

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

**Cumulative**

<b>Board Members</b>	<b>Attendance</b>	<b>June 2013-May 2014</b>	
		<b>Present</b>	<b>Absent</b>
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**

	<b><u>Case Number</u></b>	<b><u>Applicant</u></b>
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. /

6. 3P13\*\* New Mount Olive Missionary Baptist Church  
New Mount Olive Missionary Baptist Church, Inc. /  
New Mount Olive Missionary Baptist Church
7. 65R12\*\* New Mount Olive Missionary Baptist Church, Inc. /  
New Mount Olive Missionary Baptist Church
8. 37R13\*\* Multi-Tenant Restaurant Building
9. 8P13\*\* James Bradley Fazio / 1200 North Federal Plat
10. 9T13\* City of Fort Lauderdale
11. 2T13\* Downtown Units Land Use Plan Amendment
12. Communication to City Commission
13. For the Good of the City

### 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 McTigue called the meeting to order at 6:30 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

Chair McTigue stated that Applicants and their agents are allowed 15 minutes of presentation time for an Item; representatives of associations and groups are allowed five minutes, and individuals are allowed three minutes.

Chair McTigue noted a correction to the June 19, 2013 minutes: the departure time listed for him on the attendance log should be omitted.

**Motion** made by Ms. Tuggle, seconded by Mr. Ferber, to approve [as amended]. In a voice vote, the **motion** passed unanimously.

It was determined that Items 1 through 7 would be presented together, as they were from the same Applicant.

1. New Mount Olive Missionary Baptist Church, Inc. Thomas Lodge 8Z12  
/ New Mount Olive Missionary Baptist Church

**Request: \*\*\*** Rezoning Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to Community Facility-House of Worship (CF-H)

**Legal Description:** Lots 1, 2, 3, 4, 5, 6, 7, and 8, Block "B", FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION OF BLOCK 6, according to the plat thereof, as recorded in Plat Book 1, Page 57, of the public records of Dade County, Florida.

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General Location: Southwest corner of NW 8 Avenue and NW 4 Street

District: 3

**Deferred at June 19 Meeting**

2. **New Mount Olive Missionary Baptist Church, Inc.** Thomas Lodge 9Z12  
**/ New Mount Olive Missionary Baptist Church**

**Request: \*\* \*** Rezoning Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to Community Facility-House of Worship (CF-H)

Legal Description: Lots 33 and 34, Block 18, NORTH LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 48, of the public records of Dade County, Florida; AND the West one-half (W ½) of that certain 15.00 foot alley, lying East of and adjacent to said lots 31 and 32.

General Location: East side of NW 8 Avenue between NW 4 Street and NW 5 Street

District: 3

**Deferred at June 19 Meeting**

3. **New Mount Olive Missionary Baptist Church, Inc.** Thomas Lodge 10Z12  
**/ New Mount Olive Missionary Baptist Church**

**Request: \*\* \*** Rezoning Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to Community Facility-House of Worship (CF-H)

Legal Description: Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 33, 34, 35, 36, 40, 41, 42, 43, 44, 45, 46, 47 and 48, Block 17, NORTH LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 48, of the public records of Dade County, Florida.

General Location: South side of NW 5 Street between NW 8 Avenue and NW 9 Avenue

District: 3

**Deferred at June 19 Meeting**

4. **New Mount Olive Missionary Baptist Church, Inc.** Thomas Lodge 11Z12  
**/ New Mount Olive Missionary Baptist Church**

**Request: \*\* \*** Rezoning Residential Mid Rise Multifamily/Medium High Density District (RMM-25) to Community Facility-House of Worship (CF-H)

Legal Description: Lots 28, 29, 30, 31, 32, 33, 34, 35, AND 36, Block "B", FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION OF BLOCK 6, according to the plat thereof as recorded in Plat Book 1, Page 57, of the public records of Dade County, Florida.

General Location: Northwest corner of NW 3 Street and NW 8 Avenue

District: 3

**Deferred at June 19 Meeting**

5. **New Mount Olive Missionary Baptist Church, Inc.** Thomas Lodge 2P13  
**/ New Mount Olive Missionary Baptist Church**

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**Request: \*\***                      **Vacation of Right-of-Way**

Legal Description:              All that certain 15.00 foot platted Alley in Block 17, NORTH LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 48 of the records of Dade County, Florida, lying West of and adjacent to Lots 1 through 24 inclusive, of said Block 17 AND lying East of and adjacent to Lots 25 through 48 inclusive of said Block 17.

