



**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

<b>Board Members</b>	<b>June 2021-May 2022</b>		
	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
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:** 2731 N. Federal Highway

**LEGAL DESCRIPTION:** Coral Ridge Properties 28-8 B Lot 7 S 150,  
Broward County, Florida  
**ZONING DISTRICT:** Boulevard Business (B-1)  
**LAND USE:** Commercial  
**COMMISSION DISTRICT:** 1 - Heather Moraitis  
**NEIGHBORHOOD ASSOCIATION:** N/A  
**CASE PLANNER:** Yvonne Redding

Disclosures were made at this time.

Jim McLaughlin, representing the Applicant, stated that the Application requests a plat of 1.27 acre, restricted to 110 hotel units. The Application has been approved by the City's Development Review Committee (DRC).

There being no questions from the Board at this time, Chair Scott 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. Weymouth, seconded by Mr. Barranco, to approve the plat and include the Staff Report. In a roll call vote, the **motion** passed 9-0.

3. **CASE:** UDP-S20010  
**REQUEST:** \*\* Site Plan Level III Review: Parking Reduction for 11,122  
Square Food Catering Services  
**PROPERTY OWNER/APPLICANT:** SNG 1115 Investments, LLC.  
**AGENT:** Stephanie Toothaker, Esq.  
**GENERAL LOCATION:** 1115 and 1123 NE 9th Avenue  
**LEGAL DESCRIPTION:** Progresso 2-18 D Lots 10 through 13 Blk 149  
**ZONING DISTRICT:** Heavy Commercial/Light Industrial Business (B-3)  
**LAND USE:** Commercial  
**COMMISSION DISTRICT:** 2 - Steven Glassman  
**NEIGHBORHOOD ASSOCIATION:** Lake Ridge Civic Association, Inc.  
**CASE PLANNER:** Christian Cervantes

Disclosures were made at this time.

Stephanie Toothaker, representing the Applicant, stated that the request is for Site Plan Level III change of use with a parking reduction. The project is 13,500 sq. ft. in size and includes an existing one-story building. The existing parking consists of eight backout spaces. The subject use and adjacent uses are Warehouse, with an underlying land use of Commercial and B-3 zoning.

The proposed Site Plan will include 10 on-site and 29 off-site parking spaces for 29 kitchens. The food produced in these facilities will not be made available for on-site consumption. The Site Plan proposes improvements to the existing building and mitigation of impacts to adjacent buildings, including rooftop screening of mechanical equipment, addition of Americans with Disabilities Act (ADA) accessible spaces, and light guards to reduce any light pollution to nearby residential properties.

The property development also includes improvements to the alley at the rear of the site in order to accommodate refuse and loading needs for the proposed use. There will be installation of bike racks and additional landscaping on the site.

The Application has gone before the City's Board of Adjustment (BOA), as Staff had felt it was important to show the backout parking has been in place for several years and exists along the entire street. The BOA approved all variances related to existing uses on the site, which predominantly relate to backout parking and landscaping requirements.

The Applicant plans to restripe both the parking spaces and the adjacent right-of-way to create a safer driving environment than what currently exists. In order to determine the number of trips associated with the facility, traffic counts were collected at a similar facility in the city of Orlando. A traffic statement was provided to the DRC. The proposed use generates fewer than 1000 daily trips, which would not require a traffic study.

Based on the parking study, the facility requires a maximum of 29 spaces. The Applicant proposes to provide 39 on- and off-site spaces combined. They request a parking reduction to 10 on-site spaces in order to reserve this use for delivery drivers or other transient users only. Off-site parking is secured through lease agreements with nearby properties to accommodate the additional 29 spaces for the total of 39.

In accordance with the City's Unified Land Development Regulations (ULDR), an off-site parking agreement has not been executed because the 29 spaces are not part of the Applicant's request. Code stipulates that off-site parking spaces must be a maximum of 700 ft. along a safe pedestrian path from the site that will use them. The alternative parking arrangements must be adequate to meet parking needs, compatible with the use, and may not adversely affect the character and integrity of surrounding properties.

The Applicant plans to provide either golf cart or shuttle service to take people from the off-site parking to the facility so they will not have to walk. One lease agreement is with Pep Boys, which is located within 700 ft. of the subject site; however, there are few sidewalks between this location and the subject site. This does not allow the Applicant to count these spaces toward the overall parking count.

