

**CITY OF FORT LAUDERDALE, FLORIDA  
REGULAR MEETING OF THE PLANNING AND ZONING BOARD  
CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE**

**WEDNESDAY, AUGUST 18, 2004  
6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>From 6/16/04</u>	
		(P)	(A)
Gerry Cooper	P	3	0
Mary C. Fertig	A	2	1
Alan Gabriel	P	3	0
James McCulla	P	1	2
Charlotte Rodstrom	P	3	0
Judith Hunt	P	2	1
Randolph Powers	P	3	0
Maria Freeman	P	3	0
Edward Curtis	P	3	0

**Planning Staff:** Chris Barton, Liaison to the Board and Principal Planner  
Angela Csinsi, Planner II  
Don Morris, Acting Zoning Administrator  
Ella Parker, Planner I  
Sheryl Stolzenberg, Planner III  
Liz Holt, Planner III  
Mark McDonnell, Planner III

**Legal Counsel:** Sharon Miller, Assistant City Attorney

**Court Reporting Service:** Margaret D'Alessio

**NOTE: ALL INDIVIDUALS WHO PRESENT INFORMATION TO THE BOARD  
DURING THESE PROCEEDINGS AFFIRM TO SPEAK THE TRUTH**

Vice-Chair Alan Gabriel called the meeting to Order approximately 6:30 p.m. and proceeded to introduce the Board members, along with staff, who were present this evening.

4. **Magna Case/Marbella Place Condominiums** Angela Csinsi **13-R-04**  
Request:\*\* Site Plan Review/37-Unit Condos  
Birch Ocean Front Subdivision  
Block 4, Lots 4, 5,6,7,P.B. 19, P.26  
Location: 501, 519 and 527 North Birch Road

Vice-Chair Alan Gabriel announced that there had been a request for deferral of this item until September 14, 2004.

Gerry Cooper asked why this request had been made.

Angela Csinsi, Planning and Zoning, explained that the sign had not been posted for the full 15 days, and that they also had other issues that they wanted to address further.

Gerry Cooper asked why the burden of referral was placed on this Board since they had the option to withdraw. Ms. Csinsi reiterated that a deferral had been requested. Mr. Cooper stated that the applicant did not care to appear this evening, and if this Board denied the deferral, their case would have been lost.

Chris Barton stated that if the signs had not been posted for the required period of time, the case could not be heard. Mr. Cooper stated that previously it had been stated that if people knew about the item, the matter could proceed, but now staff was saying they could not proceed if the signs had not been posted the required length of time. Mr. Barton stated that if the item had not been properly signed, then the case should not be heard.

**Motion** made by James McCulla and seconded by Charlotte Rodstrom to defer this item until September 14, 2004 at 6:30 p.m. Board unanimously approved.

#### **Financial Disclosure Statements**

Vice-Chair Alan Gabriel stated that each Board Member was required to file a financial disclosure statement with the Supervisor of Elections, and if a member had not yet done so, they should send it immediately by Certified Mail.

Vice-Chair Alan Gabriel announced that one applicant had requested additional time for presentation in connection with Item #7, Case 35-R-04.

#### **Next Planning and Zoning Board Meeting**

Vice-Chair Alan Gabriel stated that due to the holiday, the date of the next Planning and Zoning Board Meeting had been changed to Tuesday, September 14, 2004 at 6:30 p.m.

#### **Approval of Minutes – July 21, 2004 Meeting**

**Motion** made by Gerry Cooper and seconded by Ed Curtis to approve the minutes of the July 21, 2004 meeting. Board unanimously approved.

Gerry Cooper proceeded to lead with the Pledge of Allegiance.

1. **Carl L. Santangelo/Higher Learning Center**      Ella Parker      **48-R-03**  
Request:\*\*      Conditional Use/Renovate Existing  
Warehouse to a Daycare (CB)  
Pearl Estates, Tract "A", P.B. 40,  
P. 42  
Location:      3400 Davie Boulevard

Vice-Chair Alan Gabriel announced that this item was quasi-judicial.

Sharon Miller, Assistant City Attorney, explained that certain items on the agenda were considered quasi-judicial which meant that the items were treated similar to Court matters, but with less formality. She further stated that the case would be presented, and individuals wishing to speak on such items would be sworn in, and the Board would disclose any communications or site visits in regard to the property. She also advised that anyone testifying could be cross-examined, and that exhibits used in the presentations would remain as part of the record.

Vice-Chair Alan Gabriel welcomed former Acting City Manager, Alan Silva, to the meeting.

The Board proceeded to make the following disclosures: Randy Powers stated that he had been to the site. Charlotte Rodstrom stated that she had been to the site. Maria Freeman stated that she had been to the site. Judith Hunt stated that she had been to the site, and stated that there had only been one sign that had been down during her visit. She added that she had also spoken with Joan Sheridan from the Southwest Coalition, who had informed her that some members of the Coalition had stated that the sign had been down for a period of time.

Chris Barton stated that the applicant was required to post the sign, and if it was brought to staff's attention that the sign was down, then the applicant was called and required to re-post the sign. He stated that this was the first he had been made aware that the sign had been down. He added that the applicant had signed an affidavit stating that the sign had been posted as required.

Gerry Cooper asked Ms. Hunt when she had been to the site. Judith Hunt replied she had visited the site earlier today.

**Motion** made by Gerry Cooper to defer this item.

Chris Barton stated that in regard to Item #4 on tonight's agenda, the applicant had indicated that they had not posted their sign properly, and had not submitted a signed affidavit. In regard to this item, the applicant had indicated that they had posted the sign, but that it had either blown down or was removed.

Gerry Cooper asked if there was a difference if the applicant forgot to post the sign, or if it was posted but had blown down. Sharon Miller explained that the sign was to be posted for the minimum 15 days. She stated that possibly the Board wanted to hear testimony from the applicant in regard to this issue. Gerry Cooper stated he would prefer to hear from the other Board Members as to whether they had seen the posted sign or not at the site.

Charlotte Rodstrom stated she had seen the sign today at the site, but it had blown down.

Judith Hunt explained that Ms. Sheridan had heard at an earlier board meeting about the matter. She stated she had not been informed of this issue until she had called asking if there had been community input regarding this item.

Regina Bobo Jackson, Gator Engineering Consultants, advised that the sign had been posted on August 3, 2004 that fell within the 15-day time limit. She stated that she had seen the signs on Monday, and remarked there had been two signs. She further stated that they had heavy winds in the area and people sometimes took them down. She added that they could not police the signs.

Gerry Cooper asked if the applicant had checked if the signs were posted after August 3, 2004. Ms. Jackson replied that on Monday the signs were up, but she had not visited the site today. Mr. Cooper asked if the Board wanted to continue with this item.

Charlotte Rodstrom stated that she was comfortable to continue hearing this item.

Gerry Cooper stated that he had a current list of lobbyists, and asked if Sharon Miller would state for the record the requirements for a lobbyist and the penalty involved.

Sharon Miller explained that lobbyists were individuals who represented applicants and had to be registered with the City. She stated they were attempting to influence a City body or staff person to take particular action on an item. She stated that they had to announce who they were representing in connection with the matter. If they were not registered, she stated they could be censured with a penalty imposed by the City Commission.

Gerry Cooper further stated that he did not see Ms. Jackson on the lobbyist list. Ms. Jackson stated that she was not on the list, but understood the penalty involved and wished to proceed with this item.

Regina Jackson stated that she had been assisting Carl Santangelo in regard to this project, and they were basically requesting a change of a conditional use and parking reduction for this property. She stated that the overall project would be an enhancement to the area. She further stated that the site was a vacant warehouse at this time, and she believed this project would bring forth viability to the neighborhood. She stated they had spoken to the neighborhood associations, and it appeared they were in favor of the project.

Ella Parker, Planning and Zoning, stated that the applicant was seeking conditional use approval with a site plan review, along with a 25% parking reduction. She stated that the existing use of the site was a one-story warehouse in the CB zoning district. She stated that the applicant intended to renovate the existing building into a Children's Day Care Center. She stated further that the applicant had addressed adequacy and day care facility requirements, and had provided a narrative in connection with neighborhood compatibility. She stated that staff had received a letter from the Riverland Village Civic Association stating that the group was not in favor of the proposed day care facility.

Ms. Parker further explained that the applicant was also seeking a parking reduction of 4 spaces. She stated that 16 spaces were required for the current use, and 12 had been provided. She advised the Board that the applicant had provided a traffic study that had been reviewed by the City's traffic consultant who had concurred with the study.

Ms. Parker stated that staff recommended the following conditions if the Board approved:

1. That the West façade be treated in a manner consistent with the North and East facades (provide architectural detail and landscaping) and that all rooftop mechanical equipment be appropriately screened.
2. That a cross-access agreement with the property owner of the property to the South and West be recorded and provided to the City prior to the issuance of a building permit.
3. Per the City's Engineering Design Manager, that the 15' access drive onto Davie Blvd. would serve and be signed as a right-turn only outbound route.
4. If a parking reduction request was granted, a Parking Reduction Order must be executed and recorded in the public records of Broward County at the applicant's expense prior to Final DRC.
5. A Construction Debris Mitigation Plan shall be submitted to include, but not be limited to, the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
6. Final Development Review Committee approval.
7. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.

Ms. Parker proceeded to submit the letter from the homeowner's association and showed a map of the subject property.

Charlotte Rodstrom asked for further clarification of staff's recommendation regarding the south side of the building.

Ms. Parker stated that at the south side there was an adjacent parking lot which belonged to the property on the west. She continued stating that the Engineering Manager requested that there be an access agreement because it would help traffic circulation.