General Location:              North side of NW 4<sup>th</sup> Street between NW 8<sup>th</sup> Avenue and NW 9<sup>th</sup> Avenue

District:                              3

**Deferred at June 19 Meeting**

6.    **New Mount Olive Missionary Baptist Church, Inc.**    **Thomas Lodge**                      **3P13**  
      **/ New Mount Olive Missionary Baptist Church**

**Request: \*\***                      **Vacation of Right-of-Way**

Legal Description:              All that certain 10.00 foot platted Alley in Block "B", FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION OF BLOCK 6, Fort Lauderdale, according to the plat thereof, as recorded in Plat Book 1, Page 57, of the public records of Dade County, Florida, lying South of and adjacent to Lots 1 through 18 inclusive of said Block "B" AND North of and adjacent to Lots 19 through 36 inclusive of said Block "B".

General Location:              East side of NW 9<sup>th</sup> Avenue between NW 3<sup>rd</sup> Street and NW 4<sup>th</sup> Street

District:                              3

**Deferred at June 19 Meeting**

7.    **New Mount Olive Missionary Baptist Church, Inc.**    **Thomas Lodge**                      **65R12**  
      **/ New Mount Olive Missionary Baptist Church**

**Request: \*\***                      **Site Plan Level III – Increase in Maximum Dimensional Requirements**

Legal Description:              Lots 3 through 36 inclusive and Lots 40 to 48 inclusive, Block 17, NORTH LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 48 of the public records of Dade County, Florida. TOGETHER WITH: Lots 25 through 34 inclusive, Block 18, NORTH LAUDERDALE, according to the plat thereof, as recorded in Plat Book 1, Page 48, of the public records of Dade County, Florida, and the West one-half of that certain 15 foot alley (now vacated) lying East of and adjacent to said lots 25 through 34, now vacated. AND ALSO TOGETHER WITH: Lots 1, 2, 3, 4, 5, 6, 7, 8, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, Block "B", FORT LAUDERDALE LAND AND DEVELOPMENT COMPANY SUBDIVISION OF BLOCK 8, Fort Lauderdale, Florida, according to the plat thereof, as recorded in Plat Book 1, Page 57, of the public records of Dade County, Florida.

General Location:              Northeast corner of NW 9<sup>th</sup> Avenue and NW 4<sup>th</sup> Street

District:                              3

**Deferred at June 19 Meeting**

Disclosures were made, and any members of the public wishing to speak on these Items were sworn in.

Hope Calhoun, representing the Applicant, stated that Planning, CRA, Engineering, and Sustainable Development Staff have met multiple times with the Applicant regarding the Application. The Applicant has also reached out to residents of the subject area and members of the nearby neighborhood association.

She explained that the purpose of the Application was for the expansion of the existing New Mount Olive Missionary Baptist Church, which will include the addition of a chapel and more parking. The proposal would rezone the parcels of property owned by the church, which she identified on a visual rendering. The property is bordered by two existing single-family homes that are not part of the rezoning request.

The Church's intent is to provide parking for the expanding facility, renovate the existing 30,000 sq. ft. church building, and add a family life center. The Church presently has 1400 members. The expansion plan will add a new sanctuary, which will seat approximately 1900 people. An open meditation area and chapel will also be added. The chapel will seat approximately 200 people.

Ms. Calhoun stated that all the parcels the Church is seeking to rezone are presently zoned RMM-25. The first four Applications request the rezoning of these parcels to CFH, Community Facility-House of Worship. The next Application requests the vacation of a 15 ft. alley. The Church owns the property on both sides of this alley, with the exception of the single-family homes, as previously noted. The purpose of the alley vacation is to accommodate the facility's expansion and provide pedestrian connectivity from the street to the new chapel. The Applicant has met with the owners of both single-family homes, who are supportive of the proposed development and have signed the vacation Application.

The next Application seeks the right-of-way vacation of a 10 ft. alley. Ms. Calhoun identified the parcels owned by the Church and the City on the rendering, noting that additional lots in this area are owned in trust. The Applicant has met with the Trustee, who did not indicate any disagreement with the Application. The plans are to improve the alley where it is surrounded on both sides by Church-owned property. A pedestrian easement and improvements will be provided along the vacation. The portion of the alley in which the Church does not own both sides of the right-of-way will remain unimproved.

