



CITY OF FORT LAUDERDALE

**DRAFT**

**PLANNING AND ZONING BOARD MEETING MINUTES  
FORT LAUDERDALE FIRE RESCUE DEPARTMENT – STATION #2  
528 NW 2<sup>ND</sup> STREET, FORT LAUDERDALE, FLORIDA 33311  
WEDNESDAY, MAY 17, 2023 – 6:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Michael Weymouth, Chair	P	12	0
Brad Cohen, Vice Chair (arr. 6:02)	A	9	3
John Barranco	P	11	1
Mary Fertig	A	10	2
Steve Ganon	P	12	0
Shari McCartney	P	9	3
Patrick McTigue	P	10	0
William Rotella	P	11	1
Jay Shechtman	P	11	1

**Staff**

Ella Parker, Urban Design and Planning Manager  
Shari Wallen, Assistant City Attorney  
Jim Hetzel, Urban Design and Planning  
Yvonne Redding, Urban Design and Planning  
Adam Schnell, Urban Design and Planning  
Lorraine Tappen, Urban Design and Planning  
Jamie Opperee, Recording Secretary, Prototype, Inc.

**~~Communication to City Commission~~**

~~None.~~

**~~I. CALL TO ORDER / PLEDGE OF ALLEGIANCE~~**

~~Chair Weymouth called the meeting to order at 6:00 p.m. and introduced the Board members present. It was noted a quorum was present at the meeting.~~

**~~II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM~~**

~~Motion made by Ms. McCartney, seconded by Mr. McTigue, to approve. In a voice vote, the motion passed unanimously.~~

**~~III. PUBLIC SIGN IN / SWEARING IN~~**

~~Any members of the public wishing to speak at tonight's meeting were sworn in at this time.~~

~~Stephanie Toothaker, representing the Applicant, showed a PowerPoint presentation, stating that the request is for a parking reduction. The subject site is a vacant lot in a primarily industrial and commercial area on Federal Highway. The Site Plan meets landscaping and setback requirements. Plans include an office as well as two bicycle parking spaces. The parking requirement for the site is 30 spaces. The Applicant requests 14 parking spaces, one of which would be compatible with the requirements of the Americans with Disabilities Act (ADA).~~

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

~~Adam Schnell, representing Urban Design and Planning, noted a minor modification to the Staff Report: the Applicant is requesting a parking reduction of 16 spaces rather than 17.~~

~~Vice Chair Cohen advised that while he is not always in favor of parking reductions, his experience with self storage facilities has been that the requested reduction would be acceptable. Ms. McCartney commented that the Board had recently sent a communication to the City Commission suggesting that Code be reviewed to adjust some parking requirements. Mr. Barranco observed that the only risk of making changes of this nature to Code is that an anomaly may occur.~~

~~Chair Weymouth asked if the Applicant planned to allow any other businesses to operate on the subject site. Ms. Toothaker replied that the facility will be used for storage only.~~

~~**Motion** made by Mr. McTigue, seconded by Mr. Rotella, to approve with Staff conditions.~~

~~Attorney Wallen read the following Resolution into the record:~~

~~A Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, Florida, approving a Site Plan Level III development permit for a parking reduction to reduce the required parking spaces from 30 to 14 for the property located at 3020 S. Federal Highway, Fort Lauderdale, Florida, in the Heavy Commercial/Light Industrial Business (B-3) District; Case Number UDP-S22064.~~

~~In a voice vote, the **motion** passed unanimously (8-0).~~

**4. CASE: UDP- L22004**

**REQUEST:** \* Amend City of Fort Lauderdale Comprehensive Plan Future Land Use Element – Update Mixed Use Land Use Designation and Floor Area Ratio

**APPLICANT:** PFL VII, LLC.

**AGENT:** Nectaria Chakas, Esq., Lochrie & Chakas, P.A.

**PROJECT NAME:** Update Mixed Use – Residential Future Land Use Designation

**PROPERTY ADDRESS:** Citywide  
**NEIGHBORHOOD ASSOCIATION:** NA  
**CASE PLANNER:** Lorraine Tappen

Nectaria Chakas, representing the Applicant, stated that the request is for a Comprehensive Plan Text Amendment to the Unified Land Development Regulations' (ULDR's) mixed-use category, which first came before the Board in November 2022 with an accompanying map amendment. This request applies to the Westin Hotel parking lot, for which multi-family residential use is proposed.

