



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
WEDNESDAY, SEPTEMBER 16, 2020 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Catherine Maus, Chair	P	3	0
Mary Fertig, Vice Chair	P	3	0
John Barranco	P	3	0
Brad Cohen	P	3	0
Coleman Prewitt	P	3	0
William Rotella	P	3	0
Jacquelyn Scott	P	3	0
Jay Shechtman	P	3	0
Michael Weymouth	P	3	0

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

Staff

D'Wayne Spence, Assistant City Attorney
Shari Wallen, Assistant City Attorney
Ella Parker, Urban Design and Planning Manager
Jim Hetzel, Principal Urban Planner
Karlanne Grant, Urban Design and Planning
Nicholas Kalargyros, Urban Design and Planning
Trisha Logan, Urban Design and Planning
Benjamin Restrepo, Transportation and Mobility
Igor Vassiliev, Public Works
Brigitte Chiappetta, Recording Secretary, ProtoType, Inc.

Communications to City Commission

Motion made by Vice Chair Fertig, seconded by Mr. Cohen, to communicate to the City Commission a request for a presentation from Public Works, to understand the process of the City's infrastructure capacity analysis and how it relates to the quality of the City's waterways. In a voice vote, the **motion** passed unanimously.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:02 p.m. Roll was called and the Pledge of Allegiance was recited. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

~~The Applicant agrees with all recommendations made by the Development Review Committee (DRC) and Staff. An initial archaeological study on the site, which was requested by the City's Historic Preservation Board (HPB), has been completed, and additional testing will be provided prior to permit approval.~~

~~Mr. Scheffer showed slides of the location and current site conditions, as well as the proposed Site Plan. New sidewalks are proposed for the site as well as new stormwater infrastructure for a nearby building. There is an existing traffic preemption device at the location to allow left turns at A1A.~~

~~One issue that arose at the public purpose meeting was a conflict with existing parking along Vistamar Street. Under a separate permit, the project will remove three spaces on the west side and two on the east side of Vistamar Street to allow for clear sight.~~

~~**Motion** made by Vice Chair Fertig, seconded by Mr. Rotella, that the Staff Report be included as part of the record. In a voice vote, the **motion** passed unanimously.~~

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

~~William Brown, president of the CBA, reported that the Applicant held a joint public participation/CBA meeting to discuss the proposed project. One concern was for potential traffic issues in a public parking lot as well as ingress/egress of emergency vehicles onto Vistamar Street. The District Commissioner has committed to working with the Department of Transportation and Mobility to resolve this issue, possibly by removing some medians on Vistamar Street as well as the parking spaces to be removed by the Applicant. This was acceptable to the CBA.~~

~~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.~~

~~**Motion** made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve with the conditions. In a roll call vote, the **motion** passed 9-0.~~

5. CASE:

PLN-ULDR-20070001

REQUEST: *

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-14, General Aviation Districts, to Comply with Florida Statutes (F.S.), Chapter 333, Airport Zoning, to add Regulations for Obstructions to Airspace such as Structures around Airports and Heliports, and Create Section 47-3.12 entitled "Nonconforming Obstructions" to add regulations for nonconforming obstructions located within the Airport Hazard Area, General Aviation Airport District, or Airport Industrial Park District.

APPLICANT: City of Fort Lauderdale
GENERAL LOCATION: In and around the General Aviation Airport (GAA) District and Airport Industrial Park (AIP) District Zoning Districts
COMMISSION DISTRICT: 1 – Heather Moraitis
CASE PLANNER: Karlanne Grant

Karlanne Grant, representing Urban Design and Planning, explained that the Application requests amendment of ULDR Section 47-14 to provide for the inclusion of requirements found in Florida Statutes Chapter 333. These include the following:

- All governments with airports where a hazard or obstruction may exist must adopt, administer, and enforce Airport zoning and land use compatibility regulations
- Land use and zoning regulations must be amended to address land use restrictions, noise, height limitations, locational requirements, permit requirements, administration, and enforcement of airport protection

Regulations are intended to minimize the exposure of adjacent properties to airport hazards and noise, and to prohibit incompatible land uses and structures around the airports. They are also necessary to ensure safe, efficient use of the airport and preservation of navigable airspace.

The two locations affected by this Ordinance would be the Fort Lauderdale Executive Airport (FXE), located in the northern Uptown area, and the Heliport in the Downtown area. These sites are in and around the two Airport zoning districts of General Aviation Airport (GAA) and Airport Industrial Park (AIP).

