



CITY OF FORT LAUDERDALE

CITY OF FORT LAUDERDALE
PLANNING AND ZONING BOARD
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, AUGUST 21, 2019 – 6:00 P.M.

Cumulative

Board Members	Attendance	June 2019-May 2020	
		Present	Absent
Catherine Maus, Chair	P	3	0
Mary Fertig, Vice Chair	P	2	1
John Barranco (arr. 6:12)	P	2	1
Brad Cohen	P	2	1
Coleman Prewitt	P	3	0
Jacquelyn Scott	P	3	0
Jay Shechtman	P	3	0
Alan Tinter	P	3	0
Michael Weymouth	P	3	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
Shari Wallen, Assistant City Attorney
Jim Hetzel, Principal Planner
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Vice Chair Fertig, seconded by Mr. Tinter, to suggest that [the Board] ask the Commission to allow [Staff] to draft something to put a cap of two deferrals and maybe wait six months. In a voice vote, the **motion** passed unanimously.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced City Staff.

II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM

Motion made by Mr. Tinter, seconded by Mr. Shechtman, to approve the June 26, 2019 Special Meeting minutes. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Tinter, seconded by Mr. Prewitt, to approve the July 17, 2019 minutes. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Cohen, seconded by Ms. Scott, to approve the August 9, 2019 Special Meeting minutes. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

IV. AGENDA ITEMS

Index

<u>Case Number</u>	<u>Applicant</u>
1. R17057**	94-96 Hendricks Isle, LLC
2. V19001**	Briland Properties, Incorporated
3. T19009	City of Fort Lauderdale
4. T19011	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 Maus noted that Item 1 has been withdrawn by the Applicant, and a request has been made from the Applicant of Item 2 to defer that Application until the September 18, 2019 meeting.

Motion made by Ms. Scott, seconded by Mr. Cohen, to defer Item 2. In a voice vote, the **motion** passed unanimously.

Item 3 was also withdrawn by the Applicant.

4. CASE: T19011

REQUEST:	Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) Section 47-24, Development Permits and Procedures, Providing Approval Process for Development Permits in the Uptown Urban Village Zoning Districts; Amend Article XIII – Additional Zoning Districts, Establishing Section 47-37B “Uptown Urban Village Zoning Districts”, List of Districts, Intent and Purpose of Each District, Applicability and General Regulations, List of Permitted and Conditional Uses, Table of Dimensional Requirements, Special Regulations; and Amend Section 47-28, Flexibility Rules, Applicability; Conditions specific to the Uptown Project Area.
APPLICANT:	City of Fort Lauderdale
GENERAL LOCATION:	Uptown Project Area
CASE PLANNER:	Jim Hetzel

Jim Hetzel, Principal Planner, provided a handout with corrections to Exhibits 1, 2, and 3, which are the proposed Unified Land Development Regulations (ULDR) Text amendments. The corrections were necessary to clarify terminology in the Uptown Project Area and Uptown Zoning District.

Mr. Hetzel explained that Staff has proposed an Uptown Master Plan and ULDR amendments attached to the Uptown Project. The Urban Land Institute (ULI) Technical Advisory Panel Report, which was issued in 2014, established a list of recommendations for the City which would transform Uptown into a mixed-use transit-oriented development (TOD). The City Commission passed a Resolution approving the report, and in 2016 established funding for an Uptown Master Plan.

Although there are few civic associations in the subject area, public outreach engaged with Uptown business owners and associations, stakeholders, and government agencies. Three public open houses were held, as well as individual meetings with stakeholders and internal meetings with consultants.

A macro approach to Uptown includes the Fort Lauderdale Executive Airport (FXE), Lockhart Stadium, and the area east of I-95 near Cypress Creek. For the purposes of the Uptown Master Plan, however, this designation was narrowed down to only the core area referred to in the ULI report. This consists of approximately 353 acres bounded by Canal C-14 to the north, I-95 to the east, NW 57th Street to the south, and Powerline Road to the west.

The Uptown Master Plan includes several chapters, including an introduction, establishment of a vision, context, and framework. Form-based regulations address design, while the implementation plan includes next steps for the future. The framework

considers the existing character of the area, as well as a connectivity plan for the establishment of future networks if the area is redeveloped. The connectivity plan also establishes a street hierarchy with primary and secondary roads and gateways.

Mr. Barranco arrived at 6:12 p.m.

