



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, OCTOBER 19, 2022 – 6:00 P.M.**

Board Members	June 2022 – May 2023		
	Attendance	Present	Absent
Michael Weymouth, Chair	P	5	0
Brad Cohen, Vice Chair	A	3	2
John Barranco	P	5	0
Mary Fertig	P	5	0
Steve Ganon	P	5	0
Shari McCartney	P	2	3
Patrick McTigue	P	3	0
William Rotella	A	4	1
Jay Shechtman	P	4	1

Staff

- Ella Parker, Urban Design and Planning Manager
- D'Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- James Hetzel, Principal Urban Planner
- Trisha Logan, AICP, Principal Urban Planner
- Michael Ferrera, Urban Design and Planning
- Nicholas Kalargyros, 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 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board and Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Chair Weymouth requested a motion to approve the minutes of the September 21, 2022 meeting.

Motion made by Ms. McCartney, seconded by Mr. McTigue, to approve. In a voice vote, the **motion** passed unanimously.

~~Chair Weymouth also requested a motion to amend the minutes of the August 17, 2022 meeting in order to revise comments from the public.~~

~~Motion made by Mr. Shechtman, seconded by Mr. Ganon, to approve the minutes as amended. 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.~~

~~Motion made by Ms. McCartney to make the Staff Report of each and all the Items, where applicable, part of the Item. [The motion was not seconded.] In a voice vote, the motion passed unanimously.~~

I. AGENDA ITEMS

Index

Case Number

Applicant

1. UDP-S22028**	Apex Shooting Center, LLC
2. UDP-S22031**	6400 Building, LLC
3. UDP-Z22013* **	City of Fort Lauderdale
4. UDP-Z22016**	Water Tower Apartments, LLC
5. UDP-T22006*	City of Fort Lauderdale
6. UDP-T22007*	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.~~

~~1. CASE: UDP-S22028~~

~~**REQUEST:** ** Site Plan Level III— Conditional Use for a 31,015 Square Foot Indoor Shooting Range~~

~~**APPLICANT:** Apex Shooting Center, LLC.~~

~~**AGENT:** Michael Pizzi, Esq.~~

~~**PROJECT NAME:** Apex Shooting Range~~

~~**PROPERTY ADDRESS:** 5320 N. Powerline Road~~

ABBREVIATED LEGAL DESCRIPTION: ~~15-49-42 COMM NW COR OF NW1/4, SLY 970.11, ELY 65 TO POB, CONT ELY 264.09, SLY 368.19, WLY 264.34, NLY 372.34 TO POB AS DESC IN OR 9658/458~~
ZONING DISTRICT: Commercial Recreation (CR) District
LAND USE: Industrial
COMMISSION DISTRICT: 1 — Heather Moraitis
NEIGHBORHOOD ASSOCIATION: N/A
CASE PLANNER: Michael Ferrera

~~Disclosures were made at this time. Mr. Barranco recused himself from voting on the Item due to a conflict.~~

~~Michael Pizzi, representing the Applicant, recalled that the previous year, the Planning and Zoning Board voted unanimously to change the zoning of a parcel located on Powerline Road from Commercial to Recreational. Tonight's Application would permit internal remodeling of an existing building at that location for use as a semi-private sports club, consistent with the Recreational zoning. No significant impacts to traffic or City resources are expected. The location will include both public and private shooting ranges, as well as a squash court, a fitness center, and a meeting area.~~

~~Mr. Ganon noted that Apex Shooting Range's online advertisements offer a variety of services in addition to a shooting club, which he felt sounded more like a "gentlemen's club" than a family-oriented facility. He asked if there are facilities for families at other locations.~~

~~Mr. Ganon also requested clarification of how many members the facility would allow, and how the public would be able to use it in addition to the members.~~

~~Victor Grillo, owner of Founders Shooting Club, stated that the proposed facility is based on an existing club in Massachusetts, which has roughly 1700 members. He described that facility as a private club with no public component, of which 70% of members are male and 30% are female. He stated that this is a family club with events and training for both adults and children.~~

~~Mr. Grillo continued that the Fort Lauderdale facility will have a private members-only area as well as a public component, with the public area being the larger of the two. There will be 21 shooting lanes open to the public. The private portion of the facility operates "like a social club," with additional amenities such as a squash court, golf simulators, and meeting and eating spaces. The intent is to make this private area similar to a country club. The public club will provide shooting facilities.~~

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

~~Emilio Casnotti, private citizen, stated that the proposed business will allow him to use facilities and spend money in Fort Lauderdale rather than traveling to another city.~~

~~Simon George, sales manager for the Founders Shooting Club, emphasized the family component of the proposed facility.~~