At a second site, IBEW, there are 16 spaces pursuant to an agreement. Both the IBEW and Pep Boys agreements are in draft form and ready to execute if the Board approves the Application. Ms. Toothaker showed renderings of both off-site areas.



Because the proposed use is not included in the Institute of Transportation Engineers (ITE) manual or the ULDR, it was challenging to determine ways to describe it. Licensees have 24-hour access to their properties, and each kitchen is permitted to set its own schedule, with no specific shifts that would apply to the entire building. This diversity of scheduling minimizes the impact on parking, as different kitchens operate on different days and times. One to two employees are typically the maximum for one kitchen.

Typical occupancy is approximately 60% or 20-35 employees at any one time. Roughly half of the employees are expected to use public transportation, while the others can be accommodated by off-site parking. Employees will be required to park off-site, as on-site spaces are reserved for delivery drivers or drop-offs.

There are two types of uses of this kind of facility: commissary and delivery. Commissary use, based on other facilities, is expected to occupy 50% of the kitchens. These businesses prepare food for yachts, airlines, and events. Delivery users make up the remaining 50%, with peak hours taking 60% of delivery time. Delivery orders have lower peaks, as dining facilities order for a longer period of time. Most drivers will take multiple orders during peak delivery hours. Most of these orders come from within a three-mile radius based on the Applicant's expertise.

Because the wait time for deliveries is short, and orders are often picked up in batches, there will be fewer drivers using the parking spaces. The typical requirement for a facility of this size is three parking spaces for pickup drivers. Ms. Toothaker described comparable facilities located in Atlanta, Philadelphia, San Diego, and Denver, which have few or zero parking spaces.

The Applicant held a public participation meeting in the subject neighborhood, although no residents attended. They have received letters of support from direct neighbors of the property, as has the Lake Ridge Civic Association.

Mr. Weymouth expressed concern with the stress that the requested facility could place on the immediate area through traffic, noise, and odors. He asked if the Applicant is seeking to mitigate these potential effects. Ms. Toothaker replied that the 29 kitchens will not be in use at the same time, although she acknowledged that some odors will not be avoidable. She characterized the use as "29 cooking stations," which would be equivalent to a large restaurant.

Mr. Weymouth requested additional information on the logistics of bringing in food and supplies. He expressed concern with the proposed loading zone in the alley, which is also where trash will be located. Ms. Toothaker reiterated that the surrounding area is predominantly industrial, with one multi-family development directly across the street from the proposed project.

Mr. Weymouth stated that his greatest concern was for parking, noting that in reality, people are not willing to walk a distance of 700 ft. or more. He asked how parking would

be enforced to remain in the off-site spaces for which the Applicant has lease agreements. Ms. Toothaker stated that they would be required to park in these leased spaces, and the Applicant would provide shuttle service for employees.

Vice Chair Cohen asked if the facility is used to its full capacity during the hours of operation, or if kitchens are staffed at different times of day. Ms. Toothaker replied that the maximum occupation at any time is typically 60%, as the kitchens are used at different times by different parties.

Mr. Rotella asked where the grease trap for the facility would be located. It was clarified that there are two 500-gallon grease traps on the property, which will be installed underground within the footprint of the building and its hallways.

**Motion** made by Mr. Shechtman, seconded by Mr. Weymouth, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

Mr. Weymouth noted that if facilities such as this, known as "ghost kitchens," continue to grow in popularity, Staff may wish to make changes to Code with respect to parking for these businesses. Ms. Parker stated that as these newer types of developments come forward, with policy directive Staff may research these facilities further. The closest thing to these facilities in existing Code is catering.

It was also noted that the Staff Report states the City's Transportation and Mobility Department does not agree with the Applicant's methodology. Istvan Virag of Transportation and Mobility stated that it would take some time before this type of facility can be added to Code. He confirmed that Staff had shared the Board's concerns regarding parking. Most of these concerns focused on safe passage for employees from the off-site parking to the facility itself, particularly as one of the off-site areas is across train tracks from the site. There is no fencing parallel to these railroad tracks.

