

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JULY 17, 2013 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2013-May 2014	
		Present	Absent
Patrick McTigue, Chair	P	2	0
Leo Hansen, Vice Chair	P	2	0
Brad Cohen	P	1	1
Stephanie Desir-Jean	A	1	1
Michael Ferber	P	2	0
James McCulla	P	2	0
Michelle Tuggle	P	2	0
Tom Welch	A	1	1
Peter Witschen	P	2	0

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

Staff

Ella Parker, Urban Design and Planning Manager
Bob Dunckel, Assistant City Attorney
Eric Engmann, Urban Design and Development
Tom Lodge, Urban Design and Development
Todd Okolichany, Urban Design and Development
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

Index

	<u>Case Number</u>	<u>Applicant</u>
1.	8Z12** *	New Mount Olive Missionary Baptist Church, Inc. / New Mount Olive Missionary Baptist Church
2.	9Z12** *	New Mount Olive Missionary Baptist Church, Inc. / New Mount Olive Missionary Baptist Church
3.	10Z12** *	New Mount Olive Missionary Baptist Church, Inc. / New Mount Olive Missionary Baptist Church
4.	11Z12** *	New Mount Olive Missionary Baptist Church, Inc. / New Mount Olive Missionary Baptist Church
5.	2P13**	New Mount Olive Missionary Baptist Church, Inc. /

Motion made by Mr. Ferber, seconded by Ms. Tuggle, to approve [Item 9]. In a roll call vote, the **motion** passed unanimously.

10. City of Fort Lauderdale

Anthony Fajardo

9T13

Request: * **Amendment to City's Unified Land Development Regulations (ULDR) creating Section 47-37A, Innovative Development District, and amending Section 47-37, Planned Unit Development District.**

General Location: Citywide

District:

Ms. Parker explained that this Item was a proposed amendment to City Code in response to community concerns regarding the existing Planned Unit Development (PUD) Ordinance, which permits development outside of regular zoning criteria. The concerns were for potentially negative impacts associated with rezoning properties to the PUD district, such as compatibility issues.

On May 17, 2011, the City Commission adopted an Ordinance establishing a moratorium on rezoning properties to PUD. The Commission also created a PUD Advisory Committee to recommend changes to the Ordinance. The Committee's recommendation was to create a new Ordinance that would allow innovative development, with specific criteria that must be met in order to submit applications under this particular Ordinance.

The only additional amendment recommended by Staff at this time is that the expiration and extension under Section 47-37.A.16 include the following: that unless a phasing plan is approved as part of the new Innovative Development District, the provisions of Section 47-24.4.1.2, 3, and 4 shall advise the expiration of the Innovative Development (ID) approval. If this approval expires, it shall be considered null and void unless extended by the City Commission; in addition, if allowed to expire, the portion of the property developed prior to the expiration of ID approval shall revert to the previous zoning district.

Mr. McCulla requested an example of a project that might be developed under this new district. Ms. Parker advised that the ID district is intended to foster and encourage development including innovative elements that are not otherwise permitted under existing Code. The development must demonstrate substantial, significant, and recognizable improvements to the neighboring community and the City in general, such as the preservation and re-use of historically significant structures that are not otherwise protected. She cited the example of Tiffany House, a recent beach development that incorporates the existing structure on the site. Other considerations include provisions for a walkable mixed-use

neighborhood that would incorporate Complete Streets criteria, streetscape design, superior architectural design, placement and orientation of buildings, attainment of Leadership in Energy and Environmental Design (LEED) standards, and provision of public facilities and/or open space.

She concluded that the amendment would refer to an innovative development that cannot be accommodated on a site, but provides unique benefits under the district's standards.

Mr. McCulla asked if the new district would allow the placement of a commercial use within a residential district. Ms. Parker said by its nature, a commercial use was likely to meet some of the mixed-use criteria.

Attorney Dunckel asked if the amendment would allow for the development of a project that was not consistent with the City's Comprehensive Plan. Ms. Parker confirmed this, stating that the proposed district would apply to projects that extend "beyond the envelope of the zoning Code" to create a more significant project, which might otherwise be limited by existing site provisions. The project's benefit to the overall community would be determined by a supermajority vote by the City Commission.

Mr. McCulla observed that the plot size for these projects would be at least 2.5 acres in the City or 1 acre within the Downtown Regional Activity Center (RAC). Ms. Parker explained that this would be due in part to the necessity that the development be significant. She cited Bahia Mar as an example, noting that the development process for this property had taken approximately six years of working with its neighbors and the surrounding community to arrive at a design that proved to be of public benefit. She concluded that the criteria for this process are now more strictly defined.

Mr. Witschen asked if Bahia Mar would be likely to meet the new criteria if it was presented today. Ms. Parker advised that while she could not determine this, the project would be able to apply under the new criteria. She characterized the former criteria as "nebulous," with no specific examples of what might constitute a unique or innovative development, such as walkable neighborhood centers or open space.

Vice Chair Hansen noted that all ID projects would come before the Board and then the City Commission, with a supermajority vote required of the Commission. He asked if Staff would determine whether or not a given project meets the eight criteria for the ID zoning district, and asked if projects must meet all these criteria or a certain number of them. Ms. Parker said the projects must meet the overall intent of the criteria, and must conduct significantly more community outreach at the project's onset before a development plan is presented.

Vice Chair Hansen requested greater clarification of “overall intent,” asking if a project applying for an ID district must meet each of the eight criteria. Ms. Parker clarified that a project must meet all the criteria.

Mr. Ferber returned to the issue of a minimum size threshold for an ID project, asking if it would be possible for this minimum size to be reduced within the Downtown RAC in future years. He felt smaller projects, such as parcels of .5 acre, could be beneficial to the City despite their size. Ms. Parker pointed out that the Downtown Master Plan provides guidance for development within the Downtown RAC.

