



CITY OF FORT LAUDERDALE

**MEETING MINUTES
PLANNING AND ZONING BOARD
CITY HALL COMMISSION CHAMBERS
100 N. ANDREWS AVE., FORT LAUDERDALE, FLORIDA 33301
WEDNESDAY, NOVEMBER 18, 2020 – 6:00 P.M.**

Board Members	Attendance	Present	Absent
Catherine Maus, Chair	P	5	0
Mary Fertig, Vice Chair	P	5	0
John Barranco	P	5	0
Brad Cohen	P	5	0
Coleman Prewitt	P	5	0
William Rotella	P	5	0
Jacquelyn Scott	P	5	0
Jay Shechtman	P	5	0
Michael Weymouth	P	4	1

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

Staff

- Ella Parker, Urban Design and Planning Manager
- D'Wayne Spence, Assistant City Attorney
- Shari Wallen, Assistant City Attorney
- Jim Hetzel, Principal Urban Planner
- Trisha Logan, Historic Preservation Planner
- Yvonne Redding, Urban Design and Planning
- Adam Schnell, Urban Design and Planning
- Raj Verma, Director of Public Works
- Tom Lawrence, Public Works
- Igor Vassiliev, Public Works
- Benjamin Restrepo, Transportation and Mobility
- Brigitte Chiappetta, Recording Secretary, ProtoType, Inc.

Communications to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair Maus 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, 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. Rotella, to approve the minutes from the October [18] 2020 meeting. In a voice vote, the **motion** passed unanimously.

It was noted a quorum was present at the meeting.

III. PUBLIC SIGN-IN / SWEARING-IN

Members of the public wishing to speak on any Item on tonight's Agenda were sworn in at this time.

IV. AGENDA ITEMS

Index

Case Number

Applicant

- | | |
|------------------------|--|
| 1. ZR19004** | Dezer Powerline, LLC. And Joluc Powerline, LLC |
| 2. PLN-AR-20090005** | 3001-18 Harbor Drive, LLC |
| 3. PLN-SITE-20020003** | 13 th Street Federal Highway, LLC |
| 4. V19008** | Holman Automotive, Inc. |
| 5. PLN-ULDR-20010001* | 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.

1. CASE:	ZR19004
REQUEST: **	Rezoning from General Industrial (I) District to Commercial Recreation (CR) District, with Allocation of 16 Acres of Commercial Flexibility, and Conditional Use Approval for Amusement and Recreation Services.
PROPERTY OWNER/APPLICANT:	Dezer Powerline, LLC. And Joluc Powerline, LLC.
AGENT:	Michael Pizzi
PROJECT NAME:	Xtreme Action Park
GENERAL LOCATION:	5300 Powerline Road
ABBREVIATED LEGAL DESCRIPTION:	15-49-42 acreage
COMMISSION DISTRICT:	1 - Heather Moraitis
NEIGHBORHOOD	N/A

ASSOCIATION:	
ZONING DISTRICT:	General Industrial (I)
PROPOSED ZONING DISTRICT:	Commercial Recreation (CR)
LAND USE:	Industrial
CASE PLANNER:	Yvonne Redding

Disclosures were made at this time. Mr. Weymouth recused himself from hearing the Item due to a conflict.

Mike Pizzi, representing the Applicant, Xtreme Action Park, stated that the indoor amusement park and entertainment center has been open since 2015. Because many of its attractions were approved over the years as legal nonconforming uses, Staff has recommended that the Applicant rezone the property from Industrial (I) to Commercial Recreation (CR). No change is planned to the activities provided or additional impact on traffic or the environment.

The Application meets the criteria for zoning Code as follows:

- It is consistent with the City's Comprehensive Plan
- It is compatible with the surrounding area
- It will have no adverse effects on the surrounding area

The proposed rezoning will allow the property to better comply with Code.

Motion made by Ms. Scott, seconded by Vice Chair Fertig, that the Staff Report be made part of the record on Item #1.

Yvonne Redding, representing Urban Design and Planning, corrected a scrivener's error in the Staff Report: the stated flexibility rules should refer to Section 47-28.1.j.

The **motion** passed by unanimous consent [as corrected].

Mr. Shechtman requested clarification of the City's request that the Applicant rezone the property. Mr. Pizzi explained that the City recommended rezoning instead of adding more nonconforming uses during a recent permitting process.

Mr. Barranco requested clarification of parking requirements for CR use. Ms. Redding confirmed that the Applicant meets their parking requirement. Assistant City Attorney D'Wayne Spence further clarified that parking will be addressed on a use-by-use basis and is not relevant to the rezoning request.

