

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS – 1<sup>ST</sup> FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, SEPTEMBER 21, 2011 – 6:30 P.M.**

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2011-May 2012</b>	
		<b>Present</b>	<b>Absent</b>
Patrick McTigue, Chair	P	4	0
Leo Hansen, Vice Chair	P	4	0
Stephanie Desir-Jean	P	3	1
Michael Ferber	P	4	0
Catherine Maus	P	3	1
James McCulla	P	4	0
Michelle Tuggle	A	3	1
Tom Welch	P	4	0
Peter Witschen	P	3	1

**Staff**

Greg Brewton, Director of Planning and Zoning  
 Sharon Miller, Assistant City Attorney  
 Jim Koeth, Principal Planner  
 Thomas Lodge, Planner II  
 Ella Parker, Planner III  
 Yvonne Redding, Planner II  
 Cheryl Felder, Service Clerk  
 Terry Burgess, Zoning Administrator  
 Mohammed Malik, Chief Zoning Examiner  
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**Index**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
1.	26-R-11**	Q Club
2.	3-T-11*	City of Fort Lauderdale / ILA Comprehensive Plan Amendments
3.	47-R-11**	McDonald's USA LLC / McDonald's Broward and 1 <sup>st</sup>
4.	6-P-11**	Broward Health / Andrews Avenue Medical Office Building for Broward Health
5.	Communication to the City Commission	

6. For the Good of the City

**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 called the meeting to order at 6:32 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members and Director Brewton introduced the Staff members present. Attorney Miller explained the quasi-judicial process used by the Board.

Chair McTigue recognized City Commissioner Charlotte Rodstrom, who was in attendance.

**Motion** made by Mr. McCulla, seconded by Ms. Maus, to approve the minutes of the August 17, 2011 meeting. In a voice vote, the **motion** passed unanimously.

1. **Q CLUB**

**Yvonne Redding**

**26R11**

**Request: \*\***

**Site Plan Level IV/Increase Habitable Height of the Structure/ Allow Modification of Setback Requirements/Parking Reduction Request**

Legal  
Description:

All of Block D, BIRCH OCEANFRONT SUBDIVISION

General  
Location:

505 North Fort Lauderdale Beach Boulevard

District

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Chair McTigue noted that the Applicant in this case has requested an additional 30 minutes to make their presentation. Mr. Witschen commented that this seemed excessive, and he felt 15 minutes would be acceptable. The Board agreed by consensus to allow an extra 15 minutes.

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

Heidi Davis, representing the Applicant, explained that the Hilton Fort Lauderdale Beach Resort and the Q Club were proposing site plan modifications consisting

of rooftop amenities, including a restaurant, lounge, and observation deck. There will also be pool deck modifications to activate the A1A corridor. Sustainable strategies, including solar features, rooftop wind sculptures, and an installation of first floor shade structures at the southeast corner of the building are also planned.

Ms. Davis noted that the Applicant is withdrawing the request for the lower level wind turbines shown on the Board's plans. This will mean there is no need for yard modifications.

She stated that the previous week, the Board of Adjustment approved variances that would allow the permitted use of six wind turbines at the rooftop level, pursuant to specifications, without the need for screening.

Ms. Davis concluded that the Hilton and the Q Club are committed to providing environmentally friendly strategies and implementing green technology. They are pleased that the Board of Adjustment, and hopefully the Board and City Commission, may make these strategies possible.

Jiro Yates, architect for the Applicant, showed photos of the existing hotel, which includes some underused space. The proposed use is an observation deck that will be open to the sky. The Applicant would install a deck with railings, landscaping, and furniture, as well as a public access area.

He showed a rendering of the solar panels and wind turbines to be installed on the rooftop. The turbines are unidirectional, which means they do not need to face into the wind. Because they are not horizontal axis turbines, they generate less noise and vibration into the structure itself. They are also corrosion-resistant.

Mr. Yates pointed out that the roof level is currently used for mechanical space only. The proposed use would transform the front into a restaurant area, with the back remaining mechanical space. He showed a rendering of the proposed design.

The Hilton would like to add three tulip umbrellas on the pool deck. Mr. Yates advised that the pool deck is currently located at the 6<sup>th</sup> level; because there is a shortage of space at this level, the Applicant hopes to tie it into a flat roof at the front of the building on the 4<sup>th</sup> level. He showed a rendering of the changes this would make.

Ms. Davis stated that converting the unused space on the rooftop would mean changing it from non-habitable to habitable space. While the rooftop amenities would increase the habitable height, they would not increase the overall height of the existing building. She noted that since the Hilton was approved in 2000, the City's height regulations have decreased by 20 percent. Code allows for an

Applicant to request the application of a prior zoning regulation if a regulation has changed since the original development was constructed. The Applicant is requesting this application of prior zoning, which was a maximum height of 250 ft. with a bonus up to 300 ft.

