

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, JUNE 20, 2012 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2012-May 2013	
		Present	Absent
Patrick McTigue, Chair	P	1	0
Leo Hansen, Vice Chair	P	1	0
Stephanie Desir-Jean (6:46)	P	1	0
Michael Ferber	P	1	0
James McCulla	P	1	0
Michelle Tuggle	P	1	0
Tom Welch	P	1	0
Peter Witschen	P	1	0

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

Staff

Ella Parker, Acting Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Anthony Fajardo, Urban Design and Development
Thomas Lodge, Urban Design and Development
Yvonne Redding, Urban Design and Development
Mohammed Malik, Chief Zoning Examiner
Diana Alarcon, Director of Transportation and Mobility
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

~~None.~~

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	<u>Case Number</u>	<u>Applicant</u>
1.	48R12**	Thor Gallery at Beach Place
2.	40R12**	Thomas Wickenhauser / Holy Cross Urgent Care and Diagnostic Center
3.	10T12*	City of Fort Lauderdale
4.	Communications to the City Commission	
5.	For the Good of the City	

3. **City of Fort Lauderdale**

Anthony G. Fajardo

10T12

Request: * **Revision to Section 47-20. PARKING AND LOADING REQUIREMENTS**

General Location: Citywide

Commission District: All

Item deferred from April 18, 2012 meeting under previous case 9T12

Chair McTigue advised that he and other Board and City Staff members had received letters from members of the Collee Hammock Homeowners' Association, as well as from at least one member of the public who would address the issue at tonight's meeting.

Anthony Fajardo, representing the Department of Sustainable Development, recalled that this Item had been deferred from the April 2012 Board meeting. It was separated at that time from the parking study recommendations for the Central Beach District, which were recommended to the City Commission at the May 16 meeting. These are City-wide parking recommendations, which stemmed from the Central Beach Parking Study.

He stated that recommendations were made by the parking consultant, based upon a comparative analysis of comparable municipalities both in- and outside the State of Florida. These comparisons were made based on factors including population, level of tourist activity, seasonal visitors, and economic activity. Following this analysis, the consultant made recommendations to amend the parking calculation rates for Retail, Professional Office, Restaurant, and Bar or Nightclub uses.

While most of the proposed revisions included in the Board's backup materials reduce parking requirements by a smaller amount, such as two to five spaces, the Bar or Nightclub and Restaurant uses with more than 4000 sq. ft. would have a greater reduction. Mr. Fajardo explained that the development community feels the parking calculations for these uses were too high in relation to those found in other municipalities. In addition, when parking requirements are calculated for restaurants of this size, a "double-dipping" situation may occur, as customer square footage is calculated twice at two separate rates. If this is taken into account, the parking reduction is not as large as it initially appears.

In addition to the proposed parking revisions, there is also a shared use recommendation. Shared use is a recognized industry practice that provides the shared use of parking spaces by two or more individual uses, which may occur without conflict and encroachment, subject to an industry standard and accepted methodology. Mr. Fajardo advised if two separate uses on a single development

site have different peak hour parking generation rates, the overall parking requirement for that site may be reduced without affecting the site's parking needs.

The proposed amendment would be subject to Site Plan Level 2, or Development Review Committee (DRC) approval. A positive recommendation from the City Engineer is also required.

He recalled that one reason this Item was originally deferred in April was to allow Staff to conduct additional public outreach. On May 22, an open house was held at City Hall, at which time several members of the public offered comment. Most of these comments addressed the need for greater outreach when City-wide amendments are proposed; in addition, many residents felt that the individual characteristics of certain areas should be taken into consideration when recommendations are made for parking calculation revisions. With regard to the shared use provision, however, he felt the public feedback was positive. He requested that if the Board chooses to defer the Item, they separate this provision from the parking calculation as a whole and advance it to the City Commission as a separate item.

Mr. McCulla asked if the parking reduction is only proposed for commercial districts. Mr. Fajardo confirmed this, pointing out that the uses cited earlier are not permitted in residential areas. Ms. Parker advised, however, that the changes were also presented in the context of larger corridors that may affect neighboring communities, such as the Las Olas Boulevard and Collee Hammock neighborhoods. There were also concerns raised by members of neighborhoods that border major commercial corridors.