Mr. Hetzel addressed open space, pointing out that the Uptown area does not have a great deal of residential or open space. The Master Plan identifies spaces that could be used for larger neighborhood parks or "pocket parks" as proposed in the ULDR amendments. Staff also considered branding for the Uptown area. The conceptual visual plan determines what the entire area would look like if it were redeveloped.

The form-based Code proposes five new zoning districts based on five character areas identified within Uptown. These would permit existing uses and add residential uses. Form-based regulations include:

- Building orientation, design, and treatment
- Minimum lot size
- Setbacks
- Building height
- Tower separation and setbacks

Mr. Hetzel returned to the open space requirement, stating that Staff and consultants considered how to ensure adequate open space in an area with no significant residential use. They also looked at other ways to create space besides pocket parks, as well as plaza requirements for commercial use. If one type of open space is adjacent to another, requirements may be reduced in recognition of that synergy.

Requirements are based upon different tier levels: for example, pocket parks are based on the number of units and square footage. A project with 100 units is required to provide 15,000 sq. ft. of pocket park space. Staff also considered the current trend toward "micro-units," which can be accompanied by communal spaces in which residents can entertain or rent. Form-based regulations also consider quality of materials, parking, signage, and creation of a sense of place.

The consultant developed a list of next steps for the City to implement, including a Land Use Plan amendment, which was presented to the Planning and Zoning Board but was ultimately delayed by a legal issue. The consultant recommends proceeding with the amendment process. Another aspect is rezoning, which may take different approaches: the City Commission may direct Staff to rezone the entire area, or property owners may rezone the area themselves. Staff is looking into how to expedite and incentivize property owner rezoning.

The connectivity plan considers how to connect the Uptown "urban village" to the Downtown, beach, or other parts of the City. Multi-agency coordination is important, as there is multijurisdictional control of roadways as well as a Tri-Rail station in the Uptown.

This Item will be presented to the City Commission at their September 3, 2019 Conference Agenda meeting. First reading will be heard on September 17, 2019.

One issue raised during public outreach was density allocation, which is currently proposed at 50 dwelling units per acre. An affordable housing bonus would allow developers to double this density to 100 units per acre. This is consistent with the Land Use Plan amendment, which requires a balance between infrastructure and the street network to balance transit-oriented development (TOD). This range was determined to be 20 to 30 dwelling units per acre. Once this density is increased, there are corresponding effects on infrastructure and concurrency.

While Staff does not believe density higher than 50 units per acre should be recommended, they felt it was appropriate to consider the City's need for affordable housing. The Land Use Plan amendment includes a 15% set-aside requirement for affordable housing.

Another issue is how to expedite the review process if an applicant meets all requirements. Staff is considering Site Plan Level II as appropriate review, which includes Development Review Committee (DRC) approval if the application matches the Uptown Master Plan. Higher level review would be triggered in two ways: height greater than 75 ft. as a conditional use, or deviation from the Master Plan on density, floor area, or building height.

Mr. Barranco commented that the greatest issue in the Uptown area is the lack of housing of any type. While affordable housing can be achieved by providing incentives to developers and creating density, he was concerned that many of the area's requirements, such as the open space requirement, would tie developers' hands with regard to increased density. He did not feel any limitations should be placed on residential development in the area, suggesting that restrictions instead be placed on commercial development in order to encourage residential.

Mr. Barranco continued that the area's infrastructure is in use during all of most days due to the office space in use, and pointed out that if one type of demand is lessened, it would likely be replaced by another demand. He did not feel there was a significant lack of infrastructure, as proposed uses would be complementary and could alleviate stress on the systems.

Mr. Hetzel explained that Staff's proposals for the area were based on analysis of density and other considerations: the issue is less about density and more about how much development requires infrastructural improvements when uses are added and/or intensified. Another issue is the lack of flex units available in the Uptown area, which meant a developer could not ask for flex units as part of mixed-use development. Staff considered a planning rationale for different parts of the City, including Uptown. The

incentives, such as the affordable housing bonus, are intended to provide a framework through which development can move into an area.

Vice Chair Fertig stated that the Uptown concept would provide an opportunity for the creation of an area very different from anything else in Fort Lauderdale. She emphasized the need to ensure parks and green space are allocated correctly, including their spacing throughout the area, and encouraged more development of open space where density has increased, pointing out that the current proposal has a lower open space requirement for greater density.

Mr. Hetzel referred the Board to the backup materials, clarifying that the minimum square footage of open space provided may not be less than the maximum space for the preceding category in the tiered system. The open space requirements for Uptown are the same that will be proposed as part of the Downtown Master Plan codification.

