



**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, MARCH 16, 2022 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	June 2021 – May 2022		
	Attendance	Present	Absent
Jacquelyn Scott, Chair	P	10	0
Brad Cohen, Vice Chair	P	7	3
John Barranco	P	9	1
Mary Fertig (arr. 6:16)	P	10	0
Steve Ganon	P	10	0
Shari McCartney	P	9	1
William Rotella (arr. 6:03)	P	9	1
Jay Shechtman	P	8	2
Michael Weymouth	P	7	3

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
- Shari Wallen, Assistant City Attorney
- Jim Hetzel, Principal Planner
- Michael Ferrera, Urban Design and Planning
- Nicholas Kalargyros, Urban Design and Planning
- Adam Schnell, Urban Design and Planning
- Trisha Logan, Historic Preservation Planner
- Anthony Fajardo, Development Services Director
- Orlando Arrom, Engineering
- Istvan Virag, Transportation and Mobility Department
- Leslie Harmon, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Scott called the meeting to order at 6:00 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

Mr. Rotella arrived at 6:03 p.m.

~~west side that leads to a connection between the office building, its parking garage, and the residential project itself.~~

~~Mr. Lochrie continued that there are other entrances and exits into the business park itself, including two entrances and exits on the south side. He stated that the business owners' association in the area voted in favor of the proposed project. The Applicant also held a public participation meeting in November 2021 at which no objections were raised.~~

~~It was clarified that the FHP building is located north of the subject parcel. Semi trucks coming to that building would only be able to do so from Cypress Boulevard or Powerline Road.~~

~~Mr. Lochrie asserted that the Applicant has a traffic study indicating that the roadways are sufficient to the project, as well as a plat note amendment which will be reviewed by Broward County.~~

~~As there were no other 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. Fertig, seconded by Vice Chair Cohen, to adopt the Resolution and approve it, and agree with the findings of fact in the Staff Report and including all Staff conditions.~~

~~Chair Scott 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 and a parking reduction for the property located at 701 W Cypress Creek Road and 6261 NW 6th Way, Fort Lauderdale, Florida, in the Uptown Urban Village Northwest zoning district for the development of a seven-story multi-family residential building measuring 69 ft. and 6 in. in height with 312 residential flex units, a pet spot, conference rooms, pedestrian plazas, and a pocket park; and approving modifications of the east side setback and north side setback, Case Number UDP-S21045.~~

~~In a roll call vote, the **motion** passed unanimously.~~

6. CASE: UDP-T22001

REQUEST: *Amending Section 47-13.30, "SRAC Table Of Dimensional Requirements" To Modify The Review Process For Certain Developments Seeking an Increase in Maximum Height Limitation to Require a Site Plan Level II Approval with City Commission Request for Review; Amending Section 47-13.51, "SRAC-SA Special Regulations" to add New Performance Standards and Criteria for Additional Height Bonus; Creating Section 47-23.16, Affordable Housing Regulations" Providing for Definitions, Incentives,

Exemptions and General Requirements; Amending Section 47-24.1, General - Table 1. Development Permits and Procedures” Modifying the Development Review Process for Certain Developments within the SRAC-SA Zoning Districts.

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: South of Tarpon River, north of State Road 84, east of FEC Railway, west of SE 1st Avenue

COMMISSION DISTRICT: 4 – Ben Sorensen

NEIGHBORHOOD ASSOCIATION: Poinciana Park Civic Association

ZONING DISTRICT: South Regional Activity Center – South Andrews East & West

LAND USE: South Regional Activity Center

CASE PLANNER: Adam Schnell

Adam Schnell, representing Urban Design and Planning, gave a brief presentation on the South Regional Activity Center (South RAC) amendment update.