Ms. Rodstrom asked if any type of landscaping was to be provided. Ms. Parker stated that landscaping had been proposed for the west side of the property. Ms. Rodstrom asked if the applicant would be willing to install landscaping on the south next to the residential neighborhood.

Ms. Jackson stated that the property at the south side of the building was not owned by the applicant, and the property adjacent had an "L" shape to it. She further stated that the parking facility behind the property was owned by the people on the west side of the property. She advised that there had been an access agreement that had expired in January, 2004. She stated the property had then been sold to a church, and they did not want to renew such an agreement since they also wanted to have a day care facility at their site. She stated that the church did not have the square footage to accommodate

such a facility, nor would they be able to supply the required parking. She advised that the applicant did have landscaping around their buffer area.

Ed Curtis stated that the objection appeared to be regarding the type of use and the inconsistency with the Master Plan. Ms. Jackson replied that the individuals she had spoken with were from different communities in the area, but she did not have the specific names of the associations involved. She reiterated that Riverland Village was the general group for the various smaller associations in the area. She stated that the individuals who were adjacent to the property did not appear to be opposed to the project. She remarked that this project was adjacent to Davie Boulevard, and that area was attempting to renew itself.

Ed Curtis asked if Ms. Jackson believed that this project was consistent with the vitalization plan. Ms. Jackson confirmed and reiterated that this would be an overall enhancement to the area, and would not generate additional vagrancy in the area and would be in alignment with the other commercial properties. She stated this was a residential area which did not have any type of day care facility, and she believed this use would provide a benefit to the community. Ed Curtis asked why this Board should approve the requested parking reduction. Ms. Jackson explained that the parking study showed that the 7 individuals working at the day care center would be the persons parking at the site, and the additional spaces would accommodate the visitors. She stated that most individuals would be dropping off the children in the morning and not parking, and a drop-off area would be designated. Ed Curtis remarked that it appeared that there was only space for about 2 cars and asked if that would be adequate. Ms. Jackson stated it should be adequate and individuals would arrive at the site at staggered times. Ed Curtis asked if the spaces were not adequate, where would the individuals park. Ms. Jackson stated that the cars would enter on 34<sup>th</sup> and would not be stacking up on Davie Boulevard. She added that they would exit onto Davie Boulevard.

Gerry Cooper asked who Ms. Jackson had spoken to in regard to the civic associations. Ms. Jackson stated that she did not remember who she had spoken to since that was during the time they were putting together their DRC package. Gerry Cooper stated that instead of building 5,000 sq. ft., could they possibly use less square footage, and then they would not need the parking reduction. Ms. Jackson replied that the problem was that this was an existing building, and they could use less of the available space. She stated if the use transferred, then the next tenant might want to utilize more space. Gerry Cooper asked if some of the site would be used for storage, would there be a different parking requirement. Chris Barton stated there would not be a different parking requirement. He stated they did not break it out, but if they elected not to use a portion of the building and close off an area, then possibly it might not be counted toward the center and the rate would be reduced. He stated that the parking study submitted and analyzed by the City's consultant showed that parking would not be an issue. He stated that the parking consultants concurred that the 12 parking spaces would be adequate for a facility of such a size.

Ms. Jackson advised that they were planning on accommodating about 50 students. Gerry Cooper stated that in reality many students arrived at the same time.

Judith Hunt stated that she was concerned that the members of the Riverland Civic Association had not been part of the planning process for this project. She also stated that the Southwest Coalition had been working hard on uplifting Davie Boulevard, and she did not feel they had been part of the planning process either. She stated that she was also concerned about having such a center without adequate parking. She advised that she had been the Risk Manager for the Broward County School Board for over 20 years, and she had never seen a site where parents did not stop, park and interact with the school. She reiterated that it was her opinion that there had not been sufficient community input.

Ms. Jackson stated that she believed the dynamics of parenting were different today, and frequently due to schedules parents often dropped off students without stopping to interact at the site. She reiterated that this was not an elementary school, but a child care center. She reminded everyone that teachers e-mailed parents today.

Randy Powers asked how many day care centers were in this neighborhood. Ms. Jackson stated that there were none within a 1,000 foot radius.

Charlotte Rodstrom stated that she did not notice anything in the area except for single-family homes to the south, north, east and west, except for the area involving the Riverland Association and Davie Boulevard. Ms. Jackson stated that the frontage of Davie Boulevard along that corridor was commercial. Charlotte Rodstrom stated if they wanted to attract larger national chains to develop the property to the extent they were pursuing, where would such employees place their children while working. She stated that was a concern of hers, and she believed having a day care facility would be a good buffer from Davie Boulevard into the neighborhood. Ms. Jackson stated that due to how the property was parceled, it would be difficult to obtain the type of development they were desiring to have occur.

Vice-Chair Alan Gabriel proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Judith Hunt stated that she believed there was a day care center located on Riverland Road across from the City park. She continued stating that she believed there were others located in the general area.

Vice-Chair Alan Gabriel asked if these items should be separated or could there be just one vote. Chris Barton explained that the items went hand-in-hand and one vote should be taken.

**Motion** made by James McCulla and seconded by Gerry Cooper to approve this application per staff's recommendations.

Gerry Cooper stated that one of the criteria was neighborhood compatibility, and if the major homeowners association was opposed to the project, and the applicant had not taken the time to speak to others in the community, then he felt the criteria was not being met. In regard to the parking reduction, he stated a lot of time was spent in creating the

ULDR, and he could not support a 25% parking reduction. He announced that he would not vote in favor of this project.

James McCulla stated that he believed day care centers belonged in the neighborhoods that they served. He stated that there had been written opposition by a neighborhood association, but their objections appeared to be unspecific. Comments by the group had been made regarding the nature of the business, traffic congestion, and that unspecific national chains would open businesses in the area once a master plan was developed. He stated that also allegations had been made regarding signage, but it appeared to be hearsay. Therefore, he did not see any reason to deny approval of this project.

Roll call showed: YEAS: James McCulla, Charlotte Rodstrom, Randy Powers, and Maria Freeman. NAYS: Judith Hunt, Gerry Cooper, Ed Curtis and Alan Gabriel. Motion failed 4-4.

2.      **Broward House/Broward House DRC**      **Angela Csinsi**      **67-R-04**  
Request:\*\*      Conditional Use/Conversion of  
                         8 Offices to Multiple Bedrooms  
                         Use (SSRF)  
                         Croissant Park Subdivision, Lots 15,  
                         16, 17 and 18, P.B. 4, P. 28  
Location:      417 S.E. 18 Court

Vice-Chair Alan Gabriel announced that this item was quasi-judicial.

Gerry Cooper asked if the representative of the applicant was a registered lobbyist with the City.

Kelly Manning stated that she was not a registered lobbyist, and understood the penalties as explained.

The Board proceeded to make the following disclosures: Judith Hunt stated that she had been to the site and had spoken with Commissioner Hutchinson. Ed Curtis stated that he had been to the site. Randy Powers stated that he had been to the site. Charlotte Rodstrom stated that she had been to the site. Gerry Cooper stated that he had been to the site.

Kelly Manning, Executive Assistant at Broward House, stated that they were converting offices back to bedrooms so they could serve more people in the community needed social services. She added that the offices would be located to another facility.

Angela Csinsi, Planning and Zoning, stated that this was a request for a conditional use approval for an amendment to an existing social service residential facility, Level V. She explained that the facility had originally been approved with 52 residents, and the applicant wanted to increase the residences to 68 by converting 1,818 sq. ft. of office space to 8 additional bedrooms. She stated that the applicant had submitted narratives outlining compliance with Section 47-25.2, Adequacy Requirements; Section 47-25.3, Neighborhood Compatibility; Section 47-24.3, Conditional Use; and Section 47-24.3,



Social service residential facilities. She added that all above sections had been attached to the site plan. She stated that the Development Review Committee had reviewed this plan and all comments addressed. She stated if this Board approved the proposed changes, then staff proposed the following conditions:

1. SSRF shall comply with the applicable statutory and administrative rule requirements of the State of Florida.
2. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
3. Final DRC approval.

James McCulla asked if the condition regarding the Construction Debris Mitigation Plan had been withdrawn. Ms. Csinsi stated that since there was not going to be any actual construction taking place, therefore Item #1 of staff's conditions had been withdrawn.

Vice-Chair Alan Gabriel proceeded to open the public hearing.

Kelly Manning stated that she had left out one important item. She continued stating that the HOPWA grants were waiting for the results of this procedure.

There being no individuals who wished to speak on this item, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by James McCulla to approve this application per staff's recommendations. Roll call showed: YEAS: Gerry Cooper, James McCulla, Charlotte Rodstrom, Randy Powers, Maria Freeman, Ed Curtis, Judith Hunt, and Alan Gabriel, NAYS: None. Motion carried 8-0.

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|-----------|---|----------------------|------------------------|
| <b>3.</b> | <b><u>Swiss Beach Holdings/Beach Bums</u></b> | <b>Angela Csinsi</b> | <b><u>100-R-04</u></b> |
|           | Request:**                                    |                      |                        |
|           | Site Plan Review/Sidewalk                     |                      |                        |
|           | Café (PRD)                                    |                      |                        |
|           | Las Olas by the Sea, Block 3                  |                      |                        |
|           | (S ½) Lot 4, and all of Lots 5                |                      |                        |
|           | & 6, P.B. 1, P. 16                            |                      |                        |
|           | Location:                                     |                      |                        |
|           | 219 South Atlantic Boulevard                  |                      |                        |

Vice-Chair Alan Gabriel announced that this item was quasi-judicial.