Vice Chair Fertig also asked what plans are in place for emergency services as the Uptown area becomes increasingly residential. Mr. Hetzel replied that the development review process includes evaluation for public services, such as fire safety. There are also capital improvements associated with construction of a fire or emergency medical services (EMS) station: existing services would be reviewed to determine whether or not they needed to expand as greater intensity comes to the area. If expansion is needed, it would be achieved through the City's Capital Improvement Program (CIP). These plans are typically not put into place until growth has already occurred.

Vice Chair Fertig felt these needs should be anticipated as part of the planning process. Ms. Scott concurred, stating that the effects of increased density should be fully considered ahead of time, before significant new construction is underway with no full plan for service to new residents. She agreed that this should be part of the overall evaluation process, pointing out that once density has increased, there may not be sufficient funding to realize these improvements. Mr. Hetzel suggested that Staff could include a specific implementation step related to emergency services. Vice Chair Fertig confirmed that she would like this to be included.

Mr. Shechtman commented that it has become apparent more and more people are traveling short distances with micromobility devices such as bicycles and scooters. Mr. Hetzel referred the Board to streetscape zones and cross-sections, both of which will address multimodal mobility. Streetscape zones include bike lanes and streetscapes as well as what will happen from the property line inward: for example, it would include accommodation for street furniture and trees. The cross-section shows the multimodal/pedestrian environment: depending upon whether the street on which the development fronts is primary or secondary, this would extend from the private property line into the public right-of-way.

Mr. Shechtman asked where a master plan for infrastructure would be included in order to show that all forms of transportation are accommodated. Mr. Hetzel explained that

the City does not have jurisdiction over all roadways in the Uptown area, and it can be challenging to work with some agencies regarding what may occur within their rights-of-way. Some of these agencies are not likely to allow the City to make the changes they would like to implement if they do not meet those agencies' own standards.

Ms. Parker referred the Board to pages 44-47 of their backup materials, which address changes to the character of streets based upon their typology. The mixture of modes is incorporated along with design standards and may meet the intent with which Mr. Shechtman was concerned. Mr. Hetzel added that the City's consultant has identified this implementation step as a challenge. The City will continue to reach out to the agencies that own Uptown roadways to seek their approval for the cross-sections.

Mr. Barranco again addressed green space in the area, stating that he felt it would not be successful to encourage residential development and then "tax" the developer by requiring a certain amount of open space. He felt it would be better to provide those developers with greater density bonuses and other incentives. He asked how park impact fees would apply to both commercial and residential Uptown developments. Mr. Hetzel replied that he is working with the City's Parks Department to discuss the recently approved Parks Bond, as well as the acquisition of land. This may provide better direction regarding the Parks Department's intentions for acquisition.

Mr. Hetzel continued that because the area lacks residential development, the requirement for adequate open space is necessary; however, if the City's intent for Uptown is to acquire property or use its existing property for park space, it may be necessary to look at the criteria for park space in the area again. He concluded that it can be difficult to balance new and existing development in the Uptown area, and Staff needs more information to determine the best approach.

Mr. Barranco again characterized the green space requirement as a tax on developers, as they would be required to provide a certain amount of this space. He reiterated that this did not encourage development in the Uptown area. Mr. Hetzel stated that when a Master Plan is developed, it is necessary to identify what is lacking in an area, such as green space for residential use. He noted that it may be time for the City to conduct another study in relation to its park impact fee, and pointed out that the City's Comprehensive Plan reflects a higher requirement for open space acreage due to the recently developed Parks and Open Space Master Plan. The Parks Bond is intended to help implement these spaces.

Ms. Scott stated that more individuals would be excited about living in a community with trees and green space, particularly if they reside in micro-units. She also addressed the public outreach phase of the Uptown Master Plan, noting that only four stakeholders were in attendance. Mr. Hetzel advised that these were four of the eight major property owners in the subject area who were invited to attend.

There being no further questions from the Board at this time, Chair Maus opened the public hearing. Any members of the public wishing to speak on the Item were sworn in at this time.

Robert Lochrie, representing Cypress Creek Partnership and Fairfield Residential, recalled that adding more residential development to the Uptown area has been a consistent goal of the City. He described the area as having one of the more significant science/technology/engineering/mathematics (STEM) employment bases in Florida and emphasized the need to bring residents into this area.