Ms. Calhoun noted that the final Application is a site plan. She recalled that the existing church is roughly 30,000 sq. ft. in size and can hold up to 1400 people; the proposed expansion would increase the property to 41,000 sq. ft. and have a

seating capacity of 1900. It will not change the footprint of the existing building, but will change the use. Improvements will be made to the dining hall and provide a meeting place for church members. The chapel, which will seat 200 people, is adjacent to the existing facility. In addition to the two proposed surface parking lots, improvements made within the right-of-way include landscaping, pavement, and street connectivity.

Ms. Calhoun observed that the existing sanctuary is 50 ft. in height. The new facility will be constructed to the same height. She noted that current Code limits the height of structures within the area to 35 ft. In addition, parking calculations were made along two different scenarios at the request of Staff, in order to examine the "worst-case scenario" of providing parking for 1900 seats.

She added that while Code requires 475 parking spaces for the facility, the additional surface lots will provide 443 spaces, leaving a deficit of 32 spaces. However, Ms. Calhoun pointed out that an additional 50 on-street spaces are within 700 ft. of the facility. Members may also walk or take existing shuttle service from the surrounding neighborhood to the church. Code allows the use of grass drive aisles, as the parking lots themselves will be paved.

Ms. Calhoun concluded by showing the elevations of the proposed facility, noting that some setback variances will require the Application to go before the Board of Adjustment.

Mr. Ferber requested clarification of the approvals sought from neighboring properties for the vacation listed in Item 6. Ms. Calhoun explained that the Applicant met with the Trustee of this property, which is presently held in trust. The Trustee had indicated that s/he not opposed to the vacation, but was not comfortable signing onto the vacation as a representative of the trust. Other surrounding properties are City-owned. The Application has gone before the City's Property and Right-of-Way (PROW) Committee and Development Review Committee (DRC) for approval.

Mr. McCulla requested clarification of the setbacks for which the Application will go before the Board of Adjustment (BOA). Ms. Calhoun showed the location of these setbacks on the visual rendering, noting that a portion of the chapel encroaches 5 ft. into the setback on 9<sup>th</sup> Avenue. A portion of the overhead entryway and choir loft also extend into the setback. These extensions do not reach the ground.

Mr. McCulla asked how the Board could be expected to approve a nonconforming site plan. Attorney Dunckel explained that the approval would be subject to the BOA granting the requested variances. If the variances are not granted, the Application would come back before the Board.

Tom Lodge, representing Urban Design and Development, stated that the Applicant proposes to expand a house of worship, which is subject to a Site Plan Level 3 permit. The request is for a 45,493 sq. ft. floor area and a height of 51 ft. 1 in., while the maximum floor area and height permitted by Code in a CFH zoning district are 10,000 sq. ft. and 35 ft. respectively. The Application will go before the Board of Adjustment on August 14, 2013 to request three setback variances for the property.

Mr. Lodge continued that the Applicant requests four separate rezonings from RMM-25 to CFH in order to accommodate new parking for the proposed facility. The Applicant also requests two right-of-way vacations for 10 ft. and 15 ft. Staff recommends approval of the Items with the conditions stated in the Staff Report.

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

Attorney Dunckel advised that the Board must vote on each Item separately.

**Motion** made by Mr. McCulla, seconded by Mr. Witschen, to approve Item 1 subject to Staff conditions. In a roll call vote, the **motion** passed 7-0.

**Motion** made by Mr. McCulla, seconded by Mr. Witschen, to approve Item 2 subject to Staff conditions. In a roll call vote, the **motion** passed 7-0.

**Motion** made by Mr. McCulla, seconded by Mr. Witschen, to approve Item 3 subject to Staff conditions. In a roll call vote, the **motion** passed 7-0.

**Motion** made by Mr. McCulla, seconded by Mr. Witschen, to approve Item 4 subject to Staff conditions. In a roll call vote, the **motion** passed 7-0.

**Motion** made by Mr. Witschen, seconded by Mr. McCulla, to approve the vacation request as per Staff's recommendation for Item 5. In a roll call vote, the **motion** passed 7-0.

**Motion** made by Mr. Witschen, seconded by Mr. McCulla, to approve Item 6, the vacation, subject to Staff conditions. In a roll call vote, the **motion** passed 7-0.

**Motion** made by Mr. Witschen, seconded by Mr. McCulla, to approve site plan, Item 7, subject to the Board of Adjustment as the Attorney said. In a roll call vote, the **motion** passed 7-0.