The Board made the following disclosures: Ed Curtis stated that he had been to the site. Randy Powers stated that he had been to the site. Charlotte Rodstrom stated that she had been to the site. Gerry Cooper stated that he had been to the site. Judith Hunt stated that she had been to the site. Alan Gabriel stated that he had been to the site.

Steven Osber stated that he was representing the applicant. Gerry Cooper asked if Mr. Osber was a registered lobbyist. Mr. Osber replied that he was not a registered lobbyist and understood the penalties involved.

Mr. Osber continued stating that they were seeking a sidewalk café permit, and had met all requirements necessary to obtain such a permit. He stated they had met the FDOT

space requirements of 13', and they had delineated the area showing the placement of the 9 tables and 34 chairs, along with brass markers to enforce the specific area for such tables.

Angela Csinsi, Planning and Zoning, stated that the applicant was seeking approval for a sidewalk café consisting of 9 tables and 34 seats. She stated they were required to have a minimum 13' wide pathway for pedestrians along the existing sidewalk as agreed to in the Lease Agreement with FDOT. She stated that staff felt the proposal was in compliance with the ULDR. She further stated that if this Board approved the proposal, then the following conditions would apply:

1. Compliance with Fort Lauderdale Code of Ordinances Sections 25-181 through 25-190, Sidewalk Cafes.
2. That all outside music, loudspeaker, amplifiers and microphones are prohibited in the outside dining area.
3. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
4. A sidewalk café permit form must be reviewed and approved by all applicable disciplines prior to Final DRC approval.
5. Final DRC approval.

Charlotte Rodstrom asked if they presently had any outside eating facilities at the site. Mr. Osber stated there were booths and tables but they were considered part of the restaurant, and were not placed on the sidewalks and were under a roof. Charlotte Rodstrom asked if there was outside dining behind the building. Mr. Osber stated that in the rear there was primarily a bar area serving light fare items.

Vice-Chair Alan Gabriel proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by James McCulla and seconded by Judith Hunt to approve the application per staff's recommendations. Roll call showed: YEAS: James McCulla, Randy Powers, Maria Freeman, Ed Curtis, Judith Hunt, Gerry Cooper and Alan Gabriel. NAYS: Charlotte Rodstrom. Motion carried 7-1.

<b>5.</b>	<b><u>Holy Cross Hospital</u></b>	<b>Chris Barton</b>	<b><u>87-R-04</u></b>
	Request:**	Site Plan review/Height Modification (CF) – Coral Hills, Lot 21, Block 6, P.B. 37, P. 20	
	Location:	4725 North Federal Highway	

Vice-Chair Alan Gabriel announced that this item was quasi-judicial.

The Board proceeded to make the following disclosures: Maria Freeman stated that she had been to the site. Judith Hunt stated that she had been to the site and had received a fax from Mr. Platt. James McCulla stated that he had received a fax from Mr. Platt. Ed Curtis stated that he had received a fax from Mr. Platt and had been to the site. Randy

Powers stated that he had been to the site. Charlotte Rodstrom stated that she had been to the site. Alan Gabriel stated that he had spoken with Stephen Tilbrook and Mr. Platt, and had been to the site. He stated that he had received a letter and e-mail also from Mr. Platt.

George Platt, attorney, proceeded to introduce the individuals present at tonight's meeting. He announced that Sr. Mary Louise of the Sisters of Mercy; James Boote, Executive Vice-President and Chief Operating Officer of Holy Cross Hospital; Gerald Morris, General Counsel; George Spadafora, Director of Engineering; Larry Martineau, Project Architect; and Aaron Austin, Project Manager. He advised that his partner, Stephen Tilbrook, was also present tonight.

Mr. Platt continued stating that this was for a site plan approval with a height modification. He stated that this fulfilled the Master Plan that came before this Board in 1998. He stated there now existed a need for the top 2 floors, and they also had to provide the level of parking that would be consistent with the ULDR requirements.

Mr. Platt advised that both he and Stephen Tilbrook were registered with the City as lobbyists.

Gerry Cooper stated that he had been to the site.

Stephen Tilbrook stated that this was a request for site plan approval based upon a height modification as set forth in Section 47-8.30 of the ULDR. He explained that the site consisted of 27.7 acres, and he proceeded to show a map of the area. He stated that the area was rezoned CF in 1997, and the prior zoning for the site had been B-1. He stated that this project had originally been approved in 1989 for a 4-story parking garage with a 2-floor expansion. He stated at that time the height restriction for the area was 150', and when the zoning was changed in 1997 to CF, the maximum height limitation without modification was 60'.

Mr. Tilbrook further stated that this project had been approved for a 2-floor expansion in 1998 as part of the Master Site Plan. He stated that the plan was approved so as to consolidate all of the building programs planned for the Holy Cross Hospital update package. He stated the projects included were the Cancer Center, Outpatient Facility, the new Chapel, the new Cardiac Center, and the parking garage expansion that had all been approved by the Planning and Zoning Board. He stated that the parking garage expansion consisted of 315 spaces on 2 additional floors. He explained the height of the project was 65' 6", and the height modification to the top of the parapet wall was 5' 6" over the 60'. He explained further that the setbacks were 238' on the north, 904' on the south side, 296' on the east, and 282' on the west. He stated this project was located in the center of the campus with significant buffers from the community.

Mr. Tilbrook continued stating that the project would add additional parking spaces, and the total number of spaces would be 1930, and the required number of spaces was 1877. He stated they had met with the community regarding this project on July 28, 2004. He proceeded to show photographs of the expansion. He stated that no negative comments had been received, and announced that a letter of support from one of the

members of the community had been included in the Board's back-up material. He stated that they agreed with staff's report and recommendations.

Chris Barton stated that the Master Plan had been approved by this Board in 1998. He explained that the hospital had a substantial building program that was almost complete. As part of the approval, they had indicated they wanted to proceed with the higher level parking garage. He stated that the garage parapet wall would be 5'6" higher than the CF district permitted. He further stated that staff concurred with the applicant's assessment and they had reviewed the area and felt there would be no significant impacts to the surrounding neighborhood other than a decrease in the parking requirements that might be caused by a busier hospital.

Vice-Chair Alan Gabriel proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by Judith Hunt to approve the application per staff's recommendations. Roll call showed: YEAS: Charlotte Rodstrom, Randy Powers, Maria Freeman, Ed Curtis, Judith Hunt, Gerald Cooper, James McCulla, and Alan Gabriel. NAYS: None. Motion carried 8-0.

<b>6.</b>	<b><u>Grand Palazzo/Hendricks LLC/Aria</u></b>	<b>Chris Barton</b>	<b><u>71-R-04</u></b>
	Request:** Site Plan Review/12 Units, 5 Story Multi-Family Condominiums (RMM-25) Victoria Isles, Lot 24, Block 4 P.B. 15, P. 67		

Vice-Chair Alan Gabriel announced that this item was quasi-judicial.

The Board proceeded to make the following disclosures: Randy Powers stated that he had been to the site. Charlotte Rodstrom stated that she had been to the site and had spoken with Debbie Orshefsky. Gerry Cooper stated that he had been to the site and had spoken with Debbie Orshefsky. Maria Freeman stated that she had been to the site. Judith Hunt stated that she had been to the site. James McCulla stated that he had been to the site and had spoken with Barbara Hall. Alan Gabriel stated that he had been to the site and had spoken to Barbara Hall.

Barbara Hall, attorney, stated that she was a registered lobbyist with the City. She continued stating that this property was located at the north end of Hendricks Isles, and was zoned RMM-25 which permitted 25 units per acre. She stated that this street and the one to the east were in a period of transition. She explained they were moving from the old single-story and 2-story dwellings to multi-family condominiums. She stated that over the years a number of 5-story projects had come before this Board which had received approvals, and some were under construction at this time.

Ms. Hall stated that this project was entitled to have 14 units, but they were going to have 12 units. She explained that the height of this building would be 52'9", and the

length was 169' meeting all criteria. She stated that they were here tonight regarding a Site Plan Level III for 2 approvals because the project was on a waterway, and a yard modification had been requested. She stated further that the yard modification being requested was for a 1-story portion of the building area that did not exceed a height of 13'6". In all instances the 1-story area was set back from the property line at least 10' and in some cases as much as 20'. She stated such modifications were being requested not to make the building possible, but to make the building a superior one from a design perspective. She stated it would allow them to fully enclose the parking, except for 2 spaces. She stated that a portion of some of the spaces in the garage were outside the 26' setback.

Ms. Hall further stated that they were also requesting yard modifications for architectural features. She proceeded to show a map of the site. She then proceeded to show a sketch showing the portion of the structure requiring the yard modification that had been highlighted. She stated that the Project Manager, Diane Barry, would proceed to give an overview of the project and why the yard modifications were necessary.

Diane Barry, Project Manager, proceeded to show a rendering of the front of the building which showed the 1-story element on the south side. She stated this was keeping within the architectural features that were looked for in the RMM-25 district that created a terrace effect. She stated the 1-story element helped to blend in the old and new buildings together. She explained that on the north side there was no yard modification required for the front of the building, and announced that they were over 37' from the side yard property line.

Ms. Barry then proceeded to show a rendering of the rear of the building from the waterway. She stated there were also 1-story elements that were the parking garage on the north side. She then proceeded to show the site plan.

Vice-Chair Alan Gabriel stated that an error had been made on the agenda because it had listed this project having 3 units, and the correct number was 12 units. He asked if this posed a notification problem or advertisement issues.

Sharon Miller stated that staff's report was correct, along with the application, regarding the number of units. Therefore, she did not feel the agenda defeated the notice.

