

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, OCTOBER 19, 2011 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2011-May 2012	
		Present	Absent
Patrick McTigue, Chair	P	5	0
Leo Hansen, Vice Chair	P	5	0
Stephanie Desir-Jean	P	4	1
Michael Ferber	P	5	0
Catherine Maus (6:50-9:15)	P	4	1
James McCulla	P	5	0
Michelle Tuggle	A	3	2
Tom Welch (dep. 9:15)	P	5	0
Peter Witschen (dep. 9:15)	P	4	1

Staff

Greg Brewton, Director of Sustainable Development
 Sharon Miller, Assistant City Attorney
 Jenni Morejon, Acting Urban Design & Development Manager
 Thomas Lodge, Planner II
 Ella Parker, Principal Planner
 Deborah Rutkowski, Planning Assistant
 Terry Burgess, Acting Building Services Manager
 Anthony Fajardo, Acting Zoning Administrator
 Mohammed Malik, Chief Zoning Examiner
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

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	<u>Case Number</u>	<u>Applicant</u>
1.	ULDR Modifications Plan	
2.	3-Z-11** *	First Ebenezer Missionary Christian Church, Inc.
3.	6-T-11*	Proposed Ordinance Revisions Adding Permitted Uses
4.	7-T-11*	Proposed Ordinance Revisions Adding Interim Uses
5.	74-R-11**	Trilogy Investments Inc. / 7 th Street Wine Company And New River Pizza

6. 7-P-11** TRG New River, Ltd. And TRG New River Ltd. II /
New River Yacht Club
7. Communication to the City Commission
8. 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 6:37 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members and Ms. Parker introduced the Staff members present. Attorney Miller explained the quasi-judicial process used by the Board.

Motion made by Mr. Welch, seconded by Vice Chair Hansen, to approve the minutes of the September 21, 2011 meeting. In a voice vote, the **motion** passed unanimously.

Chair McTigue asked the Board members if they would like to hear some of the Agenda Items ahead of others. The Board agreed by unanimous consensus.

The following Items were heard out of order on the Agenda.

**2. First Ebenezer Missionary Christian Church, Inc. Deborah Rutkowski, 3Z11
Planning Assistant**

Request: ** * Rezone from RMM-25 (Residential Mid Rise Multifamily/Medium High Density) to CF-HS (Community Facilities-House of Worship)

Legal Description: Lots 3-12, Lots 39-48, Block 322, PROGRESSO, according to the plat thereof, as recorded in Plat Book 2, Page 18, of the Public Records of Dade County, Florida

Address: 312 North West 7 Street

General Location: North of Sistrunk Boulevard, on the Southeast corner of Northwest 4 Avenue and Northwest 7 Street

Commission District: 2

Chair McTigue noted that this Item had previously appeared before the Board. Attorney Miller explained that a vote to approve that Application had failed, which was once sufficient to conclude the hearing of an Application; however, case law now states that the Board must vote to deny an Application after the motion to

approve has failed. She asked the members to review the minutes of the previous hearing, as well as the Planning and Zoning Board Report, which states the criteria on which approval or denial is based. The Board is asked to identify and discuss the criteria they feel the Application did or did not meet. There would be no public hearing for this Item.

Attorney Miller clarified that Ms. Desir-Jean will be allowed to vote on the Item although she was not present for the original hearing, unless there is a conflict of interest.

Motion made by Mr. Witschen, seconded by Vice Chair Hansen, to deny.

Ms. Desir-Jean noted that the Applicant was advised to provide a site plan for the Item in its previous hearing; however, no site plan is required for this Application, and the City Commission had sent it back to the Board because no clear explanation for denying the Application was provided. Attorney Miller said the reason for denial could refer directly to any of three criteria listed in the Report that the Board felt were not met.

Mr. Witschen stated that approving the Application could result in "spot zoning," as it would leave a dangling area of RMM-25 zoning. He also noted that the neighborhood in question was transitional, and he had not felt CF-HS zoning was compatible with the Comprehensive Plan.

Disclosures were made by the Board members at this time.

