



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, JULY 19, 2023 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Michael Weymouth, Chair	P	2	0
Brad Cohen, Vice Chair	A	1	1
John Barranco	P	1	1
Mary Fertig	P	2	0
Steve Ganon (arr. 6:05)	P	2	0
Marilyn Mammano	P	2	0
Shari McCartney	P	2	0
Patrick McTigue	P	2	0
Jay Shechtman	A	1	1

Staff

Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Urban Planner
Michael Ferrera, Urban Design and Planning
Karlanne Devonish, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Lorraine Tappen, Urban Design and Planning
Leslie Harmon, Recording Secretary, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Weymouth called the meeting to order at 6:03 p.m. and introduced the Board members present.

The following Item was taken out of order on the Agenda.

III. PUBLIC SIGN-IN / SWEARING-IN

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

The Board members agreed by unanimous consensus to incorporate the Staff Reports for all Items into the record.

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.

IV. AGENDA ITEMS

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<u>Case Number</u>	<u>Applicant</u>
1. UDP-Z23001* **	Barbara A. Hall, Esq.
2. UDP-DRI23001**	North Broward Hospital District
3. UDP-A23006	North Broward Hospital District
4. UDP-Z23004* **	639 NW 9 th Ave, LLC
5. UDP-Z23003* **	312 NW 7 Street, LLC
6. UDP-T23001*	City of Fort Lauderdale
7. UDP-T23004*	City of Fort Lauderdale
8. UDP-T23005*	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.

- CASE:** ~~UDP-Z23001~~
REQUEST: ~~*** Rezoning from Heavy Commercial/Light Industrial Business (B-3) District to Uptown Urban Village Northeast (UUV-NE) District~~
APPLICANT: ~~Barbara A. Hall, Esq.~~
AGENT: ~~City of Fort Lauderdale~~
PROPERTY ADDRESS: ~~6700 N. Andrews Avenue~~
ABBREVIATED LEGAL DESCRIPTION: ~~Reflections Plat, Portions of Parcel A including Wetland Area and less-out Cypress Park West South, Plat Book 119, Page 46, Public Records of Broward County~~
ZONING DISTRICT: ~~Heavy Commercial/Light Industrial Business (B-3) District~~
PROPOSED ZONING DISTRICT: ~~Uptown Urban Village Northeast (UUV-NE) District~~
LAND USE: ~~Employment Center~~
COMMISSION DISTRICT: ~~1 – John Herbst~~
NEIGHBORHOOD ASSOCIATION: ~~N/A~~

~~Motion made by Ms. Fertig, seconded by Mr. McTigue, to recommend approval of Case Number UDP-T23001, and the Board finds the text amendments of the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the motion passed unanimously (7-0).~~

~~7. CASE: UDP-T23004~~

~~REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-18.33, Single Family Dwelling, Attached: Townhouses~~

~~APPLICANT: City of Fort Lauderdale~~

~~GENERAL LOCATION: City-Wide~~

~~COMMISSION DISTRICT: City-Wide~~

~~CASE PLANNER: Yvonne Redding~~

~~Ms. Redding explained that this proposed text amendment, UDP-T23004, is similar in nature to the cluster Code language addressed in Item 6. She requested that the word "unobstructed" be added once more to easement areas, and that the locations where waste containers can be placed be specified.~~

~~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. Fertig, seconded by Ms. Mammano, to move to recommend approval of Case Number UDP-T23004, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the motion passed unanimously (7-0).~~

~~8. CASE: UDP-T23005~~

~~REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-20.2, Parking and Loading Zone Requirements and Section 47-20.5, General Design of Parking Facilities~~

~~APPLICANT: City of Fort Lauderdale~~

~~GENERAL LOCATION: City-Wide~~

~~COMMISSION DISTRICT: City-Wide~~

~~CASE PLANNER: Yvonne Redding~~

~~Ms. Redding stated that the text amendment UDP-T23005 cleans up the parking table in Code, which currently lists different housing types in different sections, potentially making it difficult to find a specific housing type. The types have been grouped together by the amendment and listed in alphabetical order under the Residential grouping. Staff would also like to change Section 47-20.5 by adding the same titles as in the specific use sections in the Parking section.~~

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. McCartney, seconded by Mr. McTigue, to recommend approval of Case Number UDP-T23005, and the Board hereby finds that the text amendments to the ULDR are consistent with the Comprehensive Plan. In a roll call vote, the **motion** passed unanimously (7-0).

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Mr. McTigue requested that future roll call votes rotate the order of members called.

Ms. Mammano recalled that at the June 2023 Board meeting, a motion had failed and was denied by virtue of that failure, without a motion being made to deny the application. She had consulted the City Attorney's Office to ensure that this was acceptable and was informed that it is the Board's practice. She suggested that the Board consider asking the City Attorney's Office to codify this practice, so the public is clear on proper procedure. She concluded that she did not believe this was good practice.

Attorney Wallen recalled that in 2018, she had observed a dispute in which an advisory body member insisted that if a motion to approve failed, this was to be considered a denial, with no reason to hold another vote. She also noted that according to *Robert's Rules of Order*, a tied vote results in failure. This led to a dispute between a member of the City Attorney's Office and the board member in question, culminating in a request for the City Commission to clarify this issue. After significant discussion, it was concluded by the Commission that a tied or failed vote results in automatic denial.


Attorney Wallen continued that the City Attorney's Office had recommended that this be codified in the City's rules, as the City has not formally adopted any specific set of rules for parliamentary procedure. Although this was recommended, no Ordinance or Resolution codifying it was passed. She concluded that the Board would need to send a communication to the City Commission if they would like further action taken on this issue, and recommended that a standard be adopted for rules of order and how they apply to advisory entities.

Ms. Mammano suggested that the Board consider sending this as a communication to the City Commission. Chair Weymouth requested that Attorney Wallen circulate draft language to the Board members before it is sent to the City Commission. He recommended that this be an Item on the August 2023 Agenda.

Attorney Wallen noted that the language she has currently drafted reflects what she had heard in the 2018 Commission meeting, which was that a tied or failed vote automatically results in a denial. She pointed out, however, that this could be changed if that is the Board's desire. She concluded that a motion to deny is more appropriate from a legal standpoint.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:49 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.]