Mr. Lochrie continued that the amendments proposed at tonight's meeting would not change any of Uptown's existing zoning categories. The rezoning of property or the decision to allow individual property owners to request their own rezoning will ultimately be a City Commission decision. He advised that his clients would prefer to rezone their own properties, as they are pleased with the traditional zoning that is now in place.

Mr. Lochrie pointed out that when residential development is encouraged, there should be some type of incentive that would attract developers to build this type of development where it does not already exist. He characterized some of the proposed regulations as restrictive to residential development and recommended better incentives, such as additional density.

Mr. Lochrie concluded that if the area is rezoned, there will also be implications for commercial development. Many of the dimensions of existing buildings in the Uptown area would not be permitted under current Code.

Alex Pappas, representing multi-family developers including Fairfield Residential, stated that he considered the following markets for the Uptown area:

- North Andrews Avenue Corridor
- Citrix Park
- South of Cypress Creek Boulevard

Mr. Pappas asserted that each of these parcels has an average size of 2.5 acres. The most efficient means of development for a parcel of this size in an urban village would be an eight-story "wrap" including 120 to 150 units. He pointed out that density of 50 units per acre would not be feasible under these circumstances, and recommended that greater density be introduced in order to bring the first residential development to Uptown.

Mr. Pappas continued that office and residential uses can exist together through shared parking, in which residents would leave in the morning with their vehicles when office employees arrive. He recommended consideration of "symbiotic garages" that would allow for this shared space, pointing out that the infrastructure for parking in the area already exists although there is no current residential use.

Vice Chair Fertig asked what changes Mr. Pappas felt should be made. Mr. Pappas replied that density should be significantly increased. Because of the proximity of FXE, height is staggered in the area; however, once a development exceeds 75 ft. or roughly eight stories, the cost of construction increases exponentially and cannot be supported by rents. He reiterated that a density of 120 to 150 units per acre is the most efficient for an eight-story structure, which is consistent with other areas of the City, particularly those within Regional Activity Centers (RACs).

Vice Chair Fertig asked if the requirement for pocket parks would be considered fairer when paired with increased density. Mr. Pappas stated that adding an open space requirement to the overall development restricts the number of units allowed, as well as the amount of ad valorem taxes the City would gain from those units. He felt allowing development to occur with higher density would provide an opportunity for ad valorem taxes to support the green space that already exists in the area, including the lake area and Lockhart Stadium. He suggested that these existing spaces be integrated into the Uptown Master Plan.

Ms. Scott characterized this recommendation as giving developers no responsibility to create additional green space as part of their projects. Mr. Pappas pointed out that at present, only one Uptown property, a mobile home park, would be able to meet the proposed open space requirements. He added that an alternative might be the incorporation of bike paths and other residential amenities into some of the nearby FXE parcels.

Mr. Prewitt asked for Mr. Pappas's input regarding the proposed affordable housing bonus, noting that the construction and density he had estimated as necessary for residential development made it unlikely a developer would take advantage of this bonus. Mr. Pappas confirmed this, stating that affordable housing would not be developed within existing affordable rent parameters, which are defined and managed on a City or County level rather than at the state or federal levels. He felt the only way to make affordable housing feasible would be to reduce impact fees on the units. He did not feel it was certain development could be realized at 50 units per acre.

Mr. Shechtman asked where Mr. Pappas felt the Uptown Master Plan falls short. Mr. Pappas replied that there are existing spaces, such as a portion of the FXE ground lease that runs east-west or an area west of the mobile home park, which could be counted toward open space. He also suggested a partnership could be sought with Tri-Rail to develop deck parking and residential units.

Errol Kalayci, representing Keith & Schnars and property owner under contract with Fairfield Residential, stated that the proposed amendments and plans would mean this contract could not move forward. He advised that although an institutional developer such as Fairfield would need to come into the area and make the necessary changes, the changes would not be feasible under the proposed density. Mr. Kalayci continued

that he hoped to redevelop roughly four acres of a six-acre property with a mixed-use development including 375 units.

Mr. Hetzel reiterated that though there were no flex units within the Uptown area, the City changed its policy regarding these units in order to provide an incentive for residential development. A technical advisory panel consisting of industry experts led to the recommendations before the Board. He concluded that density may be increased to 100 units per acre, but only in the case of affordable housing. This is in recognition of the City's need to create more affordable housing.

Mr. Hetzel continued that civic associations in the area also acknowledged both the need for housing in the Uptown area and the need for affordable housing. He emphasized Staff's work to ensure the needs of the community are met, and pointed out that Staff does not consider the finances associated with property redevelopment, although they do consider market conditions. A market analysis associated with the Cypress Creek Mobility Hub Study showed that the area could support 400 to 600 units.