Mr. Pizzi advised that Staff asked the Applicant to include the entire building as well as outparcels and other structures in the rezoning request. Ms. Redding added that rezoning the entire parcel to CR allows existing uses to remain. If additional uses are proposed in the future for other parcels, they would be subject to Staff review.

There being no further 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.

Motion made by Ms. Scott, seconded by Vice Chair Fertig, to approve. In a roll call vote, the **motion** passed 8-0. (Mr. Weymouth abstained. A memorandum of voting conflict is attached to these minutes.)

Mr. Weymouth rejoined the meeting at this time.

2. CASE:	PLN-AR-20090005
REQUEST: **	Amendment to Site Plan Level III Review: 1,482 Square Foot Increase to Marina Office and Crew Lounge Building
PROPERTY OWNER/APPLICANT:	3001-18 Harbor Drive, LLC.
AGENT:	SHM South Fork, LLC.
PROJECT NAME:	South Fork Marina
GENERAL LOCATION:	1500 SW 17 th Street
ABBREVIATED LEGAL DESCRIPTION:	MRS E F Marshalls Sub Rev 1-2 B Lot 17 and 13
COMMISSION DISTRICT:	4 - Ben Sorensen
NEIGHBORHOOD ASSOCIATION:	Shady Banks Civic Association
ZONING DISTRICT:	General Industrial (I)
LAND USE:	Industrial
CASE PLANNER:	Yvonne Redding

Disclosures were made at this time. Mr. Barranco recused himself from hearing the Item due to a conflict.

Stephanie Toothaker, representing the Applicant, advised that the project first came before the Board in 2018 and was approved at that time. The proposal is for an in-water mega-yacht facility known as the South Fork Marina. The Applicant has worked closely with the surrounding Shady Banks neighborhood and other stakeholders in the area.

Ms. Toothaker showed a PowerPoint presentation on the Item, noting that the project is currently under construction. The Applicant has reclaimed and rezoned a portion of the upland site. The requested Site Plan Amendment would increase the square footage of the project's clubhouse, which was originally planned to be 1553 sq. ft. The increase would make this building 3035 sq. ft., which is a net change of 1482 sq. ft. No other changes are proposed.

Multiple presentations have been made to the surrounding community, and the Application has gone through the Development Review Committee (DRC) process. It was presented to the Shady Banks Civic Association and River Oaks Association in October 2020. The Applicant also presented the Item to the City's Marine Advisory Board in November.

Ms. Redding corrected a scrivener's error in the Staff Report: the project was originally approved on November 20, 2018.

The Board agreed by unanimous consensus to incorporate the Staff Report into the record of tonight's meeting [as corrected].

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.

Motion made by Vice Chair Fertig, seconded by Mr. Rotella, to approve and adopt the findings of fact in the Staff Report.

Assistant City Attorney Shari Wallen read the following Resolution into the record:

A Resolution of the Planning and Zoning Board of the city of Fort Lauderdale, Florida, approving an amendment to the Site Plan Level III development permit for a marina located at 1500 SW 17 Street, Fort Lauderdale, Florida, to increase the gross floor area (Case PLN-AR-20090005).

In a roll call vote, the **motion** passed 8-0. (Mr. Barranco abstained. A memorandum of voting conflict is attached to these minutes.)

Mr. Barranco rejoined the meeting at this time.

3. CASE:	PLN-SITE-20020003
REQUEST: **	Site Plan Level III Review: Conditional Use for Social Service Residential Facility (SSRF) with Allocation of 106 Residential Flex Units for 236 Sleeping Rooms, Waterway Use, and Associated Parking Reduction
PROPERTY OWNER/APPLICANT:	13 th Street Federal Highway, LLC.
AGENT:	Marc Isaac, Flynn Engineering Services, P.A.
PROJECT NAME:	Holden Ft. Lauderdale – Senior Living
GENERAL LOCATION:	1290 N. Federal Highway
ABBREVIATED LEGAL DESCRIPTION:	The Maroone Chevrolet Plat 164-47 B Portion of Parcel A
COMMISSION DISTRICT:	2 - Steven Glassman
NEIGHBORHOOD	Lake Ridge Civic Association

ASSOCIATION:
ZONING DISTRICT: Boulevard Business (B-1)
LAND USE: Commercial
CASE PLANNER: Jim Hetzel

Disclosures were made at this time.

Robert Lochrie, representing the Applicant, showed a PowerPoint presentation on the Application, which requests Site Plan Level III review for a proposed assisted living facility for senior citizens. The facility will have 263 sleeping rooms, 25 of which are located in a memory care unit. The property is located in the City's Boulevard Business (B-1) zoning district, which permits Social Service Residential Facilities (SSRFs) such as the proposed project.

