



PLANNING AND ZONING BOARD MEETING MINUTES

CITY HALL COMMISSION CHAMBERS

100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301

WEDNESDAY, FEBRUARY 16, 2022 - 6:00 P.M.

CITY OF FORT LAUDERDALE

Board Members	June 2021 - May 2022		
	Attendance	Present	Absent
Jacquelyn Scott, Chair	p	9	0
Brad Cohen, Vice Chair	p	6	3
John Barranco	p	8	1
Mary Fertig (arr. 6:01)	p	9	0
Steve Ganon	p	9	0
Shari McCartney	p	8	1
William Rotella	p	8	1
Jay Shechtman	p	7	2
Michael Weymouth	p	6	3

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

Michael Ferrera, Urban Design and Planning

Adam Schnell, Urban Design and Planning

Trisha Logan, Historic Preservation Planner

Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

~~Motion~~ made by Mr. Shechtman, seconded by Ms. Fertig, that in light of development proposed for the south side of the River, there should be protective measures (fencing) between development and the FEC Railroad. In a voice vote, the ~~motion~~ passed 8-1 (Mr. Weymouth dissenting).

~~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.~~

~~Ms. Fertig arrived at 6:01 p.m.~~

~~Chair Scott noted that Vice Chair Cohen was participating remotely in tonight's meeting.~~

~~II. APPROVAL OF MINUTES/ DETERMINATION OF QUORUM~~

~~Motion~~ made by Ms. McCartney, seconded by Mr. Shechtman, to approve. 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. Chair Scott advised that individuals will be allotted three minutes of speaking time, and persons representing civic or neighborhood groups will be given five minutes.~~

IV. AGENDA ITEMS

Index

Case Number

1. ~~UDP-V21004**~~

2. ~~UDP-V21005**~~

3. **UDP-Z22001* ****

4. ~~UDP-T22001*~~

Applicant

City of Fort Lauderdale

City of Fort Lauderdale

Double Mountain Development Ventures, LLC

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 Staff has requested the deferral of Item 1 until the March 16, 2022 meeting.~~

~~Motion~~ made by Ms. Fertig, seconded by Mr. Weymouth, to approve the deferral [of Item 1]. In a voice vote, the ~~motion~~ passed unanimously.

~~Chair Scott continued that Staff has also requested deferral of Item 2 until March 16, 2022.~~

~~Motion~~ made by Mr. Shechtman, seconded by Ms. Fertig, to approve. In a voice vote, the ~~motion~~ passed unanimously.

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

4. ~~CASE:~~ UDP-T22001

~~REQUEST:~~ * Amending Section 47-13.30, "SRAC Table Of Dimensional Requirements" To Modify The Review Process For Certain Developments Seeking an Increase in Maximum Height Limitation to Require a Site Plan Level II Approval with City Commission Request for Review; Amending Section 47-13.51, "SRAC-SA Special Regulations" to add New Performance Standards and Criteria for Additional Height Bonus; Creating Section 47-23.16, "Affordable Housing Regulations" Providing for Definitions, Incentives, Exemptions and General Requirements; Amending Section 47-24.1, General Table 1. Development Permits and Procedures" Modifying the Development Review Process for Certain Developments within the SRAC-SA Zoning Districts.

~~APPLICANT:~~ City of Fort Lauderdale

~~COMMISSION DISTRICT:~~ Citywide

~~CASE PLANNER:~~ Adam Schnell

~~Ms. Fertig recalled that this Item was not approved at the Board's November 2021 meeting in order to hear additional input from neighborhood associations. She advised that she was aware of one such association that has not yet heard a presentation on this Item, and requested that the Item be deferred once more so that neighborhood can be given a presentation on the proposed changes.~~

~~**Motion** made by Ms. Fertig, seconded by Mr. Ganon, to request a deferral so that neighborhood gets the presentation too, and any other neighborhood that hasn't gotten it.~~

~~Ms. Fertig clarified that her **motion** was intended to request deferral until the March 16, 2022 meeting.~~

