



**PLANNING AND ZONING BOARD MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, JUNE 16, 2021 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

<b>Board Members</b>	<b>Attendance</b>	June 2021 - May 2022 (Cumulative)	
		<b>Present</b>	<b>Absent</b>
Jacquelyn Scott, Chair	P	1	0
Brad Cohen, Vice Chair	P	1	0
John Barranco	P	1	0
Mary Fertig	P	1	0
Steve Ganon	P	1	0
Shari McCartney	P	1	0
William Rotella	P	1	0
Jay Shechtman	A	0	1
Michael Weymouth	P	1	0

**Communication to the City Commission**

**Motion** made by Mr. Cohen and seconded by Mr. Barranco, to request the City Commission ask staff to make a presentation to the Board in regard to what the City is accomplishing to mitigate flooding, specifically in the Northwest area north of Sistrunk Boulevard.

In a roll call vote, the **motion** passed 8-0



CITY OF FORT LAUDERDALE

**DRAFT**  
**MEETING MINUTES**  
**CITY OF FORT LAUDERDALE**  
**PLANNING AND ZONING BOARD MEETING MINUTES**  
**CITY HALL COMMISSION CHAMBERS**  
**100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301**  
**WEDNESDAY, JUNE 16, 2021 – 6:00 P.M.**

June 2021-May 2022			
<b>Board Members</b>	<b>Attendance</b>	<b>Present</b>	<b>Absent</b>
Jacquelyn Scott, Chair	P	1	0
Brad Cohen, Vice Chair	P	1	0
John Barranco	P	1	0
Mary Fertig	P	1	0
Steve Ganon	P	1	0
Shari McCartney	P	1	0
William Rotella	P	1	0
Jay Shechtman	A	0	1
Michael Weymouth	P	1	0

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  
Jim Hetzel, Principal Planner  
Karlanne Grant, Urban Design and Planning  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. Cohen, seconded by Mr. Barranco, to request the City Commission ask staff to make a presentation to the Board in regard to what the City is accomplishing to mitigate flooding, specifically in the Northwest area; north of Sistrunk Boulevard. In a voice vote, the **motion** passed unanimously.

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Vice Chair Fertig called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Vice 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**

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

### III. ELECTION OF BOARD CHAIR / VICE-CHAIRPERSON

Mr. Weymouth nominated Ms. Scott, duly seconded, for the position of Chair. In a voice vote, Ms. Scott was unanimously elected Chair.

Mr. Rotella nominated Mr. Cohen, seconded by Mr. Weymouth, as Vice Chair. In a voice vote, Mr. Cohen was unanimously elected Vice Chair.

### V. AGENDA ITEMS

#### Index

#### Case Number

#### Applicant

- |                |                         |
|----------------|-------------------------|
| 1. UDP-T21002* | City of Fort Lauderdale |
| 2. UDP-T21003* | City of Fort Lauderdale |
| 3. UDP-T21005* | 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 City Staff has requested the deferral of Items 1 and 2 until the July 21, 2021 meeting.

**Motion** made by Mr. Rotella, seconded by Mr. Weymouth, to approve the deferral to Item T21-002. In a voice vote, the **motion** passed unanimously.

The Board next addressed the deferral of Item 2, T21-003.

**Motion** made by Mr. Rotella, seconded by Mr. Weymouth, to defer to July 21<sup>st</sup>. In a voice vote, the **motion** passed unanimously.

#### 3. **CASE:** UDP-T21005

**REQUEST:** \*Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR); Section 47-20.2, Parking and Loading Requirements for the Regional Activity Center - City Center Zoning District and Regional Activity Center - Arts and Science Zoning District to

Update the Residential Parking Requirement, Section 47-20.3, Reductions and Exemptions to Update Parking Reduction Criteria for Properties Located in the Downtown Regional Activity Center, and Section 47-24.1 Table 1. Development Permits and Procedures

**APPLICANT:** City of Fort Lauderdale

**GENERAL LOCATION:** Regional Activity Center - City Center (RAC-CC)

Zoning District, Regional Activity Center - Arts and Science (RAC-AS)

Zoning District, and Downtown Regional Activity Center

**CASE PLANNER:** Karlanne Grant

At this time Chair Scott opened the public hearing.

Ms. Parker noted that the Board members have received a corrected copy of Exhibit 2, which had previously included minor errors on pp. 2-3. The official report would also be updated online.

