



**PLANNING AND ZONING BOARD MEETING MINUTES
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, OCTOBER 20, 2021 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	June 2021-May 2022		
	Attendance	Present	Absent
Jacquelyn Scott, Chair	P	5	0
Brad Cohen, Vice Chair	P	3	2
John Barranco	P	4	1
Mary Fertig	P	5	0
Steve Ganon	P	5	0
Shari McCartney	P	5	0
William Rotella	P	4	1
Jay Shechtman	P	4	1
Michael Weymouth	P	4	1

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Planner
Trisha Logan, Historic Preservation Planner
Karlanne Grant, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Yvonne Redding, Urban Design and Planning
Igor Vassiliev, Public Works Department
Jamie Oppertlee, 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. The Pledge of Allegiance was recited and roll was called. 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. Rotella, seconded by Mr. Weymouth, to approve. In a voice vote, the **motion** passed unanimously.

~~Motion made by Mr. Barranco to approve with all the Staff findings and recommendations, and also having the developer file a restrictive covenant with the County to limit the property to 12 units.~~

~~Attorney Wallen advised that although the developer had offered to abide by the restriction to 12 units, a reason must be stated for this offer according to the rezoning criteria.~~

~~Mr. Barranco added the following to his motion: that the lower density is more compatible with the adjacent properties.~~

~~It was clarified that Mr. Barranco's motion would apply to Item 3 and a separate motion would be required for Item 4.~~

~~Mr. Rotella seconded the motion.~~

~~In a roll call vote, the motion passed 8-1 (Ms. Fertig dissenting), recommended for approval to the City Commission, with a condition to restrict the property, limiting the overall development parcel (as presented under Case UDP-Z21001 and Case UDP-Z21002) to 12 units through a restrictive covenant.~~

~~Motion made by Mr. Barranco, seconded by Mr. Rotella, for an identical motion that was already read into the record for Item number 4.~~

~~Attorney Wallen requested clarification of whether or not Mr. Barranco's motion would limit the overall development to 12 town homes. Mr. Barranco confirmed that his motion was intended to apply to the entire .75 acre development.~~

~~Assistant City Attorney D'Wayne Spence stated that because the Board is voting on the two Items separately, it was necessary to clarify that the first vote, which recommended approval of Item 3 with the restrictive covenant, would also be distributed over the pending motion for Item 4. The intent is to apply the restrictive covenant to the overall parcel addressed by both Item 3 and Item 4.~~

~~In a roll call vote, the motion passed 8-1 (Ms. Fertig dissenting), recommended for approval to the City Commission, with a condition to restrict the property, limiting the overall development parcel (as presented under Case UDP-Z21001 and Case UDP-Z21002) to 12 units through a restrictive covenant.~~

~~Mr. Rotella briefly left the meeting at 10:03 p.m.~~

5. CASE: UDP-T21007

REQUEST: *Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-12, Central Beach Zoning Districts to Revise the Process and Procedures for Uses in

the Central Beach Zoning Districts, Revise and Adopt Dimensional Requirements including Open Space and Streetscape Design Requirements, and Adopt Prescriptive Criteria for the Design and Compatibility Point System.

GENERAL LOCATION: Central Beach Regional Activity Center Zoning Districts

COMMISSION DISTRICT: 2 - Steven Glassman

NEIGHBORHOOD ASSOCIATION: Central Beach Alliance

LAND USE: Central Beach Regional Activity Center

CASE PLANNER: Karlanne Grant

Motion made by Ms. Fertig, seconded by Mr. Weymouth, to defer the Item until next month.

Ms. Parker explained that this Item includes the clarifications requested by the Board at a previous meeting.

In a roll call vote, the **motion** failed 3-5 (Vice Chair Cohen, Mr. Barranco, Mr. Ganon, Ms. McCartney, and Mr. Shechtman dissenting; Mr. Rotella not present for the vote).

Mr. Rotella rejoined the meeting at 10:07 p.m.

Motion made by Mr. Barranco, seconded by Ms. McCartney, to extend the meeting to 10:15. In a voice vote, the **motion** passed unanimously.

Karlanne Grant, representing Urban Design and Planning, stated that this Item includes proposed amendments to the Central Beach zoning districts, which were originally presented to the Board in July 2021. These included amendments to definitions, tables of uses, proposed dimensional standards, design compatibility, point system revisions, open space requirements, standards for the pedestrian realm, revisions to dimensional requirements, and revisions to development permits and procedures.