Mr. Lochrie noted that the City considers the number of sleeping rooms for SSRFs rather than the number of units. The number of sleeping rooms is within the maximum density of 50 units per acre permitted by B-1 zoning. The building is proposed at eight stories in height rather than the 15 stories allowed in this district.

Code requires 9400 sq. ft. of living, dining, and recreational space within assisted living facilities. The project would provide 21,000 sq. ft. as well as 24,000 sq. ft. of outdoor space. The proposal includes an outdoor plaza, community and meeting rooms, salon, and main lobby, with glass and active uses along Federal Highway. The property includes an auto courtyard that brings cars into the site. All-valet parking is provided on the first floor of the building.

Beginning on the second floor of the building, amenities including outdoor shaded areas, a fire pit, and outdoor dining are available for residents. The waterway side of the building includes outdoor seating, a platform area, a glass area, and a boardwalk along the Middle River.

Mr. Lochrie showed a number of views of the proposed site, pointing out that the building's elevations feature glass and balconies. While the minimum bedroom size for this use is approximately 60 sq. ft., the project proposes a minimum of 120 sq. ft. Average total unit size for the project is roughly 800 sq. ft., with some units totaling up to 1500 sq. ft.

Parking calculations for SSRFs vary according to the different uses within this category. The Applicant used two models to calculate parking: the Institute of Traffic Engineers (ITE) manual, which recommends a specific requirement for assisted living facilities, and the parking calculation used by the Belmont Village facility on Sunrise Boulevard, which was approved by the Board. While the project's parking and traffic consultant determined that the facility would require 137 parking spaces, the Applicant proposes 150 spaces.

The project was presented to the Lake Ridge Civic Association, which provided a letter of support.

Ms. Parker noted a correction to p.1 the Staff Report: the correct density for the site is 50 units per acre.

Motion made by Ms. Scott, seconded by Vice Chair Fertig, to make the Staff Report part of the record [as corrected]. In a voice vote, the **motion** passed unanimously.

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. Weymouth asked if the Applicant intends to activate the waterfront in the future. Mr. Lochrie replied that activation includes outdoor seating and an amenity area. The Applicant also plans to come back before the Board in the future to install docks so visitors may access the property by boat. No long-term transient dockage is planned.

Motion made by Vice Chair Fertig to approve a Resolution of the Planning and Zoning Board of the City of Fort Lauderdale, approving a conditional use permit for Level IV Social Service Residential Facility, known as Holden Fort Lauderdale Senior Living, and the rest of the Resolution, and adopt the findings.

Vice Chair Fertig confirmed that her **motion** would also approve the four conditions listed in the Staff Report.

Mr. Weymouth **seconded** the **motion**.

Mr. Lochrie advised that a Staff condition requiring the valet parking agreement should be tied to submittal of the project's building permit rather than final DRC approval. Ms. Parker read the condition into the record:

Condition #2: prior to final DRC, the Applicant shall execute a valet parking agreement, record the agreement at its own expense in Broward County Public Records, and provide a copy of the recorded agreement to the Department of Sustainable Development.

Mr. Lochrie explained that the Applicant requests that this condition apply prior to submittal of the building permit rather than prior to DRC approval. It was confirmed that Staff approved the change. Vice Chair Fertig and Mr. Weymouth accepted the change to this condition.

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

REQUEST: **	Right-of-Way Vacation
PROPERTY OWNER/APPLICANT:	Holman Automotive, Inc.
AGENT:	Deena Gray, Esq., Greenspoon Marder
GENERAL LOCATION:	Portion of NE 8th Street, 127.50 Feet in Length, and 40 Feet in Width, East of NE 1st Avenue and West of Progresso Drive.
ABBREVIATED LEGAL DESCRIPTION:	Beginning at The Southwest Corner of Block 257 Running South to An Intersection with The Southerly Right-Of-Way Line Of Said N.E. 8th Street
COMMISSION DISTRICT:	2- Steven Glassman
NEIGHBORHOOD ASSOCIATION:	Progresso Village Civic Association, Inc.
ZONING DISTRICT:	Northwest Regional Activity Center (NWRAC)
LAND USE:	Northwest Regional Activity Center- Mixed Use Northeast (NWRAC-MUne)
CASE PLANNER:	Adam Schnell

Disclosures were made at this time.

Deena Gray, representing the Applicant, showed a PowerPoint presentation on the Application, which requests right-of-way vacation of a portion of NE 8 Street. The subject area has been closed off with fencing on both ends since 1987. It has been used for car storage and overflow inventory for the Holman Automotive dealership.

Existing conditions include an encroachment agreement between the City and the dealership for overflow parking and inventory purposes. The Applicant feels the request meets ULDR criteria in Section 47-24.6 and Section 47-25.2 for several reasons, including the long-term closure period in which the space has served no public purpose. No traffic patterns would be changed. The Applicant will dedicate an easement back to the City for utilities, pedestrian access, and emergency vehicles.