~~John Cardillo, private citizen, advised that he will be a member of the proposed facility. He emphasized that the business will be safe and professionally operated, and noted that it will bring revenue to Fort Lauderdale.~~

~~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.~~

~~Chair Weymouth asked if firearms and ammunition will be sold at the proposed facility. Mr. Grillo confirmed that on the public side, Apex Shooting Range, there will be sales of both; however, there will be no sales on the private side.~~

~~Ms. McCartney asked if there will be security at the facility. Mr. Grillo replied that firearms and ammunition will be stored in a vault and there will be 24-hour surveillance, with security staff on the premises.~~

~~Mr. Shechtman asked if a waiting period will be in effect for firearm sales. Christian Bowen, general manager of the public side of the operation, explained that if a purchaser does not have a concealed weapons permit, a five-day waiting period is in effect for Broward County. If the purchaser has such a permit, they may make same-day purchases following a background check.~~

~~Mr. Shechtman commented that his concern was for neighborhood compatibility, as the facility will offer firearm sales near an airport, recreational park, and soccer stadium. It was further clarified that firearms may only be sold to Florida residents who are 21 years of age or older.~~

~~Chair Weymouth asked how the proposed facility would bring any revenue to Fort Lauderdale, aside from real estate taxes paid by the property owner. It was clarified that there would be "different revenues generated on premise," including fees for use of the shooting range, firearm purchases, and shooting lessons, all of which would generate taxable income.~~

~~Chair Weymouth asked if there is any pending direct agreement with the City to open the facility. Mr. Grillo replied that he has had discussions with Fort Lauderdale's Chief of Police regarding use of the facility by Police Officers, although nothing has been finalized.~~

~~**Motion** made by Ms. Fertig, seconded by Ms. McCartney, to approve the Site Plan, Case UDP-S22028, based on the Staff Report and the testimony by the Applicant.~~

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 31,050 square foot indoor shooting center, firearms range, a clubhouse, gym, a squash court, golf simulator, and locker rooms for the property located at 5320 N. Powerline Road, Fort Lauderdale, Florida, in the CR District, Case Number UDP S22028.~~

~~In a roll call vote, the motion passed 6-0. (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)~~

~~2. CASE: UDP S22031~~

~~REQUEST: ** Site Plan Level III: Parking Reduction for a Change of Use from 9,022 Square Foot Professional Office to Medical Office~~

~~APPLICANT: 6400 Building, LLC.~~

~~AGENT: Deena Gray, Greenspoon Marder, LLP.~~

~~PROJECT NAME: 6400 Building~~

~~PROPERTY ADDRESS: 6400 N. Andrews Avenue~~

~~ABBREVIATED LEGAL DESCRIPTION: DON L CLYMER 100 24 B PARCELA TOGETHER WITH PAR DESC AS, BEG AT NW COR OF SAID PLAT, SWLY & SLY FOR 340 TO SW COR, SWLY & SLY 29.48, NLY & NWLY FOR 168.22, NWLY 15, NLY 42.43, NELY 217.93, SELY 55.35 TO POB~~

~~ZONING DISTRICT: Heavy Commercial/Light Industrial (B-3) District~~

~~LAND USE: Employment Center~~

~~COMMISSION DISTRICT: 1—Heather Moraitis~~

~~NEIGHBORHOOD ASSOCIATION: N/A~~

~~CASE PLANNER: Michael Ferrera~~

~~Disclosures were made at this time.~~

~~Deena Gray, representing the Applicant, showed a PowerPoint presentation on the Application, which requests a parking reduction for an existing office building. There will be no changes to the exterior of the building, which is located in the B-3 zoning district. This is a heavily commercial district with an underlying land use designation of Employment Center.~~

~~At present, parking on the site is divided into zones. Zone A has 28 parking spaces, Zone B has 67, Zone C has 37, and Zone D has 75, totaling 204 existing parking spaces. A parking study prepared for the Applicant shows the number of available spaces in each zone. The study showed a significant surplus, even including seasonal adjustments to the calculation. Peak hours observed on Tuesday, June 14, 2022 showed a surplus of 76 spaces.~~

~~There are approximately 37,000 sq. ft. of existing general office space, 9025 sq. ft. of medical, and 9022 sq. ft. of vacant space on the site. The Applicant proposes to bring in~~

~~a single tenant, which would take two of the property's tenant spaces: one general office space and one existing medical space, converting both spaces into a single general medical use.~~

~~The Applicant believes the demand for medical use will be less than what is currently required by Code. Other Broward municipalities have lesser requirements for these facilities. An aerial photo of the site from October 11, 2022 at 11:00 a.m. shows the parking area to be partially empty.~~