Ms. Barry continued stating that terraces were created in the rear of the building for the units on the second level. She stated that in conjunction with the terracing effect, they were also looking for some architectural features with regard to cantilevered balconies, surround elements on the front of the building taken from architecture in the area, and the design was Spanish Mediterranean on the contemporary side. She added that they had used light colors and tinted windows to deflect some of the heat. She stated that this was intended to be a luxury ownership building. She stated the base of the building would have cut marble and above that there would be simulated stone along the columns and trim pieces. She stated the roofs would be covered with a terra cotta custom-blend tile.

Ms. Barry stated that in meeting with some groups concerns had been raised that the units would have views into the neighborhoods since there were some one-story single family homes in the area. She proceeded to show the floor plan of each level that contained 3 units per level ranging from 2,100 sq. ft. to 3,300 sq. ft. She stated that the bedroom spaces in those units were located on the west side, and the majority of this building focused to the east.

Ms. Barry stated that the one-story elements helped to blend the 5-story structure into the neighborhood as it existed, and to create a secure design by covering the parking. She stated the pool was located in the setback and proceeded to show a rendering. She stated that having pools in the rear yards tended to bring individuals out into the yards.

Ms. Hall proceeded to show a diagram of the area where the yard modification was being requested. She stated that a 10' setback was provided for the side yard, and 10' in all other directions. She stated that the adjacent single-family districts allowed heights up to 22' with a 10' setback, and in some cases allowed heights to 22' with only a 5' setback. She then proceeded to show an aerial photograph of the site showing the architectural features that intruded into the yard modification area.

Chris Barton, Planning and Zoning, stated that staff agreed with the applicant's presentation in regard to what they were proposing to construct. He proceeded to call the Board's attention to Exhibit 1 in their backup material, and stated that they were proposing a 12-unit multi-family development on 5 levels. He pointed out that the site could contain up to 14 units in the RMM district. He explained that they were substantially meeting or trying to meet the intent of the 26' 5" setback required. He stated that staff had considered that without the modifications being requested for the lower first floor that enclosed the cars, they would not be before this Board, except for the waterway requirement and the pool. He stated in staff's opinion it had been a toss-up as to whether they designed a building that had the cars exposed on the first level behind a fence or screen, or whether they were enclosed in the yard. Therefore, the residential tower portion that were levels 2-5 met the setback requirements. He advised that level one did not meet such requirements. He stated that some balconies protruded, but they were within the requirements permitted for balconies.

Mr. Barton stated that the pool area was also in the waterside yard. He stated that the plans showed a gazebo that had not been mentioned in staff's report or the applicant's narrative. He further stated that they had not included as a possible condition the fact that while there was significant landscaping on either side of the pool, there was none between the pool and the building. He stated that the Board might want to entertain a condition that staff had not developed requiring additional landscaping between the pool and the seawall in order to break up the large opening for the plaza. He stated the deck area around the pool did not take up the entire yard, and there was significant landscaping both to the north and south in the plan. He explained that the gazebo was a structure, and staff recommended that such structure not be permitted.

Mr. Barton further stated that they had prepared Exhibit 1 showing the existing buildings and context of the area. He stated the green items were one-story structures, light green were 2-story structures, and he stated further that single-family homes and small

apartment buildings had given away to the larger 3-5 story structures. He stated there was an approved project in the area and proceeded to show its location on the map.

Mr. Barton continued stating that there were 2 projects presently under construction that had not been presented to this Board because they were townhouses or single-family homes. He explained they were larger structures that tended to go to 35'. He stated that if the Board approved the project, staff recommended the following conditions:

1. The proposed development is in an area that has the potential to generate impacts from construction debris due to high winds and close proximity to existing uses. As such, in order to ensure that construction debris remains on site and does not become a nuisance to neighboring properties, prior to application or a building permit, a Construction Debris Mitigation Plan shall be submitted to include, but not be limited to, the requirements of the Construction Debris Mitigation Policy as attached, and as approved by the City's Building Official.
2. All construction will require approval from all pertinent environmental review agencies.
3. Staff recommended that additional landscaping be provided between the pool and the seawall, either in cut-out planters or in raised planters, but not raised more than 18" to provide some landscape relief between the water and the building façade.
4. Site plan approval shall be valid as provided in ULDR Section 47-24.1.M.
5. Final DRC approval.

Vice-Chair Alan Gabriel reiterated that staff's report had identified this project as having 12 units. Chris Barton confirmed.

Chris Barton reported that they had received several letters regarding this project. He stated that a letter had been received from a Mr. Ron Richard, 508 Hendricks Isle, who was in general opposition to the building, but no specifics were mentioned. He advised that another letter had been given to him this evening from Jim Grady, 1908 Sunrise Key, which was located across from the site, and he was in opposition to the granting of the yard modifications, but was not opposed to the pool. He stated that Mr. Grady preferred to see the cars not covered or screened by landscaping or a type of fencing, rather than the proposed structure. He further stated that another letter was received from Jim Grady that was similar to the e-mail which had been submitted.

Gerry Cooper asked if the rendering of the waterway view could be shown. Ms. Barry proceeded to show the rendering. Gerry Cooper stated that a comment had been made regarding the terracing effect. He remarked that he saw a lot of balconies, but did not see any terraces, and asked for some further clarification. Ms. Barry explained that the terracing effect was created by the covered parking garage. Gerry Cooper stated that previously they had seen buildings set back causing a "wedding cake" effect. He felt this building looked thick and heavy. He stated that he did not see any terracing except on the first floor that was covered by landscaping. He asked if the rendering was true and accurate. Ms. Barry stated that it was true, and some landscaping had not been shown in the rendering due to the fact that it would cover the building more.

Gerry Cooper asked if this was a true and accurate rendering of the building, other than the landscaping that was removed. Ms. Barry confirmed. Gerry Cooper asked who would have use of the slips behind the building. Ms. Barry explained they would be used by private owners only, and stated in their plans there would only be private dockage for the owners of the apartment buildings. Gerry Cooper clarified that the slips would only be used by the Upland Property owners. Ms. Barry confirmed. Gerry Cooper stated that they were requesting yard modifications that only covered parking, and it was stated that they could build without the covered area. Ms. Barry again confirmed.

Ed Curtis asked if the pool was located within the setback. Chris Barton replied that it was within the setback and was approved by the ULDR. He stated that code stated there could be a landscape area, along with walkways necessary to get from the building to the water. He stated that through Site Plan Level III, Code also stated that other elements could be introduced upon approval. He stated they were requesting to put the pool in the rear yard. He explained that the ULDR provided this Board with the authority to approve such a pool. He stated that the Board had approved a number of such requests, and also had denied some.

Charlotte Rodstrom asked if the rendering was computer originated. Ms. Barry stated the aerial was a photograph, and then the building was superimposed onto the photo. Charlotte Rodstrom asked who had done the computer rendering. Ms. Barry stated the company was Lloyd Visual Arts. Charlotte Rodstrom questioned the width of the canal and stated that it was not that wide, and it looked out of scale. Ms. Barry proceeded to show an aerial looking from the front of the building facing west to the east. She stated they were at the edge where the water curved and then went into two directions. She stated the Barcelona Canal went in one direction, and another canal in the other direction. She stated this was a correct view of the canal. Ms. Rodstrom stated that she had a problem as to what was occurring to the west.

Vice-Chair Alan Gabriel proceeded to open the public hearing.

Ms. Anderson stated that she lived at 532 Hendricks Isle. She stated that the photographs being shown were irrelevant and stated that her boat was 20' behind her apartment, and it was not depicted in the photographs. She further stated that the property could not support what was being proposed. She felt the photographs were a mis-service to the Board and the community. She stated that the Board needed to consider the quality of life for the City.

Dawn DeMartini stated that she was against this project.

Margaret Nusser stated that she lived across the street and objected to the modification in the sideyard setback. She stated it would make a great difference and she felt the building would also block the breeze and light. She further stated that there was also going to be a lit atrium that she objected to because she was a star gazer. She reiterated that she was against the project.



Dennis Nusser stated that he lived 215' from the SW corner of the subject property. He stated that other projects had come before the City for approval for the subject site, and none had been approved. He stated that a project 3 lots down had been approved in May, 2003, and the buildings there were existing at the time of the approval of the project. He felt they should not consider projects regarding land mass until they were completed. He proceeded to read Section 47-23.11 of the ULDR. He stated that no one mentioned this section of the ULDR in the definition of the modification of yards. He proceeded to read some of the definitions as follows: "Adjacent Properties shall mean buildings located on the same side of and fronting the same right-of-way as the proposed development and within a 600' distance on one side with 300' distance on both sides of the proposed development." He proceeded to show where on the map 600' going south would run to. He stated that at the present time none of the buildings were higher than 2 stories.

Mr. Nusser stated that the second definition was continuity. He proceeded to read as follows: "It shall mean that the same setback or features exist on adjacent properties to an extent which furthered a sense of order and harmony along the street front." He stated that a 5-story building in a 2-story neighborhood was not harmonious and was a large, massive, bulky building. He stated that a modification was being requested and they were to consider hardship. He felt the architect had constraints put on by the City and the ULDR, and without trying to over mass the land, architects tried to find creative solutions for difficult site problems. He stated the reason for having codes and ordinances was to keep the neighborhoods from going crazy.