Vice Chair Hansen said the Applicant's neighbors had not been sufficiently informed of the purpose of the proposed rezoning; many of them cited a lack of communication with the Applicant. It was then suggested that the Applicant could create a preliminary site plan to aid in this communication. He asserted that the lack of a site plan had not been considered among the criteria for denial of the Application.

Ms. Maus arrived at 6:50 p.m.

Vice Chair Hansen continued that the Application failed to meet the review criteria because it would make substantial changes to the character and development in or near the area, and the character of the nearby area was not suitable or compatible the uses permitted in the proposed zoning district.

Mr. McCulla recalled that while the Applicant's neighbors had stated they did not see a site plan for the area, Director Brewton had made it clear that a site plan was not required as part of the Application. He agreed with Vice Chair Hansen that the Application had not met the second and third review criteria, and noted

that the neighbors to the property had expressed clear and cohesive opposition to the Application.

Mr. Ferber advised that the language in the review criteria was very precise, and he felt this would have to be "stretched" in order to find a rationale by which to deny the Application.

Mr. Welch said he felt the issue was that the Applicant had a particular vision for the area, while some neighborhood residents had a different vision. He recalled that the development of a site plan had been offered as a means by which the Applicant could bring both sides of this issue together, and had not been the reason the Application was denied. He shared Mr. Witschen's concern for the possibility of spot zoning.

Ms. Desir-Jean stated she is a former resident of the neighborhood and has been involved with the CRA. She said she would also like to hear more from the Applicant regarding their plans, and advised that while some homeowners had spoken in opposition to the Application, many other homeowners in the area attend the church. She concluded that she did not understand why the Application was denied and would not have voted to deny if she had been present. She felt the Board should clearly explain the reason for denial to the Applicant.

Vice Chair Hansen said because two lots on the same block were not included in the Application, he felt it was "clearly a spot zoning request." He pointed out that creating a condition in which the majority of lots are in one zoning district while other interior lots are zone differently was an unusual request. He felt the Applicant should make an effort to assure nearby residents and the Board that spot zoning would work in that location.

Ms. Desir-Jean asked to hear the reasoning of the members who had not originally voted to approve the Application, stating that the City Commission had requested greater clarity in this area. Chair McTigue said the dissenting members had selected the second and third criteria from the Planning and Zoning Report:

2. Substantial changes in character of development in or near the area under consideration; and
3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district.

Attorney Miller clarified that if the Application is denied, the Applicant may decide whether or not to continue an appeal to the City Commission.

Vice Chair Hansen asked if the Board could send the Application back to the Applicant with a request that additional information be submitted in a subsequent hearing. Attorney Miller said this would be up to the Applicant.

Mr. McCulla asked if the Board's only recourse, should the **motion** to deny fail, would be to schedule another hearing for the Application. Attorney Miller confirmed this.

In a roll call vote, the **motion** passed 5-3 (Chair McTigue, Ms. Desir-Jean, and Mr. Ferber dissenting).

5. Trilogy Investments Inc. / 7th Street **Thomas Lodge, 74R11
Wine Company and New River Pizza **Planner II****

Request: **	Site Plan Level III / Installation of an Additional Wall Sign to a Restaurant in the RAC-CC Zoning District
Legal Description:	Lot 1, less the East 30.00 feet for State Road, Lot 2, less the East 30.00 for State Road and Lot 4, the North 100 of East ½ Block 58, FISHER SUBDIVISION, according to the plat thereof, as recorded in Plat Book 1, Page 34, of the public records of Dade County, Florida. Said lands situate, lying and being in Broward County, Florida.
General Location:	Southeast corner of SE 7 th Street and N Federal Hwy
Commission District	4

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

Jordana Jarjura, representing the Applicant, explained that Trilogy Investments Inc. owns a commercial property in the RAC-CC zoning district and is requesting a Site Plan Level III permit to install an additional sign along SE 7th Street. The property is occupied by two tenants, both of which front onto Federal Highway. 7th Street Wine Company does not front onto 7th Street, which means they must request a permit for the additional sign; however, its entrance and parking lot are on SE 7th Street.