~~Ms. Gray noted that an adjacent parking area includes a swale with parking spaces alongside it. The owner of the adjacent property contacted her to express concern that the proposed tenant's clients could park there and walk across the swale. While the Applicant does not believe this will be an issue, they have agreed to install a chain link fence along the shared property line to dissuade any such activity. Another adjacent development is under construction, and will close off a cross access area. That property owner will add landscaping to their Site Plan and close this access point.~~

~~Mr. Ganon observed that the Applicant's backup materials state no one attended the public participation meeting. Ms. Gray replied that while there were no attendees, the Applicant's team was contacted by the adjacent property owner who shared a concern that clients could park on his property and walk across the swale.~~

~~Mr. Ganon pointed out that there is a discrepancy in the Applicant's notice and affidavit for the meeting: the affidavit lists the meeting date as September 17, 2022, while the notice states it is September 16. Ms. Gray confirmed that this typo was made in the summary of that meeting, and clarified that the meeting occurred on September 16 and the notice had referred to this correct date. The affidavit was re-submitted with the correct date.~~

~~Mr. Ganon also requested additional information about the parking calculations, noting that conditions were studied on a Tuesday and Thursday in June. A multiplier of 4% was then applied to simulate conditions during the heavier winter season. He asked if this multiplier was accurate, as well as how it was determined. Ms. Gray replied that she understood this multiplier to be specific to Fort Lauderdale. The Applicant's traffic engineers did not anticipate the proposed medical use to be seasonal, as it will be used by local residents.~~

~~Mr. Ganon requested clarification of the spaces available on the site in comparison to the counts. Ms. Gray advised that the calculation showed a significant number of surplus spaces, which led the Applicant to conclude the parking ratio for Fort Lauderdale is quite stringent.~~

~~Julian Bobilev, representing the Applicant's consultant Greenspoon Marder, stated that the multiplier published by the Florida Department of Transportation (FDOT) is different for different areas of Broward County, as it is divided into vertical sections. Some of~~

~~these sections have a greater seasonal population than others. The area in which the subject parcel is located, which lies between US 1 and SR 7, reflects less seasonality.~~

~~Chair Weymouth requested clarification of the entity that performed the Applicant's traffic study. Ms. Gray replied that this was done by Traf Tech Engineering working in conjunction with KBP Consulting.~~

~~Mr. Barranco requested additional information on the existing rent roll and occupancy rate of the subject property. Ms. Gray advised that the building includes a marketing firm, law offices, and a former bank space which has been vacated. Mr. Barranco asked if a vacation call center also remains on the property.~~

~~Evan Rosenblatt, owner's representative, stated that the Applicant is only applying for two vacant office spaces at this time. He estimated that with the prospective medical use, roughly 1700 sq. ft. of empty space would remain, which is under 5% of the building's total space. This tenant would have approximately eight employees and three patients at a time. Mr. Barranco explained that his concern had been for the previously existing call center office, which had been a high density use.~~

~~Mr. Shechtman expressed concern that another intensive use could eventually occupy space in the building, and asked if the Board's approval of the reduction would be in perpetuity rather than tied to a specific tenant. Urban Design and Planning Manager Ella Parker clarified that the reduction is tied to the use: if the medical tenant is replaced by another medical office use, the parking reduction could stand.~~

~~There being no questions from the Board 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 to approve the parking reduction.~~

~~Attorney Wallen requested confirmation that the **motion** also adopted the findings of fact in the Staff Report, the corrections made to the affidavit, and the condition listed in the Staff Report. She pointed out that in addition to this condition, the Applicant has also indicated on the record that they will install a fence along the shared property line. Ms. Gray indicated that the Applicant agrees with both conditions as well.~~

~~Ms. Fertig **restated** her **motion** as follows: that we approve the parking reductions with the findings of fact and the agreement to install a fence and accept the change on the affidavit that it was the 16th instead of the 17th and the condition that is already in the Staff Report.~~

~~Mr. Shechtman **seconded** the **motion**.~~

~~Attorney 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 Site Plan Level III development permit for a parking reduction for a change of use from 9022 sq. ft. of professional office to medical office for the property located at 6400 N. Andrews Avenue, Fort Lauderdale, Florida, in the Heavy Commercial/Light Industrial District, Case Number UDP-S22031.~~

~~In a roll call vote, the motion passed unanimously (7-0).~~

3. CASE: UDP-Z22013

REQUEST: * ** Rezoning from Planned Resort Development (PRD) District to Parks, Recreation and Open Space (P) District