Ms. Scott requested clarification of Mr. Lochrie's statements regarding rezoning. Mr. Lochrie explained that there are certain existing zoning rights on the properties which would remain unless those properties are rezoned. He was not in favor of changing rezoning requirements in a way that would not bring applicants before the Planning and Zoning Board.

Mr. Weymouth asked for clarification of the parts of the proposed amendments before the Board that could not already be accomplished. Mr. Lochrie replied that anything proposed by the plan could be done today, with the possible exception of the density bonus for affordable housing. He pointed out, however, that the expense of building these units would have to be mitigated at some point. He concluded that there are not a great many developers seeking to provide affordable housing in Fort Lauderdale, some of which are still looking for appropriate sites.

Vice Chair Fertig requested more information on how affordable housing might not meet the necessary state regulations to receive funding. Mr. Hetzel replied that developers must go through a rigorous process to apply for state funding, as these dollars are very limited.

Affordable housing must provide a mixture of low-, very low-, and moderate income requirements, although the mixture is not defined. Mr. Hetzel pointed out that if 100 units are proposed for development on one acre, the affordable housing bonus could apply if only two units are provided at the low- or very low-income bracket and the rest at market rate.

Ms. Parker addressed Mr. Lochrie's comments regarding Site Plan review, explaining that most members of the development community, as well as residential neighbors, typically want more certainty built into the development process. The proposed

regulations are very specific and are oriented toward a form-based design, which would provide both communities with this certainty. She described this simplified process as one of the benefits of form-based Code.

As there were no other individuals wishing to speak on these Items, the Chair closed the public hearing and brought the discussion back to the Board.

Vice Chair Fertig requested more information regarding surface parking. Mr. Hetzel replied that there would be a limitation on grouping in order to lessen the amount of asphalt: groupings would be limited to 200 spaces. If a second grouping is required for a project, the two lots would have to be separated. Shared parking and parking reductions have existing processes in Code and could be requested for new development.

Mr. Hetzel continued that the intent is to establish a vision for the area, which resulted in the proposed form-based regulations to achieve a certain built form. This means while mixed-use development may be permitted under some of the area's current zoning, those individual parcels are mixed-use in and of themselves and do not necessarily relate to the surrounding area. The proposed amendments would make these developments more cohesive with their surroundings.

Mr. Shechtman requested clarification of whether the proposed plan's goals could be achieved through conditional use requests, such as density or mixed-use. Mr. Hetzel stated that projects would need to come before the Board and request flex units for mixed-use development. These units are limited to 50 per acre within the City. He added that an applicant who requests flex units and meets the intent of the plan would require Site Plan Level II review, which is DRC approval. An application that meets commercial or residential flex allocation would not need to come before the Board to request conditional use.

Chair Maus stated that she was in favor of some but not all of the proposed changes. She felt the area's density should be higher and saw the open space requirement as a positive step. She concluded that she felt the plan should be advanced to the City Commission.

Mr. Prewitt asked Mr. Lochrie to elaborate on an earlier statement in which he had asserted the plan does not allow developers to do a great deal more than what is already allowed. Mr. Lochrie explained that if the plan becomes mandatory, there would be a number of projects that could not be realized under the proposed regulations. He cited the maximum building length requirement of 300 ft. as an example, pointing out that it is a significant change from existing regulations.

Mr. Prewitt commented that some areas of the City, such as Cypress Creek, have always needed a residential component. If the current rules are not generating this development and the proposed changes may make it harder to implement residential development, he did not feel the plan would succeed in attracting a residential element.

Mr. Barranco asked how many applicants throughout the City have taken advantage of the additional density for affordable housing without other incentives. Mr. Hetzel replied that no applicants have availed themselves of the doubled density within the past 30 years. He pointed out, however, that the County has kept this incentive as an option for a reason: it may be possible to pair it with other incentives to encourage affordable housing development.

Mr. Barranco asked if an applicant may take a tiered approach to density and affordable housing development. This would mean some market rate units are included in the density bonus. Mr. Hetzel replied that the plan as drafted does not include market rate units in the density bonus, although there is a County provision that ties market-rate bonus density to the number of affordable housing units built.