The proposed signage has been agreed upon by the property owner and both tenants. Ms. Jarjura presented a letter of support from the adjacent property owners, who own 12 different parcels on 7th Street that would face the additional signage. She read the letter into the record at this time.

She explained that the 7th Street Wine Company is requesting the signage as an issue of business identity and wayfinding. Their current signage is only visible from the traffic light on 7th Street and Federal Highway while heading north; in addition, because New River Pizza is a new tenant, there has been some confusion that 7th Street Wine Company has gone out of business. She showed

photos of the area. Ms. Jarjura noted there is insufficient room for a monument sign, which would require a setback of 5 ft.

Thomas Lodge, Planner, noted a change to the Staff Report: the Applicant currently has four signs, which are permitted by the ULDR, and is requesting a fifth sign. The Application is consistent with Code and Staff recommended its approval.

There being no 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. McCulla, to approve. In a roll call vote, the **motion** passed 8-0.

**6. TRG New River, Ltd. And TRG New River, Ltd. II / New River Yacht Club Thomas Lodge, 7P11
Planner II**

Request: ** Vacation of 14 foot right-of-way

Legal Description: A portion of the certain 14.00 foot platted alley lying Easterly and adjacent to said Lot 1, and Westerly of and adjacent to Lot 19, Block 41, TOWN OF FORT LAUDERDALE, according to the plat thereof, as recorded in Plat Book "B", Page 40, of the public records of Dade County, Florida. Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 1,676 square feet of 0.0385 acres more or less.

General Location: South side of the New River, between SW 1st Avenue and Andrews Avenue.

District 4

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

Robert Lochrie, representing the Applicant, explained the request would vacate the north portion of an alley that parallel between Andrews Avenue and SW 1st Avenue. He showed an aerial map of the site, pointing out that the alley is not part of an existing alleyway system and has been vacated to the south. He noted that similar cases in this area have come before the Board in previous years. The alley is only used by trucks serving the adjacent properties.

Mr. Lochrie recalled that the New River Master Plan included a treatment of areas such as this one, including pedestrian and vehicular links to the west of the site. The Master Plan does not call for cuts through the area. There are some uses to the south that currently have access to the alley; pursuant to discussions with City Engineers, the Applicant has proposed an access easement to be located along the south side of their property. This would connect the presently

substandard 14 ft. alley to a 20 ft. easement leading to SW 1st Avenue. This would provide egress for traffic that accidentally finds itself in the alley.

Mr. Lochrie noted that some of the conditions included in the Staff Report will be replaced with a new set of conditions. He stated that the Applicant is in agreement with these conditions.

Mr. Lodge described the location of the request, and advised that it meets the criteria indicated in ULDR Section 47-24.6. Staff recommended approval of the request with the following conditions:

1. The Applicant must remove and relocate private and City utility easements to the satisfaction of the respective agencies; and
2. If required by the City Engineer, provide drainage facilities to the south end of the vacated alley to alleviate any local ponding.

There being no 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 Vice Chair Hansen, seconded by Ms. Maus, to approve, subject to the two aforementioned conditions. In a roll call vote, the **motion** passed unanimously.

The Board elected by unanimous consensus to hear Items 3 and 4 together before Item 1. It was clarified that the Board would vote separately on the two Items.

**3. PROPOSED ORDINANCE REVISIONS Ella Parker, 6T11
ADDING PERMITTED USES TO: Principal Planner**

- Request: ***
1. **ULDR Section 47-12.5.B.5 List of Permitted Uses - ABA District**
 2. **ULDR Section 47-12.5.E.4 List of Permitted Uses - NBRA District**

Legal Description: N/A

General Location: Bayshore Drive on the South, SRA1A on the east, Bonnet House on the north and the Intracoastal waterway on the west

Commission District: 2

Courtney Crush, attorney, stated that she represents a property owner in the North Beach area. This area is characterized as having a mix of uses, including hotels, motels, and residential homes. Some specific goals for future anticipated uses and the preservation of existing buildings have been set forth for this area.