Eric Czerniejewski, representing the Corradino Group, which serves as the City's traffic consultant, stated that the biggest issue he had identified while reviewing the plans was related to multimodal connectivity and an appropriate level of safety for pedestrians moving from off-site parking to the facility. At present, the pedestrian infrastructure includes only sidewalks. He emphasized the need for a multimodal environment if employees must walk to the site.

Mr. Shechtman requested clarification of Code's specific language regarding safety or "walkability" requirements to and from the site. Ms. Toothaker stated that an off-site parking agreement of this nature requires that the off-site parking be located within 700 ft. and have a safe pedestrian path. In this case, the Pep Boys off-site parking is within 700 ft., but the industrial nature of the area means there are no sidewalks, which means Staff does not permit the Applicant to count those spaces toward the parking requirement. The IBEW off-site parking is more than 700 ft. away from the facility, and also has no

sidewalks. She reiterated that the facility would provide a shuttle or golf cart so employees are not asked to walk.

Ms. Fertig asked if provision of the shuttle was considered a mitigating circumstance. It was clarified that if shuttle service was provided from all parking spaces as a condition of approval, this would mitigate the issue; however, having employees cross the train tracks made the proposition unacceptable.

Ms. Toothaker also clarified that there is a bus stop for public transportation "very close" to the subject property. The 36, 21, and 10 bus lines serve an area within a four-minute walk of the site, including one stop on Sunrise Boulevard.

There being no other questions from the Board at this time, Chair Scott 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, adopting the conditions in the Staff Report and the shuttle during the hours of operation, to transport all the patrons or employees, whoever needs to get to the location; the parking agreements need to be executed and recorded, and a parking reduction order must be recorded in public records at the Applicant's expense.

Ms. Fertig commented that the neighborhood surrounding the facility is very active, and that the appropriate civic association and neighbors across the street have provided the Applicant with letters of support. She felt the association would have considered all negatives associated with the project, and that the shuttle service made a significant difference.

Mr. Shechtman observed that the City's Downtown area is becoming increasingly dense, and expressed concern with the need for barricades that would prevent pedestrians from stepping onto the railroad tracks. He suggested that the Board discuss this further at the end of the meeting.

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 Site Plan Level III development permit for a catering services facility and a parking reduction for the property located at 1115 NE 9<sup>th</sup> Avenue, Fort Lauderdale, Florida, and 1123 NE 9<sup>th</sup> Avenue, Fort Lauderdale, Florida, in the Heavy Commercial/Light Industrial Business zoning District, Case UDP-S20010.

In a roll call vote, the **motion** passed 7-2 (Mr. Barranco and Mr. Weymouth dissenting).

Vice Chair Cohen left the meeting at 6:38 p.m.

**4. CASE: UDP-Z21003**



**REQUEST:** \* \*\* Rezoning from Commerce Center District (CC) to Uptown Urban Village Northwest District (UUV-NW)  
**PROPERTY OWNER/APPLICANT:** Citrix Systems, Inc. and Cypress 6261 LLC.  
**AGENT:** City of Fort Lauderdale  
**GENERAL LOCATION:** 701 W. Cypress Creek Road  
**LEGAL DESCRIPTION:** Corporate Park at Cypress Creek Plat, Lots 4 and 5  
**ZONING DISTRICT:** Commerce Center (CC)  
**PROPOSED ZONING:** Uptown Urban Village Northwest (UUV-NW)  
**LAND USE:** Employment Center  
**COMMISSION DISTRICT:** 1 - Heather Moraitis  
**NEIGHBORHOOD ASSOCIATION:** N/A  
**CASE PLANNER:** Jim Hetzel

Principal Planner Jim Hetzel stated that the request is for rezoning of an area in the City's Uptown. Two property owners, Citrix and Cypress 6261, are participating in a program where the City processes the rezoning with their consent. The request is to rezone from Commerce Center (CC) to Uptown Urban Village Northwest (UUV-NW). The site is slightly less than five acres in size.

There being no questions from the Board at this time, Chair Scott 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. Weymouth, seconded by Mr. Shechtman, to include the Staff Report as part of the record. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Weymouth, seconded by Mr. Rotella, to approve the Item with the attached Staff Report. In a roll call vote, the **motion** passed 8-0.

