



**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, NOVEMBER 17, 2021 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

June 2021-May 2022

Board Members	Attendance	Present	Absent
Jacquelyn Scott, Chair	P	6	0
Brad Cohen, Vice Chair (d. 6:38)	P	4	2
John Barranco (arr. 6:03)	P	5	1
Mary Fertig	P	6	0
Steve Ganon	P	6	0
Shari McCartney	P	6	0
William Rotella	P	5	1
Jay Shechtman	P	5	1
Michael Weymouth	P	5	1

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
- Trisha Logan, Historic Preservation Planner
- Jim Hetzel, Principal Planner
- Christian Cervantes, Urban Design and Planning
- Karlanne Grant, Urban Design and Planning
- Glen Hadwen, Sustainability Manager
- Mark Williams, Urban Forester
- Adam Schnell, Urban Design and Planning
- Istvan Virag, Transportation and Mobility
- Tedra Allen, 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.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Shechtman, seconded by Mr. Ganon, to approve the minutes. In a voice vote, the **motion** passed unanimously.

Mr. Barranco joined the meeting at 6:03 p.m.

III. PUBLIC SIGN-IN / SWEARING-IN

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

IV. AGENDA ITEMS

Index

Case Number	Applicant
1. UDP-S21002**	777 Townhouses LLC
2. UDP-P21002**	AMU Corporation
3. UDP-S20010**	SNG 1115 Investments, LLC
4. UDP-Z21003**	Citrix Systems, Inc. and Cypress 6261, LLC
5. UDP-T21002*	City of Fort Lauderdale
6. UDP-T21012*	City of Fort Lauderdale
7. UDP-T21010*	City of Fort Lauderdale

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 Scott noted that the Applicant of Item 1 had requested deferral of the Item until the Board's December 15, 2021 meeting.

Motion made by Ms. Fertig, seconded by Ms. McCartney, to defer. In a roll call vote, the **motion** passed unanimously.

2. CASE: UDP-P21002

REQUEST: ** Plat Review

PROPERTY OWNER/APPLICANT: AMU Corporation

AGENT: Jim McLaughlin, McLaughlin-Engineering Company

GENERAL LOCATION: 2734 N. Federal Highway

~~Attorney Wallen reminded the Board that a document including their individual recommendations may be passed on to the City Commission as an exhibit, along with their recommendation regarding the Ordinance. She also noted that City Commissioners may or may not be in attendance at Planning and Zoning Board meetings, where all comments are made in a public format. She reiterated that it is requested that the Item be sent to the City Commission with a recommendation of either approval or denial.~~

~~Mr. Barranco asked if Planning and Zoning Board members have personal liability, for instance, whether or not they can be held liable for decisions they make as a function of their Board membership. Attorney Spence replied that they have no such liability. Mr. Barranco explained that he was concerned with whether or not the Board should "push things along." He added that he would like to attach his concerns in written form so they can be seen by the Commission and are part of the public record.~~

~~Mr. Barranco continued that while the intent of the Ordinance is good, he felt there are sections that could be made clearer and/or more definitive. He also expressed concern that some portions of the Ordinance are too specific. He cautioned against tying the hands of landscape designers through over-regulation.~~

~~Mr. Weymouth commented that the Board should determine a time by which their written comments on the Ordinance must be submitted. These would be included in the members' backup materials prior to the December 15, 2021 meeting, at which time they would have reviewed the materials and would be prepared to vote on it.~~

~~**Motion** made by Mr. Shechtman that we move this forward for approval, along with our original comments that we would like to add to that. The **motion** died for lack of second.~~

~~**Motion** made by Mr. Weymouth, seconded by Mr. Rotella, to defer this to a time certain of the December Planning and Zoning Board meeting, at which time all submitted requests of modifications or considerations to the Ordinance be attached to the Ordinance for the City Commission to consider.~~

~~Mr. Weymouth further clarified that this meant the Board members' comments would be attached to the Ordinance. Ms. Fertig noted that this would provide the Board members with an opportunity to see their fellow members' comments in an organized way. Chair Scott stated that she was concerned with any further delay of the Ordinance.~~

~~In a roll call vote, the **motion** passed 6-2 (Chair Scott and Ms. McCartney dissenting).~~

~~It was clarified that the Board members would submit their written comments to Ms. Parker's Office no later than 5 p.m. on December 3 for inclusion in the information packet and consideration at the December 16, 2021 meeting.~~

7. CASE: UDP-T21010

REQUEST: * Amend the City of Fort Lauderdale Unified Land Development Regulations (ULDR) Establishing Section 47-23.16, Affordable Housing Regulations; Amend Section 47-13.30-SRAC, Table of Dimensional Requirements; Amend Section 47-13.31-NWRAC-MU Table of Dimensional Requirements; Amend Section 47-13.51, SRAC-Sa Special Regulations; Amend Section 47-13.52, NWRAC-MU Special Regulations; Amend Section 47-20.3, Reductions and Exceptions; Amend Section 47-24.1, General - Table 1. Development Permits and Procedures; and Section 47-37b.3, Applicability and General Regulations.