Ms. Crush explained that her client, Par Sanda, has purchased and renovated several properties in this area. Mr. Sanda has read the Sasaki Master Plan for Fort Lauderdale, and noted that the firm's vision for North Beach was a more active, modestly scaled environment. One suggestion by Sasaki was making Breakers Avenue into a more pedestrian-friendly street and a more appropriate site for retail and restaurants. The Master Plan also proposes limited commercial uses for the interior of the neighborhood to provide balance for both tourists and residents.

Ms. Crush showed an overview of the zoning districts in North Beach, stating that the City Commission asked Staff to explore some of the proposed neighborhood uses described above, particularly in the ABA and NBRA zoning districts. For example, a commercial retail use is allowed in ABA districts, but the property owner must appear before the Board and show that this use would serve tourists. In order to allow neighborhood uses in this area, Ms. Crush explained that these uses must be defined.

She advised that her client has met with the Staff of the Department of Sustainable Development, as well as with the Central Beach Alliance, to refine the idea of what neighborhood uses would be appropriate in the area without bringing the owner before the Planning and Zoning Board. In addition, in the NBRA districts, there is a desire for uses such as neighborhood cafés, which are currently not permitted. Ms. Crush said it seemed to be sensible to permit this use, and had to the City Commission and the Central Beach Alliance as well.

The City allows its hotels and motels to have accessory uses, such as dining rooms, restaurants, and retail; however, the hotel or motel must have 50 rooms or more. Many of these uses in the North Beach area are smaller than this, and consolidation was not a reasonable option. For that reason, another proposal of the Code Amendment would allow smaller properties to have these uses as well.

Ms. Crush stated that her client, City Staff, and the Department of Sustainable Development have worked through a list of proposed uses. She noted that the list particularly addresses food and beverage services, although nightclubs are specifically excluded from the uses listed. Some larger uses, which might attract "big box" businesses, were also eliminated from the list. The Ordinances propose that these uses be allowed at the Development Review Committee (DRC) level.

She noted that the proposed Amendment allowing accessory uses had originally referred to outdoor entertainment. This has been eliminated, as the City will address these uses on a larger scale. It has also been suggested that a drugstore may not be an appropriate use, and Ms. Crush said her client would not disagree if the Board wished to eliminate this use as well. Convenience stores would not be permitted.

Ms. Crush concluded that businesses less than 2500 sq. ft. in size would be able to apply directly to the DRC; there is currently no maximum size for restaurants included in the Code. Smaller hotels and motels would be able to add accessory uses. DRC review of these uses would be subject to City Commission call-up.

Dev Motwani provided copies of his presentation for the record. He stated he is a longtime beach resident and operates a family business in the North Beach area. He said business owners have been asking for these changes for approximately 25 years, as they were small-scale redevelopments that would clean up the neighborhood, provide jobs, and bring amenities to the area. He and other owners felt there were some retail uses left out of the Sasaki Plan, which would inhibit the creation of a pedestrian-friendly environment.

Mr. Motwani advised that the neighborhood in question is sufficiently small to be quaint and self-contained within a mixed-use environment. He pointed out that most areas of the Central Beach are built with a single use in mind; this lacks the more complex mixed-use pattern that would help create a more active pedestrian environment. All six zoning districts along the beach allow for hotels, tourist retail, and restaurants; five of the six also allow for residential uses. The intent of rewriting the district's zoning was to promote hotel uses along the beach, but this prevented the Code from allowing any residential development.

Mr. Motwani observed that Breakers Avenue is another issue, as Sasaki intends this area to be a retail destination. The properties to the west are divided into two zoning districts, along which there has been no redevelopment, as the uses allowed across this boundary are not consistent. He advised that the proposed Amendments would allow the ABA district to be more consistent with the other adjacent districts, and would eliminate the single-use areas that prohibit a mixed-use environment.