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

**6. CASE:** UDP-T21012

**REQUEST:** \* Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-13.20.D.7, Downtown RAC Review Process and Special Regulations, and Section 47-24, Development Permits and Procedures, Providing For Correction to Scrivener's Errors  
**APPLICANT:** City of Fort Lauderdale  
**GENERAL LOCATION:** Citywide  
**CASE PLANNER:** Jim Hetzel



Mr. Hetzel advised that this Item would correct two sections of Code: Section 47-13.20, which addresses the Downtown Regional Activity Center (RAC) review process, and Section 47-24, which involves development permits and procedures. Both items would correct scriveners' errors and other minor mistakes.

Ms. Fertig recalled that on September 16, 2020, the Board proposed a number of amendments to the Downtown Master Plan, which were sent to the City Commission. The minutes of the November 4, 2020 City Commission meeting indicate that Staff informed the Commission they had not had sufficient time to research these proposed amendments. She asked if this research has been completed.

Ms. Fertig further clarified that the proposed amendments addressed the following:

- Tower separation
- Minimum unit size
- Parking

Ms. Parker replied that Staff adopted a parking standard which has come before the Planning and Zoning Board some months ago. Staff also addressed the remaining items and sent a communication to the City Commission identifying a number of issues on which they were not moving forward, based on analysis. This included tower separation, which was adopted with a proposed separation distance of 60 ft.

There being no other questions from the Board at this time, Chair Scott 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. Ganon, to approve. In a roll call vote, the **motion** passed 8-0.

**5. CASE: UDP-T21002**

**REQUEST:** \* Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-21, Landscape and Tree Preservation Requirements

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** Citywide

**CASE PLANNER:** Glen Hadwen and Mark Williams | Public Works Sustainability Division

Glen Hadwen, Sustainability Manager, showed a presentation on proposed amendments to Section 47-21 of the ULDR, which address landscape and tree preservation. These revisions were initiated in response to City Commission concerns with the preservation of specimen growth trees and the application of existing tree preservation Code to tree removal during development.

A previous draft of this Ordinance was presented to the Planning and Zoning Board on March 30, 2021. In response to the direction provided at the March 2021 meeting, the City has retained consultant Calvin, Giordano and Associates to provide additional expertise in the area of landscape architecture. They have led the revision process and facilitated stakeholder meetings.

This effort is aligned with the City's Strategic Plans and is intended to address urban forestry concerns in a comprehensive manner, with the goal of having a more streamlined and consistent application of regulations and strengthening tree preservation as a whole. The 2020 Strategic Plan, Press Play, emphasizes cross-departmental collaboration. The updates also align with the Advance Fort Lauderdale 2040 Comprehensive Plan's Future Land Use, Conservation, and Urban Design elements.

Mr. Hadwen recalled that Staff presented an introduction to the concepts under consideration for amendment at a November 2019 City Commission Conference Agenda meeting. The Commission then directed Staff to proceed with the revisions. The first draft was shared for public review in June 2020. Since that time, proposed changes have been presented to various stakeholders, including many industry professionals, developers, internal Staff, and the general public.

Based on stakeholder feedback, Staff revised the text incorporated in these changes prior to the March 2021 Planning and Zoning Board meeting. There were 30 meetings with both internal and external stakeholders, including a number of stakeholder groups listed in the Staff Report. Three additional such meetings have been held since the March 2021 Planning and Zoning Board meeting.

Mike Conner, representing consultant Calvin, Giordano and Associates, explained that the firm was engaged by the City of Fort Lauderdale in April 2021. After an extensive review of documentation, they developed a list of 30 major issues based on the input of the stakeholder advisory group. Three additional meetings were held in May and June 2021 for further discussion, and documentation was further reviewed with City Staff.

At the end of this process, a first draft of proposed changes to the Ordinance was distributed to stakeholder groups, Broward County, and the City Attorney's Office in late June 2021. The City Attorney's Office included a number of additional comments that necessitated further meetings between consultants and Staff. Another draft was prepared in October 2021, and distributed to the stakeholder group on October 15. Subsequently, final revisions were made in response to comments from the City Attorney's Office and the Department of Sustainable Development (DSD). The final Ordinance included in the Board members' backup materials was distributed on November 5, 2021.