Bruno Verosta stated that he owned the property in the corner on the map. In looking at the rendering of the proposed building, he felt it was totally incompatible with the area. He stated that when developers requested variances or modifications, he believed it meant they were attempting to squeeze too much into the land and were impacting the neighborhood. He stated that both renderings shown were not to scale and incomplete due to the fact that the docks had not been shown. He stated that the proposed building was not consistent with the present or past surroundings. He stated that townhomes would be acceptable for the area. He explained that on his west side, he was going to be looking at a 50' wall which would completely obliterate his view and cause a shadow on his property. He stated that the rendering showed his building at the edge of the Intracoastal that was not accurate. He stated that last week he experienced a 100% tax increase and wanted to retire here, and felt all the neighbors were going to be affected also. He stated that his property would decrease in value because of this building.

Wesley Otto stated that he owned various properties in the area. He stated that the landscaping should be increased, and he recommended that the parking stay covered. He reiterated that otherwise he was in favor of the project.

Cindy Eden stated that she lived across the canal to the west. She stated that many years ago she had been actively involved with the ULDR, and stated that the intent and spirit of such modifications was to have properties with nice cantilevered balconies and eliminate square block buildings. She stated that this violated the spirit and intent of that law. She added that the property was asking for modifications on the sides and in the rear, but there were cantilevered features on the second floor that were included in the

front yard modification that had not been shown in staff's report. She felt those features were supposed to come before boards for approval, and were not intended to provide extra covered parking for guests or residents. She stated this would allow the building to have more units or more square footage than what the lot could handle.

Wayne Pierce, President Casa Grande Association, stated they were the neighbors to the south of the subject property. He stated that they were opposed to the setbacks being requested, but did not object to the pool.

Marcus Nieman, resident of Hendricks Isles, stated that he was not really there to comment on this particular project, but stated that there was a lot of development taking place in the area. He felt the Board needed to remember that people were living in the area at this time, and the new projects were impacting the neighborhood. He stated that the developers were not considerate of the neighbors during their construction. He urged the City to monitor the projects more closely. He reiterated that he was not opposing this project, but wanted the City to review the situation on the island at this time.

Gerry Cooper stated that when the large projects first began appearing on Hendricks Isles, they had been told the beauty of putting in such large buildings was that they eliminated the parking problems in the area. He asked if the residents and guests of the new buildings were actually parking on the streets at night. Mr. Nieman confirmed. He stated that he had called the City twice and had left messages, but no one had returned his calls. Gerry Cooper suggested that a call be placed to Lori Milano at (954) 828-5207 regarding the parking issue.

Mr. Nieman stated that possibly the City needed to better communicate with the developers and remind them that people were already living in the area.

Ms. Hall stated that in regard to compatibility with the area, there had been 6 projects approved since 2000 that were 5 stories with heights of 50' or greater on Hendricks Isles. She felt this building was consistent with the area. She stated that this area was in transition. She stated that the new projects were helping to clean up Hendricks Isles and eliminating live-a-boards and providing adequate parking. She felt such a project as this one would eliminate problems and not create them.

Ms. Hall further stated that in regard to the neighbors to the west, they were on the east side of Hendricks Isles and mentioned that there was an intervening right-of-way and a grass strip which had some inadequate landscaping which was not well maintained by the City. She stated they were willing to make as a condition for approval to work with the neighborhood to the west and install a landscape buffer along the strip of grass and maintain it. She felt it would be attractive for the residents to the west, as well as for the rest of the Isles.

Ms. Hall continued stating that yard modifications were permitted by the Code, and reiterated that they were not exceptions for the Code. She stated that such modifications helped to create better projects, and in this case would allow all the parking to be enclosed.

Charlotte Rodstrom asked if the other 5 or 6 developments taking place would also be requesting yard modifications, or were they going to build within their designated areas. Ms. Hall replied that some of the projects had received yard modifications.

Ms. Barry proceeded to show the aerial of the proposed site.

Ed Curtis asked what section of the ULDR authorized this Board to approve a pool in the setback. Chris Barton stated that the yard modification section permitted that to take place which was Section 47-23.11.A.3.a and b. Mr. Curtis asked how they could justify that in accordance with Section 47-19.2.C.c.2 which stated: "A swimming pool accessory to a multi-family dwelling shall be subject to the minimum yard requirements of the zoning district in which it was located." Chris Barton stated that it was subject to the minimum yard requirements, but the yard in that district and in connection with waterway use gave this Board the authority to approve such a request. He reiterated the pertinent section was 47-23.A, Waterway Use, and Section B.1 that stated: "A 20' landscape yard is required adjacent to the existing bulkhead line. The required 20' yard shall not be used or developed for any purpose other than landscaping and the minimum amount of driveways or walkways reasonable and necessary to serve permitted non-residential or multi-family waterfront uses, unless specifically approved by the Planning and Zoning Board."

Ed Curtis asked why should this Board allow such an exception. Ms. Hall reiterated that it made for a better project and was consistent with single-family homes in the area. She did not feel it was advisable to distinguish multi-family residences from single-family residences and require them to have a different style of life. Ed Curtis reiterated that the ULDR distinguished single-family from multi-family all the time. Ms. Hall confirmed, but stated that the intent of waterway use was to create continuity between the various types of uses. She stated that by putting pools in the rear yards, a continuity and compatibility was being created among uses that shared the waterway. She felt the pool did not infringe on anyone being located in the rear yard.

Vice-Chair Alan Gabriel stated that he wanted to address the waterway issue. He stated it was not only the pool, but the patio decking area of the pool which was extensive on the site plan. He stated that a condition was suggested that additional landscaping be added to that area, but he had not heard such a proposal being made by the applicant. Ms. Hall stated they would agree to the extent that the need to maintain the pool area could still be met. Vice-Chair Alan Gabriel stated that he wanted to know what would be proposed because he was very concerned about the area since the 20' area was to be landscaped. He stated the pool decking was extensive and went into the gazebo area, which staff explained should not be included as part of the project even though it was on the site plan. He stated that he was not sure how it should be deleted from the approval. Ms. Hall stated that she was informed it was not a gazebo, but was a table and chairs. She stated that the architect would respond to the matter of placing landscaping between the pool and the bulkhead.

Ms. Barry stated that multi-family projects were subject to a minimum pool width required by the County which was 15' from the wet face to the wet face of the pool. She stated that was one of the reasons for the deck area around the pool that involved safety

issues. She remarked that the pool could be placed slightly closer to the building, but they needed to keep in mind about the handicap accessibility that was a requirement also for around the pool. In addition, she stated that along the eastern edge they could put in palm tree wells that incorporated grates within the decking, and some allowances could be made for zeriscape material in a raised planter. She added that there were also a certain amount of structural requirements for the seawall and the pool prohibiting shade trees along the waterway adjacent to the pool area.

Vice-Chair Alan Gabriel reiterated that he was attempting to address the 20' landscape required area. He stated that in order to have him approve this project, he needed to know what would be done by the applicant. Ms. Barry reiterated that the landscaping material had been minimized on the massing model in order to reflect the building. She added that on the developed rendering they did not want to cover the building so it could be seen clearly. She reiterated that they could move the pool back towards the building about 2', and currently there was 5' between the worst case scenario where the property came in at an angle and the pool was 5' from the interior face of the seawall cap. She stated with a 5' tree well they would be able to plant palm trees and other materials in the area. She remarked they would do that if the Board recommended it as a condition for approval.

Vice-Chair Alan Gabriel asked for further clarification regarding the gazebo. Ms. Barry stated there was a misinterpretation in that regard, and reiterated that there was no gazebo within the project. She remarked that she was only demonstrating a table and chairs with an umbrella. Vice-Chair Alan Gabriel asked if there were additional paver areas within the 20' landscape zone. Ms. Barry stated if the Board recommended that it be removed, then they would do so.

Ed Curtis clarified that for a multi-family dwelling there had to be a certain size pool. Ms. Barry confirmed. Ed Curtis stated that due to the size of this building, such a pool had to be placed within the setback area. Ms. Barry confirmed and stated it had to be done in that way unless the building was decreased in size. She advised that the ADA requirements were to have a 4' minimum walkway around the outside edge of the pool.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by James McCulla to approve the application per staff's recommendations.

Chris Barton stated that staff would recommend that additional landscaping be placed between the pool deck area and the seawall as approved by the Chief Landscape Plans Examiner of the City. James McCulla added to the maximum extent possible to permit a pedestrian pathway, along with safety of the seawall.

The motion read as follows:

**Motion** made by James McCulla and seconded by Maria Freeman to approve the application per staff's recommendations, and that additional landscaping be placed

between the pool deck area and the seawall as approved by the Chief Landscape Plans Examiner of the City. Such landscaping was to be added to the maximum extent possible to permit a pedestrian pathway, along with safety of the seawall.

Chris Barton reminded the Board of the applicant's offer to landscape, maintain and irrigate the green space west of Hendricks Isles Drive opposite the project.

Vice-Chair Alan Gabriel asked if the maker and second of the motion accept the additional condition. It was agreed to add the condition to the present motion.

Therefore, the motion read as follows:

**Motion** made by James McCulla and seconded by Maria Freeman to approve the application per staff's recommendations, and that additional landscaping be placed between the pool deck area and the seawall as approved by the Chief Landscape Plans Examiner of the City. Such landscaping was to be added to the maximum extent possible to permit a pedestrian pathway, along with safety of the seawall. Also, the applicant was to landscape, maintain and irrigate the green space west of Hendricks Isles Drive opposite the project.

Gerry Cooper stated that if this Board or the City had erred in the past, that was no reason to continue. He believed better projects should be built, and he felt they should be thankful to the public, especially Dennis Nusser who had spent a lot of time in regard to investigating this project. He stated there were codes and ordinances and a great amount of time had been spent on them, and if the developers wanted they could build townhouses. He reiterated they were building large, bulky, massive buildings instead. He stated there was no terracing and nothing to make it look lighter. He stated that in his opinion the reason they were building such large buildings was due to the economics involved. He asked what was more important, for a developer to build to the max or for people to have a good lifestyle. He stated he was not in favor of this project, and he felt a better job could be done.

