



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, NOVEMBER 20, 2024 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	5	1
Brad Cohen, Vice Chair	P	3	3
John Barranco	A	4	2
Brian Donaldson	P	6	0
Steve Ganon	P	6	0
Marilyn Mammano	P	5	1
Shari McCartney	P	5	1
Patrick McTigue	P	5	1
Jay Shechtman	P	5	1

Staff

D'Wayne Spence, Interim City Attorney
Jim Hetzel, Acting Urban Design and Planning Manager
Karlanne Devonish, Urban Design and Planning
Michael Ferrera, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Burt Ford, Chief Zoning Officer
K. Cruitt, Recording Clerk, 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 the Pledge of Allegiance was recited. The Chair introduced the Board members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Donaldson, seconded by Mr. Mc Tigue, to approve the minutes of the October meeting. 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.

~~Mr. Ganon observed that the subject parcel is ideally located for residents in the area to access a nearby park and ride lot as well as a nearby Tri-Rail station. He asked if the subject parcel will include only a single building to be used as a private club, and requested clarification of the facility's intent.~~

~~Stephanie Toothaker, representing the Applicant, advised that the zoning must be changed from Broward County to Fort Lauderdale zoning. The UUV SE zoning category is consistent with other zoning in the Uptown area. The existing building will remain on the site and will be used as a "condominiumized private club" housing automobiles and motorcycles. The building will be retrofitted to accommodate this use, which is growing in popularity in areas like South Florida which are prone to flooding. She characterized the use as similar to high end storage rather than a club, and clarified that this type of storage is permitted under the requested zoning.~~

~~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 Ms. Mammano, seconded by Vice Chair Cohen, to recommend approval of Case Number UDP-Z24012 based on the findings of fact and the testimony heard today, and the Board hereby finds that the Application meets the applicable criteria of the ULDR cited in the Staff Report and adopt all the conditions and recommendations in the Staff Report. In a roll call vote, the **motion** passed unanimously (8-0).~~

4. CASE: UDP-L24001

REQUEST: * Amend City of Fort Lauderdale Comprehensive Plan Future Land Use Element; Parks, Recreation, and Open Space Designation to Allow Community Facilities and Utility Uses with Acreage Restriction as a Permitted Use

APPLICANT: City of Fort Lauderdale

COMMISSION DISTRICT: City-Wide

CASE PLANNER: Lorraine Tappen, AICP

Lorraine Tappen, representing Urban Design and Planning, distributed a handout noting corrections to the Staff Report to the Board members.

Ms. Tappen explained that the Item before the Board was an amendment to the Future Land Use Element of the City's Comprehensive Plan. The amendment would affect the Parks, Recreation, and Open Space Future Land Use designation by allowing community facilities and utilities as permitted uses under that designation, with the requirement that those community facilities and utilities not exceed a total of five acres in one park or 5% of the park's total area, whichever is less.

The amendment was initiated when the Fire Department suggested rehabilitating and reconstructing the Fire Station at Birch State Park. Urban Design and Planning reviewed

both Code and the Comprehensive Plan and determined that Fire Stations were not currently listed as permitted uses under the Parks, Recreation, and Open Space designation. Staff also learned from the Public Works Department that stormwater pump stations may also be proposed for some parks. In order to allow future flexibility, Urban Design and Planning Staff suggested including utilities as a permitted use as well.

The text amendment includes language that the ULDR will include criteria for future community facilities or utilities in parks. An amendment to the ULDR may include criteria such as:

- Analysis of alternative sites
- Design elements
- Neighborhood compatibility

Staff recommends that the Planning and Zoning Board approve the proposed uses to ensure that they meet necessary requirements and allow for a public process.

Ms. Tappen noted the following corrections to the Staff Report:

- Table 1: update to the total acreage of community facilities currently located in Holiday Park, which is 4.19 acres or 4.7%
- Comprehensive Plan Consistency section: final sentence should read “Limiting community facilities or utilities to five acres or 5% of the total park area, whichever is less, and the Parks, Recreation, and Open Space designation maintains Parks, Recreation, and Open Space element Objective PR1.1, which assures that parks, facilities, and programs adequately meet or exceed the needs of the City’s residents.”