Ms. Gray noted that a number of safety concerns have been cited with regard to reopening the subject area. ITE standards for intersecting angles on NE 8 Street and Progresso Drive are approximately 45 to 50 degrees.

The Applicant has received letters both objecting to and supporting the Application. Two public participation meetings were held earlier in the year, prior to the beginning of conditions created by the COVID-19 pandemic. These meetings showed a conceptual Site Plan that has since been withdrawn; however, the Applicant wishes to move forward with the vacation request in order to attract a new project. Ms. Gray noted that the southern parcel of the subject property cannot be developed in its current state.

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

John Phillips, attorney representing Antonio Curatolo, explained that his client is a longtime property owner in the area and was shown a proposed Site Plan suggesting that the subject vacation is necessary in order to make a project work. After the presentation, it was suggested that if the subject portion was vacated and an encroachment agreement established, it would provide for both emergency vehicles and vehicular traffic.

Mr. Phillips continued that City Staff previously recommended denial of the Application due to development in the Northwest Regional Activity Center (NWRAC) and the need for interconnectivity for pedestrian and vehicular traffic. Staff recommended that the subject portion of 8 Street be returned to the right-of-way for vehicular traffic and that the existing encroachment agreement, dated 1987, be vacated.

The original request for vacation was part of a proposed development; however, at present there is no proposed development. Mr. Phillips asserted that his client would like the vacation to be denied and the encroachment vacated, as it is contrary to the concept of interconnectivity in the area. He also suggested that closing the alleyway would adversely affect his client's property.

Mr. Shechtman requested clarification of how vacation of the alley would adversely affect Mr. Phillips' client. Mr. Phillips noted that NE 8 Street extends from Progresso Drive to Andrews Avenue. He pointed out that the vacation of a portion of NE 8 Street would adversely affect an alleyway between NE 1 Avenue and NE 2 Avenue.

Mr. Shechtman asked if Staff felt reopening the subject area would create danger for vehicles or pedestrians. He also requested additional information on why the area was closed off in 1987. Benjamin Restrepo, representing the Department of Transportation and Mobility, stated that the vacation was reviewed by Staff with pedestrian traffic in mind. The intent was not to allow the vacation to affect pedestrian movement along NE 8 Street. If the vacation is denied and the parcel reopened, this movement would be shortened from roughly 500 ft. to 100 ft.

At the time the Applicant first submitted the vacation request, they did not propose any pedestrian or emergency vehicle easements. The Applicant now proposes both easements, mitigating this issue. Transportation and Mobility is currently in favor of the proposed vacation and pedestrian movement crossing.

Mr. Shechtman asked if Staff agreed that opening the subject parcel to vehicles and allowing them to continue on NE 8 Street to Progresso Drive would be hazardous, as the Applicant suggested. Mr. Restrepo advised that closing the portion of 8 Street would mitigate conflict related to approaches to the intersection point at Progresso Drive.

Tom Moody, private citizen, stated that he owns a property located at 725 Progresso Drive, which is close to the subject parcel. He was in favor of the proposed vacation so the property can be considered a single parcel for future development.

Hernan Gonzalez, private citizen, advised that he owns properties at 831 and 833 NE 2 Avenue. He felt the changing nature of development in the subject area, which promotes high-rise development, would need more street access between buildings. He opposed the vacation request, which he felt would benefit only the Applicant and not the surrounding community.

Antonio Curatolo, private citizen, stated that he owns multiple properties in the area of the proposed vacation. He recalled that the encroachment was put into place in 1987, when the area was zoned B-2 instead of NWRAC-MUone. He felt closing the street would negatively affect the entire neighborhood, as it could restrict accessibility as the area is developed.

Vice Chair Fertig asked Mr. Restrepo for additional information on how easements could mitigate crashes in the subject area. Mr. Restrepo explained that one way to mitigate crashes is to close off access. The intersection of NE 8 Street and Progresso Drive presents a dangerous angle, particularly for drivers making left turns. If the subject portion is vacated, this reduces the volume of traffic accessing NE 8 Street and potentially turning left onto Progresso Drive.

Mr. Cohen observed that he did not know why the City would allow a commercial property to close off a street and use that area as parking in 1987, then give the area to the commercial interest with no pending project on the table. He pointed out that most vacations occur when there is a project underway and the Applicant can show the City some benefit to the vacation. He also noted that property values in the subject area are dramatically higher than they were in 1987. Mr. Cohen concluded that it would be more reasonable for the City to request the area be returned to them.

Mr. Shechtman suggested that as there is no record of why the easement was recorded in 1987, it may be due to the dangerous driving conditions the portion of roadway presented. He also requested more information on the perpetual pedestrian easement proposed by the Applicant and what it might mean for future redevelopment, noting that there had been mention of a forthcoming project by the Applicant.