APPLICANT: City of Fort Lauderdale

COMMISSION DISTRICT: Citywide

CASE PLANNER: Adam Schnell

Adam Schnell, representing Urban Design and Planning, showed a presentation on proposed affordable housing text amendments. The intent of these regulations is to provide incentives to developers for the construction of affordable housing. He noted that this is also known as "workforce housing," as it targets individuals and families earning incomes of between 60% and 100% of area median income (AMI).

The target areas for this housing are primary corridors of the City's the Regional Activity Centers (RACs), including the Uptown Urban Village area. These areas permit development with higher density, walkability, and access to multimodal transportation options.

The Department of Housing and Community Development (HCD) already focuses on providing housing to families who earn between 30% and 60% of median family income (MFI); however, the state traditionally cuts off funding for housing for families earning 60% or greater of MFI. In addition, housing costs have increased significantly over the last 10 years while wages have remained stagnant. This leaves many households without access to affordable housing. The intent of the City's regulations is to focus on the "missing middle," which refers to a portion of society which does not receive assistance from federal or state programs.

Mr. Schnell reviewed the timeline for this process, which began in 2018 when the City Commission held an Affordable Housing Workshop. Urban Design and Planning was tasked with the creation of policy recommendations on affordable housing. For the next 18 months, they worked with the City's Affordable Housing Advisory Committee (AHAC) and with HCD to craft inclusionary zoning policy. At almost the same time, however, the state of Florida adopted House Bill (HB) 7103, which requires a municipality that mandates developers to set aside a percentage of affordable units to be responsible for offsetting all the developer's costs for that portion of a project. There is no City mechanism in place that can offset these costs.

Planning and Zoning Board

November 17, 2021

Page 21

The City Commission tasked Urban Design and Planning with rewriting the regulations for an incentive-based policy. They have done this over the last 18 months. They have also reached out to local stakeholders and incorporated their recommended modifications to the regulations.

Over the past three years, Staff has held roughly 10 separate public meetings with the City Commission, AHAC, HCD, and the Planning and Zoning Board. They have also met with stakeholders including the Downtown Development Authority (DDA), Fort Lauderdale Housing Authority, and the Council of Fort Lauderdale Civic Associations.

The presentation will focus on four incentives:

- Northwest RAC height bonus
- South RAC height bonus
- Modifications to the Uptown Urban Village (UUV)
- Affordable housing density bonus

Roughly 55% of all rental households spend more than 30% of their income on housing costs. The Housing and Transportation cost index states that a household should spend no more than 45% of their income on housing and transportation. The average Fort Lauderdale household spends 63% of their income on these needs. In addition, the average home sale price has increased by approximately 20% year-over-year in 2021. This increases to 50% if extended over the last five years. Conversely, incomes have only increased by 1.59% annually over the same time period.

Some modifications have been made to existing zoning regulations. The intention is to make regulations easier to use for developers who wish to provide additional affordable housing. Current regulations require 10% of units to be set aside in perpetuity. The City hopes to modify this so 10% of unit space is set aside for a 30-year period. This would be consistent with Broward County policies and planning best practices. Income levels would be set at 80% and 100% of median family income, with 5% at each of these two levels. The City is also seeking expedited review for applications that would create affordable housing.

Currently, a developer seeking additional height in the Northwest RAC would need to undergo Site Plan Level II review and City Commission approval. The proposed changes would permit Site Plan Level II review with City Commission call-up. This can save applicants up to two to three months if the item is not called up.

In the South RAC, developers can currently request additional height, but there are no set-aside requirements. To be consistent with other height bonus programs, the City would require a 10% set-aside requirement, with 5% of units at 80% and 5% at 100% of median family income. Both would require 30-year deed restrictions. Staff is seeking to change the requirement for this process to Site Plan Level II approval and City Commission call-up as well.

There is an existing density bonus incentive in the UUV area, which would not be modified. Staff is seeking only to change this deed restriction from 15 years to 30 years, which would be consistent with other City and County policies. The maximum income for rental units uses the Metropolitan Statistical Area MFI, which is derived from the U.S. Department of Housing and Urban Development (HUD) on an annual basis.