<b>Request: **</b>	<b>Site Plan Level III – Waterway Use</b>
<b>Legal Description:</b>	The South ½ of Lot 3 and a portion of Parcel "B" CORAL RIDGE PROPERTIES, according to the plat thereof, as recorded in Plat Book 28, Page 8, of the Public Records of Broward County, Florida.
<b>General Location:</b>	West side of N. Federal Highway between E. Oakland Park Blvd. and NE 26 <sup>th</sup> Street
<b>District:</b>	1

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Robert Lochrie, representing the Applicant, stated that the request is for site plan approval of a waterway use for a 9000 sq. ft. retail shopping center. He showed multiple views of the property, noting that the building is designed to meet the City's inter-district corridor requirements and provides opportunities for outdoor dining. The building was designed to maximize visibility from the highway and add to the pedestrian activity along this highway by including a sidewalk, landscape buffer, and shade trees along the street.

The property to the west is buffered by landscaping, the majority of which is 20 ft. One portion at the northern end of the property is just over 17 ft. A small landscape area also separates the property from a nearby car wash, as required by Code. The building meets all Code requirements, including parking. A wall will be added to the property with landscaping on both sides as a buffer.

Attorney Dunckel asked if the outdoor service area proposed for the property would lie within the 20 ft. inter-district corridor. Mr. Lochrie said it is not directly located within this area.

Eric Engmann, representing Urban Design and Development, advised that the project is located on a waterway and subject to Site Plan Level 3 review. The Applicant proposes a 9315 sq. ft. commercial building, with 1000 sq. ft. of outdoor dining. The property is approximately 2 acres in size. The waterway use requires a 20 ft. landscape buffer. The Applicant is also requesting a yard modification from 20 ft. to 17 ft. to allow for parking. Staff recommends approval of the Application.

Mr. Witschen requested clarification of the written notices required for the Application. Mr. Lodge replied that sign notice was provided on the site.

There being no further questions from the Board at this time, Chair McTigue opened the public hearing. As there were no 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 Mr. Cohen, to approve [Item 8] as consistent with the plan. In a roll call vote, the **motion** passed 7-0.

9. James Bradley Fazio / 1200 North Federal Plat Thomas Lodge 8P13

<b>Request: **</b>	<b>Plat Approval</b>
Legal Description:	A portion of the North 400 feet of the South 903.85 feet of Government Lot 7, Section 36, Township 49 South, Range 42 East, Broward County, Florida, lying East of U.S. Highway No. 1.
General Location:	East side of N. Federal Highway and west of the Intracoastal Waterway, north of E. Sunrise Boulevard
District:	2

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Robert Lochrie, representing the Applicant, advised that the request is for boundary plat approval. If approved by the Board, the Application will go before the City Commission and County Commission for further approval. A site plan is also underway and will go through the City's DRC process. The Applicant is in agreement with Staff conditions.

Mr. Witschen asked for the timeline on which the existing structure on the site will be demolished. Mr. Lochrie said it will be torn down within 60 days.

Mr. Lodge stated that the proposed plat is for a 76,653 sq. ft. parcel, on which a new automobile dealership with inventory storage will be constructed. Staff recommends approval of the Application.

Mr. Witschen asked if the Applicant would accept the stipulation that only minor auto maintenance would be performed on-site. Mr. Lochrie agreed that minor repair would occur inside the building. A solid east wall separates the project from a nearby residential area, and major repairs would be conducted off-site.

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

He provided a brief history of the dwelling units within the Downtown RAC, noting that in 1989 the City's Comprehensive Plan established a cap of 5100 units. Since that time, there have been two amendments to the original approval of these 5100 units: in 2003, the City approved 2960 units through a ULDR amendment by reallocating units from surrounding flex zones to the Downtown area. In 2006, the City approved a Land Use Plan amendment that increased the supply of dwelling units in the Downtown area by 3000. This led to the current total allocation of 11,060 units.

Mr. Okolichany explained that the reason for the incremental approach, rather than a single request for a very large addition of units, is to ensure there is sufficient infrastructure in place to accommodate an increase in units. This includes sufficient sewer and water capacity, as well as mass transit, traffic, and impacts to schools and affordable housing. The incremental approach allows the City and County to ensure that these facilities and services are adequate to support the increase in dwelling units.