Ms. Mammano requested clarification of the reason behind the proposed change, recalling that previous language addressing the proposed change had referred to retention of sufficient functional open space to serve residents, while the current language refers to Objective PR1.1. Ms. Tappen explained that the proposed amendment would limit community facilities and utilities to a total of five acres or 5%, whichever is less.

Ms. Mammano pointed out that it was the language following the five-acre or 5% reference that had changed. Ms. Tappen replied that the original language was based on a previously considered version of the amendment; after further analysis, Staff determined that five acres or 5% would be the best proposal for the amendment.

Principal Urban Planner Jim Hetzel further clarified that while there have been modifications to the language in the Staff Report, the language of the proposed text amendment itself has not changed.

Mr. Shechtman asked if a proposed facility would come before the Planning and Zoning Board for review. Ms. Tappen stated that at present, the Parks zoning designation allows utilities to be permitted as a conditional use; however, there are no specific requirements

for community facilities in parks. Staff recommends that the ULDR be amended to add criteria for permitting both community facilities and utilities as conditional uses.

Deputy City Attorney D'Wayne Spence further clarified that the Board is acting in its capacity as Local Planning Agency (LPA) by reviewing this proposed change to the Comprehensive Plan. This review would also be consistent with the Broward County Land Use Plan. He read the following language into the record at this time:

"The Broward County Land Use Plan Section 7 of the Recreation and Open Space Use states as follows:

- A. Community facilities and utilities up to five acres, provided that community facilities and/or utility uses are publicly owned and intended to serve a public purpose to promote health, safety, and welfare
- B. That the local government can demonstrate that it will continue to meet the minimum open space requirement of three acres per 1000 existing and projected permanent residents
- C. That the proposed community facilities or utility use is limited to no more than five acres and the municipality must demonstrate that sufficient and functional open space serving the area residents will be retained."

Attorney Spence concluded that the proposed language is required to be consistent with this language in the Broward County Land Use Plan. Once the text amendment is adopted, the next step would be amendment of the ULDR in order to implement the new language.

Mr. Shechtman asked if there has been a previous or existing process for adding a community facility to park or open space. Ms. Tappen replied that there has been no previously existing process, although some community facilities have already been permitted in the Parks zoning district. She cited the example of Riverland Park, where a stormwater pump has been proposed within that Parks, Recreation, and Open Space zoning designation; that park, however, does not have a Parks and Recreation land use designation. Once the ULDR is amended, the stormwater pump project would be required to come before the Planning and Zoning Board for conditional approval.

Mr. Shechtman asked how the stormwater pump would be approved if the amendment is not passed and the ULDR is not amended. Ms. Tappen advised that Code requires this utility to come before the Planning and Zoning Board in any case. Staff hopes to add more criteria for that Board's review, including neighborhood compatibility and design elements, which may include appropriate screening for the pump station.

Mr. Hetzel noted that the process is for public purpose use, which requires Site Plan Level IV approval by the Planning and Zoning Board, followed by City Commission approval. This is the same process by which pump stations are permitted in residential neighborhoods.

Mr. Shechtman commented that members of the public may be sensitive with respect to the use of park space, and recalled that previous proposals, such as the inclusion of pickleball courts at Snyder Park, which are larger than five acres or 5% of the total open space, never came before the Board. His concern was whether or not the result of the amendment would be more park space being taken.

Mr. Hetzel explained that the intent of the proposed amendment is twofold. Staff is attempting to correct situations such as the aforementioned Fire Station at Birch Park, which will need to be rebuilt. The plan to rebuild this station brought the issue to light, as the underlying land use of that land was Parks, Recreation, and Open Space. Another consideration is that the Public Works Department has identified an increased need for stormwater pump stations throughout the City, some of which are proposed within space that is zoned Parks and that has an underlying Parks, Recreation, and Open Space land use.

Mr. Hetzel continued that amending the criteria within the ULDR will establish how the City can move forward, including appropriate siting of pump stations. At present, there are no criteria for how these stations may be accommodated within Parks zones.