Ed Curtis stated that since they had erred in the past, it was no justification to continue. He felt this was too big a building for the parcel. He stated he was not in support of this project.

Charlotte Rodstrom stated that she appreciated the Board's concern regarding the pool and the landscaping, she was more concerned about the residents on the west than the fish on the east side. Therefore, she was not in support of this project.

Roll call showed: YEAS: Judith Hunt and James McCulla. NAYS: Randy Powers, Maria Freeman, Ed Curtis, Gerry Cooper, Charlotte Rodstrom and Alan Gabriel. Motion failed 2-6.

**BOARD RECESSED AT 8:38 P.M.**

**BOARD RECONVENED AT 8:50 P.M.**

7.      **Grand Palazzo III/Gardens of Hendricks Isle**      **Mark McDonnell**      **35-R-04**  
Request:\*\*      Site Plan Review/Redevelop Site with  
                         12 Condominiums (RMM-25)  
                         Victoria Isles, Lot 9, Block 4  
                         P.B. 15, P. 67  
Location:      208 and 216 North Hendricks Isle

Vice-Chair Alan Gabriel announced that this item was quasi-judicial.

Robert Lochrie, on behalf of the applicant, requested that this item be deferred until September 14, 2004, at 6:30 p.m.

**Motion** made by Ed Curtis and seconded by Gerry Cooper to defer this item until September 14, 2004, at 6:30 p.m.

8.      **City of Fort Lauderdale**      **Don Morris**      **13-Z-03**  
Request:\*\* \*      Rezone County B-3/C-1/M-3 to  
                         Heavy Commercial/Light Industrial  
                         Business (B-3) and to Industrial (I)  
                         South side of State Road 84, West of  
                         SW 30 Avenue  
Location:      2980, 2990 and 3000 State Road 84.

Vice-Chair Alan Gabriel announced that this item was quasi judicial and that the Board would also serve as the Local Planning Agency.

Sharon Miller, Assistant City Attorney, stated that this Board would also act as the Local Planning Agency that was governed by a State Statute that stated they had to make sure whether an application met the City's Comprehensive Plan or Land Use Plan.

The Board proceeded to make the following disclosures: Judith Hunt stated that she had been to the site. Ed Curtis stated that he had been to a portion of the site, but was unable to get to the last part of the site. Randy Powers stated that he had been to the site.

Don Morris, Planning and Zoning, stated that this area had been annexed by the City in 1994, and then had done subsequent land use amendments in 2000. He stated they had presented the rezoning proposal before this Board in August, 2003, and some questions had been raised regarding existing uses on properties that would be rezoned and become legal non-conforming. He stated that staff had put together amendments to the ordinance that had been passed that address the issue regarding use of the property. He stated that these properties had been previously deferred due to such issues.

Mr. Morris continued stating that the properties were currently located south of SR84 and were split by I-595. He proceeded to show the location of such properties on the map. He stated that current zoning of the property was County C-1, County B-3, and County M-3. He stated the reason they had chosen the zoning classifications as proposed was that there was a commercial land use where the B-3 area was located,

especially in regard to the properties on SR 84, and due to that they were limited in regard to rezoning. He stated when there was an industrial land use category, there was the option to rezone to industrial or B-3. After meeting with the property owners, they had determined that B-3 would be an appropriate rezoning for the property abutting SR 84 since there was a current shipyard use that would also be permitted in the B-3 district, along with a light manufacturing use. He further stated that the annexation ordinance amendments that had been made addressed the light manufacturing use and such use would be permitted indefinitely.

Mr. Morris stated that their proposal in regard to the property south of I-595 was industrial and currently was zoned M-3. He stated that pursuant to Section 47-24.4.D of the ULDR the following criteria needed to be evaluated in regard to a rezoning request. He stated the zoning districts as proposed were consistent with the City's Comprehensive Plan and the Land Use Plan Amendments adopted in 2000. He stated they also supported the goals, objectives and policies of the future Land Use Element of the City's Comprehensive Plan as follows:

"Objective 22 – Continue to respond to identified problems/opportunities; develop incentive systems for quality development and redevelopment; prevent incompatible uses; and incorporate design criteria.

"Policy 22.1 – Insure consistency between zoning and the City's adopted Comprehensive Plan and the City's Mission Statement through annual updating of the Plan.

"Objective 24 – Continue to protect and enhance marine uses as a recognized resource of the City.

"(2) *Substantial changes in the character of development in or near the area under consideration supports the proposed rezoning.*

The City is not proposing substantial changes for any of these properties. The properties are being rezoned from Broward County zoning classifications to City of Fort Lauderdale zoning classifications to complete the State Road 84 annexation process begun in 1994.

"(3) *The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.*

These existing uses located south of SR 84 are primarily marine-related. The proposed rezoning is intended to maintain and promote these uses."

Mr. Morris reminded the Board that they were also acting as the Local Planning Agency and the motion should include findings in compliance with the City's Comprehensive Plan. He further stated that they had held off doing other rezonings in this area so that everything could be done as one package. He announced if this item was approved, it would be presented to the City Commission on September 21, 2004.

Gerry Cooper stated that it was his recollection when this had been presented several months ago, one or more of the property owners had stated that when their properties

had been annexed, they had been informed they would be made whole. He stated that the planner stated that part of becoming whole would be to go before the Board of Adjustment and see what would happen. He stated that he had reiterated that was not fair at the time. He asked if staff was saying such property owners were in the same position they were before being annexed. Mr. Morris confirmed and stated that the uses on the ground now were permitted uses provided they were legally permitted in the County at the time of annexation.

Vice-Chair Alan Gabriel proceeded to open the public hearing.

Andrew Cooney stated that he was one of the property owners, and stated that the property adjacent to his was designated as being in Hollywood. He added that there was the FPL Cooling Canal that split his property and a property owned by Bob Elmore. He stated that annexation problems had not yet been resolved. He also asked where was the property known as 2980 located.

Vice-Chair Alan Gabriel stated that his property had already been annexed into the City of Fort Lauderdale, and explained the City was looking to rezone the property to a district consistent with City zoning. He asked if Mr. Cooney had any objections to raise this evening in regard to that matter.

Mr. Cooney stated that he wanted to object, but if everything was to stay status quo, then why change the existing zoning. Mr. Morris explained that they could not keep County zoning because it was not within the City's ULDR, and the requirement was that at some point the annexed properties had to be brought into compliance with the City's Comprehensive Plan and the ULDR. Therefore, the properties had to be rezoned. He also stated that the use was permitted and the property would be legal. He stated that would be assured through the amendments being made to the annexation ordinance. He stated if the property was to be redeveloped, then there would be standards that would kick in. He stated if the property was abandoned and then re-established, the present Code requirements would have to be met.

Since there were not other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by Judith Hunt to approve the item as presented. Roll call showed: YEAS: Maria Freeman, Ed Curtis, Judith Hunt, Gerry Cooper, James McCulla, Charlotte Rodstrom, Randy Powers, and Alan Gabriel. NAYS: None. Motion carried 8-0.

**9. City of Fort Lauderdale**

**Liz Holt**

**9-T-04**

Request: \* Amend ULDR Sec. 47-33.6  
(A) Meeting and Procedures to  
change the regularly scheduled  
meeting time of the Board of  
Adjustment (BOA)



Liz Holt, Planning and Zoning, stated they were presenting amendments to the Board of Adjustment's meeting procedures. She explained that this recommendation for change was the result of a workshop that the Board held on March 10, 2004. She stated the Board felt that the specific meeting times referenced in the ordinance were not flexible enough to allow this Board to have meetings on other than the second Wednesday of the month, such as when dates coincided with holidays or City Commission meeting days. She explained that instead of having only one specific meeting day and time in the Code, they were proposing a flexible situation so meetings could be held at other times provided the discussion regarding such meetings would occur at the previously held meeting and proper notice given.

Vice-Chair Alan Gabriel stated that this was an LPA item.

Vice-Chair Alan Gabriel proceeded to open the public hearing.

James McCulla asked if any other boards had a floating schedule. Liz Holt stated that the Board of Adjustment was the only board where a specific meeting time was listed in the ordinance, and a day was specified without having an option for setting a meeting on another day if there was a conflict with a holiday. All other boards were listed as having a regularly scheduled meeting, but some had flexibility to reschedule. James McCulla further asked if they were the only board which could act independent of the elected officials. Liz Holt stated that the Board of Adjustment acted independent of the City Commission, and the only place to appeal was to the Courts. James McCulla stated it would be unusual for any board to have a floating schedule, let alone a board that had authority where people were used to attending such meetings at a certain time. Liz Holt stated that they were not saying there would be a floating schedule, and advised that there would still be a regular meeting with an option that would provide the Board the opportunity to reschedule or add a meeting after notifying the public by advertising that due to a legal holiday, the meeting date had changed. James McCulla reiterated that it stated the language would be changed so that there would not be a specific date or meeting time, and that the date would be determined by the sitting board, which meant they could change it to any time they desired. He stated that if they wanted the authority to add meetings or move them due to necessity because of holiday conflicts, then he would agree to such amendment. He stated it was hard for the public to understand how the process worked, but to then have to figure out when such meetings were to be held, would only add to their confusion. Therefore, as written he would not be in favor of the amendment. Liz Holt replied that if they looked at the ordinance itself, it stated:

"The board shall meet regularly on the second Wednesday of each month so long as the board had business to conduct, except when:

"1. this day is a legal holiday observed by the City, or

"2. rescheduled on an intermittent basis to a date and time as may be designated by the board and announced at the regularly scheduled meeting immediately preceding the rescheduled meeting, or

"3. cancelled by the chairperson or zoning administrator because of emergency. If the regularly scheduled meeting falls on a legal holiday, that meeting shall be held on the following day."