On November 17, 2021, Staff provided a presentation on City-wide affordable housing amendments. This included modifications to the South RAC SA-E and SA-W zoning districts which address a height increase request. These modifications included:

- A 10% set-aside requirement
- A 30-year deed restriction
- Expedited review

At the November 2021 meeting, concerns were raised by the Board and the public regarding the possibility that these modifications could be construed as takings. The Board recommended that Staff look into alternative incentives to help support development and affordable housing within the South RAC corridor. The Planning and Zoning Board approved the affordable housing regulations with the caveat that the South RAC language be removed and brought back to the Board at a later date after alternative incentives were considered and additional discussions with local civic associations were held.

Staff proposes a density bonus as one alternative. Currently, in the South RAC, developers may request up to 50 dwelling units per acre. Staff proposes increasing this to 100 units per acre for projects that propose affordable housing units. 5% of these affordable units would need to be set aside for individuals or families earning 80% of the median family income (MFI), with an additional 5% of units set aside for those earning 100% of MFI.

Mr. Schnell pointed out that there is some precedent for this proposed incentive: the Uptown Urban Village currently permits the doubling of density when affordable housing units are provided. Under the City's Unified Residential Flex Policy, this also permits the doubling of density within RACs and primary commercial corridors.

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All RACs do not have density requirements, and the form of the proposed building typically dictates the number of units that can be built in other areas. Doubling the density would still be stricter than all other RACs that have Master Plans. Staff proposed the additional density in order to help support economic development within the area. It also helps to support the economic feasibility of projects.

Staff also proposes expedited review, which is an incentive that remains in place since the November 2021 meeting. Projects providing additional affordable housing and seeking additional density would be subject to Site Plan Level II review, with the option of City Commission call-up. Projects providing affordable housing and applying for additional height would also receive expedited review.

The proposed incentives were presented to the Poinsettia Park Civic Association on two separate occasions. At the second meeting, this Association voted to support the additional density and expedited review of projects. On February 15, 2022, Staff brought this Item back to the Planning and Zoning Board, where it was deferred until tonight's meeting in order for Staff to meet with the Croissant Park Civic Association. This meeting was held on February 22, 2022. Members of the Harbordale and River Oaks Civic Associations were also in attendance. General consensus from this meeting did not support the alternative incentives presented.

Chair Scott expressed disappointment that the organizations were not supportive of the incentives.

Mr. Shechtman commended Staff for seeking creative ways to promote affordable housing, and noted that the Chair and other Board members received an email from an individual representing the Croissant Park Civic Association. This communication raised questions, including a request to clarify the language regarding the calculations for the number of affordable units.

Mr. Shechtman also addressed the questions raised by the email, stating that for every 100 units to be built, 10% must be at 80% AMI and 5% must be at 100% AMI. Mr. Schnell confirmed this, advising that the language can be amended to ensure that the calculation meets the intent of the regulation.

Mr. Schnell further clarified that AMI is determined by the fiscal area: for example, in 2021, the MFI was \$73,400, which means 80% for a family of four would be roughly \$70,000. This would equal approximately \$1500 monthly for a two-bedroom rental unit. At the 100% level of AMI, the MFI would be \$80,000, which equals roughly \$2000 in monthly rent.

Mr. Schnell added that while the sentiment of the room at the February 22, 2022 meeting was not to support the proposed regulations, no official vote was taken from any of the neighborhood associations present at that meeting.

Mr. Shechtman asked if there is a procedure in place to prevent a developer from going through the expedited review and approval processes and then changing their minds regarding the affordable component. He also asked if the affordable component is first raised as part of Site Plan approval. Mr. Schnell replied that a deed restriction would be a condition of approval, and an affordable housing agreement must be recorded in Broward County public records in order for the Site Plan to be approved. The condition applies to Site Plan approval rather than to building permit issuance.

Anthony Fajardo, Director of Development Services, stated that the development of market rate units would be contingent upon the development of affordable units. Code is specific in showing that benefits are only possible if the developer includes affordable units, for which the cost calculation is part of the approval process. It may be possible to change the number of affordable units or reduce overall density through the administrative process, which would require the recalculation of percentages.