APPLICANT: City of Fort Lauderdale

GENERAL LOCATION: North Seabreeze Boulevard

ABBREVIATED LEGAL DESCRIPTION: LAUDER DEL MAR 7-30 B PT OF LOT 9 DESC'D AS, COMM AT SW COR OF BLK 3, E 128.30 TO PT ON PROPOSED E R/W/L OF SOUTHBOUND A-1-A, NELY 209.09 TO P/C, NLY & NELY 37.31 TO PT ON W/L OF LOT 9 & LAUDER DEL MAR 7-30 B PT LOTS 16, 17 & 18 DESC AS: COMM SW COR BLK 3, NLY 40.03 TO POB, NLY 98.80, E 83.43, SW 96.58, SELY 46.42, W 101.07, NWLY 50.63 TO POB BLK 3, LESS COMM SW COR BLK 3, E & LAUDER DEL MAR 7-30 B LOTS 12 & 13, LESS PT DESC'D IN ORIGINAL PARCEL 13 OF CA 90-05910 BLK 2 & LAUDER DEL MAR 7-30 B LOT 21 LESS PT DESC AS, BEG AT SE COR OF LOT 21, WALG S/L FOR 50 TO SW COR OF LOT 21, NLY 5.93 TO PT ON CUR, NELY 12.96 TO P/R/C, NE 88.14 (0.59 ACRES)

ZONING DISTRICT: Planned Resort Development (PRD) District

PROPOSED ZONING: Parks, Recreation and Open Space (P) District

LAND USE: Central Beach Regional Activity Center

COMMISSION DISTRICT: 2 – Steven Glassman

NEIGHBORHOOD ASSOCIATION: Central Beach Alliance Homeowners Association

CASE PLANNER: Michael Ferrera

Disclosures were made at this time.

Michael Ferrera, Urban Planner II, stated that this Item is part of the City's initiative to rezone properties used as parks, open space, and conservation areas. This Item addresses Cortez Triangle Park. The request is to rezone this property from Planned Resort Development to Parks, Recreation, and Open Space.

Mr. Ferrera further clarified that when mail notice was sent out earlier for this property, the legal description and location map did not match. The notice has been reissued with the correct information.

There being no questions from the Board 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 Mr. Shechtman, seconded by Ms. Fertig, to approve Case Number UDP-Z22013, as it meets the ULDR criteria.

In a roll call vote, the **motion** passed unanimously (7-0).

~~4. CASE: UDP-Z22016~~

~~**REQUEST:** ** Rezone 40,500 square feet of land from Residential Mid Rise Multifamily/Medium High Density (RMM-25) District to Northwest Regional Activity Center—Mixed Use East (NWRAC-MUe) District~~

~~**APPLICANT:** Water Tower Apartments, LLC.~~

~~**AGENT:** Jason Crush, Crush Law, P.A.~~

~~**PROJECT NAME:** Water Tower Apartments Rezoning~~

~~**PROPERTY ADDRESS:** 628 NW 3rd Avenue~~

~~**ABBREVIATED LEGAL DESCRIPTION:** PROGRESSO 2-18 D LOTS 37 THRU 48 INCL BLK 321~~

~~**ZONING DISTRICT:** Residential Mid Rise Multifamily/Medium High Density District (RMM-25)~~

~~**PROPOSED ZONING DISTRICT:** Northwest Regional Activity Center—Mixed Use east (NWRAC-MUe) District~~

~~**LAND USE:** Northwest Regional Activity Center (NWRAC)~~

~~**COMMISSION DISTRICT:** 2—Steven Glassman~~

~~**NEIGHBORHOOD ASSOCIATION:** Progresso Village Civic Association~~

~~**CASE PLANNER:** Nicholas Kalargyros~~

~~Disclosures were made at this time. Mr. Barranco recused himself from voting on the Item due to a conflict.~~

~~Jason Crush, representing the Applicant, stated that the request is to rezone a property currently zoned RMM-25 to Northwest RAC-MUe. The underlying land use for the subject area is Northwest Regional Activity Center (NWRAC).~~

~~A Land Use Plan Amendment was made for the entire area in the early 2000s to change the use to Regional Activity Center (RAC) in order to revitalize the area and foster redevelopment. In 2015, properties along Sistrunk Boulevard were rezoned to NWRAC-MUe to implement this Land Use Plan Amendment. An adjacent property to the west of the subject site was approved for rezoning by the Planning and Zoning Board in July~~

~~2022 and later by the City Commission. The City hopes to continue the trend of the Land Use Plan Amendment, the rezoning, and the Northwest Progresso Flagler Heights Master Plan and its guidelines.~~

~~Mr. Crush showed a visual of the area's existing zoning, noting the zoning of surrounding parcels. He pointed out that there may be interest in further rezoning some existing Heavy Commercial and Industrial sites to Mixed Use as well. The intent is to create a walkable area for residents who move into the subject neighborhood, as well as residents of the existing RMM-25 zoning district.~~