Mr. Witschen commended the presenters for their involvement in bringing more investment to the North Beach area and making this a more vibrant neighborhood. He noted, however, that it could be onerous for businesses, particularly those of 2500 sq. ft. or less, to be called up to the City Commission, as this would take up valuable time. He agreed with Mr. Motwani's description of the ABA districts, asserting that mixed residential uses should be integrated into the hotel environment.

Vice Chair Hansen agreed with Mr. Witschen with regard to properties of 2500 sq. ft. or less. He applauded the presenters' efforts toward improving the area, noting that small hotels in particular are "the life of that area."

Mr. Witschen expressed concern that parking issues do not hamper the redevelopment of the area. He hoped that congestion would be reduced to promote a village environment in North Beach.

Ella Parker, Planner, stated that the effort primarily stemmed from Mr. Sanda's ongoing efforts and Mr. Motwani's work toward promoting residential uses inside the ABA district. She confirmed that these plans are in line with the Sasaki Master Plan to create a mixed-use area. She advised that Staff agrees the process should not be too onerous for businesses, and there could be further discussion of the review process. With regard to parking, a recently conducted parking study recommends potential changes to the Code in mixed-use areas of the beach.

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

John Weaver, President of the Central Beach Alliance, said this organization had met with Mr. Sanda in May 2011 and unanimously approved the proposed plan. They would like the changes to be enacted quickly, as Mr. Sanda is currently building in the area. The CBA is also in favor of DRC approval, and had no issues with residential development within the ABA districts.

Karen Turner, member of the Central Beach Alliance Board of Directors, said she had spoken to the Board and the City Commission in the past to express concern about large development on the beach; however, she was thrilled with Mr. Sanda's work in the area. She advised that some years ago, there had been discussion of landscaping within the medians and placing dividers in streets; she proposed that the sidewalks be repaired and widened instead, with trees on the side.

Monty Lalwani, member of the Central Beach Alliance Board of Directors, said he felt these changes were necessary and should be applauded. He was fully supportive of the project.

Lester Zalewski, Vice President of the Central Beach Alliance, said there are currently no amenities for local residents in the mixed-use area. He advised that the amendments would not create a change in density, and observed that the City currently has two major parking lots under consideration for the area. Refurbishment of properties in the area would also increase the tax base, as most of the properties did not produce taxes for some time. Mr. Zalewski pointed out that the area's infrastructure was designed for these mixed uses, so no additional infrastructure construction would be necessary.

Fred Carlson, member of the Central Beach Alliance, said the improvements on Breakers Avenue in particular are greatly needed. He observed that the area also needs the streetscape improvements described by Ms. Turner.

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 Ms. Maus to approve Item 3 with Staff conditions.

Attorney Miller advised that with regard to Items 3 and 4, the Board is acting as both the local planning agency and the Planning and Zoning Board. This means they must find the Item(s) to be consistent with the City's Comprehensive Plan, as well as acceptable from a planning and zoning perspective.

Mr. Witschen requested clarification of whether or not the Board was asked to recommend the proposals of businesses less than 2500 sq. ft. in size go to DRC. Ms. Maus said she was not comfortable making this recommendation, as the changes to the area would occur on a large scale. Allowing the City Commission to call up these items would provide all parties with the opportunity to discuss the issue further. Mr. Witschen concluded that he did not feel the proposed changes went far enough.

Mr. Welch **seconded** the **motion**. In a roll call vote, the **motion** failed 3-5 (Chair McTigue, Vice Chair Hansen, Mr. Ferber, Mr. McCulla and Mr. Witschen dissenting).

Motion made by Mr. Witschen, seconded by Ms. Desir-Jean, to approve Item 3 with Staff conditions, with the friendly amendment which would include the flexibility on small-scale development. In a roll call vote, the **motion** passed 6-2 (Ms. Maus and Mr. Welch dissenting).