Liz Holt stated this would allow flexibility to move the meeting without redoing an ordinance or resolution each time the meeting was to be changed.

Gerry Cooper stated that there were problems scheduling the meeting at certain times during the year because of City Commission meeting dates changing. He stated that he understood the reasoning behind this proposed change and supported it, but he wanted to question that appeals would be held before the Circuit Court. He stated that it was his understanding that under the Burt Harris law there was a resolution that matters could be resolved without appearing in Court. Liz Holt explained that there was an arbitration process. Gerry Cooper stated further that they wanted this change due to conflicts with the City Commission meetings. He reiterated that he would support this amendment.

Judith Hunt asked how this would affect the advertising requirements so the public would be aware of the change in the meeting date or time. She asked if this would waive such requirement.

Sharon Miller, Assistant City Attorney, explained that the meeting had to be advertised in accordance with the rules the Board had to follow regarding advertisement of their meetings. Judith Hunt asked what was the required ad time. Liz Holt replied that it was 10 days. Sharon Miller further stated that the meeting had to be rescheduled during a regularly scheduled meeting which was another safeguard. Therefore, at least 30 days ahead of time there was a decision made on the record. Judith Hunt stated it was her concern that the requirement not be waived regarding the advertisement. Liz Holt stated there was no intent to eliminate the advertising requirement.

Charlotte Rodstrom asked if they were still going to meet the second Wednesday of each month, and asked further if they were wanting to be more flexible regarding the time of the meetings. Liz Holt replied that the Board was wanting to meet on the second Wednesday of the month at 6:30 p.m., unless the meeting was rescheduled, and stated that the parameters would be given regarding the exceptions. She stated that they did not want the time included in the ordinance because if another board wanted to change the time in the future, then they would have to follow the ULDR Amendment procedure once again to make such a change.

Vice-Chair Alan Gabriel proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by Maria Freeman to approve the amendment as presented. Roll call showed: YEAS: Gerry Cooper and Alan Gabriel. NAYS: Ed Curtis, Judith Hunt, James McCulla, Charlotte Rodstrom, Randy Powers, and Maria Freeman. Motion failed 2-6.

Request: \*      Proposed amendment to the text  
                     of the City of Fort Lauderdale  
                     Comprehensive Plan to allow  
                     additional residential units within  
                     that portion of the City that is  
                     designated Downtown Regional Activity Center  
                     (Downtown-RAC) land use

Sheryl Stolzenberg, Planning and Zoning, stated that this was a request to amend the text of the City of Fort Lauderdale's Comprehensive Plan to provide enabling legislation that would allow an additional 13,000 residential units to be located on the land with the land use designation of Downtown Regional Activity Center. She proceeded to show the subject site on the map provided. She explained that a text amendment to the Comprehensive Plan provided enabling language, but was not a Development Order. She further stated that once any text plan amendment became final, development proposals must be submitted in compliance with land development regulations. She remarked that this was an initial step.

Ms. Stolzenberg further stated that the applicant for the amendment was the City of Fort Lauderdale, but they were proceeding jointly with Broward County and with the Downtown Development Authority. She explained that the DDA had assembled the data necessary to support this application, and their consultants were present this evening to provide technical back-up and answer any questions the Board might have regarding this matter.

Ms. Stolzenberg proceeded to introduce the consultants as follows: Leigh Kerr, Cathy Sweetapple who prepared the transportation analysis, Charles Fink who prepared the educational facilities analysis, and Chris Wren, Executive Director of the DDA, along with various members of the DDA Board.

Ms. Stolzenberg explained that this amendment was needed to implement the Consolidated Downtown Master Plan that was accepted by the City Commission on November 18, 2003. She stated that the City Commission had initiated the Consolidated Downtown Master Plan in July, 2002, in recognition of the fact that Broward County and Downtown Fort Lauderdale were continuing to grow, and guidance was needed to determine how best to have that growth accomplish the type of Downtown that was desired. She stated that the appendix to the Master Plan contained estimates of numbers of units that could be accommodated, and Principle No. 2 called for increasing residential opportunities. As a result, an amendment to the Comprehensive Plan was necessary because the original units allocated to the mixed use were almost exhausted. She stated that this application was before this Board in their role as the Local Planning Agency. She further explained that it was their responsibility to provide their recommendation to the City Commission as to how this amendment was consistent, not only with the City's Comprehensive Plan, but also with regional, County and State plans. She stated that staff provided their findings to the Board as to how this was consistent with those various plans.

Ms. Stolzenberg continued stating that she wanted to explain the lengthy process that this application would follow. She explained that in order to jointly submit with Broward County, there were only two opportunities during the year when a text amendment could be made. She further stated that they needed to proceed in order to be able to provide information to them before their deadline of September 15, 2004.

Ms. Stolzenberg stated that the steps taken to date were that staff had reviewed the materials that the consultants had prepared, and then it was reviewed at the Development Review Committee Meeting on August 3, 2004 and notices had been sent to the neighborhood associations. She explained that tonight was the Local Planning Agency review, and then there would be a transmittal hearing at the City Commission meeting on September 8, 2004, which was opened to the public. She explained the County's deadline was September 15, 2004, which was why the item was to be taken to the City Commission on September 8, 2004.

Ms. Stolzenberg further stated there would then be a Planning Council meeting which would be held in either January, February or March, 2005, based on how many such applications the agency received. Then, the application would proceed before the County Commission for their transmittal to the State which would be in either March or April, and that would again depend on how many amendments the County had to deal with, when the application reached the State, the State agencies would have 60 days to complete their review. The application would then go back to the County with any amendments or suggestions they might have, and the County would have another 60 days to review it and make any changes they desired. Then, 10 days after they adopted it, they had to return it to the State for a second review, and if any changes had been made, then the State would have another 45 days to review it.

After that point, if the State agency decided it was in compliance with State law, the State would publish a Notification of Intent to find it in compliance, which would then start a 21-day clock during which time an effected party could appeal to the State and that would freeze the amendment. At the end of the time period if no appeal had been made, the County amendment would be done, but the City was not yet done. She stated that the City would then have to bring it for public hearings and have two readings to adopt it. Then, if it is adopted, the City then would ask the Broward Planning Council to re-certify the City Plan. If that was done, then the units were final.

Ms. Stolzenberg further stated that during the entire time period, the City, the DDA and other interested parties would work on land development, ordinances, and anything else needed to guide and determine how the units would be distributed.

Leigh Kerr, Planning Consultant, stated that he, Cathy Sweetapple and Charles Fink had prepared the transportation and educational facility planning, and the application being submitted. He explained that this was established based on the rules of the State, County and City procedures as to what had to be addressed in doing a Comprehensive Plan amendment.

Mr. Kerr explained that the area effected consisted of 750 acres, and the services analyzed included sanitary sewer (including a review of the capacity of the Lohmeyer

Plant which served the area as to how it could handle the impacts by the amendment), potable water (which was served by Fiveash and the Dixie Plants which had a capacity of about 90 million gallons per day with a remaining capacity of about 21 million gallons per day). He stated the amendment would affect 4.5 new million gallons per day and would be easily accommodated by the plant.

Mr. Kerr further explained that a drainage analysis was done as part of the review, and the level of service standards had been looked at. He stated that in regard to drainage, it was normally done on a project-by-project basis. He explained that the City had also initiated a storm water study that would study the area and provide further insights in that matter.

Mr. Kerr stated that as it also relates to water and sewer, the master planning process for the City was ongoing to also address any needs required to address such items that could involve local infrastructure.

Mr. Kerr further stated that in regard to solid waste, it was handled by Broward County Resource and Recovery, which had adequate facilities to handle the increased demand caused by such additional dwelling units. He added there was recreation and open space and City-wide the standard of 3 acres per thousand was met. He further stated that this would be a unique situation as outlined in the Master Plan, and the Downtown Master Plan had advocated a variety of recreation for the Downtown such as plazas, arcades, and pocket parks, in addition to traditional recreational type facilities to serve the new Downtown campus and lifestyle. In addition, he stated the City was developing a Park Master Plan that he believed was known as the Public Realm Plan, and a focus would be made on the RAC.

Mr. Kerr stated that in regard to traffic circulation, there was an extensive analysis provided in the back-up material. He felt it was important to note that they were discussing residential units, and not talking about people coming to the Downtown, and when leaving they would be opposite of the rush-hour traffic. He remarked that traffic was only a problem during certain peak hours. As a general overview, he stated that the traffic proposed by this amendment represented about 7% of the traffic already occurring within the Downtown area, and therefore, was a small impact in that regard. He added that it included factors such as internalization that was another way of saying that people would use mass transit or walk instead of using their cars. He added further that the traffic study incorporated such types of internalizations reducing the traffic impacts that would occur.

Mr. Kerr further stated that there were significant improvements planned in regard to mass transit. He explained that the DDA was working in this area, and it was an essential element to the creation of a livable and workable downtown. In regard to education, he stated there were 4 elementary schools, 2 middle schools, along with 2 high schools. He stated they had entered into an agreement in principle with the School Board. He explained there was now a mitigation plan that was available, and they had received a letter from the School Board in regard to such plan. He explained further that any unit built Downtown would have to pay towards a "student station fee," which was

the amount of money needed to place a student in the classroom. He explained that such standards were developed by the State of Florida and used State-wide.