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

Marilyn Mammano, representing the Council of Fort Lauderdale Civic Associations, stated that the Council had sent a letter to Board members on the parking issue after the proposed changes were discussed at their June 12 meeting. She asserted that because no presentation on the proposed changes was made at a Council meeting, there was a lack of accurate information provided to the members, as Staff had reached out to individual neighborhoods "on a[n] as-needed basis."

Ms. Mammano stated that public outreach on this Item consisted of a blast email sent to the presidents of various civic associations following the April Board meeting, followed by the public meeting on May 22. She did not feel this constituted appropriate public participation. While she believed there were positive attributes to the proposal, the Council could not support the Item until they had heard a presentation. She urged the Board to defer this Item until the

September 2012 meeting, and to encourage City Staff to work with the Council and address their concerns.

Ms. Mammano added that her understanding of the proposal was that it would extend parking regulations developed for the beach area throughout the City. She did not see this as appropriate methodology, as changes that may work for the beach might not work in other areas, and could create problems for the communities abutting some commercial districts. If there was not sufficient parking in these districts, parking could spill over into nearby neighborhoods. She concluded that a proposal could be written to tailor parking recommendations to specific circumstances.

Vice Chair Hansen asked if Ms. Mammano felt the Council needed time to both view a Staff presentation on the proposed amendment and develop a response to it. Ms. Mammano explained that since there would be no Council meeting in July, they would like to see a presentation from City Staff at their August meeting.

Mr. Witschen commented that the concept of parking amendments for the City had already been deferred for 60 days. He said he would prefer to see the Board reach a consensus on this Item at tonight's meeting. Ms. Mammano replied that this is a complicated issue, and a balance must be found between encouraging development and protecting neighborhoods.

Mr. Witschen asked if the City's neighborhoods were made aware of today's meeting. Ms. Mammano and Ms. Parker confirmed this. Mr. Witschen remarked that he did not see a great many members of the public present at the meeting to request further deferral.

Mr. Welch stated that he felt the proposed "one size fits all" approach could work for 95% of the City; however, he felt some individual neighborhoods that border busy commercial corridors should be allowed to opt out of the proposal or arrive at another solution, as reduced restrictions would not help these areas. He pointed out that if restrictions are eased in some places, such as allowing for shared use, parking would extend further into these neighborhoods.

Mr. Fajardo clarified that the shared use provision may not be applied to on-street or off-site parking, as this is intended for individual developments, such as strip malls. Applying this provision to larger areas would require DRC Site Plan Level 2 review.

Mr. Welch asked if public parking would be counted toward parking requirements in residential neighborhoods. Mr. Fajardo said this could only occur through a parking reduction study, which would have to come before the Planning and Zoning Board for approval.

Diana Alarcon, Director of Transportation and Mobility, stated that there is a City Ordinance which allows for a residential parking permit program. These programs were created to help address quality-of-life issues in residential neighborhoods. She advised that Staff was willing to work with neighborhoods that are affected by adjacent commercial districts.

Mr. Ferber stated while he was typically prepared to defer to the Council of Fort Lauderdale Civic Associations or neighborhood or civic advisory bodies, he was not in favor of being "overly deferential" to these entities. He said he would not be in favor of deferring the Item.

Ray Dettmann, president of the Poinciana Park neighborhood association, informed the Board that this organization opposed the Item and would like to see it deferred until Staff could make a more detailed presentation to that neighborhood.

Speaking as an individual resident, he noted that if the Board approved the shared use provision, requests for this provision would then go before the DRC. He stated he did not agree with this, as he felt the Board's expertise was important in determining whether shared parking was appropriate in a given area.

He added that he did not feel the proposed amendment would affect only commercial corridors. Mr. Dettman explained that the changes would affect all commercially zoned properties, including RO and ROA districts. He observed that when parking is insufficient in a given area, individuals will park on swales. He concluded that he did not believe the proposed revision had been vetted thoroughly enough to determine its effect on residential neighborhoods.