~~City Staff analyzed the Applicant's narrative and presentation and agreed that they meet the required criteria for rezoning, as reflected in the Staff Report. The change is consistent with the future land use and the City's Comprehensive Plan, which encourages revitalization of redevelopment areas. The site is located within the Northwest Community Redevelopment Agency (CRA).~~

~~The rezoning would not adversely affect the surrounding neighborhood, as it is aligned with the neighborhood's goals and supports redevelopment opportunities there. It is expected to improve the area and stimulate revitalization. Rezoning to NWRAC MUE would ensure that future Site Plans for the subject property must comply with the requirements of the Northwest RAC design guidelines, which were subject to significant community input during their development.~~

~~A public participation meeting was held on September 7, 2022, via Zoom. Several individuals who own surrounding properties reacted positively to the proposed rezoning, which would encourage pedestrian friendly redevelopment. A presentation was also made to the Progresso Village Civic Association on September 19, 2022, which was attended by roughly 20 to 25 members of that association. The Applicant informed the members that they would meet with the Association once more when the subject site is redeveloped. The Association provided the Applicant with a letter of support for the proposed rezoning.~~

~~Ms. Fertig requested that the letter of support be included in disclosures, as it was provided to the Board members.~~

~~There being no questions from the Board 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.~~

~~Mr. Ganon commented that the subject area is clearly undergoing transition, which the proposed rezoning would continue. He asked if there are any requirements within the Northwest RAC to include affordable or workforce housing. Mr. Crush replied that while there are no such requirements, the receipt of CRA dollars could be a factor to encourage affordable housing. The Applicant will seek some type of funding from the CRA if they can meet the appropriate timeline.~~

~~Motion made by Ms. Fertig, seconded by Mr. McTigue, to approve with all the facts and findings and conditions and anything else.~~

~~In a roll call vote, the motion passed 6-0. (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)~~

~~5. CASE: UDP T22006~~

~~**REQUEST:** * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-27.7—Historic Designations, to include Additional Noticing Requirements for Historic Designation Applications~~

~~**APPLICANT:** City of Fort Lauderdale~~

~~**COMMISSION DISTRICT:** City Wide~~

~~**CASE PLANNER:** Trisha Logan, AICP~~

~~Trisha Logan, Principal Urban Planner, advised that this Text Amendment addresses Unified Land Development Regulations (ULDR) Section 47-27.7, which pertains to notices for historic designation. The City's Historic Preservation Board has requested this amendment via communication to the City Commission, which authorized Staff to move forward with its preparation.~~

~~The amendment provides for an additional sign notification in front of a property prior to a designation application appearing before the Historic Preservation Board (HPB). It also provides for an additional mail notice to a registered agent for a property owned by a limited liability company (LLC) or corporation.~~

~~Chair Weymouth asked if the amendment would apply only if the applicant is the owner of the property. Ms. Logan clarified that it would apply in all cases. She further clarified that Code does not permit a separate party, such as a neighbor, to apply for the historic designation of a property that does not belong to them. A designation application may be initiated in the following ways:~~

- ~~• Through a motion by the HPB~~
- ~~• Through a motion by the City Commission~~
- ~~• Through the property owner~~
- ~~• Through a simple majority of property owners within a historic district~~
- ~~• Through a nonprofit organization with a vested interest in historic preservation~~

~~Mr. Shechtman asked if, should an application be filed by a party other than the property owner, that owner would be required to keep the signage on the property. Attorney Wallen explained that signs are placed on the property's corner, as required by Code. She further clarified that any nonprofit requesting a historic designation must have existed for five years. A random individual would not be able to request this designation.~~

~~Mr. Shechtman requested additional information on which party would be responsible for placement of signage. Attorney Wallen stated that the City would provide the sign to the applicant, who would then be responsible for its placement.~~

~~It was asked if a sign placed on a property against the will of the property owner constituted trespass. Attorney Wallen advised that if the applicant is not the property owner, the applicant must post the sign on or as near to the subject property as possible, subject to the permission of the property owner, or within a right of way as close to the property as possible if approved by the City.~~

~~Mr. Ganon noted that the public may speak at HPB meetings, and asked how the City can reach out to the public to inform them of such a meeting. Attorney Wallen replied that there was no such requirement previously in place regarding historic designation. Ms. Logan added that the signage is currently required prior to City Commission meetings: the proposed Text Amendment adds the requirement prior to the HPB meetings. Newspaper and mail notices are already required.~~

~~There being no questions from the Board 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 Mr. Shechtman, to approve.~~