At the July 2021 meeting, the Board recommended deferral so Staff could further analyze the proposed amendments as well as proposed changes. Staff has implemented a number of the changes discussed at that meeting, including:

- Adding nonconforming regulations for existing sites, which would allow for applicants to amend or modify Site Plans through the use of provisions in zoning regulations
- Increase floor plate size for residential use from 10,000 sq. ft. to 12,500 sq. ft.
- Added provisions for modifications to floor plate size, tower setback, tower separation in yards to be processed as Site Plan Level III modifications, subject to the design criteria added as part of the update
- Clarified the review process for residential uses

- Added food and beverage, retail, and service uses to be allowed as accessory uses to non-residential development

Staff hopes to bring these modifications before City Commission in December 2021.

Ms. Fertig asked if zero setback requirements are permitted in PRD zoning. Ms. Grant confirmed that zero setbacks are permitted for side yards, while front and rear setbacks are 20 ft. Ms. Fertig commented that she would like to see at least a 5 ft. setback. Ms. Grant noted that the Board may recommend this setback to be considered by the City Commission.

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

Courtney Crush, land use attorney representing beach property owners, advised that her clients still have concerns regarding floor plate size, as there is a distinction between the floor plate appropriate for a hotel and the floor plate appropriate for a residential building. She noted that recently constructed residential projects in the Central Beach area have floor plates of roughly 17,000 sq. ft., and asked why 12,500 sq. ft. would be considered "better" in Central Beach locations.

Ms. Crush continued that when tower setbacks are added, the reduced floor plate might result in a second tower; however, given the dimensions of the property, it might not be possible to meet the setback requirements from the property line, which would limit a developer to only one tower. She asked that the Board consider a floor plate of 16,000 sq. ft. for both hotel and residential uses.

Ms. Crush continued that there are also different requirements for open space in hotels and residential uses, as they are calculated differently. A mixed-use residential building with a small commercial area on the ground floor is held to a higher requirement, although she observed that there is little difference in walking past a hotel or a residential development when seen from the pedestrian realm. She noted that if these standards had been applied, several new developments in the Central Beach area would have needed modifications.

With regard to the criteria for modification of building length and width or tower setback, Ms. Crush recommended that the language of these criteria be refined, as it currently refers to "harmonizing" with abutting properties. She also addressed language regarding light and shadow, and offered to work with Staff to assist in refining a number of these criteria. For tower setbacks, she noted that a small parcel may not be able to accommodate a 30 ft. setback. Criteria in this case ask an applicant to demonstrate that this is not feasible as well as to show there is no decrease in light and air, which may be difficult to meet. The current criteria do not allow an applicant to ask to exceed the maximum floor plate size.

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. Weymouth commented that while the proposed amendments show that progress has been made with regard to Central Beach zoning requirements, there seems to be more work left to do to refine them.

Motion made by Mr. Weymouth, seconded by Ms. Fertig, that they continue to hammer out the language or what is needed to make it more compatible, and return to the CBA to make sure that it is still acceptable to them.

Attorney Wallen asked if the **motion** is intended to defer approval to another Planning and Zoning Board meeting, or if the Board's intent is to recommend approval to the Commission. Mr. Weymouth clarified that his intent was for the amendments to be brought back before the Board after additional revision by Staff. Attorney Wallen also requested clarification of the date to which this Item would be continued.

Ms. Parker observed that there is significant effort involved each time Staff revisits the proposed items. Staff has worked with a number of individuals who have offered input on changes to the Ordinance. She cautioned against further diluting the proposed amendments because they may no longer represent what Staff has recommended to the Board and presented to the community.

Chair Scott commented that there were a number of smaller issues raised during public comment, which suggested to the Board that the proposed amendments were not yet ready for approval.

Mr. Barranco noted that the issues raised during public comment had been related to inconsistencies between uses. Ms. Crush confirmed this, explaining that while Staff had heard the concerns raised at previous meetings, they were not proposing that residential development have the same floor plate requirements as hotel development. She did not think this particular issue would be changed by Staff even if more time were given to discuss it. With the modification criteria, she felt some of the language currently being used was "too static" and burdensome, and could be worked through before the amendments are brought before the City Commission.

Mr. Shechtman commented that it seemed that the City has made as many concessions as it is willing to make with respect to these items. While he was not opposed to further deferring the Item, he stated that he would like to better understand what the Board members in favor of deferral would like to see done.

Chair Scott added that it may be possible for the Board to advance the Item, with further discussion to be held prior to the Item going before the City Commission. Ms. Fertig advised that she did not want the Board to be perceived as agreeing or disagreeing with

all the changes proposed by Ms. Crush. She suggested that Staff could also inform the Board of whether or not they agreed with the comments made by Ms. Crush.