**4. PROPOSED ORDINANCE REVISIONS Ella Parker, 7T11
ADDING INTERIM USES TO: Principal Planner**

- Request: ***
1. ULDR Section 47-12.5.B.5 List of Permitted Uses - ABA District
 2. ULDR Section 47-12.5.D.4 List of Permitted Uses - IOA District
 3. ULDR Section 47-12.5.E.4 List of Permitted Uses - NBRA District

Legal Description: N/A

General Location: Bayshore Drive on the South, SRA1A on the east, Bonnet House on the north and the Intracoastal waterway on the west

Commission District: 2

Ms. Crush stated that this Item would allow additional interim uses in the North Beach area. While the previous Item discussed uses that would be introduced on a permanent basis in ULDR regulations, some properties in the area are currently vacant lots for which Mr. Sanda has no present plans for development. Because there are few public spaces in North Beach other than the beach itself,

there has been the proposal of landscaping some of these areas in order to create public plazas. This idea was also presented to the City Commission, which directed Staff to explore this possibility for other areas in the City as well as North Beach.

Ms. Crush pointed out that the intent is to meet some of the goals and uses recommended by the Sasaki Master Plan, which include public plazas and uses where people can congregate. Item 4 proposes to allow a property owner to submit site, maintenance, and security plans for how a parcel could be used. Open space and "passive recreation" would be permitted uses. There could also be limited food and beverage service on the parcels.

The proposed Ordinance would allow a property owner in the North Beach area to present a plan for primarily open space, which would allow fixtures such as chairs, tables, and awnings, as well as landscaping consistent with City Code. The parcel would be reviewed for consistency and compatibility with the North Beach area.

Ms. Crush continued that another possible use for these parcels could be a parking area. While there is not currently a parking issue for Mr. Sanda's hotels, one proposal for an interim use would allow a parcel owned by Mr. Sanda to serve as an alternate location for a surface parking lot. She emphasized that Mr. Sanda did not wish to put down blacktop on this lot.

The interim use proposal would allow the lot to serve the interests of the area within 700 ft. if the lot meets all requirements for a temporary parking lot as well as City Engineering requirements for drainage.

Ms. Crush stated that the final accessory use would be dockage. She explained that docks may only be used at present if there is a primary use on the land. Mr. Sanda owns a waterfront property that he has no present intentions to develop; however, he could landscape the area and create a park-like environment, and allow limited use of existing docks. This would exclude overnight dockage and would be intended primarily to allow access.

Ms. Crush concluded that any such plans would be reviewed by City Staff. The proposal is at the Site Plan Level I, or administrative review, level, which allows Staff to review the plan for consistency with zoning regulations, security, maintenance, and appropriate aesthetics. There would be a limit of one structure on any single parcel, and the size of the parcels would be a minimum of 10,000 sq. ft. Any property larger than 0.5 acres would need to be reviewed by the City for additional parking, as these could be home to more intense uses.

Ms. Desir-Jean observed that she understood the hesitancy to use the term "park" for these spaces, as it suggests they are open to the public. She

requested clarification that the property in question would be private, not City, property. Ms. Crush said the spaces would be private property made open to the public for use as open space. They would remain subject to hours of operation, which are presently proposed as 7 a.m. to midnight. She reiterated that a security plan would be part of the proposal.

Chair McTigue asked what kind of signage was anticipated for the spaces. Ms. Crush said it would be reviewed by City Staff, but has not yet been discussed in depth.

Ms. Crush concluded that the required level of review would be an administrative review, to proceed to the City Commission on their Consent Agenda. This means notice would be provided of any proposed interim use, and City Commissioners could pull items from the Consent Agenda for further discussion if they wished.

Ms. Parker added that the interim use program would be temporary; if there are additional criteria to be considered, such as signage, these could be addressed. Given items would go on the Consent Agenda for approval. She asked that the Board advise the City of any additional criteria with which they might be concerned.

Mr. Witschen asked if there has been a change in the City's position on outdoor entertainment since the proposed Ordinance was drafted. Ms. Crush explained that this would need to be discussed further as an interim use: it could be pulled out of the Ordinance altogether or there could be discussion of how it would be programmed. Ms. Parker clarified that programming would be considered more as an activity than a use.

Mr. McCulla requested clarification of the term "interim use." Ms. Crush said if approved, these uses would be permitted for a two-year period, subject to the City Commission's advice to a property owner that the use will be terminated. Termination would be effective at the end of the calendar year in which the City Commission exercises this option.

