Commission.

Chair McTigue proposed an **amendment** that would keep at least 100 parking spaces in the lot located to the north of the bridge. Vice Chair Hansen also recommended retaining part of the green space for overflow parking.

Ms. Maus accepted the **amendment, restating the motion** as follows: **motion** to approve with Staff conditions and a special condition that there be 100 surface parking lot spaces placed on the land immediately north of the parking garage [to] also serve as overflow parking.

Mr. Glassman **seconded the motion**.

Mr. Robinson advised that there are no Staff conditions recommended for the Application.

In a roll call vote, the **motion** failed 3-3 (Ms. Golub, Mr. Glassman, and Mr. Heidelberger dissenting).

Attorney Spence explained that due to the quasi-judicial nature of the proceedings, another motion must be entertained to record an affirmative approval or denial of the Item.

**Motion** made by Ms. Maus, seconded by Ms. Golub, to approve with a special condition that the property north of the parking garage serve as overflow parking and the restaurant is removed.

In a roll call vote, the **motion** carried 5-1 (Mr. Heidelberger dissenting).

2. **Applicant / Project:** Curtis T. Bell Trust / 315 Flagler Plat
- Request: \*\*** Plat Review
- Case Number:** PL16001
- General Location:** 315 NW 1<sup>st</sup> Avenue
- Legal Description:** A portion of Lot 2, Block 3, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book B, Page 40, of the public records of Dade County, Florida.
- Said land being in the City of Fort Lauderdale, Broward County, Florida and containing 22,797 square feet or 0.5233 acres more or less.
- Case Planner:** Eric Engmann
- Commission District:** 2

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

Leigh Kerr, representing the Applicant, stated that the request complies with the subdivision adequacy requirements of City Code, as well as the land use and zoning for the site. The Applicant concurs with the Staff Report.

Eric Engmann, representing Urban Design and Planning, advised that the Application requests to plat a 0.52 acre property. The plat is restricted to a 220-room hotel with 7000 sq. ft. of commercial space and 120 residential units. There is also an associated Site Plan Level II application for a hotel, which was heard by the DRC in January 2016. Staff recommends approval of the request.

Ms. Golub asked if plat approval would be the appropriate time to express concern that the half-acre site may not be able to support a 17-story hotel/condominium. Mr. Engmann confirmed that the site plan for the proposed hotel is not considered as part of this request, but the Site Plan Level II process.

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 Ms. Maus, seconded by Mr. Glassman, to approve. In a roll call vote, the **motion** passed 6-0.

3. **Applicant / Project:** Shaw Temple A.M.E Zion Church / Shaw Temple A.M.E Zion Church
- Request:** Site Plan Extension
- Case Number:** 35R11
- General Location:** 522 NW 9<sup>th</sup> Avenue

**Legal Description:** Lot 33 thru 40, Block 16 of North Lauderdale as recorded in Plat Book 1 Page 48 of Broward County Public Records.

**Case Planner:** Karlanne Grant

Disclosures were made, and any individuals wishing to speak on this Item were sworn in.

Scott Mello, representing the Applicant, stated that the request is for a two-year extension on plans presented to the DRC. The Applicant is seeking grant funding and raising funds for the project. Mr. Mello advised that the property has been cleaned, with invasive trees removed and new trees planted.

Ms. Golub observed that there have been several Code modifications since a previous extension was awarded to the project, which means its plans must be modified. Mr. Mello confirmed that the Applicant is prepared to make these modifications, which address green space and the sewer system, among other considerations.

Karlanne Grant, representing Urban Design and Planning, advised that the request is for a second 24-month extension of time to apply for a building permit from the date of August 26, 2015 to August 26, 2017, and issuance of the permit from February 26, 2016 to February 26, 2018. The plan is for a 2184 sq. ft. addition to an existing house of worship.

The Planning and Zoning Board approved a conditional use permit application for the subject project in 2011. Staff has analyzed the applicable building, engineering, and zoning regulations per ULDR requirements and has determined that the Codes under which this approval occurred in 2011 have changed. Upon submittal of a building permit, the Applicant will also be required to submit building plans that meet current Florida Building Code. Staff recommends approval of the request.

Mr. Glassman requested clarification of the number of extensions a project may be granted. Ms. Grant replied that Code only states that the last reviewing body must approve extensions, subject to good cause criteria.

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 for approval of the Item, with the condition that the changes in the ULDR be met as of the date of this approval, not necessarily two years from now.

Attorney Spence pointed out that the Applicant is required to comply with current Code, with no items left to discretion.

Vice Chair Hansen **amended his motion: motion** to approve with Staff conditions.

Ms. Maus **seconded the motion.**

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

4. **Applicant / Project:** City of Fort Lauderdale /Amend Unified Land Development Regulations (ULDR)
- Request: \*** Amend ULDR Section 47-22.3.J, Message Center Signs, to permit message center signs within the public right-of-way when in association with entertainment, cultural arts, or athletic events or the holding of public expositions, fairs and conventions, museums or some combination of thereof subject to specific criteria.
- Case Number:** T15005
- General Location:** City-wide
- Case Planner:** Anthony Gregory Fajardo
- Commission District:** City-wide

Chief Zoning Examiner Anthony Fajardo presented the proposed amendment to ULDR Section 47-22.3.J, which addresses message center signs. These are electronically changeable copy signs currently permitted within the City, subject to size and facility requirements. Two such signs have been erected thus far, one at the Broward Convention Center and one at the War Memorial Auditorium. The proposed amendment would permit these signs in association with specific facilities in certain parts of the City within the public right-of-way.