Staff also proposes a payment-in-lieu of affordable housing program, which would use Broward County's payment-in-lieu fee calculation. This is determined by the Florida Housing Finance Corporation's average cost of development, which in 2021 is approximately \$300,000. This amount is divided by seven and then multiplied by the total number of units in a development: for instance, for a development of 100 units, the payment-in-lieu fee would be \$4.2 million. This money would be deposited into the City's Affordable Housing Trust Fund and used later to construct additional affordable housing.

The final policy to be discussed is a Broward County Land Use Plan Amendment known as the "Geller amendment." It permits residential density in exchange for affordable housing in two specific areas:

- Properties with a commercial land use that front onto state roads and County arterials
- Regional Activity Centers (RACs)

This means the County will provide the City with units without subtracting them from the Regional Activity Center or residential flex pools of units. Density is determined based upon the income level and the number of affordable units provided within a development. If a developer provides one moderate-income unit at 120% MFI, they would receive six bonus market-rate units. At the low-income level, one unit would equal nine market-rate units, and at the very low-income level, one unit would equal 19 market-rate units.

Mr. Schnell noted that studio units, which are less than 500 sq. ft. in size, are counted as half-units. Developments have been capped at 50% studio units to prevent inundation of the City with these units.

Requirements to receive density bonus units include:

- 10% of floor area must be commercial space
- Affordable housing units must not be smaller than 10% of the average size of market rate units
- Affordable units must carry a 30-year deed restriction

Developers using the payment-in-lieu policy would deposit 50% of these funds into the County's Affordable Housing Trust Fund and 50% into the Broward municipality's Affordable Housing Trust Fund.

Mr. Shechtman requested additional information about the locations where density bonuses are available. Mr. Schnell explained that these would be available in RACs as well as other areas with a Future Land Use of Commerce. Areas that do not have access

to the RAC pool of units would be able to access them through this policy. There is currently a shortage of RAC units available.

Mr. Barranco asked for the difference in the approval processes for the Northwest and South RAC bonuses. Mr. Schnell explained that the change would mean projects are subject to City Commission call-up for bonus height rather than requiring them to go before the City Commission for approval.

Mr. Barranco observed that his concern with the Northwest and South RACs are their lower buildings and densities. He pointed out that no buildings with a height bonus have been constructed in those areas thus far. In addition, these RACs have a lower scale that includes single-family homes, which could increase resistance to the height bonus. Ms. Parker noted that the intent of an RAC is different from an area zoned for single-family development.

Ms. Fertig characterized the height bonus as "a check-and-balance system," and was not certain it would be possible to remove the City Commission's right to call up an item for review. Mr. Barranco stated that while he was in favor of the height bonus, he did not believe it was sufficient guarantee for developers.

Mr. Shechtman asked if other buildings above a certain height are subject to DRC approval and City Commission call-up. It was clarified that buildings in the Northwest and South RACs are subject to a call-up process for lower heights.

Mr. Shechtman asked if there is also a shortage of flex units. Mr. Schnell confirmed that the City is also running out of market-rate residential flex units, although they have affordable housing units that can be distributed. The difference between this and the existing flex policy is the 10% floor area requirement, which some parties are seeking to modify at the County level. This means there is an incentive to use residential flex units first, as they are less restrictive. Once these flex units are gone, however, there are no more. This means the City will need a policy that helps them build more affordable units while remaining in compliance with HB 7103.

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

Courtney Crush, land use attorney, addressed the South RAC height bonus, stating that the title "zoning incentive" was inaccurate: in the South RAC, a developer can apply for a mixed-use community with a height of up to 110 ft. by right. There is also a conditional use to extend this height to 150 ft. She felt the proposed Ordinance would impose a 10% affordable housing set-aside on top of the other criteria associated with this conditional use request, and suggested that discussions with stakeholders on the Andrews Avenue corridor continue to determine other incentives for the South RAC.

Mr. Schnell advised that a developer can currently request additional height. When the height incentive was first adopted in 2011, the intent had been to incentivize additional development in the South RAC along the South Andrews Avenue corridor. Development has changed significantly since that time, with developers moving from the center of the City to its periphery. In order to encourage affordable housing, this policy must be changed.

While developers could historically request additional height with no requirements, the incentive proposes that in exchange for the additional 40 ft. of height and significant additional units, the developer is asked to set aside 10% of these units as affordable. Mr. Schnell emphasized that the environment for development is not the same as in 2011: the policy change is intended to encourage the affordable units that are needed.