Both the map and text amendments presented in November 2022 were approved by the City Commission in January 2023 to Broward County and to the Florida Department of Economic Opportunity (DEO). The DEO provided comments on some of the proposed language in the text amendment regarding the mixed-use category. Both Staff and Ms. Chakas have proposed alternative language which would address the DEO's concerns.

Ms. Chakas noted that the DEO's comments state mixed-use development should include a percentage of the distribution of uses. She pointed out that the Statute in question also mentions there are other standards, such as density and intensity standards, to which the development may refer. She explained that Staff has proposed the addition of language to the text amendment approved in November 2022, which includes language stating there is a minimum of two uses required within the development, as well as a minimum percentage of 10% of the total floor area for any one use.

Ms. Chakas also noted the language proposed by the Applicant, which refers to use of net site area rather than total floor area. This is because the total floor area of a building, particularly a residential development, is required to have both residential and non-residential components. Those buildings tend to be very large in size, which would mean 10% of that area would be extreme for the subject site. The net site area, however, would provide a better method for the calculation of the 10%. She showed examples of how these two different terms would affect the project, noting that 10% of the commercial use on the subject site would total one acre or 4356 sq. ft. She also cited examples of how the different terms would affect the calculations on other mixed-use developments of various sizes.

Ms. Chakas continued that the total floor area of the residential portion of the subject site is 760,110 sq. ft., including the site's parking garage. If the garage is eliminated from this calculation, the leasable residential area would be 365,993 sq. ft. The use of total floor area calculation would mean the development would need 76,011 sq. ft. of commercial space. She felt the current amount of commercial square footage proposed for the project, which is 24,750 sq. ft., is sufficiently comfortable. The net site area language would require 22,991 sq. ft., which is close to the current percentage.

Ms. McCartney requested clarification that the proposed net site area calculation constitutes a minimum requirement. Ms. Chakas confirmed this.

Mr. Shechtman asked that the terms “net site area” and “site area” be further clarified. Ms. Chakas advised that these refer to the area of the Land Use Amendment. The Applicant prefers the use of “net site area” because the platting of a property can sometimes result in the loss of area through right-of-way dedications or similar requirements. She added that the only property that would be affected by the change in language is the subject site before the Board today.

Mr. Shechtman asked if the net site area calculation refers to the net area after all easements are dedicated. Ms. Chakas clarified that this would not be the case, as the property owner still owns the easements; however, if right-of-way must be dedicated when a plat is recorded, the owner would no longer own the right-of-way area when the plat is recorded.

Mr. Barranco recalled that the Board has approved numerous other mixed-use projects, which typically includes residential use with some form of commercial use, such as management offices and/or amenities, on the ground floor. He asked if any component of the proposed text amendment would mean these commercial spaces may not be used exclusively for residents of the building. Ms. Chakas explained that the text amendment would not go that far, referring only to commercial and non-residential uses.

Mr. Barranco observed that a one-story retail building would have approximately 30% land coverage, which would mean 30% of the site serving as ground floor retail would be an acceptable calculation if there was no multi-story or back-of-house component to that building. He felt 10% of the net site area was reasonable and would provide meaningful ground floor retail development, while 10% of the overall floor area of the building would be unrealistic by comparison.

Vice Chair Cohen asked if the calculation could be modified to include actual residential space, subtracting the space used toward amenities from the calculation. He expressed concern that creating large mixed-use projects with a lesser commercial/retail component would mean developers may try to “get away with less” in the future, resulting in a project that generates more traffic rather than decreasing it. He felt both the state and Broward County are in favor of a greater retail component in order to cut back on the traffic added to an already burdened system. He concluded that he felt 10% of actual residential unit space, not including amenities, was reasonable.

Chair Weymouth commented that there are several high-rise residential buildings planned on a small footprint, which would mean at least three floors would be required for commercial or retail use in a mixed-use project. He also pointed out that developers are typically sophisticated in their determination of how to bring in residents to a given area, depending upon its surrounding uses.

Ms. Chakas advised that similar proposals for mixed-use sites are unlikely to recur in the future, noting that the Applicant’s situation is unique due to the residential land use and

County zoning category. She did not feel it would be commonly proposed for small parcels in the future due to the need for a Land Use Amendment, which is a lengthy process.

Mr. Shechtman pointed out that many residential developers are “merchant builders” and seek to stabilize their assets for sale, while retail/commercial developers often do not lease their properties as quickly and therefore seek to minimize retail components of projects. He noted that the proposed project, in this case, is only six stories. Ms. Chakas stated that the floor area ratio (FAR) is limited to three stories in this case. The project is currently undergoing the rezoning process to the PDD category, which has a height limitation. Chair Weymouth observed that developers are aware of what is financially viable for their developments.