Mr. Fajardo explained that some facilities within the Downtown Regional Activity Center (Downtown RAC) lack visibility, such as the Broward Center for the Performing Arts and the Museum of Discovery Science. Allowing signage within the right-of-way would provide additional exposure along Broward Boulevard. When this item was first presented in October 2015, the Board expressed concern with some of the items included in Code and requested that they be addressed.

Mr. Fajardo recalled that the Board had asked Staff to consider the following:

- Limiting the usage of message center signs to governmental entities and public/private partnerships;
- Limiting the number of signs allowed;
- Providing for separation criteria.

Staff proposes criteria for signage within public rights-of-way, subject to the following:

- Message center signs in association with a property that is primarily used for public assembly, cultural or athletic events, and the holding of public expositions, fairs, and conventions;

- The property in association with the sign must have a minimum seating capacity of 4000 and a minimum 100,000 ft. in floor area;
- Message center signs and the properties they serve must be located entirely within the Downtown RAC zoning districts;
- Message center signs must be no more than 800 ft. from the properties they serve;
- Message center signs must be located on or within a public right-of-way that directly abuts or is adjacent to the properties they serve;
- Message center signs may not be located within 300 ft. of properties outside the Downtown RAC;
- Message center signs cannot be located closer than 1500 ft. to any other permitted message center sign;
- Message center signs must be approved as Site Plan Level II development permit with City Commission approval.

Mr. Fajardo pointed out that RACs are mixed-use in nature, and are intended to allow a variety of activities to take place.

With regard to the limitation of message center signs to governmental entities and public/private partnerships, Mr. Fajardo recalled a recent United States Supreme Court ruling with respect to the regulation of signs, which addressed sign content. Staff felt this proposed limitation could be perceived as content-related. As a result, they struck the language referring to entertainment, focusing on cultural, athletic, and other specific types of events cited above.

With regard to the number of signs and their separation, this is addressed through the limitation of message center signs within 1500 ft. of one another and 300 ft. from non-Downtown RAC zoning districts. This would provide sufficient separation to prevent sign clutter and limit the number of signs within an area.

Mr. Fajardo referred the Board to the proposed language of the Ordinance, which states the location of message center signs would be subject to the requirements of City Engineers. This is because the signs are proposed within rights-of-way, which means there may be requirements related to sight triangles, visibility, and other concerns. The Ordinance may also include an exemption for the size of a message center sign's support structure, which is currently limited to 6 ft. in height beneath the face of the sign. This would be subject to the discretion of a City Engineer, and would be added to Section 2.1.3.F. Proposed language would be as follows: "When positioned within the right-of-way in association with a development site, the support structure height for a message center sign shall be subject to the requirements of the City Engineer."

It was further clarified that there were no restrictions proposed regarding hours of operation. While they could be allowed to run 24 hours per day, the signs would be subject to display requirements related to brightness. There is no distinction between

the brightness allowed at different times of day or night, as illumination is based on ambient lighting at the given location.

Ms. Golub requested clarification of the ability to place a sign on a development site or in the right-of-way. Mr. Fajardo explained that the sign could be placed in the right-of-way if it meets the criteria within this section of Code. Ms. Golub noted that there is limited space in which to build properties that would meet the criteria for these signs. Mr. Fajardo advised that the Ordinance focuses on specific types of facilities, including cultural and arts facilities.

Vice Chair Hansen observed that at present, the Broward Center for the Performing Arts is able to meet these requirements, although Staff has not looked into whether or not specific other venues would be able to meet them as well. Mr. Fajardo noted that entertainment has been stricken from the types of events covered by the proposed Ordinance: the primary purpose of the facility must be cultural events. Other facilities that meet these standards, including those that hold athletic events, could also negotiate to advertise on the sign. There are no criteria for how these negotiations may be managed.

Vice Chair Hansen asked if this would allow the City to put up a "Welcome to Fort Lauderdale" sign if they wished. Attorney Spence confirmed that this could be done under the City's proprietary rights as a government.

Mr. Glassman expressed concern for the aesthetics of the proposed signs. Mr. Fajardo advised that this would be addressed as part of the DRC process.

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

John Milledge, representing the Broward Performing Arts Authority, advised that the Center for the Performing Arts does not currently have significant signage. They hope to erect a sign aesthetically similar to the one used by the Parker Playhouse. He emphasized the importance of letting the public know about the Center's regular activities. They are also open to negotiations which would allow the Discovery Center to use the sign as well.

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 Ms. Maus, seconded by Mr. Glassman, to approve as presented. In a roll call vote, the **motion** passed 6-0.

#### **IV. Communication to the City Commission**

None.



**V. For the Good of the City of Fort Lauderdale**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:05 p.m.

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

  
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Chair

  
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Prototype

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