During the original site plan approval for the Hilton, the Applicant received a bonus on the design criteria scale of 10 percent. This would have allowed the Hilton to be constructed to a height of up to 275 ft. at that time; however, the bonus was not used for the original site plan was approved. The current building height is 233 ft. The Applicant requests the additional height of the existing mechanical space, which is 259 ft. 6 in., for the new rooftop amenities, based on what was previously permitted by Code.

The Applicant is also requesting a parking reduction to accommodate the proposed restaurant/lounge. The rooftop restaurant is 4000 sq. ft. in size, which requires 40 parking spaces. Ms. Davis noted that when a parking reduction was requested for another property in 2010, the hotel included 30 parking spaces for future meeting space; where the meeting space would be in the hotel was not determined at that time. This means the request for the current Application is only for 10 additional parking spaces. Planning and Engineering Staff, and the City's parking consultant, have reviewed and approved the parking analysis submitted to them. The results of this analysis conclude there is adequate capacity in the parking garage on all days and at all times.

Ms. Davis concluded that three tulip umbrellas planned for the first level would encroach into the setback. They are located on the restaurant's existing upper deck and do not interfere with the sidewalk.

She concluded that the project has the support of the Central Beach Alliance and the Condo Association Board. She reiterated that the Board of Adjustment had approved the wind turbines planned for the roof. The proposed green strategies were presented to the Sustainability Advisory Board and the Utility Advisory Committee, both of which recommended its approval to the City Commission. Staff has indicated that the Application meets all applicable Code criteria and recommends approval as well.

Yvonne Redding, Planner, advised that the Application would go before the City Commission for final approval, as it is considered a development of significant impact and is a Site Plan Level 4 modification. The parking study was reviewed and approved by the City's traffic consultant and Engineering Staff. The addition of the ground-floor umbrellas is also a development of significant impact, as they encroach into the setback.

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

John Weaver, President of the Central Beach Alliance, stated that the proposed modifications had been presented to that body in March 2011 and were unanimously approved. They felt the wind turbines were “a good thing for Fort Lauderdale beach.”

Lester Zalewski, Vice President of the Central Beach Alliance, stated that the proposed modifications were unique and could lead the City toward use of more sustainable energy sources. He concluded that he wholeheartedly supported the project.

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

Ms. Maus asked what the restaurant’s hours of operation would be. Andreas Ioannou, general manager of the Hilton, said the business plan has not yet been finalized for the rooftop restaurant/lounge; their objective, however, is to ensure that they maintain hours of operation within legal parameters. They would respect both the City’s Ordinances and the comfort of the Hilton’s guests, as there are rooms located beneath the rooftop. He was not certain of the hours listed in the Ordinance regarding music.

Ms. Maus asked if the Hilton is located within the Entertainment District. Mr. Ioannou confirmed it was not. Ms. Maus asked what the Ordinance states regarding live music. Director Brewton noted that this was not what was before the Board tonight. Chair McTigue explained that the Board was seeking to understand the anticipated uses of the property. Director Brewton said he did not recall restrictions on the hours for outdoor entertainment if that is a permitted use in the area. He added that the Board may add any conditions they deem reasonable to the request.

Ms. Maus stated she was concerned that the noise may carry to the Applicant’s neighbors, as there have been complaints of this nature elsewhere on the beach. Ms. Davis reiterated that the Applicant wants to comply with the noise Ordinance, and noted that they have not proposed outdoor music for the rooftop area. She added that the Applicant has retained a noise consultant, who took readings at the upstairs level and other areas as well. She asserted that the Applicant will comply with all City noise regulations.

Mr. Ferber asked if the Applicant would be willing to stipulate to the assertions they had made regarding noise concerns, suggesting “no outdoor speakers” as one possibility. Ms. Davis said she could not stipulate to this, as she did not know the plan for the restaurant/lounge; however, the noise consultant would advise where any speakers should be located to minimize spillover noise.

Ms. Desir-Jean asked how many people could be accommodated by the observation deck. Mr. Yates estimated this would be 25-30 people, and showed a picture of the proposed deck. Ms. Desir-Jean observed that this would be a very small space for music, and asked if any entertainment would occur primarily in the restaurant area. Mr. Yates confirmed this. He pointed out that the restaurant and observation deck are not in proximity to each other, as the restaurant is in the front of the building and the deck is toward the back.

Mr. Yates added that there is an 8 ft. glass wall around the perimeter of the restaurant, while the observation deck will have a 42 in. glass barrier. The 8 ft. wall is intended to prevent the spillover of noise.