Some of the significant changes to the draft Ordinance address the following:

- Revision of definitions to address concerns with caliper versus diameter
- Definition of "specimen trees" and the criteria required for this term
- Updated tree classification list to reflect amended definitions and criteria

- Percentage of allowed lawn, turf, or sod areas with respect to water conservation
- Use of modular/extended pavement systems and structural soils
- Shade tree usage and required percentage
- Equivalent replacement and value calculations for removed trees
- Criteria for the spacing of shade trees from buildings, streets, and each other
- Requirement of more information in the landscape/tree document packet required at the time of permitting, including irrigation and lighting/electrical plans
- Use and installation of synthetic turf
- Stronger tree protection barricade and signage requirements

**Motion** made by Mr. Weymouth, seconded by Mr. Ganon, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

Ms. Fertig requested clarification of when the most recent public meeting with the advisory group was held. It was confirmed that this was in June 2021. Any further communications were sent via emails to the group and the City Attorney's Office. The final report was provided to the community in November 2021, although Mr. O'Connor noted that there were no significant changes to the proposed Ordinance since it was first sent to the City Attorney.

Ms. Fertig also requested clarification of the changes recommended by the City Attorney's Office. Mr. Conner replied that one of the focus items addressed the phrase "to be determined by Department Staff." The City Attorney recommended that the team be more specific in determining criteria rather than leaving them to the discretion of Staff.

Mr. Barranco commented that the revised Ordinance is very lengthy, and he was not comfortable voting upon it at this time, as he has not yet been able to review the entire document in detail. He expressed concern that the stakeholders may also have lacked sufficient time to adequately review the document. Ms. Fertig also noted the importance of allowing the City's neighborhoods to review the proposed Ordinance and become comfortable with its specifications.

Chair Scott stated that she also felt it was extremely important to move the Ordinance forward. She pointed out that as the issue continues to be discussed, the City is losing more and more of its tree canopy. She emphasized that there may be no concerns sufficiently critical to continue to delay passage of the revised Ordinance.

Mr. Shechtman commented that this Ordinance is very important to a broad and diverse range of people and neighborhoods, and it is not possible to craft a version that will win everyone's approval. He felt it is the Board's role to listen to proposals on all sides of the issue and arrive at a compromise.

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



Nancy Long, president of the River Oaks Civic Association, advised that the Ordinance has been discussed at length by this group. She expressed concern with the proliferation of development in her neighborhood and its effect on the shade canopy, and urged the Board to approve the proposed Ordinance, with amendments to be made at a later time if necessary.

Ms. Fertig asked if Ms. Long felt the Ordinance would address some of the issues her neighborhood has experienced in recent years. Ms. Long replied that while the Association feels some of the aspects of the Ordinance could be stronger, they believe it can be helpful. She specifically recommended stronger penalties for the illegal removal of specimen trees.

Mr. Conner advised that he understood all trees are treated equally under the current Code, regardless of whether or not they are classified as specimen trees. The proposed language will require that specimen trees of a certain size and condition require evaluation and appraisal by a certified arborist to determine their value prior to any removal.

Assistant City Attorney D'Wayne Spence stated that he has been involved in the crafting of this Ordinance since 2019. He addressed the penalty and/or fee as well, as this was an issue that was discussed at length by Staff early in the process. The state of Florida considers any fee that is not a regulatory or user fee to be a tax or penalty, which means the City may not impose what the state views as "illegal taxes" unless authorized to do so by the state.

Attorney Spence continued that the fee structure proposed in the Ordinance is established as regulatory fees, which are paid into a trust fund. The formula developed by the consultant is based on the value of the tree that is being removed. The actual fee is capped at this value.

Bianca Bryant, private citizen, provided a photograph for the record, stating that developers and builders in the River Oaks neighborhood often remove oak trees that have been alive for many years. She pointed out that fully mature oaks cannot be adequately replaced, and emphasized the importance of passing the proposed Ordinance. She also stated that developers sometimes proceeded with attempted removal of existing trees without permission.

Ms. Fertig asked if the proposed Ordinance would help prevent the issues described by Ms. Bryant. Mr. Conner confirmed this, stating that the additional enhancements required at the time a landscape or tree permit is issued would help DSD Staff better evaluate the condition of existing trees. If the developer cannot work around the existing trees, they might be asked to relocate them if possible. If not, they would have to seek a tree removal permit and/or provide replacement trees or the placement of the equivalent value of the tree into a trust fund, which would permit the City to plant new trees elsewhere in the City.



to offset the loss of canopy. Mr. Conner concluded that the value of a specimen oak tree would be significantly increased by the proposed Ordinance.