~~Chair Scott stated that she was also contacted by a member of a neighborhood association who indicated that neighborhood's desire to have input on the proposed Ordinance.~~

~~Mr. Weymouth commented that it can be very difficult to secure additional units from Broward County, and pointed out that the City is currently out of units. He strongly emphasized the need for more units, and noted that the neighborhood association in question is scheduled to meet with City Staff the following week. He felt missing the window of opportunity to secure more units was a greater concern than the City having met with the neighborhood association in question.~~

~~Mr. Weymouth concluded that if the neighborhood association hears the Item the following week, they will have ample time to bring any concerns before the City Commission when the Item is presented to the Commission.~~

~~Mr. Barranco advised that he has been very involved in this procedure. He pointed out that residents of the Croissant Park neighborhood were present at a Poinciana Park Civic Association meeting at which the Item was presented, and offered comments on the Item. He added that a second meeting of Poinciana Park Civic Association was subsequently held, at which the City's presentation was approved by a majority of all in attendance, which included some residents of Croissant Park.~~

~~Mr. Barranco also noted that Croissant Park does not lie within the boundaries of the City's South Regional Activity Center (RAC), but is adjacent to that area. The neighborhood within the South RAC, Poinciana Park, voted in favor of the proposed Ordinance. He concluded that he would not vote to defer the Item for that reason, reiterating Mr. Weymouth's suggestion that residents of Croissant Park may reach out to their City Commissioner with any concerns.~~

~~Mr. Ganon commented that as an advisory body, the Board should not pass an Item on to the Commission without first providing an opportunity for the public to discuss that Item with the Board. He requested additional information regarding the time frame in which the City needs to secure more units. Mr. Weymouth replied that while he was not aware of the exact window of opportunity, deferral of the Item could extend City Commission approval later into the year. He expressed concern that the County may not be able to allocate units after a certain time.~~

~~Mr. Shechtman asked if Item 4, if approved, would allow density to increase from 50 to 100 units per acre, or if a Code change would not add more units. Ms. Parker replied that Staff has prepared a presentation on the Item for tonight's meeting. She added that the changes made between the November 2021 meeting and tonight's meeting would be included in this presentation, as well as details regarding increased density. The changes are similar to those proposed and/or adopted for other RACs, and address concerns heard by Staff as well as aligning policies for greater consistency.~~

~~Ms. Fertig stated that she took issue with the City providing presentations to some neighborhoods but not others, and recommended greater consistency in City policy on these presentations. She did not believe it would be appropriate to send the Item on to the Commission without having all the information the Board could gather first.~~

~~Pat Rathburn, president of the Croissant Park Civic Association, stated that this Association never received notice of a presentation from the City, nor were they contacted in any way. She added that members of this Association were not invited to other civic or neighborhood meetings on this topic, although one member was present at the Poinciana Park Civic Association meeting where the Item was presented.~~

~~Ms. Rathburn continued that members of the Croissant Park Civic Association were told it was not necessary to make a presentation to them, as they are not located within the South RAC. She pointed out that this neighborhood is separated from the South RAC only by railroad tracks.~~

~~Ms. Rathburn concluded that City Staff plans to provide a presentation at the Croissant Park Civic Association on February 22, 2022, for which heavy turnout is anticipated. She asked that the Board defer any action on the Item until after this presentation, and asserted that postponing this action until the March 16 meeting would not result in the loss of units for the City.~~

~~Ms. Fertig reiterated that she would like the Croissant Park neighborhood to be given the Staff presentation before the Planning and Zoning Board makes a decision on the Item and passes it on to the Commission.~~

~~Ms. McCartney asked what assurance the Board would have that the Item would not be deferred once more at the March 16 meeting. Chair Scott replied that the intent is to give the subject neighborhood time to meet with Staff and fully understand the Item.~~

~~Ms. Rathburn commented that two other neighborhood associations have contacted the Croissant Park Civic Association to advise that they also did not see a Staff presentation on the Item. Both of these organizations plan to attend the February 22 meeting and hear Staff's presentation. Ms. McCartney emphasized the need to ensure that all affected neighborhoods see the presentation if the Item is deferred until March.~~