Another reason for the requested addition is that 391 market-rate units and 426 affordable housing units remain in the Downtown RAC at present, including pending applications. Staff feels that the proposed amendment would ensure the Downtown RAC continues to evolve as a vibrant urban center. The increase in units would also help future transit initiatives, such as the Wave streetcar and commuter rail service along the FEC line. The transit improvements will help mitigate the potential traffic impacts associated with the increase in units.

Mr. Okolichany concluded that the proposed Land Use Plan amendment furthers the goals, policies, and objectives of the City's Comprehensive Plan, the Broward Comprehensive Plan, and the Downtown Master Plan. It will continue to encourage future development within the Downtown RAC, discourage urban sprawl, and preserve some of the surrounding neighborhoods. The Downtown Master Plan is supportive of the continued growth of the Downtown area with increased residential units.

Regarding other impacts, the Land Use Plan Amendment Report supplied to the Board members was prepared by the Department of Sustainable Development in tandem with the Downtown Development Authority (DDA). This report analyzes the potential effects of the proposed increase in units, and concludes that adequate services and facilities exist to support the increase. With regard to traffic, preliminary analysis indicates that even without the proposed amendment, future traffic increases are expected within both the Downtown area and the City as a whole, as population is projected to increase over the next 30 years.

The major mitigation for the proposal is the existence of a mass transit plan, which includes the future Wave streetcar and commuter rail service in addition to

current transit services. Other studies are considering additional mass transit opportunities as well, such as east-to-west services along Broward Boulevard. Mr. Okolichany added that there have also been several meetings between Staff and the Broward County Planning Council's traffic planners and engineers, as well as Broward Metropolitan Planning Organization (MPO) staff. These organizations recognize that future transit initiatives are likely to reduce the number of overall vehicular trips that would otherwise result from the proposed increase in units.

Mr. Okolichany observed that while most downtown areas across the country have traffic concerns, most of them have transit in place to address these issues. He concluded that Staff is comfortable that the City's transit initiatives will help mitigate any impacts. He also pointed out that traffic can be seen as a benefit to the Downtown, as it contributes to positive economic development.

In addition to the effects on traffic and mass transit, the City's Transportation and Mobility Department is currently finalizing new guidelines, which include a connectivity map that identifies multimodal transportation opportunities throughout the City's roadway network. Staff will ensure that this Department will review applications for new development to make sure new projects in the Downtown area are aligned with the connectivity map. The Transportation and Mobility Department is also working on a Complete Streets manual, which will allow for multimodal transportation throughout the City's streets and will suggest pedestrian, bicycle, and transit improvements and guidelines to help mitigate any traffic impacts related to the proposed amendment.

John Milledge, general counsel for the Downtown Development Authority (DDA), stated that this organization has worked closely with City Staff and is supportive of the request. He asserted that the request is more than reasonable and is consistent with the Downtown Master Plan for the RAC, and agreed that an incremental approach is appropriate in this case. The two main reasons for the increase are the existing facilities and services concentrated in the Downtown area and the need for a limit on development pressure in outlying residential areas. A third reason could be identified as the promotion of mass transit in the Downtown area, particularly the Wave streetcar project.

Mr. Ferber recalled that when 3000 units were added to the Downtown area in 2006, this allocation required approval from a State agency. He asked if similar approval would be necessary for the current amendment. Mr. Okolichany replied that the request will be reviewed by the Department of Economic Opportunity (DEO).

Mr. Ferber asked when the units would be available if approval proceeded according to the optimum schedule. Mr. Okolichany estimated that a best-case scenario would make the units available in early 2014. He described the approval



process, explaining that should the Board approve the request, it would then go before the City Commission, the Broward County Planning Council, the County Commission, and then to the State and any other reviewing agencies. The application would then come before the County Commission once more, followed by the recertification of the Broward County Comprehensive Plan.

Chair McTigue asked if any of the 5000 units were designated for affordable housing. Mr. Okolichany said no units are set aside for this use at present, although this could be changed as the City continues to work with the County. There is currently no report describing what the City's affordable housing needs may be.

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

Vice Chair Hansen asked if it would be necessary to recuse himself from voting on this Item, as he owns property within the subject district. Attorney Dunckel stated that this was not required.

**Motion** made by Mr. Cohen, seconded by Mr. Witschen, to approve [Item 11]. In a roll call vote, the **motion** passed 7-0.


**12. Communications to City Commission**

None.

**13. For the Good of the City**

None.

  
Chair

  
Prototype

There being no further business to come before the Board at this time, the meeting was adjourned at 8:08 p.m.

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