Mr. Hetzel also noted that when Staff considered the Land Use Plan analysis and its impact on infrastructure and services, the proposed density was no more than 25 dwelling units per acre for the entire project area. When this is exceeded for residential development, in combination with allowing additional growth in commercial, office, or industrial uses, a tipping point is quickly reached that requires mitigation and infrastructure improvements. Other considerations included the inability to place residential development in FXE's flight path or near the airport.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, that [the Board] pass this [plan] to the Commission with a request to do further study on density, open space, shade trees, and affordable housing.

Mr. Cohen stated that he may be disqualified from voting on the Item due to a possible conflict.

Mr. Shechtman observed that Staff has already performed a full review of the items Vice Chair Fertig had recommended for further study. He suggested that Staff be asked to look into the financial feasibility of the plan's requirements. Chair Maus pointed out that Staff will have the benefit of comments made at tonight's meeting when conducting further analysis. Mr. Hetzel confirmed that he would review materials provided from the public. Vice Chair Fertig advised that the intent of her **motion** was to advance the Item to the City Commission for additional analysis and discussion.

Mr. Weymouth stated that the City Commission has charged the Board with the responsibility of addressing the plan and finding ways to improve it rather than advancing it to the Commission.

In a roll call vote, the **motion** passed 7-1 (Mr. Weymouth dissenting). (Mr. Cohen abstained. A memorandum of voting conflict is attached to these minutes.) With recommendation that staff conduct further analysis on density, open space, affordable housing, and shade trees.

V. COMMUNICATION TO THE CITY COMMISSION

Vice Chair Fertig noted that some Agenda Items are deferred multiple times, which may mean the Board could be scheduled to meet with no business before it. She suggested limiting the number of deferrals, particularly those that may come before an extended deferral, to conserve City and Staff resources.

Motion made by Vice Chair Fertig, seconded by Mr. Tinter, to suggest that [the Board] ask the Commission to allow [Staff] to draft something to put a cap of two deferrals and maybe wait six months. In a voice vote, the **motion** passed unanimously.

Vice Chair Fertig continued that she has noticed a difference in the way Staff recommendations are made since her previous tenure on the Board. She felt the current format seems to provide the Board with a foregone conclusion before the Item is heard and discussed, and suggested that the Board be provided with options for addressing this concern.

Ms. Parker advised that this was recently discussed by Staff, and that the Board will begin to see a change in Staff recommendations for this reason. The new format for recommendations will state the criteria for an Item, review how it was evaluated, and leave the decision itself to the Board or City Commission.

Mr. Tinter observed that because Staff is more knowledgeable regarding Code and its nuances, their recommendation is valuable, particularly with regard to whether or not criteria are met. Ms. Parker reiterated that the criteria will still be identified, as well as how the Applicant addressed those criteria. The Board will be provided with all the necessary information to make a decision.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Ms. Parker concluded that Staff is working to update the Downtown Master Plan, including additional public outreach. She proposed that they make a brief presentation on these prospective changes on the next Agenda, as the Board does not work closely with the Downtown Master Plan and could benefit from additional information. It was determined that this will be an Agenda Item for the September 2019 meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:59 p.m.

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

Planning and Zoning Board

August 21, 2019

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Catherine Maws

Chair

Brigitte Chiappith

Prototype

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



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, AUGUST 21, 2019 – 6:00 P.M.**

June 2019 – August 2020 (Cumulative)

Board Members	Attendance	Present	Absent
Catherine Maus, Chair	P	3	0
Mary Fertig, Vice Chair	P	2	1
John Barranco	P	2	1
Brad Cohen	P	2	1
Coleman Prewitt	P	3	0
Jacquelyn Scott	P	3	0
Jay Shechtman	P	3	0
Alan Tinter	P	3	0
Michael Weymouth	P	3	0

Communication to the City Commission

Motion made by Ms. Fertig and seconded by Mr. Tinter, to communicate to the City Commission to set a limitation on the number of Planning and Zoning Board deferral requests by applicants to two and to set a period of six months before returning on an agenda after the two deferrals.

In a roll call vote, the **motion** passed 9-0

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Cohen, Bradford Michael	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Planning & Zoning
MAILING ADDRESS 1132 SE 3rd Avenue	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Fort Lauderdale Broward FL	NAME OF POLITICAL SUBDIVISION
DATE ON WHICH VOTE OCCURRED 8/21/19	MY POSITION IS <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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 sibling 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, F.S., 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).

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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.

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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, Berndford Cohen, hereby disclose that on 8/21/19, 20 19.

(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, not sure if it affects but to err on the side of caution
- 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:

I've recused as I have family members that are major shareholders in Kimco Realty

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.

8/21/19
Date Filed


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.