Some of the regulations propose locational requirements. These include incompatible uses for runway protection zones, such as buildings and structures, transportation and fuel storage facilities, hazardous material storage, and wastewater treatment facilities. Lands under the noise contour that are greater than or equal to 65 Day-Night Average Sound Level (DNL) will be part of the aircraft noise control zone. Prohibited land uses include residential and educational facilities (with the exception of aviation schools).

Land use restrictions are intended to prohibit smoke, glare, or other visual hazards that could affect operation within three miles of the runway at a public airport. Other restrictions would include electronic interference with navigational aids or radio communication.

Anyone proposing to construct, alter, or allow an airport obstruction within the airport hazard area that would be in violation of the airport protection zoning regulations must apply for a permit and comply with federal requirements for notification. This regulation would apply only to the heliport and the area in and around FXE. Permits may not be approved solely on the basis of the Federal Aviation Administration's (FAA's) determination that the construction, alteration, or obstruction was not an airport hazard.

Chair Maus noted that Ms. Grant's presentation constituted the Staff Report and is included in the record.

There being no questions from the Board at this time, Chair Maus opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Prewitt asked if adoption of these regulations would turn residential homes into nonconforming uses, as residential properties are prohibited within noise zones. Monty Gettys, also representing the City, stated that existing land uses will be grandfathered into Code. The regulations apply only to new land uses or changes that might occur. If a home within the noise zone is demolished, its owner would be able to rebuild it.

Ms. Scott asked if the regulations would prohibit a school at the soccer stadium. Robert Mentzer, also representing the City, stated that if the school is within the contour of the airport noise zone and is not an aviation school, it would be prohibited. He further clarified that there are currently no residential properties within the 65 DNL contour.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to approve. In a roll call vote, the **motion** passed 8-1 (Mr. Cohen dissenting).

As a member of the public had requested permission to speak, Chair Maus reopened the public hearing at this time.

Stephanie Toothaker, representing the ownership of the Inter-Miami Stadium, advised that a sports management school has been approved to operate from the stadium. The owners would object to any regulation that would prohibit this school, as they have previously received approval from the City to operate at that facility.

Attorney Spence advised that the regulation being adopted is required under Florida Statutes and provides for uses regulated by the FAA. If the FAA has approved a school at the stadium facility, there is a provision within the Ordinance that provides for operation of a school with FAA approval.

Ms. Toothaker requested that the City not pass an Ordinance prohibiting a use that was recently granted without first having discussions with the stadium ownership. Attorney Spence reiterated that the Ordinance is being adopted pursuant to federal regulations, with which the City is overdue in coming into compliance. The Ordinance is also being adopted in consultation with the FAA and the State of Florida. While he did not anticipate a conflict, he noted that there are two additional public hearings of this Ordinance before the City Commission, at which time the City and the appropriate owner(s) may review the regulation's language.

Attorney Spence advised that if the Board wished to discuss the Item further, any member who was on the prevailing side of the vote may move to reconsider the Item.

Motion made by Mr. Barranco, seconded by Ms. Scott, for reconsideration of that Item.

Vice Chair Fertig requested additional information regarding the school that would operate from the Inter-Miami Stadium complex. Ms. Toothaker explained that the City Manager and City Attorney approved the addition of a sports management school to be housed in the northwest club and training facility at the stadium.

Chair Maus observed that the Assistant City Attorney has opined that the Application would not prohibit this use by Ms. Toothaker's client(s). She reiterated that the Application will go before the City Commission for further discussion. Mr. Cohen stated, however, that he had not understood Attorney Spence to confirm the use is permitted, but to suggest there may be loopholes that would permit exceptions to the regulation. He did not feel the Board has heard sufficient information on these potential loopholes and their limitations, and was in favor of reconsidering the Item for this reason.

Mr. Prewitt recalled that the proposed Ordinance is a required federal regulation/State Statute, and asked if what is proposed goes beyond these requirements. Attorney Spence stated that the Board is required to adopt the regulations as presented and does not have any leeway on the matter. He added that this process is governed by the State, and the City has attempted to meet the criteria set forth for compliance with this Statute.

Attorney Spence advised that the Ordinance proposes changes to permitted uses within zoning districts that include uses in compliance with lease agreements and other restrictions placed on the properties by the FAA. The structure of these arrangements is not being changed by the proposed Ordinance. That there are provisions within the Ordinance that provide for input from the FAA regarding the approval process for the proposed school. Attorney Spence concluded that the City does not have the final say on this matter, and that the Ordinance does not block the school.