Mr. McCulla observed that the temporary examples cited, including public space with landscaping or a parking area, are not inexpensive improvements. Ms. Crush agreed, stating that the investments were likely to reach six figures, particularly if there is a food component.

Mr. McCulla asked if a two-year period was a sufficiently long time frame to encourage investors to spend six figures on these spaces. He recommended that the time frame be extended to five years. Ms. Crush explained that aside from maintenance and security issues, it is difficult to imagine a "downside" to landscaping and improving the areas. She added that she would not object to the longer time frame, although she noted that there has never been an interim use

Ordinance before and they felt it was an appropriate length of time at which to reexamine the use. Mr. McCulla advised that many investors would not be willing to put money into a venture with such a limited time frame.

Vice Chair Hansen said while he was in favor of the concept and idea, he was concerned with the rendering of a proposed site shown by Ms. Crush. He stated it appeared as if a trailer had been moved onto a site, and proposed that instead of allowing a trailer, portable buildings could be brought in instead. Ms. Crush stated that a movable structure on a parcel could be disguised in order to function as a structure. Staff has indicated that their review would address how the building's façade would be treated and how it is consistent with the character of the neighborhood.

Ms. Desir-Jean commented that she was in favor of the two-year time frame, as this would not tie a developer to a parcel for a longer commitment. She felt the time frame could always be evaluated or amended at the City's discretion. Mr. McCulla did not agree, as the time frame acceptable to Mr. Sanda would not represent a commitment to another developer. Chair McTigue proposed that the time frame could be a two-year minimum to a five-year maximum.

Ms. Desir-Jean asked what would happen if a use was permitted for five years but the developer decided to discontinue the use after two. Ms. Parker said the development could simply go away. Ms. Crush likened this possibility to closing a building.

Ms. Desir-Jean explained that she was thinking people in the area expect a particular use from a property; however, if the owner opts to sell the property and removes any existing structures, the property could become an eyesore. She asked what action would be taken in this case. Ms. Parker said the lot would need to be brought up to the standards of current Code.

Mr. Ferber said he agreed with Mr. McCulla that the draft Ordinance is applicable to the entire neighborhood rather than the parcels controlled by Mr. Sanda. Another developer may need to amortize his or her expenses. Mr. Ferber concluded that he would have difficulty supporting the proposed Ordinance with a time frame of less than four years. Mr. Witschen suggested that after two years an investor might show a substantial capital investment in the parcel in order to extend the time frame of the permit.

Motion made by Vice Chair Hansen to approve a two-year period with an automatic renewal after two years for another two years, with subsequent renewals for one-year periods after that.

Mr. Ferber commented that two years with an automatic renewal sounds like four years, of which he would be in support. He addressed Mr. Witschen's proposal

regarding a capital investment, noting that the requirements already call for drainage and lighting on the site; he did not believe additional expenditures to these would be significant investments.

Ms. Maus said she could support the **motion** if some criteria had to be satisfied between the original two-year time frame and the renewal period, as she felt five years was a long time for a permit. Mr. McCulla suggested that the criteria to be met would be Code requirements, including security and maintenance.

Ms. Maus offered the example of an individual placing a noisy, crowded function on a formerly vacant lot as an interim use. She stated that Code cannot always adequately enforce some restrictions, such as the Noise Ordinance.

Chair McTigue requested clarification of the permitting process for interim uses, asking if applicants would go to Staff for approval of its signs, lighting, and other specifications. He remarked that interim uses should ideally be light in intensity, and agreed that restrictions such as the Noise Ordinance would be sensitive. Ms. Parker said there are criteria that identify restrictions, such as hours of operation and restrictions on amplification of music.

Chair McTigue asked what would happen to structures erected in the lots in the event of a hurricane. Ms. Parker said there was no such specific reference. Ms. Crush advised that the structures would be titled as vehicles and could be moved in the event of a hurricane.