Ms. Fertig asked if Ms. Crush felt a burden is being placed on specific areas that may not have evolved over time as fully as other areas. Ms. Crush explained that if affordable housing requirements are imposed by a municipality, there must be a commensurate incentive, which she felt was not the case. She felt the existence of the requirement in another RAC was not sufficient reason to impose it upon this corridor as well, as Andrews Avenue is not an "overly developed" corridor.

Ms. Parker pointed out that the incentives are voluntary, and that the conditional use process requires the investment of more time by applicants coming before the Planning and Zoning Board. The proposed voluntary incentive offers a process with reduced time rather than any additional burden.

Ms. Crush commented that an applicant may seek to build to a height of 110 ft. in the subject area by right, or may seek to build to 150 ft. if conditional use requirements are met. She did not believe a shortened time frame was of interest to property owners within the South RAC.

Motion made by Mr. Shechtman, seconded by Mr. Ganon, to extend the meeting to 10:20. In a voice vote, the **motion** passed unanimously.

Ms. Crush concluded that there may be other incentives that property owners within the South RAC may feel are more appropriate in return for setting aside affordable units. Mr. Schnell advised that the adoption of this regulation would benefit the City as a whole if used by developers to encourage the creation of much-needed affordable housing.

Mr. Shechtman pointed out that the 10% affordable housing incentive is an option. Ms. Crush stated that the Ordinance proposes adding another requirement into the criteria for greater height. Mr. Schnell confirmed that this was correct. Ms. Crush asserted that this made the proposal inconsistent with state law.

Mr. Shechtman suggested that if a developer provides the 10% affordable set-aside, they not be required to go through the conditional use process for additional height.

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 proposed that some of the suggestions discussed under this Item be included in the record so the City Commission may consider them.

Mr. Barranco stated that a rezoning effort is currently underway in the South RAC to ensure consistent RAC zoning. He did not feel there was a need for any further incentives for affordable housing, pointing out that the Housing Authority is already building a facility in that area without benefit of incentives.

Mr. Barranco continued that he agreed with Ms. Crush's characterization of the proposed South RAC incentive as "downzoning," even if the intentions behind this activity are good. He was not comfortable advancing the proposal without input from neighborhood associations that would be affected by it.

Ms. Fertig asked if there has been neighborhood engagement on the proposed incentives. Mr. Schnell replied that Staff has reached out to the Council of Fort Lauderdale Civic Associations and provided them with an outline of the policies. Ms. Fertig and Mr. Barranco recommended reaching out directly to the associations in the subject areas.

Motion made by Mr. Barranco, seconded by Ms. Fertig, to defer until we have had reports included with the neighborhood associations in that area.

Mr. Barranco added that he would also like to hear an explanation of how the proposed bonuses are incentives rather than downzoning. He also noted that the City should use the time of the deferment to reach out to affected neighborhood associations and to review the potential legal ramifications of the proposal. He recommended deferment until the January 2022 meeting.

Mr. Barranco **amended** his **motion** as follows: to defer until January 19 if Staff thinks they can get that done. Ms. Fertig **seconded** the **amended motion**.

Mr. Weymouth suggested that the South RAC be "carved out" of the current discussion and the remaining proposed incentives allowed to proceed.

Mr. Barranco again **amended** his **motion** as follows: to say that I only want to take up the issue of the South RAC.

Mr. Barranco then **withdrew** his **motion**, with approval of Ms. Fertig as **second**.

Motion made by Mr. Weymouth, seconded by Mr. Ganon, to move the Item forward, excluding the Southwest RAC from the Item and that can be dealt with as a separate Item on its own.

It was clarified that the area referred to in the **motion** was intended to be the South RAC.

Ms. Fertig reiterated that every neighborhood association in all the areas under discussion should be informed of the proposed changes.

Attorney Spence requested clarification that the **motion** would recommend approval of the proposed Ordinance, excluding all provisions referencing the South RAC. It was confirmed that this was correct.

In a roll call vote, the **motion** passed 8-0.

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Fertig asserted that she was troubled by any assumption that the Board was "just going to pass on what is brought before us." She requested clarification of the Board's responsibilities, and asked that the members be made aware of any time limits that may apply to the items they discuss. Mr. Barranco stated that he agreed with Ms. Fertig on this issue.

VII. VOTE FOR PLANNING AND ZONING BOARD 2022 CALENDAR

Motion made by Ms. Fertig, seconded by Mr. Weymouth, to approve it. In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:18 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.]