~~In a roll call vote, the **motion** passed 6-1 (Chair Weymouth dissenting).~~

~~**6. CASE: UDP-T22007**~~

~~**REQUEST:** * Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24.11 to Include an Option to Designate Thematic Historic Districts and to Amend Existing Historic Preservation Criteria and Procedures.~~

~~**APPLICANT:** City of Fort Lauderdale~~

~~**COMMISSION DISTRICT:** City Wide~~

~~**CASE PLANNER:** Trisha Logan, AICP~~

~~Ms. Logan explained that this proposed Text Amendment relates to Section 47-24.11 of the ULDR. It was also initiated by the HPB and would establish the ability to designate a thematic historic district. This type of district differs from a traditional historic district by allowing for the designation of a group of non-contiguous buildings connected by a common theme, such as architecture, architectural style, design, architect, use, or other factors.~~

~~This amendment was also sent by the HPB as a communication to the City Commission, which supported the request to move forward with the preparation of the amendment. Staff brought the amendment before the HPB in August 2022 for review. The HPB recommended approval of the proposed amendment.~~

The amendment establishes the ability to designate properties within a thematic historic district, as well as several new definitions related to the amendment. Staff made other Code modifications to the overall historic designation process to further clarify this process and provide additional structure. They also provided updates to the criteria in the Code Section addressing Certificates of Appropriateness, which reviews requests for modifications or new construction within a historic district or for a historic landmark.

Staff also provided updated language to the administrative review process, addressing review of requests for site elements within historic districts and for historic landmarks. This assists property owners in the review process. They also updated Code to reference two new State Statute sections which affect historic preservation, including the timing of application review.

Mr. Barranco asked if a city block or blocks without a current historic designation which has two thematically historic structures could be designated as a thematic historic district under this amendment. Ms. Logan replied that this could occur, but if there are enough properties within one to two contiguous blocks the area may qualify as a traditional historic district. She further clarified that the buildings would not have to be limited to a few blocks or a particular neighborhood; the designation could also be applied City wide or in a neighborhood association area.

Ms. Logan continued that Staff is currently developing a City wide architectural resource that would provide an overview of properties within neighborhoods that may qualify for historic designation. Additional information is available on the City's website.

Mr. Barranco offered the example of two houses on a single block which show a thematic commonality, which could result in the creation of a thematic district. He asked if there would be any limitations on the adjacent landowners whose properties are not historic. Ms. Logan replied that this would not be the case; the thematic historic district would only apply to the properties eligible for designation as thematic resources.

Mr. Barranco explained that his concern was for the designation of an entire block as a thematic historic district if only a small number of properties qualify for this designation. Ms. Logan explained that in this case, the block would not be designated as such, as a historic district must include a substantial number of contributing properties which represent the historic context of the designation. There would be greater restrictions on the properties deemed to be contributing to the historic district than on non-contributing properties.

Mr. Barranco asked if the owner of a non-historic property located within a thematic district would have to go before the HPB. Ms. Logan stated that properties not identified as thematic resources within a thematic district would not be under the HPB's purview. Only the thematic resources would be subject to HPB review.

~~Mr. McTigue asked if properties in another neighborhood could also be included under the same thematic umbrella. Ms. Logan replied that this depends upon the theme, and pointed out that there are currently no examples within the City. The properties must establish some type of historic context in order to be eligible for designation: for example, they could be connected by a specific architect or architectural style. There are also regulations relating to the integrity of the buildings to be designated: for example, they may not have been modified so significantly over time that they no longer sufficiently reflect the theme.~~

~~Mr. McTigue also requested clarification of the overall purpose of the amendment. Ms. Logan replied that it provides another option for historic designation.~~

~~Ms. Fertig asked if thematic historic districts have been created in other municipalities. Ms. Logan confirmed this, noting that Miami and Coral Gables have similar designations. Thematic historic districts are also recognized at the national level on the National Register of Historic Places.~~

~~Mr. Canon noted that Staff had reached out to a representative of the Council of Fort Lauderdale Civic Associations requesting comments and/or questions on the proposed amendment. He asked if Staff had received a reply from this representative. Ms. Logan replied that they had not. She had also offered to make a presentation to this organization, but did not receive a response.~~

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

~~Jason Crush, land use attorney, stated that he felt the proposed amendment should be subject to greater public outreach and public participation. He also shared Mr. Barranco's concerns regarding whether or not adjacent properties would need to appear before the HPB, pointing out that Code does not exclude this possibility.~~

~~Mr. Crush continued that the applicant for designation of a thematic historic district, in this case, could be a simple majority. He expressed concern with the vagueness of the proposed amendment's language with regard to which historic aspects may constitute a district. He was also unclear on how multiple properties proposed for a thematic historic district would be analyzed to determine their contributing nature. He concluded that there should be additional discussion of the proposed amendment, including presentations to the public.~~