Ms. Fertig also asked Attorney Spence if he felt the proposed Ordinance would address the concerns raised thus far during public comment. Attorney Spence replied that Mr. O'Connor's explanation of how the Ordinance addresses removal and replacement of trees was accurate. Mr. Shechtman noted, however, that while the Ordinance would increase the burden placed on developers who removed trees, it may not actually prevent that removal.

Mark Williams, Urban Forester, advised that the City has proposed a set criteria package that must be followed when reviewing plans for tree removal. The proposed Ordinance would require that the owner or developer of a property seeking to remove a tree must provide a valid reason to do so, such as poor condition of the tree, damage to existing property or foundations, or other considerations.

Mark Cantor, private citizen, stated that while the proposed Ordinance would be an improvement over the existing one, it could also be better. He hoped to stop the removal of specimen oak trees without permitting, pointing out that this has been done in the past on Riverland Road. He did not feel the proposed fines for this type of activity would be a meaningful deterrent to builders.

Chair Scott asked Mr. Conner to describe how fines are addressed within the proposed Ordinance. Mr. Conner replied that he could not speak to fines, but reiterated what is required for tree removal permits and the replacement or equivalent value payment of trees.

Attorney Spence addressed fines, again pointing out the limitations that are placed by the state of Florida on the City's ability to increase them. Fines are established by State Statute Chapter 162, which places an upper limit on fines for specific violations.

Ms. Fertig asked what the penalty would be if an individual developer removes trees without a permit. Mr. Hadwen explained that this is addressed within the Ordinance: there is a \$1000 for the first offense, and the responsible party must pay the equivalent value of the tree. The fine increases to \$2000 plus twice the equivalent value for a repeat offense.

Chair Scott asked what a citizen could do to stop this activity if it is witnessed. Mr. Hadwen replied that they should call Code Enforcement. It was further clarified that Code Enforcement has a 24-hour hotline that can be contacted in this case. Action would depend on what is being done with regard to trees, such as complete removal, pruning, or other activity.

Ms. Fertig noted that every public speaker thus far has been able to provide examples of this type of activity occurring in their neighborhoods. She asserted that the Ordinance should put a process in place to prevent the removal of trees by developers.

It was further clarified that while a fine for tree removal is set by State Statute, the equivalent value of a tree is not. This value can now be up to \$100,000 per tree, and is multiplied for repeat offenses.

Chair Scott asked if the Ordinance addresses improper pruning or trimming. It was noted that this ties into a County Ordinance regulating tree trimming. All tree trimmers must be licensed and insured to work within Fort Lauderdale and must follow appropriate procedures for structural pruning. If responsible parties do not follow the correct procedures, they will be subject to citations and/or fines. This was not previously included in any Ordinance.

Karlanne Grant, representing Urban Design and Planning, clarified that the property owner would be the party to receive a citation of this type. Broward County pursues the issue with the tree trimmer or other party.

Ms. Fertig asked which parts of the Ordinance the public would like to see strengthened further. It was pointed out that while Code Enforcement is asked to enforce the Ordinance, they are not on duty 24 hours per day. While the Ordinance is an improvement, an unscrupulous developer may still find ways around it.

With regard to penalties and the value of the trees, Mr. Williams further clarified that fines for the illegal removal of a tree would be levied in addition to requiring the responsible party to pay the value of the tree or trees they removed. Attorney Spence referred the Board members to the tree mitigation calculation requirements on p.82 of the Ordinance.

Charlie Lachoff, private citizen, felt Staff and the consultants have done a good job developing the proposed Ordinance, and emphasized the need to take stronger action against developers who remove trees illegally.

Mr. Barranco addressed the section of the Ordinance reflected on p.82, pointing out that the monetary value of an illegally removed tree is multiplied by a delta factor. Mr. Williams explained that this multiplier is clarified under Section J.1.A.2.

It was also noted that a percentage of the Tree Canopy Trust Fund into which these payments are made can be used toward auxiliary needs as well as tree planting. One suggestion is that these monies go toward the creation of an Urban Forestry Master Plan for the City. This would allow all City Staff to determine their specific roles regarding trees, including Code Enforcement. The first goal would be for developers to find ways to work around trees on a site; if this is not possible, they would then be permitted to relocate, replace, or reimburse the value of the tree.