Mr. Barranco commented that 10% of the net site area rather than floor area is more sensible, emphasizing the importance of ground floor retail for mixed-use sites. Mr. Shechtman agreed, but pointed out that some parts of the City are not close to a variety of amenities, and building similar mixed-use developments in those areas would constitute a disservice to their residents. Chair Weymouth pointed out that residential development in those locations could be attractive to retail development.

Lorraine Tappen, representing Urban Design and Planning, explained that at present, mixed-use developments are being constructed on a variety of different land use designations, including Regional Activity Centers and Employment Centers. She characterized the proposed project’s location as a new land use category, as the mixed-use designation would support sustainability goals by creating opportunities for more efficient developments and a wider variety of economic opportunities, including affordable housing and access to multimodal options.

Ms. Tappen continued that over time, it is expected that developers will take advantage of existing ULDR provisions to develop mixed use in the Downtown Regional Activity Center (RAC) as well as on commercial land uses. Recent updates, based on County requirements which allow residential development with affordable housing provisions, would require that parcels greater than five acres in size use 10% of their gross floor area for commercial uses, such as office, retail, or restaurant space.

Ms. Tappen noted that the subject site on Cypress Creek Road is 6.8 acres in size and meets the provision proposed by Staff, which is 10% of the gross floor area. The mixed-use designation is intended to apply to projects that may offer significant commercial uses. Other developers interested in mixed-use projects can build under existing Code and provide benefits such as affordable housing, while the main benefit of the mixed-use land use designation would provide a mix of uses with a higher percentage of commercial space.

Ms. Chakas emphasized that the proposal is for a land use category rather than a zoning designation, which would mean another applicant wishing to use this designation would have to go through the Land Use Amendment process. Ms. Parker added that

developments would need to apply for this land use, and existing properties would not be affected by the change. She also proposed that the City consider allowing 10% of residential square footage to be used for sites that are over five acres in size, which would be consistent with County regulations, while 10% of the net site area could be used for sites that are five acres or smaller.

It was further clarified that the floor area of a development over five acres in size would include only the “occupiable rented habitable area,” excluding parking structures. Vice Chair Cohen recommended defining what would constitute this area in Code. It was suggested that the term “net leasable” be used instead, as this refers only to space that may be rented to tenants. Ms. Tappen advised that Staff would look closely at the language used to make this designation.

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

**Motion** made by Mr. Shechtman, seconded by Vice Chair Cohen, to approve with the change that for sites five acres and under, the amount of commercial space shall be greater than or equal to 10% of the net site area, and for sites greater than five acres, commercial space required would be greater than or equal to 10% of the total net leasable or salable area, exclusive of common area. In a voice vote, the **motion** passed unanimously (8-0).

## ~~V. COMMUNICATION TO THE CITY COMMISSION~~

~~Ms. Parker recalled that the Board had previously sent a communication to the City Commission requesting that parking requirements be reviewed. She suggested that the Board may wish to send an additional communication clarifying the uses for which review was recommended.~~

~~Chair Weymouth stated that he was pleased with Staff's response to requests made by the Board; however, he did not want to make a second request regarding Commission review of parking Code. Ms. Parker explained that the distinction proposed would cite specific uses for which parking calculations should be reviewed, such as medical offices, storage units, and hotels with valet parking, rather than broader categories such as mixed use.~~

~~Mr. Retella observed that he had met with Staff several months ago to discuss parking requirements for general medical uses, which he felt could be decreased to a level similar to office use.~~

~~Ms. Parker explained that the City Commission may have viewed the Board's previous communication as requesting a broad overhaul of parking requirements rather than use-specific review. Chair Weymouth suggested that the Board members revisit the minutes~~

~~of the meeting at which their communication regarding parking requirements had been issued and try to specify some of the uses they felt should be addressed.~~

~~Vice Chair Cohen asked if it would constitute a violation of Sunshine Law if the Board members emailed City Staff with questions they might have regarding this topic. Attorney Wallen clarified that individual Board members may email Staff but may not communicate with each other on Board business.~~

~~Mr. Barranco suggested that Staff could provide the Board members with a list of all parking reductions granted in the City over the past five years. Chair Weymouth felt, however, that it would be more useful for Staff to reach out to the land use attorneys who regularly present to the Board for feedback. The Board did not make any additional communication to the City Commission at this time.~~

## ~~VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE~~

~~There being no further business to come before the Board at this time, the meeting was adjourned at 7:15 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.]