~~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.~~

~~Ms. McCartney stated that she found the proposed amendment to be very broad in scope, with a lack of detail and concept. She felt there was too great a possibility that~~

~~property rights could be affected to support the Item. Ms. Fertig stated that taking the proposed amendment to the public could result in narrowing its scope.~~

~~Chair Weymouth commented that while he agreed the amendment was premature, he was not certain that the Planning and Zoning Board should direct Staff in how to move forward with the Item. He continued that while he understood the purpose and intent of the HPB, he felt the proposed amendment could result in overreach against the will of a property owner.~~

~~Ms. Fertig asserted that greater public participation could provide Staff with an opportunity to address concerns with the proposed amendment. She concluded that she was in favor of deferring the Item.~~

~~Attorney Wallen advised that pp.21-22 of the proposed amendment lists the criteria under which a thematic district could be designated. She pointed out that this is a comprehensive list of criteria that are already in use by the City for the designation of a historic district.~~

~~Ms. Fertig observed that if the Item is deferred from tonight's meeting and Staff does not go through a public participation process, she would not be comfortable supporting the Item when it comes back in the future.~~

~~Attorney Wallen requested additional guidance regarding public participation, recalling that Staff had informed the Board that a meeting was requested but no response was received. She asked if the Board was in favor of outreach to specific neighborhoods or wished to include the entire City. Ms. Fertig replied that if the Council of Fort Lauderdale Civic Associations does not wish to host a public meeting, Staff could advertise a public meeting to the City's civic and neighborhood associations to let them know the amendment is under consideration. She recommended very broad outreach in advertising such a meeting.~~

~~Mr. Shechtman stated that he was in agreement with a public participation meeting, and asked if the Board wished to propose any actual changes to the Item before it comes back to them.~~

~~**Motion** made by Ms. Fertig, seconded by Mr. Barranco, to defer.~~

~~Ms. Fertig clarified that it was her intent to defer the Item for three months, which would bring it back at the Board's February 2023 meeting. She also recommended that Staff's outreach include the legal community "and others who could be affected" as well as civic associations.~~

~~Mr. Ganon asked if the Board wished to register any additional comments or concerns regarding the proposed amendment at this time. Assistant City Attorney D'Wayne~~

~~Spence advised that the motion before the Board is to consider deferral rather than comments.~~

~~In a roll call vote, the motion passed 5-2 (Chair Weymouth and Ms. McCartney dissenting).~~

~~IV. COMMUNICATION TO THE CITY COMMISSION~~

~~Ms. Fertig stated that at times she felt it was useless to submit a communication to the City Commission, recalling that the previous month, the City Manager had recommended against the Board's communication proposing a Sea Level Rise Task Force. She expressed concern that other City advisory entities had not been presented with the same information as the Planning and Zoning Board so they could hear another entity's input on the topic.~~

~~Attorney Spence advised that the Mayor had indicated he did not understand the Board's communication. The Ordinance presented to the Commission had addressed tidal barrier infrastructure, and had gone before the City's Marine Advisory Board, which deals with waterway issues.~~

~~Ms. Fertig commented that the broader question she had wished to raise was what the City is doing to ensure it has a plan to address sea level rise. Mr. Barranco added that he was not certain the Planning and Zoning Board should address seawalls along with issues such as height, densities, and setbacks.~~

~~Attorney Spence explained that the ULDR amendment addressing seawalls would have dealt with the height of these structures as part of the development of properties. Mr. Barranco asserted that seawalls are at the edge of a property and are intended to control that edge. He was not certain the Board was the correct entity to review this issue, as they have no expertise regarding seawalls.~~

~~Ms. Fertig stated that her point in the communication to the Commission had been that there should be a current City advisory body who reviews matters such as seawalls and advises the Planning and Zoning Board in a similar manner to the Marine Advisory Board or the HPB.~~

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

~~Jim Hetzel, Principal Urban Planner, gave an update on the unit allocation comparison table which had been presented to the Board at its July 2022 meeting. He noted that one line has been added to the bottom of the table with regard to County Land Use Policy 2.16.4, which allows for additional affordable/workforce dwelling units throughout the City. This policy is expected to be adopted in December 2022. A Code Amendment will be added to the City's ULDR to align with that new policy.~~

Mr. Hetzel reviewed the table, which outlines the different approval levels for allocation of residential, RAC, and flex units. There are multiple RACs in the City, including the Downtown, Northwest, South, and Beach, all of which have available units. The Northwest RAC has the most available RAC units. The table reflected a trip summary for the Beach RAC, as these entitlements are tied to both unit allocation and trips.