Chair McTigue asked if smaller lot size within the Downtown RAC had been considered during the creation of the proposed Ordinance. Ms. Parker said there had been a great deal of discussion between Staff and the PUD Advisory Committee regarding this and other criteria. She felt other Regional Activity Centers, which do not have a Master Plan, might benefit from allowing ID zoning on smaller lots, such as .5 acre.

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

Jim Brady, private citizen, stated that he had served on the PUD Advisory Committee for roughly 1.5 years. He felt two of the proposed Ordinance’s strongest attributes were up-front public transparency and the supermajority vote required of the City Commission. Mr. Brady concluded that if a project is truly unique and provides a benefit to the community, it will compel a supermajority vote; if this vote cannot be achieved, the developer may request a variance.

Attorney Dunckel pointed out that the variance process should not allow the Board of Adjustment to override a denial by the City Commission. Mr. Brady explained that this was not his intent: rather, the proposed Ordinance should show that a project is sufficiently beneficial to receive the ID zoning designation without the requirement of proving a legal hardship.

Vice Chair Hansen requested Mr. Brady’s opinion on changing the required parcel size to less than one acre. Mr. Brady replied that the Committee had concluded that smaller parcels should apply for variances rather than ID zoning; however, if the community perceives certain smaller projects as extraordinary and beneficial, these will ultimately necessitate reconsideration of the size requirement. He felt the Committee’s process of determining the criteria should be respected.

Tim Hernandez, President of the Coral Ridge Homeowners’ Association, stated that he had attended several PUD Advisory Committee meetings, as he is an urban planner and developer specializing in infill and redevelopment. He stated

that other south Florida cities already have mechanisms in place to allow certain projects to deviate from Code if they can demonstrate superior design; however, this possibility does not currently exist in Fort Lauderdale. Mr. Hernandez pointed out that in some cases, strict adherence to Code can result in substandard development. He advised that if a developer cannot demonstrate that a given design deserves consideration for ID, they should not receive this designation.

Mr. Hernandez continued that when developing urban infill, a neighborhood may be created "one parcel at a time." For this reason, he felt there should be no 2 acre minimum for a parcel. He also felt a supermajority vote of the City Commission was unnecessary, as good design should not be politicized.

As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Witschen, seconded by Vice Chair Hansen, to approve [Item10] as written.

Mr. McCulla suggested that it may be better not to require a minimum parcel size or supermajority, as proposed by Mr. Hernandez. Mr. Witschen replied that while he would accept an **amendment** reducing minimum size, he did not wish to eliminate the need for a supermajority vote. It was clarified that the Ordinance as written would not require a supermajority vote of the Planning and Zoning Board, but only of the City Commission.

Mr. Cohen asked what would happen if a project did not receive a supermajority vote by the City Commission. Attorney Dunckel replied that the applicant could then seek individual variances.

Chair McTigue requested that Mr. Witschen restate the **amended motion**. Mr. Witschen clarified the **amendment** would eliminate the required minimum parcel size and would add the requirement of a supermajority vote by the Planning and Zoning Board.

Attorney Dunckel recommended that the supermajority requirement for the Board be expressed as "a majority plus one." Mr. Witschen agreed that this language would be part of his **motion**. Ms. Parker added that this would still require an application to proceed to the City Commission for final approval.

Vice Chair Hansen asked if Ms. Parker felt these changes would create a burden on City Staff, perhaps by allowing significantly more projects to apply for the ID district. Ms. Parker said Code is already being assessed to change the public outreach process, as well as design criteria, for residential neighborhoods; the ID Ordinance is intended to consider more significant projects, and she was not

certain that it would be sensible to change the acreage requirement, apart from within RACs.

Mr. McCulla agreed that there are already criteria within the proposed Ordinance that would govern its applicability. Mr. Witschen pointed out that the expense and level of analysis required of projects applying under ID criteria would mean only significant projects would be able to go through the process.

It was clarified that the **amended motion** would require a majority plus one vote of the Planning and Zoning Board and a supermajority vote of the City Commission. Vice Chair Hansen **seconded** the **amended motion**.

The **amended motion** was restated as follows: **motion** to approve, with a friendly amendment to eliminate a minimum size requirement as to the parcel size and to add that the Planning and Zoning Board be required to approve with a majority plus one vote.

In a roll call vote, the **motion** passed 7-0.

11.	<u>Downtown Units Land Use Plan Amendment</u>	Todd Okolichany	2T13
Request: *	Amend text in the Future Land Use Element of the Comprehensive Plan by increasing the residential density within the Downtown Regional Activity Center (RAC) land use designation from 11,060 dwelling units to 16,060 dwelling units.		
General Location:	The amendment applies to the Downtown Regional Activity Center (RAC), generally located south of Sunrise Boulevard, north of the Tarpon River, between S.E. 9th Avenue and N.W. 7th Avenue, in the City of Fort Lauderdale.		
District:	2 and 4		

Todd Okolichany, representing Urban Design and Development, explained that Staff is proposing a text amendment to the City's Comprehensive Plan which would increase the supply of residential dwelling units in the Downtown Regional Activity Center (RAC) by 5000 units. This would increase the current total of 11,060 dwelling units to 16,060 units.

He added that the proposed amendment is part of a larger City project that would increase the supply of units within the Downtown RAC. Staff brought the first phase of this project before the Board and the City Commission earlier in the year. The earlier phase amended the ULDR to allow the use of flexibility units within the Downtown RAC. Mr. Okolichany advised that flex units may be used either inside or outside the Downtown RAC, while the current proposed amendment would increase the overall supply of dwelling units within the Downtown RAC only.