Mr. Welch asked what would prevent future landowners from taking down existing structures and placing interim uses on their lots. Ms. Crush said this was not likely, as interim uses would not be particularly profitable: Staff has worked to ensure that the activity on these lots would not be large income generators.

Mr. Welch asked if the investor could continue to extend one-year renewals for a lot for sufficient time that the activity, such as parking, could be considered a profitable venture. Ms. Crush replied that parking would service the existing hotels, so private pay lots could not be created. She reiterated that the current time frame for a permit is two years, with renewals for one-year periods, that may be terminated by the City Commission at any time.

Mr. Witschen reiterated that if the investment is kept up, after the initial two-year period there could be a process for renewal approval without having to "go through an arduous Code process." He stated again that showing capital investment could be a criterion for renewal, and suggested that an investor spending several hundred thousand dollars in investment would have more at stake than an individual who made a very small investment in a parcel. Ms. Parker advised that some of the criteria proposed by Staff referred to a significant level of investment.

Ms. Desir-Jean asked if Mr. Witschen would be more comfortable attaching a specific figure to what constitutes significant capital investment. Mr. Witschen recommended that this policy decision be left to Staff and the City Commission.

Vice Chair Hansen asked if a requirement that a site plan come before the Planning and Zoning Board, or approval by the Board of Adjustment, could allay some concerns. Ms. Desir-Jean said she did not feel a site plan should be required, and she preferred the process described as it is currently. She **seconded** Vice Chair Hansen's **motion**.

In a roll call vote, the **motion** passed 5-3 (Ms. Maus, Mr. McCulla, and Mr. Witschen dissenting).

1. ULDR Modifications Plan

**Jenni Morejon, Acting Urban
Design Manager**

Request:	Staff will give an overview of the proposed changes to the residential zoning code as part of the Neighborhood Development Criteria Revisions (NDCR) Project.
Legal Description:	N/A
General Location:	N/A
Commission District:	Citywide

Jenni Morejon, Acting Urban Design & Development Manager, gave a PowerPoint presentation showing an overview of the Neighborhood Development Criteria Revisions (NDCR) program. She advised that the presentation was for informational purposes and the Item would come back to the Board for action at the December meeting.

Ms. Morejon recalled that the Council of Fort Lauderdale Civic Associations had approached the City Commission with some proposed Code changes for residential zoning. Topics addressed included scale of development, quality of life, the permitting process, and growth policy. It was determined that the City would hire a consultant to consolidate the Council's comments with those from the general public, and then develop recommended Code revisions.

Ms. Morejon continued that the NDCR has come before the Board four times before now; Planners also held open house workshops in the four City Commission districts. She gave a brief overview of the chapters included in the document, including identification of existing development patterns, establishing a series of basic goals, and recommended changes to Code. She also provided the Board members with an overview of some specific proposed changes and process revisions.

It is recommended that the new Code changes be implemented for a one-year trial period so the City can learn from them and make adjustments as needed. The document has been available to the public for approximately one month; they will come before the Board in December and will hopefully go to the City Commission in early 2012.

Ms. Maus, Mr. Welch, and Mr. Witschen left the meeting at 9:15 p.m.

Vice Chair Hansen asked if the Board will be given a line-item veto on some of the items. Ms. Morejon advised that the Staff report will be developed so that each recommended code change is identified and then Staff will have a dialogue with the Board on a "revision by revision" basis.

Chair McTigue proposed that the Board review the tentative Agenda for December at their November meeting in order to decide if a special meeting would be required to review the document. The Board discussed the potential format for a special meeting. It was determined that the document would require a meeting with nothing else on the Agenda at the very least. The members agreed to make discussion of a special meeting an Agenda Item at the November meeting.

7. Communication to the City Commission

None.

8. For the Good of the City

Vice Chair Hansen recalled that at the previous meeting, he had raised the issue of examining the Sign Ordinance regarding murals. A Code Enforcement Officer plans to investigate the site of the mural he had mentioned. Vice Chair Hansen advised that the Board may need to revisit the Sign Ordinance after the investigation to determine whether or not the issue is enforceable.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:51 p.m.

Chair

Prototype

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