Flex units are allocated in RACs and corridors based on a unified flex policy map, which shows what is permitted, what has been allocated to date, and pending allocations. Pending allocations mean those projects are under review by the City's Development Review Committee (DRC).

To implement the County's workforce housing requirement, Policy 2.16.4, the location requirements are RACs and corridors tied to land use. There is also an in-lieu fee, which means a property owner may make a payment in lieu of building affordable housing. The fee is divided between the County and the City. Another option is a Land Use Plan Amendment, which means a property owner or the City could initiate this amendment for a Master Plan area.

Mr. Barranco addressed the review process, requesting clarification that City wide flex allocation comes before the Planning and Zoning Board. Mr. Hetzel replied that this is the case for both City wide residential and commercial flex allocations. He emphasized that these are City wide allocations only: flex units assigned within RACs do not come before the Board.

Mr. Hetzel explained that RAC entitlements are typically allocated before flex units. He pointed out that the Downtown RAC is the most challenging area to monitor, as some projects have modified their programs when flex units were being allocated. The next two projects there will exhaust the RAC units available for Downtown, which means future allocations there will be flex units.

Ms. Fertig noted the number of pending flex units. Mr. Hetzel replied that the City has been tracking these units and will allocate whatever remaining flex or RAC units are available before switching to the County policy plan for the allocation of units. In some areas, such as the Northwest RAC, there are over 3000 units available for allocation, which means the City would not need to tap into the County policy to allocate units in that area. The Beach is not eligible for allocation under the County policy.

Mr. Barranco pointed out that flex units may be designated in the Downtown RAC without coming before the Board for allocation. Mr. Hetzel explained that the City's ULDR approval processes vary depending upon the location within the City. Flex units are assigned as part of Site Plan Level II review and are subject to City Commission call-up.

Mr. Shechtman observed that there are currently more units being applied for through the DRC process than are available. Mr. Hetzel advised that once all the RAC and flex

~~units are exhausted, there will be no other option except either a Land Use Plan Amendment or applying the County policy for affordable housing. A formula-based unit ratio is applied for the construction of affordable units versus market rate units. This will show the total units that can be developed for a project. There are also form-based regulations which regulate how much density can be constructed. The properties must be built on certain major corridors or certain land use categories.~~

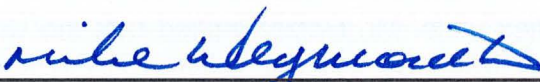
~~Mr. Hetzel continued that there are different categories of affordable units, for which the number of market rate units that can be constructed per affordable unit varies. He cited the example of one very low income unit, which permits the developer to construct 19 market rate units. This process allows for the development of an unlimited number of units.~~

~~Ms. Parker advised that there is also the option of an in lieu fee, which is going through a County amendment process and is proposed to be \$10,000 per unit. The actual allocation of units occurs during Site Plan approval and is done on a first come, first served basis.~~

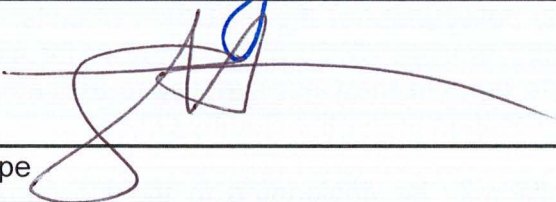
~~Mr. Barranco asked if Staff has discussed consideration of securing additional units. Mr. Hetzel confirmed that Planning Staff has discussed this possibility through a Land Use Plan Amendment for specific areas within the City, but has not received direction to proceed at this time.~~

~~There being no further business to come before the Board at this time, the meeting was adjourned at 8:06 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.]

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BARRANCO JOHN PAUL	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING ZONING
MAILING ADDRESS 3322 NE 42ND COURT	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY FORT LAUDERDALE FL BROWARD	NAME OF POLITICAL SUBDIVISION _____
DATE ON WHICH VOTE OCCURRED 10.19.22	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JOHN BARRANCO, hereby disclose that on OCTOBER 19, 2022

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss.
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

WE WERE CONSIDERED TO BE THE ARCHITECTS BUT WERE NOT SELECTED.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10.19.22
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>BARRANCO JOHN PAUL</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PZ</i>
MAILING ADDRESS <i>3324 NE 42ND COURT</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>FORT LAUDERDALE BROWARD</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>10-19-22</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

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- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, John Barranco, hereby disclose that on October 19, 2027

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows.

WE PROVIDED A PROPOSAL FOR ARCHITECTURAL SERVICES AND IT IS BEING CONSIDERED BY THE CLIENT (APPLICANT)

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

10.19.22
Date Filed

[Signature]
Signature

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