Karlanne Grant, representing Urban Design and Planning, stated that this Item seeks to amend the City's Unified Land Development Regulations (ULDR) Section 47-20.2, Parking and Loading Requirements for the Downtown Regional Activity Center (RAC), the RAC City Center (RAC-CC), and the Downtown RAC Arts and Science (RAC-AS) zoning districts. The amendment would update residential parking requirements.

Another amendment would update Section 47-20.3, which provides reductions and exemptions to the parking reduction criteria for properties in the Downtown RAC. It would also update the table of development permits and procedures in Section 47-24.1 to reflect the changes in other amended sections.

These amendments stem from the Downtown RAC amendments that came before the Board in September 2020, which sought to codify some of the Downtown Master Plan dimensional requirements and provisions. The Board had recommended adoption of a minimum residential parking requirement in the RAC-CC, based upon the Downtown Civic Association's recommendations to introduce one parking space per residential unit. The current requirement is market-driven.

Since the existing parking requirements accept parking standards for residential development in the RAC-CC and RAC-AS zoning districts, Staff analyzed both districts when evaluating the adoption of a minimum residential parking requirement. This analysis determined that the average parking ratio in the RAC-CC is 1.3 parking spaces per unit, which indicates that one parking space per unit is an appropriate minimum residential parking requirement. Staff does not recommend that this minimum requirement be increased beyond one space per unit.

Because it is important to recognize that Downtown Fort Lauderdale continues to grow and mature as Broward County's regional metropolitan area, access to various modes of

transportation plays an important role in moving people throughout the City, as well as in the Downtown area's continued economic health. Downtown emphasizes less dependence upon cars and more dependence upon multimodal mobility.

Staff also introduced a reduction process for qualifying projects for which parking reductions may be requested via Site Plan Level I or the administrative review process, subject to the criteria outlined in the Parking Reduction and Exemption section and consistent with how parking reductions are currently reviewed in those parts of the Downtown that fall within the Northwest Community Redevelopment Area (CRA). Staff proposes a parking reduction concept for the Downtown area properties, as well as a Site Plan Level I parking reduction, subject to City Commission request for review or call-up procedure as outlined in Section 47-26.A.2.

Staff also added a call-up provision to the language in amended Table 1 of Section 47-24, Development Permits and Procedures, to reflect the Site Plan Level I review for parking reduction requests in Downtown, as well as other related updates to the table.

There being no questions from the Board at this time, Chair Scott opened the public hearing. 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 Mr. Weymouth, seconded by Vice Chair Cohen, to close the public hearing. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Weymouth, seconded by Vice Chair Cohen, that we approve it. In a roll call vote, the **motion** passed 8-0.

## **VI. COMMUNICATION TO THE CITY COMMISSION**

Vice Chair Cohen expressed concern for flooding in the streets of the City's Northwest area, including Flagler Village. He recommended that the Board relay to the City Commission that with the construction currently underway in this area, requirements to prevent flooding should be more stringent. He pointed out that a number of sites are being developed with a large number of units, and nothing has been done in this area to address flooding, as the area in question was previously zoned for warehouse use.

Vice Chair Cohen continued that there are few sewer drains in the subject area, which contributes to significant flooding. While the City has addressed this issue in the past, he recommended that it be discussed again by the City Commission, as he has heard significant feedback from the area he represents. He felt if the City is to continue progressing through development, the Commission should take a close look at the areas affected by heavy flooding. He recommended that this matter be sent as a communication to the City Commission for future discussion and possible action.

Mr. Weymouth commented that he would support this request if the storm sewers in the subject area were properly maintained by the City; however, he felt this was not the case. He pointed out that all new development is required to retain stormwater on their sites in retention areas or injection wells. He felt the issue was more likely that the storm drain system in this area has not been cleaned or maintained adequately. Vice Chair Cohen stated that he was willing to add this recommendation to his proposed communication; however, he reiterated that water is not being retained on new properties and flows down into the warehouse district.

Mr. Barranco noted that Fort Lauderdale “has gone above and beyond” new Federal Emergency Management Agency (FEMA) flood maps by adopting maps that FEMA has only proposed but not adopted nationally thus far. He added that many properties that once retained water may now displace it. Some properties may need to be redeveloped to meet new flood guidelines.