Mr. Barranco explained that the reason behind his **motion** for reconsideration was because he had voted to approve the Item without being aware of the possibility of a school within the subject area. Had he been aware a school was being proposed for the Inter-Miami Stadium, it might have influenced his vote.

Chair Maus announced that the **motion** to reconsider the Item had passed, and a second vote on the Item would be taken.

Mr. Shechtman asked what would happen had the Board voted against approval of the Item. Attorney Spence replied that this would mean the Item moved forward to the City Commission without the support of the Board.

Motion made by Vice Chair Fertig, seconded by Mr. Barranco, to approve with [Staff conditions]. In a roll call vote, the **motion** failed 2-7 (Mr. Barranco, Mr. Cohen, Mr. Prewitt, Mr. Rotella, Ms. Scott, Mr. Shechtman, and Mr. Weymouth dissenting).

Attorney Spence asked if City Staff may note that the primary issue for the Board was the proposed sports management school at the Inter-Miami Stadium and not any other possible issues. Chair Maus confirmed this. Attorney Spence added that he would speak further with Ms. Toothaker and her client(s) regarding the proposed Ordinance and its effects and impacts on the school at Inter-Miami Stadium. They would discuss the possibility of amended language that could address these concerns.

It was determined that Items 6, 7, and 8 would be presented together and voted upon separately.

~~6. CASE:~~
~~REQUEST: *~~

~~T19013~~

~~Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Amending Section 47-13, "Regional Activity Center Districts," to guide development within the Downtown Regional Activity Center zoning districts; Providing for maximum building height, maximum building tower setback, maximum building podium height, maximum building tower floorplate size, maximum streetwall length, minimum distance for building tower separation; Establishing open space requirements; Amending Downtown street design, landscape and street tree requirements; Amending Section 47-13.21, Table of Dimensional Requirements; Amending review process for development permits; Amending Section 47-24, Table 1, Development Permits and Procedures; Amending Section 47-13.2.1.J, Definitions; Amending Section 47-25.3, Neighborhood Compatibility requirements, removing conflicting requirements.~~

~~APPLICANT:~~
~~GENERAL LOCATION:~~
~~COMMISSION DISTRICT:~~

~~CASE PLANNER:~~

~~City of Fort Lauderdale
Downtown Regional Activity Center
2- Steven Glassman, 3- Robert L. McKinzie, 4-
Ben Sorensen
Jim Hetzel~~

~~7. CASE:~~
~~REQUEST: *~~

~~PLN-ULDR-20080002~~

~~Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Amending Section 47-13, "Regional Activity Center Districts," to establish Downtown Character Areas: "Downtown Core", "Near Downtown", "Urban Neighborhood".~~

~~APPLICANT:~~
~~GENERAL LOCATION:~~
~~COMMISSION DISTRICT:~~

~~City of Fort Lauderdale
Downtown Regional Activity Center
2- Steven Glassman, 3- Robert L. McKinzie, 4-
Ben Sorensen~~

Mr. Shechtman requested additional information on the affordable housing plan Mr. Hetzel had referred to earlier. Mr. Hetzel reiterated that this is a separate effort in which the City Commission directed Staff to analyze affordable housing and come up with a policy. Staff is also working to develop Code language to address affordability on a City-wide basis.

V. COMMUNICATION TO THE CITY COMMISSION

Mr. Barranco observed that the condition of the City's waterways has been brought to light recently, and recommended that the Board keep water quality in mind when applications come before them. He pointed out that Fort Lauderdale's waterways are one of its key attractions, and that both zoning Code and Utilities should prioritize the protection of the City's waterways. He suggested that the Board focus more closely on how to maintain water quality as more development occurs.

The Board discussed this further, with Ms. Scott noting that while they often receive letters from Staff referring to adequate capacity, spills remain a major issue. Vice Chair Fertig recommended that the Board again request a presentation from Staff on infrastructure, and that the presentation be expanded to cover waterway quality. The Board may then be able to offer policy recommendations.

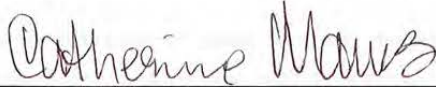
It was noted that this presentation was not made to the Board in the past, as the City felt it could affect their decisions on individual projects. Ms. Scott emphasized that a presentation of this nature could help the Board further understand the entire City process in relation to capacity.

Motion made by Vice Chair Fertig, seconded by Mr. Cohen, to request a presentation from Public Works, to better understand the City's infrastructure capacity analysis process and how it relates to the quality of the City's waterways. In a voice vote, the **motion** passed unanimously.

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 8:51 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.



Chair