Mr. Witschen stated he felt the Applicant should not be asked to stipulate to the noise Code, as he found it to be onerous. He said the Application was a good use of what is currently wasted space, and he believed it would add to the vibrancy of the beach.

**Motion** made by Mr. Witschen, seconded by Mr. McCulla, to approve, subject to the withdrawal of the turbines at the lower level. In a roll call vote, the **motion** passed 8-0.

2. City of Fort Lauderdale / ILA Thomas Lodge 3T11  
Comprehensive Plan Amendments

**Request: \***                      **Text Amendments / Comprehensive Plan  
Amendments to the Public School Facilities Element  
and Capital Improvement Element**

General                      Citywide  
Location:

Tom Lodge, Planner, stated the request was for a text amendment to the Fort Lauderdale Comprehensive Plans for public school facilities and capital improvement elements, to be consistent with the Broward County Comprehensive Plan, as per the second amended interlocal agreement between the Broward County School Board and the other 25 municipalities. The School Board and County municipalities recognize their students will benefit from coordination of Comprehensive Plan use the school facility planning programs. Benefits include improved student safety, better-designed pedestrian environments around schools, schools that serve as better focal points for neighborhoods, and location and coordination of schools with residential units and land development.

In 2003, the original ILA was executed for public school facility planning. Recently, various new facilities were proposed to support the concurrency service areas and level of service standards. Instructions for some of these proposed new facilities were subsequently rejected by the Florida Department of Education due to the district-wide excess capacity. Without construction of these new facilities, many concurrency service areas would fail to meet the adopted level of service standards within the five-year planning period required by Florida state statutes.

To meet the projected level of service standard, the School Board has proposed to amend the first ILA to change 110% of permanent floor inventory of school housing capacity for a specified period to 100% of gross capacity as a means to avoid multiple School Board boundary changes across the County. As a result, the proposed Comprehensive Plan amendments would permit school districts to include relocatable portables in their level of service counts.

The proposed amendments do not appear to have an impact on most of the Fort Lauderdale high schools, junior highs, and elementary schools; however, Bayview Elementary, Rock Island, and Riverland may be affected by these changes in the future.

Mr. Lodge concluded that Staff recommends the Board approve these amendments.

Mr. McCulla asked if this means the School Board already has the requisite level of approval by 75% of the other municipalities. Mr. Lodge confirmed this.

**Motion** made by Mr. McCulla, seconded by Ms. Maus, to approve the Item.

Mr. Witschen said he hoped this would not be a long-term policy of the School Board.

In a roll call vote, the **motion** passed 6-2 (Mr. Ferber and Ms. Desir-Jean dissenting).

3. **McDonald's USA LLC / McDonald's Thomas Lodge** 47R11  
**Broward and 1<sup>st</sup>**

**Request: \*\* Site Plan Level III / Installation of an Additional Wall Sign to a Restaurant in the RAC-CC Zoning District**

Legal Description: Lots 9,10 and 11, Block 13, and the Northerly 1.55 feet of the Easterly 55 feet of Lot 12, Block 13, of the TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in P.B. "B", P. 40, of the Public Records of Dade County, Florida, and Lot 12, Block 13, of the TOWN OF FORT LAUDERDALE, according to the plat thereof, recorded in P.B. "B", P. 40, of the Public Records of Dade County, Florida, now lying and being in Broward County, Florida

General Location: One block west of Andrews Avenue on the north side of West Broward Boulevard

District 4

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

Craig McDonald, representing the Applicant, said the request is for Site Plan Level 3 approval of an additional McDonald's sign on the front elevation of the renovated building. Prior to the renovation, there were three wall signs on the building. During the renovation, the monument sign was brought up to Code. Currently, as they are on two streets, the Applicant is allowed three signs, no more than one of which may be free-standing. At present, the only signage is an M on the front and the east elevations.

Mr. McDonald showed a picture of the building as it appears today. He explained that the square footage of both existing signs is below what is allowed by Code for a single sign on the front of the building. He showed a picture of a similar property, explaining that this was the sign proposed by the Application. He noted that these signs were part of the company's new image and were not yet easily recognizable.

Mr. Lodge stated that the Applicant was requesting three wall signs where two such signs are permitted. The addition of this sign would complete the redevelopment of the Site Plan, which was reviewed and approved by the Planning and Zoning Department as a Level 2 project. Staff recommends approval of the project.



Ms. Maus referred to the McDonald's Application for a site on Federal Highway near the Coral Ridge neighborhood, recalling that this Application had recently come before the Board. She said she did not recall signage being part of that request, and asked to know the difference between that site and the site of today's Application. Mr. Lodge explained that in this case, the Applicant was asking for one more sign than was permitted by Code in the Downtown RAC zoning district. Signage for the other site would have been Site Plan Level 2 and would have gone before the Development Review Committee.