~~ML Rotella stated that he would also like the Board to see Staff's presentation at tonight's meeting, after which time they could determine whether or not to defer the Item until March 16.~~

~~Mr. Ganon asked if the Board has already heard the presentation at a prior meeting. Ms. Parker explained that the Item was first deferred from November 2021 to January 2022 and then deferred again from January until February. She noted that the presentation has changed since it was first shown to the Board, based on discussion at the November 2021 meeting that has been incorporated into the Ordinance.~~

~~Mr. Barranco observed that the Item was deferred by the Board so it could be presented to neighborhood associations, in which time two meetings of the most directly affected neighborhood association were held. He reiterated that at least one representative of the Croissant Park Civic Association was present at the Poinciana Park meeting, as was at least one member of the Harbordale Civic Association. He noted that these representatives are regularly invited to attend Poinciana Park meetings, as those two neighborhoods are across the highway from Poinciana Park.~~

~~Mr. Barranco continued that if the Item is deferred until March 16, it is possible that another neighborhood association may express concern with the proposed Ordinance and ask to see a presentation. He pointed out that there are no units available at this time; nothing the Board may vote on today will affect this status, as it represents an entirely different concern. He also added that the entire South RAC has not yet been rezoned, which will need to be done in the future. He concluded that the proposed changes before~~

~~the Board today would simply ensure consistency between the South RAC and the rest of the City.~~

~~Ms. Fertig commented that if there must be further changes, including the allocation of units, this was another reason the Item can be deferred for another month to provide the opportunity for neighborhoods to see the presentation.~~

~~Mr. Shechtman advised that he would also like to hear Staff's presentation on the Item before a decision is made on deferral. Mr. Weymouth stated that if the Item is deferred, the presentation should also be deferred, as he did not believe it made sense for the Board to see the presentation twice.~~

~~In a roll call vote, the **motion** to defer passed 5-4 (Mr. Barranco, Mr. Rotella, Mr. Shechtman, and Mr. Weymouth dissenting).~~

3. **CASE: UDP-Z22001**

REQUEST:*** Rezoning from B-3 (Intense Commercial Business District - County Zoning) to Uptown Urban Village Northeast District (UUV-NE)

PROPERTY OWNER/APPLICANT: Double Mountain Development Ventures, LLC.

AGENT: City of Fort Lauderdale

GENERAL LOCATION: 6210 N. Andrews Avenue

PROJECT NAME: 6210 N. Andrews

ABBREVIATED LEGAL DESCRIPTION: The Charter Plat, Parcel A

COMMISSION DISTRICT: 1- Heather Moraitis

NEIGHBORHOOD ASSOCIATION: N/A

ZONING DISTRICT: B-3 (Intense Commercial Business District - County Zoning)

PROPOSED ZONING DISTRICT: Uptown Urban Village Northeast District (UUV-NE)

LAND USE: Commercial

CASE PLANNER: Michael Ferrera

Michael Ferrera, representing Urban Design and Planning, explained that this Item was a rezoning request for an area in the Uptown Urban Village - Northeast (UUV-NE) district. The request is part of a program in which the City processes the rezoning if the property owners give consent to rezone to the applicable zoning district. In this case, the request is from B-3 County zoning to UUV-NE. The subject site is 2.06 acres in size.

Ms. Fertig asked if the site is being rezoned for a specific project. Mr. Ferrera confirmed this, noting that the project has not yet gone through the Development Review Committee (DRC) process, although some pre-development meetings have been held.

Mr. Barranco advised that he would abstain from voting on this Item and fill out the appropriate conflict documentation, as the property owner is his client. It was also noted

that Vice Chair Cohen would not vote on this Item, as it is quasi-judicial in nature and members attending remotely may not vote on quasi-judicial matters.

The Board members made disclosures at this time.