Ms. Fertig requested clarification of what the Board is asking the City Commission to do. Vice Chair Cohen replied that the City should have some type of advisory body look at its flood guidelines to address extreme flooding in certain areas. He felt the City may want to create a board or committee to do so if there is currently no such group.

Mr. Fertig suggested that Raj Verma or Dr. Nancy Gassman of the City’s Public Works Department could be invited to make a presentation to the Board on what the City is currently doing to address stormwater. She pointed out that Public Works has taken steps to address seawalls and is making an effort to place improved infrastructure throughout the City. Mr. Barranco added that the City also has a flood plain manager who could be invited to present at a future meeting. Ms. Parker recommended that the communication be reworded to refer to an appropriate Public Works representative rather than naming individuals.

**Motion** made by Mr. Cohen, seconded by Mr. Barranco, to request to the City Commission to have someone from Public Works and/or a flood manager to make a presentation in regard to what the City is accomplishing to mitigate the flooding, specifically in the Northwest area of Fort Lauderdale and the north of Sistrunk area. In a voice vote, the **motion** passed unanimously.

Ms. Scott noted that the City’s zoning Code allows the owner of a less-intense existing commercial building to be turned into a nightclub or restaurant with insufficient parking. She characterized this as a loophole, particularly when the building abuts residential properties, and recommended that this be revisited by the City Commission. She cited a balcony location on Las Olas Boulevard as an example, pointing out that in addition to insufficient parking, the building plays loud music into the early morning hours.

Ms. Fertig observed that noise is a City-wide issue, and the Noise Ordinance is scheduled to come before the City Commission. She suggested that this may be a starting place for

recommendations of this nature. Chair Scott stated that the issue she had cited is specific to allowing less intense uses to convert to more intense uses without enough parking.

Ms. Parker noted that there is a section in the Las Olas Boulevard area where businesses approved prior to 1997 may use pedestrian preservation criteria to change to a new use. This is based on the fact that Las Olas Boulevard is a pedestrian-oriented street, where the City wishes to help businesses succeed along the corridor: if a less intense use did not succeed, it is possible that another use, such as a restaurant, may be successful at the same location.

Mr. Weymouth asked if there is a path in place to address change of use for these sites. Ms. Parker advised that there is such a process, including other development parameters against which a more intensive use, such as a restaurant, would be reviewed. She clarified that an existing building established prior to 1997 may receive certain credits for parking if it does not trigger the 50% redevelopment threshold.

Ms. Fertig requested a presentation on this issue as well as the previously discussed presentation on stormwater. Ms. Parker replied that if the Board would like to see this section of Code changed, Staff can analyze it further, depending upon recommendations and policy direction from the City Commission.

Chair Scott pointed out that the process currently in place does not require a property to come before the Planning and Zoning Board prior to its change. She asserted that she would like to see this process changed. Mr. Weymouth felt changes to zoning Code due to one problematic business would result in overreach, and that the problems caused by the business should be addressed by Code Enforcement. Chair Scott reiterated that she would like to see this issue revisited by the Commission and was not advocating for changes to the property's zoning.

Ms. Fertig asked if the problem is limited to one small area of Las Olas Boulevard, or if it occurs in other parts of the City as well. Ms. Grant explained that the process in question applies to other corridors in the City which meet the criteria for the Pedestrian Preservation section of Code as well.

Ms. Fertig continued that if the Board intended to discuss this issue further, the businesses in question should be provided the opportunity to comment or respond as well, as should the affected residential community. She emphasized that she did not want to address an issue that involves only one business and could be handled through another method, such as Code Enforcement.

Assistant City Attorney D'Wayne Spence requested clarification of whether the Chair's concern was for noise or parking. Chair Scott stated that she was concerned with both issues. She concluded that if the Board does not wish to address the issue further, they may wait for the City Commission to address the Noise Ordinance at an upcoming meeting.

## **VII. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

Ms. Fertig asked if it is possible to ensure that more than one item is on the Board's Agenda at any given meeting. Ms. Parker confirmed that in addition to the two items deferred from today's meeting, there are additional items on the July 2021 Agenda.

Assistant City Attorney D'Wayne Spence explained that all items are advertised prior to meetings. This provides the public with notice that the item will come before the Board so they can attend the meeting with the expectation of being heard.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:40 p.m.

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

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Chair

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Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]