Mr. Barranco agreed with Mr. Shechtman and City Staff, stating that safety is significantly improved by eliminating a direct connection to Progresso Drive. He noted that NE 8 Street is not a heavily traveled roadway, and that removing it from general use is reasonable; however, he also agreed with Mr. Cohen that it was difficult to approve the vacation without knowing what is planned for the site in the future. He concluded that redevelopment of a blighted site would be a positive change for the entire area.

Ms. Scott agreed with Mr. Barranco and Mr. Cohen that it was difficult to support the proposed vacation without knowing further plans for the site.

Mr. Prewitt asked if the encroachment agreement would remain in place if the Board does not recommend in favor of the vacation. Attorney Wallen confirmed this. She added that should the Board not approve the request, there must be a basis within Code for its denial and it should be stated as part of the record. It was clarified that there was no Resolution attached to this Item.

Vice Chair Fertig stated that she felt there would be potential safety issues at the subject location if it were reopened. Chair Maus advised that she would vote in opposition of the vacation based on Section 47-24.6.A.4, as she was not certain the property is no longer needed for public purpose.

Vice Chair Fertig asked if the Board could recommend denial of the vacation request but approval of retaining the current encroachment agreement. Attorney Wallen advised that the Board may vote solely on the vacation: the encroachment lies outside their purview with respect to advising the City Commission.

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.

Ms. Gray addressed issues raised during public comment, pointing out that Staff had originally opposed the Application until they had suggested the dedication of an easement to the City, which would provide for pedestrian use, utilities, and emergency vehicles. Although subject property is currently serving no public purpose, its formal vacation and dedication of an easement would serve the community.

With regard to the property's impact on the alleyway, Ms. Gray noted that there will be no changes to traffic patterns, as the area has been closed off for over 30 years. In terms of a Site Plan, she reiterated that there was previously a Site Plan on which the Applicant was working at the same time; however, no Site Plan is currently available for presentation. She confirmed that the Applicant is committed to providing the easement to the City.

Motion made by Vice Chair Fertig, seconded by Mr. Shechtman, to approve with Staff conditions. In a roll call vote, the **motion** failed 3-6 (Chair Maus, Mr. Barranco, Mr. Cohen, Mr. Prewitt, Ms. Scott, and Mr. Weymouth dissenting).

5. CASE:

PLN-ULDR-20010001

REQUEST: *

Amend City of Fort Lauderdale Unified Land Development Regulations (ULDR) By Creating Article XII., Section 47-36; Establishing a Transfer of Development Rights Program

PROPERTY

OWNER/APPLICANT:

City of Fort Lauderdale

GENERAL LOCATION:

City-Wide

CASE PLANNER:

Trisha Logan

Historic Preservation Planner Trisha Logan recalled that this Item was deferred from the October 21, 2020 meeting so Staff could address a number of points the Board had raised at that time:

- Provide education about available incentives
- Consider adjusting the Ordinance to allow for historic designation to be revocable if transfer of development rights (TDR) is not approved
- Reach out to other cities for feedback on what does or does not work for them regarding TDR

Ms. Logan showed a PowerPoint presentation on the process by which the proposed Ordinance was developed. Beginning in 2018, Staff submitted an inquiry for resources on best practices for TDR programs. These resources were reviewed in preparation of the Ordinance's development, along with the Broward County Land Use Plan, which served as a guiding document. They also reached out to other South Florida municipalities to gather more information. Cities contacted included Sunny Isles, Miami Beach, and West Palm Beach, all of which have successful TDR programs.

The City's Historic Preservation Board (HPB) reviewed the proposed Ordinance in August 2020 and voted unanimously in support of it, although they had questions on how the process would work and how prospective buyers could identify historic resources. Ms. Logan noted that these details are not included in the proposed policy. Staff also reached out to the Council of Fort Lauderdale Civic Associations as well as the Sailboat Bend Civic Association with an offer of a presentation, but the offers were declined.

Other historic preservation incentives aside from the proposed TDR program include:

- Property tax exemptions for commercial properties and for historic properties that are making improvements
- Other exemptions for parking, flood elevation requirements, and Florida Building Code requirements for which historic properties could qualify

Information on these incentives is disseminated in various ways. Sometimes Staff is contacted directly by an interested party; there is also a video discussing the available incentives on the Fort Lauderdale Historical Society's YouTube page, and information is available on the City's website.

Ms. Logan reviewed the proposed TDR process, which would have two steps. The first step is a Certificate of Eligibility, which is applied for by the sending site. The second step is a Certificate of Transfer, which is a real estate transaction between the sending and receiving sites. The latter certificate transfers any unused floor area or density from a historic resource to new development.