Mr. Shechtman asked what might happen if there is also a commercial component to the development, which meant an applicant might be able to bypass the conditional use process to seek extra height if they provide affordable units. The applicant might then seek to provide additional office space in lieu of affordable units. Mr. Fajardo replied that a plan cannot be amended in this manner under administrative approval: the plan would need to go back to the approving body and possibly re-submit their plans if the changes are substantial.

Mr. Shechtman continued that the email from a Croissant Park resident also requested clarification of whether an applicant may receive both double density and increased height for setting aside 10% of affordable units. Mr. Fajardo explained that there would be an overall set-aside of 10% of units for both the density and the height increase.

Mr. Shechtman continued that the Association had a question regarding the actual amount for payment in lieu as currently drafted. Mr. Fajardo replied that this amount is based on the Florida Housing Finance Corporation's average cost of development for garden, mid-rise, and high-rise apartments. Last year this figure was approximately \$300,000. Broward County used a specific calculation to develop the appropriate payment in lieu, which came to roughly \$42,000 per unit in the development. This payment would then be deposited into the City's Affordable Housing Trust Fund.

Mr. Shechtman requested additional information on the possibility of requiring a \$10,000 payment in lieu. Mr. Fajardo advised that some members of the community have lobbied to reduce the payment-in-lieu fee; however, there have been no modifications to this amount to date.

Mr. Shechtman expressed concern that while \$42,000 per unit provides an incentive, \$10,000 per unit would not. He strongly recommended that the Board's recommendation at least include a minimum \$20,000 payment in lieu per unit "or whatever is required under the current Ordinance."

Mr. Shechtman continued that surrounding neighborhoods have also shared concerns that parking would be insufficient if other benefits associated with affordable housing, such as reduced parking or landscape requirements, are provided. He asked if these types of benefits are necessary under the proposed Ordinance, or if they could be limited to height and density bonuses only.

Mr. Fajardo stated that the Board's recommendation will be advanced to the City Commission. If the Board feels other potential incentives should be reconsidered, this could be made part of their recommendation; however, he advised that many parking requirements in the City, including several in the CRAs, have been reduced substantially without creating parking issues. Mr. Shechtman emphasized that under the proposed incentives, only 10% of the units would be affordable, which means the remaining renters would be paying market rate.

Vice Chair Fertig noted that the minimum floor area for affordable units can be decreased by 10%. She recommended that apartment size not be affected by its affordability. Mr. Fajardo pointed out that this was designed to provide an incentive rather than as a requirement, and advised that this would be passed on to the City Commission if that is the Board's recommendation.

Mr. Ganon asked if the Board has already approved affordable housing incentives for other zoning districts. Mr. Schnell confirmed this. Mr. Ganon asked why the South RAC is being considered separately. Mr. Schnell replied that the Board had requested this area be discussed separately from others.

Mr. Ganon pointed out that this was originally requested by the Board in order to give individual neighborhoods the opportunity to weigh in on the issue; however, the current discussion would make the South RAC requirements inconsistent with those in other areas.

Chair Scott asked if affordable housing incentives in other zoning districts or areas are the same as what is proposed for the South RAC. Mr. Schnell replied that the proposal before the Board tonight was consistent with what has already been seen for other areas; however, the discussion is now "going down a different path" from what was previously proposed. The other proposals have not yet gone before the City Commission for approval.

Chair Scott recommended sending the areas for which the Board has already approved affordable housing proposals "back to their neighborhoods," as she felt neighborhoods have offered good suggestions on this topic that could make for a stronger affordable housing component. Mr. Fajardo advised that there is no barrier to prevent Staff from conducting additional outreach between tonight's Board meeting and the next City Commission meeting. The Board may advance the Item with amendments if they wish.

The changes for the South RAC would not be consistent with the changes proposed for other zoning districts.

Ms. Parker stated that when the original discussion came before the Board, some members of the public had raised the issue that there were not enough incentives within the South RAC, as the regulations for this district differ slightly. This was why Staff revisited the Ordinance and proposed additional incentives. They also reached out to affected neighborhood associations.

Mr. Barranco recalled that when the proposed changes were initially presented to the Board, he had felt some of the northern RAC districts were being treated differently by providing them with more incentives. He had wished to equalize the proposed changes across different RACs at that time.