It was further clarified that an Urban Forestry Master Plan would provide for improved communication among various City Departments that are involved with trees, including DSD, Engineering and Public Works, Code Enforcement, the Police Department, and others.

Doug Coolman, private citizen, stated that one reason for a recent increase in lost trees is a change in Florida law which allows homeowners to remove trees without permits if the removal is accompanied by a report. There is no action the City can take to dissuade this.

Mr. Coolman continued that the proposed Ordinance that came before the Board in March 2021 was incomplete and required modification. He felt the current proposed Ordinance is a significant improvement; however, he felt this updated document is also incomplete and must be reviewed further, particularly by stakeholders and Staff. He asserted that at least two more weeks would be necessary to complete this review and reach consensus.

Fred Stresau, private citizen, recalled that a question was asked regarding which portions of the proposed Ordinance stakeholders felt should be strengthened. He cited a section of the Ordinance that now permits landscape designers to participate in the preparation of plans as well, which he felt was a problem, as landscape designers may not be permitted to sign these plans.

Mr. Stresau continued that another issue is the requirement of 50% native plants, shrubs, trees, or other ground cover. He felt this limitation would hamper professionals' ability to create appropriate design. He also addressed spacing between trees of similar sizes, pointing out that there are no guidelines for the spacing between trees of different sizes.

Mr. Stresau also referred to soil requirements for individual trees. He provided the Board with a document prepared by a soil consultant, which states that some material may inhibit the growth of plants. He concluded that there are additional portions of the Ordinance that require further review.

Mr. Conner pointed out that the majority of the changes made in consultation with the advisory group occurred during their three meetings. Staff then revised the Ordinance based on comments provided from Broward County and by the City Attorney's Office. He felt the group has had sufficient time to review the significant changes to the Ordinance. He also cautioned that sending the proposed Ordinance back to the advisory group could result in "start[ing] the process all over again" and postponing its adoption for months.

Ms. Fertig asked when the Ordinance would go before the City Commission if it is approved at tonight's meeting. Attorney Spence replied that this would be approximately six to eight weeks. He added that the communication between Staff and the advisory entity has also involved the City Commission and City Manager's Office, and these parties are familiar with the discrepancies between what is proposed by Staff and what was suggested by the working group.



Chair Scott advised that her greatest fear is for the continued delay of the proposed Ordinance, and noted that it is unlikely for all parties to reach full consensus on the finished product.

Mr. Shechtman pointed out that some of the issues raised by members of the advisory group, including spacing between different-sized trees and structural soils, were of interest to the Board. He requested additional information on these. It was clarified that the section referring to tree spacing is new language, and what is currently in the Ordinance was agreed upon by the advisory group as a whole.

With respect to structural soils vs. suspended pavement systems, Staff and the advisory group discussed this at length without reaching unanimous agreement and determined that developers should be required to provide sufficient space for trees to grow naturally. If this is not possible, they must then look at the suspended pavement system, and finally, under limited circumstances, structural soils would be a last resort.

Ms. McCartney commented that the section of the Ordinance addressing synthetic turf could be perceived as micromanaging the issue. It was clarified that this turf could be used in certain areas to help conserve water. It was also noted that the reference to 50% native plants has been in the existing Ordinance for some time, and that licensing law permits landscape designers to prepare plans in some cases.

The following individuals provided public comment via Zoom.

Trudy Jermanovich, private citizen, observed that it may be significantly more expensive to plant new trees than to leave existing old growth trees in place. She felt climate change should be a consideration of the Ordinance.

Jane Kish, private citizen, expressed concern that it may be some time before action is taken on the Ordinance, and recommended that it be moved forward in some way. She did not object to the two-week time frame previously suggested during public comment.

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. Fertig asked if there are incentives for the protection of specimen trees. It was clarified that these include replacement of the tree, payment of equivalent value, and creation of an Urban Forestry Master Plan to improve coordination between Departments.

Chair Scott asked if it would be possible to provide incentives to developers who maintain existing trees, such as amending setback requirements. Ms. Fertig commented that she would like to see a system of incentives for preservation of specimen trees.