The Certificate of Eligibility is a calculation provided by an applicant, verified by Staff, and issued by the Historic Preservation Planner. It expires 18 months after issuance.

Individuals have the right to appeal the determination by Staff. Ms. Logan showed a map of all historic landmarks and districts within Fort Lauderdale.

Staff proposed an update to the Ordinance to address the comment concerning the ability to revoke historic designation if a TDR does not go through. This proposed update would allow properties qualified for historic designation to apply for a Certificate of Eligibility. Properties must be identified as eligible historic resources before applying for a Certificate of Transfer.

The Certificate of Transfer is a real estate transaction between both the sending and receiving sites which involves an application requiring verification of eligibility and confirming that all criteria have been met. This application goes through the DRC process. Any rights transferred to the receiving site are transferred in perpetuity.

Criteria within the proposed Ordinance for receiving areas include:

- Land in the receiving area must comply with applicable zoning district requirements
- Receiving area cannot be located on a barrier island or within an adopted adaptation action area
- All receiving areas must comply with Federal Aviation Administration (FAA) regulations

Receiving areas for density include the properties within the City's unified flex zone and within certain zoning districts in the Uptown Urban Village. The Uptown Urban Village may also receive a transfer of floor area.

Criteria for receiving sites include:

- Must be located within a receiving area
- Must meet storm evacuation standards
- Must be compatible with adjacent and planned land uses
- No outstanding liens or violations on the property
- May not negatively affect historic resources or environmental concerns
- Must have adequate public facilities

These criteria would be reviewed when a project applies for a Certificate of Transfer.

Ms. Logan reviewed the heights and densities permitted by right in the respective receiving areas, as well as the additional heights and densities that could be allowed through TDR and the maximum heights allowable under the conditional use process. The maximum density throughout most receiving areas is 50 units per acre; the TDR would allow developers to add another 10 units per acre.

Ms. Logan noted that the minimum size of units that are incorporated into a new development using TDRs is 400 sq. ft.

Motion made by Vice Chair Fertig, seconded by Ms. Scott, to make the Staff Report part of the record. In a voice vote, the **motion** passed unanimously.

Mr. Shechtman noted that properties zoned within the Uptown Urban Village (UUV) may already build up to 150 ft. of height through conditional use; the maximum height allowed through TDR would be 45 ft. on top of the 75 ft. by right. He asked why a property would secure TDR for this addition when greater height is available through conditional use. Ms. Logan explained that conditional use presents an additional process, while TDR acts as a real estate transaction. Mr. Shechtman commented that the example of conditional use rather than TDR applies in most TDR-eligible districts.

Mr. Shechtman asked if allowing properties to seek Certificates of Eligibility prior to their designation as historical resources is a recommendation or a change to the Ordinance. Ms. Logan replied that this is an option for the Board to consider. Mr. Shechtman stated that while this is a novel idea, there are still issues with the TDR proposal, including the 18-month time limit in which TDR must occur after a property has been designated historic. He felt this discouraged property owners from designating their properties as historic until they have identified a receiving property.

Attorney Wallen clarified that it is the Certificate of Eligibility, not the transfer itself, which expires in 18 months. This Certificate is a calculation of the development rights that a property may have. Once rights have been transferred, they continue into perpetuity. If the Certificate expires, the owner may apply for another. Certificates of Eligibility may not be issued in perpetuity, as there is the possibility that Code may change.

Mr. Shechtman continued that another issue is that once a receiving property is granted TDRs, they may no longer be sent to another property in the future. He felt this would create trepidation among the development community that they may have purchased rights that cannot be transferred elsewhere if they can no longer be used for a specific development. He concluded that the two issues he had raised should be addressed before the Board makes a recommendation to the City Commission.

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

Robert Lochrie, private citizen, stated that he did not see a downside to approving the proposed Ordinance. He added that Staff has put a great deal of work into creating the Ordinance at the direction of the Mayor and City Commission and balancing the legal rights of residents, developers, and property owners involved in TDR. He suggested that allowing property owners to secure a Certificate of Eligibility stating their property's worth prior to its historic designation would be helpful. He also recommended that owners be able to use the certificate again in the future if it expires, as long as there has been no designation of property.

Mr. Lochrie continued that another concern is the process by which a TDR is granted, including neighborhood compatibility, in order to use the rights. If a developer's project is turned down and they cannot use the rights, they should be able to sell the rights to another party or move them to another location. He concluded that he would like more information on how floor area ratio (FAR) rates convert to stories.