Mr. McDonald added that the Federal Highway location faces only one street instead of two, so the two signs on the front would be sufficient.

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

Vice Chair Hansen noted that there may be the intention for Downtown to "have a different feel" from Federal Highway, such as a more urban or sophisticated atmosphere.

Mr. McCulla agreed that the two locations are distinctly different environments, and pointed out that the Applicant's site is "nestled between a tire store and a bus depot." He said he could not tell how useful the third sign on the building might be, and did not feel the proposed sign would have a significant impact on the ambience of the location.

Mr. Witschen said he felt the entire area was "in need of some desperate planning." He felt the McDonald's was a suburban establishment in an urban setting, and he did not feel the proposed sign was offensive.

Vice Chair Hansen observed that he had seen McDonald's restaurants in urban settings, and they did not need the "suburban-type signage" to advertise themselves. He felt the Board had a chance to have some effect on how the area looks, and stated the Applicant would change the feel of the Downtown area.

Ms. Maus asked Staff to discuss the difference in signage requirements in RACC and B-1 zoning districts. Director Brewton said there was no difference in requirements, but there is a difference "if they wanted to do more," which would require an Applicant to come before the Board.

Mr. McCulla asked what would happen if the Board did not approve the Application. Mr. McDonald advised they would appeal to the City Commission for approval. While removing the sign on one side of the building would bring the request into compliance, he stated this was not an option.

Mr. Ferber requested clarification of the signage currently on the site. Mr. McDonald said there is a two-sided monument sign which faces east and west; there are also "M" signs on both the east and west façades of the building.

**Motion** made by Mr. Witschen, seconded by Ms. Maus, to approve. In a roll call vote, the **motion** passed 6-2 (Vice Chair Hansen and Ms. Maus dissenting).

4. **Broward Health / Andrews Avenue Thomas Lodge 6P11**  
**Medical Office Building for Broward Health**

**Request: \*\* 8.5 foot Right-of-Way Vacation**

Legal Description: The South 8.5 feet of the West 80.00 feet of Lot 18; the South 8.50 feet of Lot 17; The South 8.50 feet of Lot 16; the South 8.50 feet of Lot; all of said Lots lying in Block 35 of CROISSANT PARK, according to the plat thereof, recorded in P.B. 4, P. 28 of the Public Records of Broward County, Florida.

General Location: One block North of NE 16 Street, between South Andrews Avenue and SW 1 Avenue

District 4

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

Robert Lochrie, representing the Applicant, said the request is for the vacation of an 8.5 ft. alleyway remnant. He showed an aerial map of the property, stating it is across the street from the entrance to Broward General Hospital. The Site Plan has been approved by the City for a new medical office building.

As part of the process, the City vacated a portion of 16 Avenue. They retained a 25 ft. easement for utilities and pedestrian access. When the project went to final DRC, it was discovered that another piece of right-of-way, the 8.5 ft. strip, had not been vacated. As a result, the strip cuts beneath the building itself, which is the reason the Applicant is requesting the vacation.

He concluded that the Applicant agrees with all Staff conditions except condition #1, which provides that the City will retain a utility easement within the vacated rights-of-way. Mr. Lochrie said the Applicant has given the City the 25 ft. strip adjacent to this easement, and there is no reason to retain the portion before the Board today, as it goes beneath the building. Any existing utilities within this strip would be relocated by the Applicant.

Mr. Lodge stated the right-of-way strip is located just north of, and adjacent to, the 100 ft. right-of-way strip vacated by the City Commission on June 7, 2011 for the same proposed development. The Application meets ULDR criteria and Staff recommends its approval. He requested that condition #1, to which Mr. Lochrie had referred, be removed from the Staff report, for the reasons cited above.

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

**Motion** made by Ms. Maus, seconded by Vice Chair Hansen, to approve. In a roll call vote, the **motion** passed 8-0.

## **5. Communications to City Commission**

None.

## **6. For the Good of the City**

Vice Chair Hansen observed that he has recently seen a mural on a building "south of the tunnel" that he felt bordered on unlimited signage. He explained that the mural did not appear to him to be artwork, and asked if this was allowed. Director Brewton said he was not aware of the mural in question, but would look into this. He stated that the City's sign Code says signage can be done as art, and can be unrelated to a business; however, sign clutter must not be created. Staff would need to determine whether or not there is a violation.

Mr. Witschen agreed that the mural resembled a billboard, and briefly described the mural to Director Brewton. Director Brewton said this seemed to constitute a Code violation.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:38 p.m.

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Chair

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Prototype

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