Mr. Ganon requested clarification of the ownership of the subject parcel. It was clarified that while its previous classification was "office condominium," which meant it was owned by several different entities, the parcel is now owned by one individual.

In a roll call vote, the **motion** passed 7-0. (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes. Vice Chair Cohen did not vote due to his remote attendance.)

~~V. COMMUNICATION TO THE CITY COMMISSION~~

~~Mr. Shechtman pointed out that there are approximately 4000 units under construction south of the New River, with nothing separating the FEC railroad tracks from those units at present. He recommended making this separation a priority for the construction project, and that this separation be developed from Riverwalk to 17th Street along the FEC right-of-way, either as an early phase of the LauderTrail project or as a protective measure taken by the City or the FEC railway. He characterized this as a very serious issue in terms of pedestrian safety.~~

~~Ms. Parker clarified that this would be an issue for the Department of Transportation and Mobility to coordinate. She recalled that in the past, Staff had attempted to create a crossover connection over the FEC railway near the New River, which had proved to be very difficult. The City would need to work closely with partner agencies on any such improvements.~~

~~Mr. Weymouth observed that while he agreed safety measures are needed, he did not feel this was an issue for the Planning and Zoning Board. Ms. Fertig did not agree, stating that it was within the Board's purview as a planning entity.~~

~~Assistant City Attorney Shari Wallen advised that the Board may send a communication to the City Commission regarding the possibility of a pedestrian bridge. The Commission could then determine whether or not they wished to include this proposal as part of the project going forward.~~

~~Mr. Shechtman stated that he felt the Board has a social responsibility as a planning entity to bring this safety issue to the City Commission's attention. Mr. Weymouth felt the enforcement of existing safety provisions would be sufficient.~~

~~**Motion** made by Mr. Shechtman, seconded by Ms. Fertig, to make a communication to the City Commission that, in light of the proposed development on the south side of the~~

~~River, that there should be protective measures between the development and the FEC Railroad.~~

~~Mr. Shechtman clarified that his recommendation was for fencing in the subject area.~~

~~In a voice vote, the motion passed 8-1 (Mr. Weymouth dissenting).~~

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

~~Chair Scott advised that she serves on the City's Noise Control Advisory Committee, at which a recent "agent of change" principle was discussed. This principle places responsibility for mitigating impacts from existing noise-generating activities or uses on proposed new noise-sensitive developments. This means the entity responsible for a change is also responsible for managing the impacts of that change.~~

~~Chair Scott pointed out that this is an issue in Fort Lauderdale, particularly regarding the growing Downtown area. If, for example, an entertainment venue moves into an area where nearby residential development already exists, it is that venue's responsibility to ensure their noise does not adversely affect the quality of life of those residents. She concluded that she would like the Board to recommend that City Staff look into the adoption of this principle, possibly as an Ordinance.~~

~~Ms. Fertig asked if these recommendations for change are part of the purview of the Noise Control Advisory Committee. Chair Scott confirmed this, but added that a Planning and Zoning perspective may also apply to projects. Ms. Fertig recalled that the Board had touched on noise issues at previous meetings, but had determined that the Noise Control Advisory Committee would assume responsibility for discussing City-wide solutions and potential changes.~~

~~Ms. Fertig noted that the City owns a number of small properties, and suggested that the Board consider ways they could propose the City use them as green space. Chair Scott recalled that some neighborhoods have already made requests of this nature to the City Commission. Ms. Fertig concluded that she would like to revisit this issue at a later time.~~

~~There being no further business to come before the Board at this time, the meeting was adjourned at 6:57 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.)

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FORM 88 MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BARRANCO JOHN P.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE -t...
MAILING ADDRESS 3324 NE 42ND COURT		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF
CITY FORT LAUDERDALE	COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED FEB 16 2022		NAME OF POLITICAL SUBDIVISION:
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 88

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 controlling 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, FS, 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 FEB 16, 20 22.

(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:

OWNER OF PROPERTY IS MY CLIENT. I
WAS THE ARCHITECT ON THE PROJECT.

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.

3.16.22
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.