Mr. Schnell explained that different zoning districts have different requirements across the City: for example, a different standard for increasing height had already been established in the Northwest RAC, while the South RAC was established with a density cap and artificially lowered height.

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

Ted Insera, private citizen, expressed concern with the addition of 130 units, stating that Croissant Park is a residential area. He did not feel the neighborhood could accommodate the additional development. He added that the proposal was poorly received at the Croissant Park Civic Association meeting, and suggested that the development could have been planned for lower Andrews Avenue.

Robert Lochrie, private citizen, advised that the South RAC zoning on Andrews Avenue is more restrictive than a general commercial corridor, which sets it apart from the other RACs. He felt the proposed incentives are likely to attract developers and accomplish the redevelopment of the Andrews Avenue corridor.

Mr. Lochrie also addressed the unit size issue, pointing out that this language prevents affordable units from being more than 10% less than the average gross floor area of all bonus units.

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

Mr. Shechtman requested that Staff explain the proposal for affordable unit size as compared to the size of market rate units. Mr. Schnell explained that the average size of an affordable unit cannot be more than 10% smaller than the average size of a market rate unit. He confirmed that this keeps the average size of affordable units larger than some smaller units in a development.

Attorney Spence stated that the language addressing this issue is consistent with the language in Broward County Land Use Plan policy 2.16.4. Mr. Shechtman commented that while he did not wish to adopt language that is not consistent with the County's Land Use Plan, he also felt affordable units should be the same size as market rate units. Attorney Spence advised that the City may not be more restrictive than the County's Plan.

Mr. Barranco observed that it is likely a project's architect will stack the units in order to create efficiencies, which means they would be unlikely to construct uniquely sized units. This would mean an architect is likely to err on the side of making affordable units close to the same size as market rate units.

Mr. Schnell pointed out that the language in question protects the affordable units by making sure they are not decreased in size to a level inappropriate for habitation.

Motion made by Ms. Fertig to adopt with the following modifications:

- Clear up the language on 5%-5% equals 10%
- Make sure that there is not "10% for this, 10% for this"
- That parking be addressed

It was clarified that the first modification would address the percentages of units set aside as affordable, while the second modification would ensure that there are not multiple 10% set-asides, but 10% in total. Ms. Fertig also explained that she was concerned parking could become a problem.

Mr. Shechtman proposed that another condition establish a payment in lieu that is either \$20,000 per unit or "whatever is required under Code at that time." He felt this amount would be more likely to result in affordable units rather than payment in lieu, as the loss to the developer for payment in lieu would be greater at this price.

Attorney Spence stated that Policy 2.16.4, Subsection 6 of the Broward County Land Use Plan addresses payment in lieu, establishing that payment must be made into the Broward County Affordable Housing Trust Fund based upon development costs per unit as calculated and updated by the Florida Housing Finance Corporation. This means the number will fluctuate based on changing conditions, and is established by a regulatory agency.

Mr. Fajardo advised that what is adopted by the City Commission is what will be in the Ordinance, and noted that there is no need for a range, as the calculation will be set according to a formula from the Florida Housing Finance Corporation. If Mr. Shechtman's proposal is adopted, this would mean an amendment to the Ordinance is necessary whenever this calculation changes.

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Mr. Rotella asserted that he did not wish to introduce the option of \$20,000 payment in lieu when \$42,000 is the calculated cost. Mr. Weymouth added that the inclusion of this language would make for a more confusing process, and the **motion** should be left as is.

Mr. Shechtman **withdrew** his proposed amendment and **seconded** the **motion** as made by Ms. Fertig.

In a roll call vote, the **motion** passed 9-0.

V. COMMUNICATION TO THE CITY COMMISSION

Chair Scott reported that the Board's communication to the City Commission regarding safety issues related to the FEC railroad was accepted positively by the Commissioners, two of whom hope to work with FEC to create a barrier to the train tracks as well as to provide a LauderTrail connection.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE


None.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:58 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.)