Ms. Grant stated that Staff had discussed the items raised during public comment, which led to the proposed compromise of increasing floor plate size from 10,000 sq. ft. to 12,500 sq. ft. In these discussions, she noted that Ms. Crush had indicated her preference was for there to be no maximum floor plate.

Mr. Barranco noted that many of the recommendations made by the Board at previous discussions were included in the revised amendments. He asserted that he trusted the City Commission and Staff to work through this issue further.

Chair Scott requested another roll call vote to defer the Item. In a roll call vote (no motion made), there was no consensus to defer (Chair Scott, Vice Chair Cohen, Mr. Barranco, Ms. McCartney, Mr. Rotella, Mr. Shechtman dissenting).

Motion made by Mr. Barranco, seconded by Mr. Shechtman, to extend the meeting five minutes. In a voice vote, the **motion** passed unanimously.

Ms. Fertig emphasized the importance of this Item to the Central Beach zoning districts, and noted that the proposed amendments did not include all the changes discussed by the Board when it was presented at a previous meeting. Mr. Shechtman asserted that if the Item is to be deferred, he would like to see which of the issues raised during public comment should be addressed by the City Commission.

Ms. Fertig reiterated her concern for side yard setbacks, noting that she had also raised this concern at the previous meeting when the amendments were presented. Vice Chair Cohen recommended that the Board pass the Item on to the Commission with the addition of their concerns. He emphasized the advisory nature of the Board.

Motion made by Vice Chair Cohen, seconded by Mr. Barranco, to extend the meeting until 10:30. The **motion** was approved by unanimous consent.

Mr. Shechtman recommended that Staff continue to work with stakeholders between the present and the time the Item is sent to the City Commission. He was also in favor of letting the City Commission know which issues the Board did not feel were addressed to their satisfaction.

Ms. Grant advised that if the Item moves forward after tonight's meeting, the only changes planned before it is presented to the Commission will be those made since the July 2021 meeting. These include language changes for the address of light and air, as well as "harmonizing" with an adjacent property. She noted that while the current timeline calls for bringing the amendments before the City Commission in December 2021, this may be postponed if more time is needed after hearing more input from stakeholders. If further

compromise cannot be reached. Staff will advise the Commission why they did not agree with the comments suggested by either the Board or members of the community.

Attorney Spence stated that in this case, the Board is functioning as the local planning agency to review the recommended text changes. When this Item previously came before the Board, stakeholders raised concerns, and the Item was sent back to Staff to address them. After reviewing these concerns, Staff revised the amendments and brought them back before the Board.

The Board's recommendation on the Item before them will be captured in the minutes and would move forward with the amendments proposed by Staff. Attorney Spence agreed with Mr. Shechtman that if the Board does not feel their recommendations from the previous meeting were addressed, they may provide Staff with the precise direction on what they would like to see changed. This may include direction for Staff to review the meeting minutes to determine the exact concerns and/or changes they wish to see addressed.

Motion made by Mr. Barranco, seconded by Mr. Shechtman, to make a recommendation to approve, with the caveat that Staff revisit the original record, the minutes of the original meeting when we made the recommendations for the changes, and that items such as the setback are addressed, and any other items that we asked be addressed are addressed in the final draft; the meetings of the July meeting, correct me if I'm wrong, and the minutes of tonight's meeting.

Mr. Shechtman recommended that a reference to the "hotel versus residential treatment" be included in the **motion**. Mr. Barranco declined to accept this proposed amendment, clarifying that he referred only to what the Board brought to Staff's attention rather than the items raised during public comment.

Motion made by Vice Chair Cohen, seconded by Mr. Barranco, to extend fifteen minutes. In a voice vote, the **motion** passed unanimously.

Mr. Barranco **restated** his **motion** as follows: **motion** to approve and recommend to City Commission to accept the draft that is being presented to them, and also consider the minutes from the July meeting as well as the minutes from tonight's meeting to be sure that all of the Board's recommendations were included.

In a roll call vote, the **motion** passed 5-4 (Chair Scott, Ms. Fertig, Mr. Ganon, and Mr. Weymouth dissenting), recommended for approval to the City Commission, with a condition for Staff to review minutes from the July 21, 2021 Planning and Zoning Board meeting and minutes from the October 20, 2021 Planning and Zoning Board meeting to ensure all Board recommendations are included.

~~V. COMMUNICATION TO THE CITY COMMISSION~~

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 10:32 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.]