Ms. Mammano asked how the existing pump station in Peter Feldman Park was constructed. Mr. Hetzel replied that while Peter Feldman Park is zoned as a park, its underlying land use is not Parks, Recreation, and Open Space but is instead Regional Activity Center.

Ms. Mammano asked if the parks that have recently come before the Board to be rezoned as park space have an underlying land use of Parks. Mr. Hetzel advised that the land use designation of Regional Activity Center (RAC) allows community facility and utility uses; however, if a residential space is rezoned as Park, that underlying land use may remain Residential. Other underlying land uses, such as Commercial, do not allow rezoning to Park.

Mr. Hetzel continued that most of the parks that have come before the Board for rezoning have been compliant with the Land Use Plan or they could not have been processed.

Ms. Mammano also addressed the Fire Station, asking if that building would qualify as a community facility that promotes public health, safety, and welfare. Mr. Hetzel confirmed this, explaining that the language to which Ms. Mammano had referred is in Broward County's but not Fort Lauderdale's Comprehensive Plan. The language must be included in the City's Plan as well.

Mr. Shechtman asked if concerns had been raised that the Fire Station was not compatible with the underlying land use. He also requested clarification of how large a pump station could be. Ms. Tappen advised that pump stations are typically 0.03 acre in size or 1500 sq. ft.

Mr. Shechtman stated that it seemed odd to address this issue under the premise of possible pump stations when those stations are significantly smaller than five acres. Mr. Donaldson pointed out that the reference to five acres would match the terminology used by Broward County. He also noted that there are no parks of 100 acres within the City, which means there would never be a community facility or utility use covering five acres.

Mr. Hetzel noted that the reference to five acres or 5% would require the community facility or utility space to be no larger than the smaller of those two options. The 5% limit would be the more restrictive of the two.

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 Ms. Mammano, seconded by Mr. McTigue, to recommend approval of Case Number UDP-L24001, and the Board hereby finds that the text amendments are consistent with the Comprehensive Plan. In a roll call vote, the **motion** passed 6-2 (Chair Weymouth and Mr. Shechtman dissenting).

~~V. COMMUNICATION TO THE CITY COMMISSION~~

~~None.~~

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

~~Ms. Mammano requested a brief discussion regarding the personal code of conduct signed by all City advisory body members, recalling that the code states the City Commission may remove any member who violates it. She pointed out that the code of conduct also refers to an exception when there is inconsistency with the City's Charter or general or special law, and requested an example of this type of exception.~~

~~Attorney Spence explained that the clause to which Ms. Mammano had referred is considered a catchall provision which may include a number of issues. He noted that there is a provision which states advisory body members should prevent the appearance of impropriety by refraining from engaging in public and private discussions about specific agenda items.~~

~~Attorney Spence continued that Section 286.0115 of Florida Statutes provides that in a quasi-judicial proceeding over local government land use matters, a person may not be precluded from communicating directly with a member of a decision-making body by application of an ex parte communication prohibition. This means the City could not adopt a policy that bars an individual from talking to Board members about quasi-judicial land use cases. This would be covered by the exception.~~

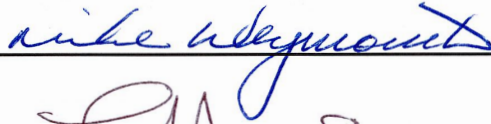
Ms. Mammano pointed out that if this is followed to the waterfront, a property's seawall may be as high as or higher than grade. Mr. Ford advised that the maximum height of a seawall throughout the City is 6 ft.

Mr. Shechtman asked if free-standing shade structures are affected by the change in Code. Mr. Ford replied that these would be measured from the same ground level as fences, which means they should not be impacted.

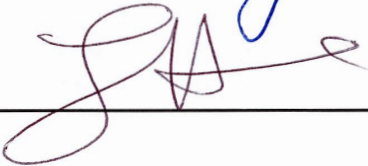
There being no further business to come before the Board at this time, the meeting was adjourned at 7:14 p.m.

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

Chair



Prototype



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