Courtney Crush, private citizen, also addressed the 18-month period for which a Certificate of Eligibility is issued, pointing out that the owner of the certificate may not be able to find a developer or buyer willing to accept TDR until they are approved. For this reason, she felt this proposed time frame may be a problem, and asked if there is a way it may be extended if a contract, Site Plan, or other application is pending. She added that the Ordinance should more clearly quantify the development envelope, including the factoring in of yard modifications in some zoning districts.

Ms. Crush continued that the City may wish to consider increased incentives for single-family homes, pointing out that the characters of some residential neighborhoods could be enhanced by TDR. She also noted that while adding density to the barrier island/beach area is not a land use goal for the City, allowing transfers within the barrier island might help to preserve architecturally interesting buildings in that area. She concluded that she felt the proposed Ordinance is a step in the right direction.

Ms. Scott stated that while she was in favor of the Ordinance, she felt it could be improved through better incentives for historic preservation. She suggested that a single-family home on a lot with higher density, for example, should be able to transfer its difference in density without eliminating the total density available. She felt this would have greater value for both the development community and historic preservation within the City.

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.

Vice Chair Fertig observed that Staff has responded to all the concerns the Board had raised the previous month. She suggested that the Board provide additional suggestions for Staff to review before the Ordinance is sent to the City Commission. Chair Maus stated that the Board has thoroughly reviewed the proposed Ordinance, and she felt the only action remaining to be taken would be to pass it on to the City Commission, where it would have another two public hearings.

Mr. Shechtman noted that the Board has raised a number of issues, but has not addressed others, such as the issue of project approval raised by Mr. Lochrie. He and Ms. Scott felt this should be incorporated into an actual Resolution that the Board can pass on to the City Commission.

Motion made by Ms. Scott, seconded by Mr. Weymouth, to defer until next month and let Staff look at these recommendations.

Vice Chair Fertig asked if 30 days' deferral would provide sufficient time for Staff to review the recommendations made at tonight's meeting. Ms. Logan replied that most of the points raised during discussion are inconsistent with what is permitted by the Broward County Land Use Plan.

Attorney Wallen advised that Staff can review the Board's recommendations as included in their motion before the Ordinance is presented to the City Commission, but cautioned that she could not promise the Ordinance would undergo any changes based on the recommendations before the December 2020 meeting.

In a roll call vote, the **motion** passed 5-4 (Chair Maus, Mr. Barranco, Mr. Prewitt, and Mr. Shechtman dissenting).

Ms. Logan requested clarification of the specific direction provided by the Board, including the ideas they would like Staff to research further before the next meeting. It was clarified that these included Ms. Scott's recommendation that historic properties may count existing structures in density and FAR calculations when transferring development rights. Attorney Wallen advised that this is not an option under the Broward County Land Use Plan, and the Ordinance would not be changed accordingly.

Ms. Scott concluded that Staff should review the meeting minutes and inform the Board in December of what changes they may or may not make.

Mr. Shechtman advised that the Ordinance include language allowing properties currently on the state's historic registry to seek Certificates of Eligibility prior to their designation as historic. He added that the Ordinance should also consider allowing receiving sites to transfer their TDRs to another site in the future.

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

City's Infrastructure Capacity Analysis Process and Waterway Quality – Public Works Department

Ms. Parker introduced Director of Public Works Raj Verma and project managers Tom Lawrence and Igor Vassiliev. Mr. Verma advised that tonight's PowerPoint presentation addresses both the City's wastewater capacity and collection system as well as the water distribution system.

Mr. Verma stated that the City's wastewater system is a three-part system consisting of collection, transmission, and treatment networks. The collection network moves wastewater from development sewer laterals to gravity mains, which then moves

wastewater to the manhole system. Once wastewater reaches the manholes, it enters the transmission network, which consists of pump stations that move wastewater through force mains. The third network includes the treatment plant, which treats sewage and uses pump stations to move water into injection wells.

Mr. Verma explained that when re- or new development is proposed, Staff uses a desktop model to evaluate the gravity tide capacity. This is the starting point that ensures any volume generated by new or redevelopment can be sufficiently addressed by the system. Pipe flow range is typically between 50% and 70%. If this threshold is reached using the desktop model, Staff determines that the size of the infrastructure involved must be increased and does not approve the project until improvements are made.

The next Staff verification addresses sewer pump stations. The most important element here is pump running time, which establishes a parameter for how much flow is coming into the system. The professional standard is for pumps to run no more than 10 to 12 hours per day, with a possible maximum of 15 hours. Any running time that exceeds this would require the development responsible for additional flow to work with the City to increase pumping capacity. This includes the capacity of the force main system.

Mr. Verma noted that while developers are not typically asked to increase force main capacity, in rare cases it becomes evident that a very large development will cause the City to re-evaluate the force main system. While he did not recall any specific instances in which this recommendation has been made, he did not feel the City would hesitate to make this request if necessary.

