



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, DECEMBER 16, 2020 – 6:00 P.M.**

Board Members	June 2020-May 2021		
	Attendance	Present	Absent
Catherine Maus, Chair	P	6	0
Mary Fertig, Vice Chair	P	6	0
John Barranco	P	6	0
Brad Cohen	P	6	0
Coleman Prewitt	P	6	0
William Rotella	P	6	0
Jacquelyn Scott	P	6	0
Jay Shechtman	P	6	0
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
- Jim Hetzel, Principal Urban Planner
- Trisha Logan, Historic Preservation Planner
- Yvonne Redding, Urban Design and Planning
- Benjamin Restrepo, Transportation and Mobility
- Brigitte Chiappetta, Recording Secretary, ProtoType, Inc.

Communications to City Commission

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to communicate to the City Commission a request to authorize Staff to review the City's Code in respect to parking requirements for townhouse and cluster developments, and bring forth potential recommendations. In a roll call vote, the **motion** passed unanimously (9-0).

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:02 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members at this time.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

~~the traffic study includes review of the 1st Avenue/Andrews Avenue intersection. The study has not yet been completed.~~

~~Mr. Lochrie confirmed that the Applicant accepts this modified condition and all other conditions of approval listed in the Staff Report.~~

~~**Motion** made by Vice Chair Fertig, seconded by Mr. Rotella, to adopt Staff findings and conditions, including the changes that [Mr. Hetzel] just made, and add a condition that Staff review ingress/egress in context of the Police and Fire and emergency response issue as part of [the conditions].~~

~~Vice Chair Fertig added that the condition regarding ingress/egress could be addressed under condition #1 if that is easier, or it can remain a separate condition. Mr. Lochrie confirmed that the Applicant was willing to discuss this.~~

~~Assistant City Attorney Shari 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 conditional use permit for a mixed-use development which includes restaurant space, retail space, and office buildings, located at 6500 and 6520 N Andrews Avenue, Fort Lauderdale, Florida, and includes a height increase from 75 ft. to 86 ft., allocation of 295 residential flex units which includes eight affordable housing units, and a parking reduction: Case #PRN-SITE-20050005.~~

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

4. CASE:	PLN-ULDR-20010001
REQUEST: *	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) By Creating Article XII., Section 47-36; Establishing a Transfer of Development Rights Program
PROPERTY OWNER/APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	City-Wide
CASE PLANNER:	Trisha Logan

Historic Preservation Planner Trisha Logan recalled that at the previous Planning and Zoning Board meeting, the Board had requested several items from that discussion be addressed. These included:

- Incorporation of language to allow properties identified as eligible for historic designation to apply for a Certificate of Eligibility, as well as criteria for structures to be designated historic resources, and requirement for properties to receive this designation prior to their application for a Certificate of Transfer

- Allow for the density and floor area of the existing structures to be included in the calculation of what is available to transfer; however, as this is not consistent with the Broward County Land Use Plan, only the unbuilt and permitted uses may be transferred
- Allow a receiving site to “re-transfer” their Transfer of Development Rights (TDR) once they have been purchased; to achieve this, the receiving site must meet all criteria required to become a sending site
- Remove or extend the 18-month expiration of the Certificate of Eligibility; however, Staff has concerns regarding potential changes to the site, the ULDR, zoning, or potential addition that would alter the property rights, and would like to maintain the 18-month expiration period; a sending property may re-apply for a Certificate of Eligibility if it has expired

Additional changes since the advertisement of the draft Ordinance include:

- P.3: further expansion on what is allowed to be transferred to a receiving site in the Uptown Urban Village and Unified Flex Zone, both of which permit an additional 10 units per acre
- P.9: remove the word “density” from the reference to the Comprehensive Plan
- P.4: adjust how the barrier island is described within the proposed text of the Ordinance to clarify that this refers to “any property located east of the Intracoastal Waterway within the boundaries of the City of Fort Lauderdale” within the TDR program

Motion made by Ms. Scott, seconded by Vice Chair Fertig, to include the Staff Report in the record. In a voice vote, the **motion** passed unanimously.

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

William Brown, representing the Central Beach Alliance (CBA), stated that this organization strongly supports the change in language on p.4 of the Ordinance, which clarifies the definition of the barrier island.

Paul Chettle, private citizen, also thanked City Staff for the changes made to the definition of the barrier island.

Mr. Shechtman requested further clarification of the requirement for a property to be designated as historic prior to the application for a Certificate of Transfer. Ms. Logan replied that a property owner may apply for a Certificate of Eligibility without designating the property if it meets one of the criteria for qualification; however, the owner may not proceed with a Certificate of Transfer until the property receives a historic designation.

Mr. Shechtman also requested more information on the ability of a property that has received transferred rights to transfer their rights to another receiving site. He asked if a sending property would need to be designated as historic before it can send these rights

to another property. Ms. Logan confirmed that this was the case, even if the building was recently constructed and would not otherwise qualify as a sending site.

Patricia Halliday, private citizen, also thanked Staff for the changes to their definition of the barrier island.

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 recommended that any motion made on this Item include permission for a receiving site to automatically qualify as a future sending site. He expressed concern that the current language in the Ordinance does not fully address this issue.

Attorney Wallen advised that this qualification is not included in the Ordinance because the Broward County Land Use Plan states, in Policy 2.34.1, that "a sending area must further a public purpose" to protect historic and archaeological resources. The objective of the Ordinance is historic preservation. The ability to transfer development rights is not sufficient reason by itself to protect the subject property as a resource.

Motion made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve and send [the Application] to the Commission. In a roll call vote, the **motion** passed 9-0.

V. COMMUNICATION TO THE CITY COMMISSION

~~Chair Maus asked if the Board members who are physically present in the City Commission Chambers are comfortable in continuing to meet there. It was confirmed that this was not an issue for those members.~~

~~Chair Maus explained that if the meeting were held virtually, Staff may also attend remotely. Vice Chair Fertig commented that other Board members are not comfortable meeting in person at this time, and asked if the Board members in physical attendance objected to meeting virtually.~~

~~Attorney Wallen advised that Staff requires clarification on how the Board wishes to proceed with future meetings, either in a remote or a hybrid format. She noted that Staff must be informed of any changes in advance so they can provide the appropriate notice for the meeting.~~

~~**Motion** made by Ms. Scott, seconded by Mr. Barranco, to have [the] meetings for January and February virtually and then reconsider after that. In a roll call vote, the **motion** passed 6-3 (Mr. Cohen, Mr. Shechtman, and Mr. Weymouth dissenting).~~

~~Chair Maus concluded that the Board will reconsider this issue prior to the March 2021 meeting.~~

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

Catherine Mauro

Chair

Brigitte Chiappetta

Prototype

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