Charlie Ladd, resident of the Rio Vista neighborhood, stated that he also owns commercial properties in downtown Fort Lauderdale and has been involved in parking Code since the 1980s. He advised that the cost of a parking study, such as the one presented in Item 1, may cost \$10,000 or more. He asserted that this expense, in addition to the length of time involved, could create difficulty for a small business, which is the reason many small businesses rely in being grandfathered into a neighborhood or operating without a change of use.

He continued that he felt the discussion about Collee Hammock was "misplaced," as he did not believe there were businesses in that area that were not grandfathered. This meant changing the parking Code would not affect this neighborhood.

Mr. Welch disagreed that there could be no adverse effects on the Collee Hammock neighborhood, as much of the property along Las Olas Boulevard is zoned for more intense uses. Mr. Ladd observed that businesses would have to go through the DRC process, and would therefore be subject to greater scrutiny.

He pointed out that the Code in this area does not work, citing restaurants with insufficient parking according to Code as examples.

Cary Goldberg, representing the Economic Development Advisory Board (EDAB), said the Item was brought to that Board's attention at their most recent meeting. He explained that the members had requested a Staff presentation on this issue, as they felt strongly that the proposed amendments should be reviewed from an economic development perspective. He stated that the existing parking Code "has worked for and against this City" with regard to attracting business.

He advised that the EDAB's original intent was to ask the Board to defer the Item so they could see a full presentation and offer their recommendations; however, after hearing the discussion at tonight's meeting, he said the EDAB agreed that the shared parking component made sense, and felt it should be moved forward. Mr. Goldberg concluded that whether or not the Board approves the proposed changes, the EDAB would still like to see a full presentation by Staff so they could offer recommendations to the City Commission.

Courtney Crush, attorney, stated that she strongly supports shared parking; with respect to certain areas of the City, such as the Downtown RAC, Ms. Crush noted that the market has dictated parking, which appears to work well. Regarding some underparked neighborhoods, however, there are communities without sufficient parking for their existing uses, which should be addressed to evaluate how much parking is appropriate. She concluded that when the Board feels they have enough information on the proposed changes, she would like to see the Code adjusted.

Ms. Mammano again addressed the Board, suggesting that perhaps commercial uses that adaptively reuse vacant buildings should have no parking requirements. She reiterated that the Council's position was not anti-development or anti-business, but that they would like to see more time be taken to make a better proposal than what is presently before the Board.

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. McCulla, seconded by Mr. Welch, to defer to the September meeting. In a roll call vote, the **motion** failed 4-4 (Vice Chair Hansen, Mr. Ferber, Ms. Tuggle, and Mr. Witschen dissenting).

Ms. Tuggle asked if a vote to deny was necessary. Attorney Spence explained that while law requires a positive motion for denial on quasi-judicial Items, in this case the **motion** had been for deferral.

Ms. Desir-Jean commented that she had voted to defer the Item because the issue appeared to be one of insufficient outreach. She explained that while the Item had been presented to City neighborhoods in May, she was not certain this provided residents with enough time to fully understand the information. She expressed disappointment that the community was not properly informed on an Item of this importance.

Mr. McCulla pointed out that the **motion** to defer, which would have granted additional time to reach out to the communities on the Item, had failed.

Motion made by Mr. McCulla, seconded by Mr. Welch, that the Board approve the Item as presented.

Ms. Tuggle asked if an **amended motion**, specifically referring to shared parking, would be acceptable to Staff. Mr. Fajardo said this had been part of his presentation because he recognized that members of the public were present to request deferral but appeared to support shared use.

Mr. McCulla asserted that his **motion** would stand as stated.

In a roll call vote, the **motion** passed 6-2 (Ms. Desir-Jean and Mr. Welch dissenting).

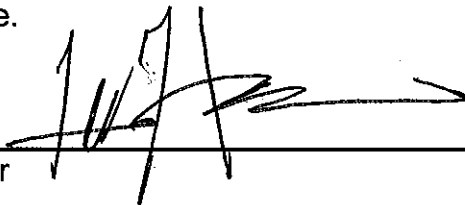
4. Communication to the City Commission

None.

5. 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 7:43 p.m.

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