Ms. Fertig also addressed the Urban Forestry Master Plan, stating that she would like to see language in the Ordinance requiring the creation of this document using money from the Tree Canopy Trust Fund. She continued that tree spacing should be taken into consideration in order to enhance the City's tree canopy, and that the City should explore grants to help preserve old growth trees. She concluded that she would like to see the Ordinance advanced with specific recommendations from the Planning and Zoning Board.

Attorney Spence advised that the Board's recommendations and directives should be sufficient, with the possible exception of the spacing issue. He stated that Staff can attempt to address this issue further before the Ordinance goes to the City Commission.

Ms. Fertig concluded that while she felt the Ordinance could be deferred for one month to make improvements, she would not be in favor of a longer deferment.

Mr. Shechtman observed that he was more confident in the proposed Ordinance than he had been in March 2021 when it first came before the Board.

Mr. Weymouth commented that one month's deferment of the issue could provide the needed time for the advisory group to review issues of concern in the proposed Ordinance. Mr. Rotella agreed that the two weeks requested by the advisory group did not seem unreasonable, as its members seemed close to arriving at an agreement.

Mr. Barranco offered a number of suggestions relating to the proposed Ordinance:

- Use the phrase "per the adopted Code" throughout the Ordinance
- Clarify definitions of "grass" and "grasses"
- Remove references to arbors and pergolas from the section on hardscapes, as these are overhead structures rather than part of a hardscape
- Clarify the perimeter referred to in the definition of interior parking
- Definitively determine whether or not a landscape and tree packet will be required at the time of permitting, as referred to on p.11; also further clarify what may be included in this packet
- Clarify the term "soft engineering"
- Clarify language referring to "nuisance trees"
- Clarify definition of "ornamental plant"
- Clarify what is meant by "structures" in the phrase "distance from structures," and make "tree distance from structures" more specific
- Address how the rights of a property owner may be affected by the rights of an adjacent property owner, as with a tree whose branches or roots may cross property lines
- Clarify references to utility infrastructure in relation to distance from trees

Mr. Barranco added that he understood structural soil to refer to a patented material including clay and other natural materials. Because it is proprietary, Code cannot describe

its composition. He recommended that the City Attorney's Office provide more information to the Board or address the definition of this material in Code.

Ms. Fertig observed that many of the Board members may have items they would like to see addressed or included within the proposed Ordinance, and asked if it would be possible for the members to provide Staff with a list of their comments and/or concerns, which Staff could bring back to the December 2021 meeting for additional discussion. Mr. Conner replied that it was not feasible to complete this for the December meeting, as Staff would need to meet and discuss all the submitted comments, include any agreed-upon changes into the document, send it to the City Attorney's Office, Broward County, and other Department heads, and then submit it to the Board.

Ms. Fertig asked if the proposed Ordinance could be moved forward with the list of comments, so Staff and the consultant may review them before the Ordinance goes before the Commission. She pointed out that most of the suggested changes seem to be clarifications rather than substantive amendments. She also expressed concern that the Board may eventually hear an item that involves one of the elements they felt should have been addressed within the Ordinance.

Mr. Conner further clarified that Staff and the consultants would not be able to act on the Board members' comments due to procedural time limits. Work on the Ordinance has already been underway for roughly eight months, while nine months is the time frame in which Ordinances are typically prepared and passed. Another issue is the consultant's contract, which would need to be extended to include this additional time.

Chair Scott requested clarification of the time frame of the City Commission approval process, asking if there may be time for amendments or corrections to be made within that time frame. Attorney Spence advised that the Board is functioning as a local planning agency (LPA) in this case, with their recommendations forwarded to the City Commission for consideration.

Mr. Barranco stated that his intent was to ensure the items within the Ordinance that concerned him are part of the record. He added that there should be a way to pass these, and the other members' concerns, along to the consultants without making it part of the public process. He suggested that the consultants be allowed to reach out to the Board members for their feedback in advance of a public hearing, as this could make the process less time-consuming.

Attorney Wallen stated that Staff had been directed to have the Board pass the proposed Ordinance on to the City Commission with a recommendation for either approval or denial, along with their comments. Ms. Fertig requested the source of this directive, expressing concern that the Board would not be fulfilling its charge as LPA if they pass items on to the City Commission without addressing comments and concerns raised during discussion of the items.

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.



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.]