Once wastewater enters the force main system, sewage is sent to the treatment plant. Fort Lauderdale has a permitted capacity of approximately 55 million gallons per day (MGD). City Staff works to ensure that any new development does not increase this capacity. From the treatment plant, water is sent into deep injection wells, which are approximately 3000 ft. below the surface. Each of the five wells has a capacity of approximately 19 million gallons. The City puts roughly 90 million gallons of water into these wells, although the permitted plan capacity is only 55 gallons. This excess capacity helps combat inflow and infiltration (I&I) issues or other unexpected conditions that affect flow.

Mr. Barranco asked if the 50% threshold for gravity systems refers only to the physical design capacity of the transmission line, or if it also factors in the age of the line. Mr. Verma replied that Staff makes two critical distinctions: the capacity element and the condition assessment. Capacity refers to the threshold, which Staff may allow to increase to 70% if the pipe is of a certain diameter. 30% of the pipe's area must remain unused to accommodate any unforeseen flows that could intrude due to rain events. They do not assess the condition of the infrastructure, which is a City function. No one development can be forced to take care of this system, as it is ultimately the City's responsibility.

While condition is not a part of Staff's analysis, if Staff believes there to be condition issues present they may raise this concern. This is typically not done, however, as the party or parties using the system are paying into that system with the belief that the City is going to do the right thing and ensure the system is properly maintained. Sewer and water rates include repair and replacement (R&R) costs, which go into ensuring appropriate maintenance to ensure pipes are functional.

Mr. Verma continued that in the event the size of a pipe needs to be increased, the City looks at the existing system and may ask the developer to work with them to make this upgrade. This often occurs when impact fees do not include this element. If sufficient capacity is present, however, the user is not asked to participate in an upgrade.

Mr. Barranco commented that the reason the City had requested a presentation on this issue is because the Board approves a number of developments, most of which are described as falling within the appropriate threshold for capacity, while at the same time there are infrastructure issues occurring throughout the City. He expressed concern that there is no way for this to be addressed when the Board is asked to approve a project. He also pointed out that the capacity threshold may be met, but may be insufficient due to the age of the pipe(s). He suggested if Staff is aware of these conditions in areas where projects are proposed, they consider sharing this information with the Board.

Mr. Verma stated that wastewater infrastructure is "extremely dilapidated" throughout the City, and Staff may make the Board aware of these issues wherever studies have been conducted to determine conditions. He was not certain, however, that this would be allowed to affect the Board's approval of plans, as the condition of infrastructure remains the City's responsibility. He also confirmed that a plan for upgrades to this infrastructure is underway, but will take roughly five to ten years to complete.

Attorney Spence added that the Board is asked to evaluate the criteria outlined in Code for approval of projects. His concern was that any additional information of this nature which is provided by Staff would not be part of those criteria, which means it would be subject to challenge if taken into consideration.

Chair Maus stated that the Board's comments would be transmitted to the City Commission, which may find a reason to give Staff direction to make changes that would permit these considerations to be incorporated into the Board's approval process.

VII. VOTE FOR PLANNING AND ZONING BOARD 2021 CALENDAR

Chair Maus noted that the Board members were provided with a list of proposed 2021 meeting dates.

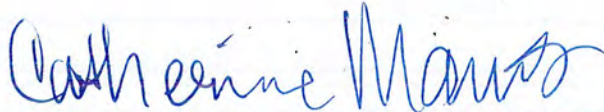
Motion made by Vice Chair Fertig, seconded by Ms. Scott, to adopt the dates.

Ms. Parker confirmed that the dates before the Board have been updated to avoid any conflict with Yom Kippur.

In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:45 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.]

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

LAST NAME—FIRST NAME—MIDDLE NAME WEYMOUTH, MICHAEL	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE PLANNING & ZONING BOARD.
MAILING ADDRESS 600 SAGAMORE ROAD	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 FT. LAUDERDALE, FL 33301	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 11.18.2020	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).

* * * * *

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, MICHAEL WEYMOUTH, hereby disclose that on NOVEMBER 18TH, 20 20:

(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, THE LAS OLAS COMPANY.;
- 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:

I AM THE PRESIDENT OF THE LAS OLAS CO., WHICH OWNS A PARTICULAR PROPERTY THAT IS OCCUPIED BY A TENANT THAT MR. MIKE PIZZI REPRESENTS AND WE ARE CURRENTLY INVOLVED IN LITIGATION.

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.

Nov. 18, 2020
Date Filed

Mike Weymouth
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.

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 Paul Barranco, hereby disclose that on November 18, 20 20 :

(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:

I am the architect contracted by South Fork Marina LLC. South For Marina was being considered before the board.

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.

11/18/2020

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.