Mr. Kerr explained that other areas they looked at were natural and historic impacts, including archaeological, wetlands, and historic including the 3 sites in the Downtown that would be preserved. He added that soils and wellfield protection were also analyzed in the report. He stated that goals, objectives and policies were a benchmark in the City and County' Comprehensive Plans which were also addressed in the report. He stated they felt they demonstrated consistency with such plans.

Chris Wren, Executive Director DDA, stated that this was a joint application and the first step of a process and vision that had been in place for the last 30 years, which was to create a viable downtown. He added that it was also a product of a process that many people had been involved with which was the City's Master Plan. He explained that the Master Plan dictated how buildings would look so that when such units were available for development, there were regulations in place that would control bulk, height, relation to the street, and encouragement for retail. He stated that it also projected a downtown residential population. He stated they felt this was a starting point in implementing the Master Plan. He proceeded to show various slides including the goals set in place for the last 30 years to create a center for the City, and bring back housing in the Downtown area. He stated that the work was not yet completed.

Mr. Wren proceeded to show some areas still containing blight and drainage problems. He stated they believed that continued development was needed in the Downtown.

Mr. Wren added they needed a transit plan, and due to that fact, the Transit Mobility Plan that was done in conjunction with an intergovernmental partnership that involved regional connections to the Downtown. He proceeded to show an illustration of the downtown circulator. He added there would also be community loops connecting to the Downtown, along with a downtown circulator. He explained that currently there was funding in place for the Transportation Management Association (TMA) that had a variety of transit options. He stated further that the DDA had partnered with the A&E (Arts and Entertainment) group to create a trolley that would be launched in October, 2004. He explained that TMA was also obtaining new vehicles early next year. He stated these were transit options that would improve opportunities to get around the Downtown without having to use cars. He stated that a downtown circulator was needed so options could be provided to the public.

Mr. Wren continued stating that there was a \$1.87 Million grant which the DDA had agreed to put \$375,000 to partner with the City for additional transit funds next year that would add additional improvements to the transit system with a possible beach connection. Finally, he stated that there would be a downtown rail in the future. He explained it was a \$40 Million rail project composed of an east/west and north/south rail line which was done in conjunction with the Federal government, State government, County and DDA. He explained that the capital funding to implement the \$40 Million plan would be split between the local area and the Federal government and stated they had 5 Congressional offices supporting the project. He stated the State and the DDA would cover the local share. He advised that Broward County had unanimously voted to

operate the system which was about \$1.4 Million annually once the entire system was operational.

Mr. Wren stated they believed the final steps of the 30-year vision coming into place and the 13,000 units needed for its conclusion would create a downtown with distinct districts such as Flagler Village, the Financial District, Las Olas Main Street, and the Arts and Entertainment District, along with the Judicial Complex. He stated it would be a walkable community connected by the rail. He explained there would be open space, along with an implementation strategy. He stated there would be work force housing and attractions for retail and entertainment would be increased. He stated it would also be an employment base.

Mr. Wren stated that the City's Master Plan and Transit Mobility Plan were now done and they wanted to begin implementation. He stated this land use amendment was a necessary step to do that. He added that John Milledge was also present representing the DDA as their general counsel, and Neil Sterling the governmental liaison. He stated that Peter Feldman, Alan Hooper and Charlie Ladd were DDA Board members and also present this evening.

Mr. Wren stated that a joint meeting had been held with the DDA and the City Commission on July 26, 2004, where this matter was discussed and the Commission had decided to proceed forward with this application.

Mr. Wren stated there were many issues involved in this matter and many comments had been made. He stated they had met with the individual neighborhood associations in the areas surrounding the Downtown so they could be part of this process. He emphasized that this was the start of the process. He reiterated it was a long complicated process. He stated they were also submitting an outreach program to ensure that people understood what was taking place, and allow opportunity for comments. He stated this program would take place in each Commission district. He stated they would arrive at specific strategies to deal with the transit and work force housing. He stated that the DDA last week had agreed to spend up to \$75,000 to partner with the City for a work force housing study. He stated that strategies would be put into place before the Commission would adopt the final allocation ordinance for the units. He stated the checks and balances and commitments were in place to make sure this was something to be done together in order to create the best possible downtown. He showed photographs of what they envisioned the Downtown to look like.

Mr. Wren concluded by stating that they were hoping that this Board found this amendment consistent with the Comprehensive Plans. He stated that they believed this amendment would accomplish the last steps in creating the downtown envisioned for the last 30 years, and define the population downtown while creating a good transit system and tax base for a capital plan.

Mr. Wren stated that the current projects under construction today would be spinning off over \$20 Million annually. He stated that he realized the lion's share would go to the City, County and School Board, but they were hoping there would be some reinvestment that would occur in the Downtown to accomplish some of these items. He reiterated that

this amendment represented approximately \$100 Million in annual recurring tax base. He stated they believed such funds should be reinvested back into the Downtown. He stated other accomplishments would include the spending power of the new residents that would enhance the retail, service and entertainment activities.

Mr. Wren stated that another important point was that without directing growth to a place with logical infrastructure, they would not have a livable community. He stated this would direct the growth away from the single-family neighborhoods. Otherwise, there would still be sporadic development without these infrastructure strategies in place.

Mr. Wren further stated that this would accomplish a work force housing strategy and an open space strategy to further enhance the Downtown area.

Vice-Chair Alan Gabriel asked if this matter would come back before this Board again. Mr. Wren stated that technically it would not, but if the Board wanted to be part of the process, the DDA would incorporate the Board into its process.

Gerry Cooper stated it was nice to see so many developers and lawyers in the audience this evening, and he assumed most were in favor of this amendment. He stated that he had moved here in 1970 and there were about 150,000 people in the City, and the last he heard there were about 157,000 residents as of this point in time. He asked why in 34 years had the City grown only by 7,000 people, and by 2015 it was projected that there would be 225,000 residents.

Mr. Wren stated that many people in the County were moving west and there was not many developable properties in that area. He stated the trend nationally was for people to move back into urban centers.

Mr. Cooper asked if there was a basis for such projection. Mr. Wren replied that the Greenberg study had made the projection.

Mr. Kerr reiterated that Ken Greenberg had identified the population projection in the creation of the Downtown Consolidated Master Plan, but in addition, the County had projected that there would be about 1.2 Million more people. He stated the County's current population was well past where the County had thought it would be, when the County had last done projections. Mr. Cooper asked if they felt the population in the City would increase by 50% in the next 10 years. Mr. Kerr confirmed and stated it would be due to redevelopment. He added that people could not develop in the Downtown and pressure was being put on the surrounding neighborhoods. He explained that units Downtown would provide relief.

Mr. Cooper stated that Mr. Wren stated in his presentation that this would provide a \$100 Million increase in the tax base. Mr. Wren replied that consultants had done some analysis in that regard. Mr. Cooper stated that when a big building was constructed and there was a \$100 Million increase in the tax base, would it be profitable for the City. He remarked that he had heard two different sides to the issue. Mr. Wren stated that the consultants had done an analysis on what the taxes generated versus what the service cost the local governments.



John Milledge, attorney for the DDA, stated that it would be \$100 Million recurring annual revenue, not tax base, and the additional units would spin out to all the taxing units that would be broken up by jurisdiction.

Mr. Cooper asked about the cost side. Mr. Milledge stated that had also been analyzed and the impact was mostly on the City due to the police and fire departments, but there would still be a significant profit to the City.

Ed Curtis clarified the Board was being asked to approve an additional 13,000 units. Mr. Wren confirmed. Mr. Curtis stated they were being given 4 options that were as follows:

1. Recommend that the City Commission transmit the amendment, as proposed, to Broward County as an amendment to the Broward County Plan.
2. Recommend that the City Commission transmit the amendment, with revisions, to Broward County as an amendment to the Broward County Plan.
3. Defer action.
4. Recommend denial of the amendment.

Mr. Curtis further asked if in essence a deferral would be a denial. Mr. Wren stated that in regard to meeting the timeline, it would be a denial.

Mr. Curtis further stated that the traffic study and analysis was difficult to understand, but clarified that they were saying that the additional 13,000 units would not significantly affect the downtown traffic. Mr. Wren stated that Cathy Sweetapple would further clarify the issue.

Cathy Sweetapple, on behalf of the City of Fort Lauderdale and the DDA, stated that this application had analyzed the impact of the approved underlying land use compared with the proposed land use. She explained that typically in a land use amendment, they would look at the highest and best use for the property and compare that to what was requested. She stated that the surprise was that all the properties in the RAC could have office, commercial, industrial and transportation related uses. She explained that such uses generated by far thousands of more trips than the residential units. She stated they took a conservative route and assumed that certain properties would never develop at the intense which was allowed under the land use plan, but would wait until the units became available.

In talking about the downtown and residential, she explained they were talking about a 3-story or more building. Typically, she stated in such mixed use projects there were retail stores included, and they would have to count the trips generated by the retail at the ground level, plus the trips generated by the units themselves. In this analysis, she explained they had gone through a series of evaluations and determined what percentage would be given to the stores, offices and transit. She stated this area was currently benefiting from local and regional transportation plans that would provide a reduction in traffic into the downtown.

Ms. Sweetapple further stated that opportunities would be provided for individuals to walk to their destinations or take local transit. Individuals using their cars and going west would be traveling counter to the flow of traffic occurring. She stated this would be an opportunity to put the units in the most logical place to promote the transit-oriented development and the pedestrian opportunity. She remarked that this was the center for such development. She explained that the Master Plan had outlined in great detail how it envisioned the new projects be developed to promote the pedestrian environment. She realized this was a stretch to make such a suggestion, but for the individuals that would live in the area it would become their desired mode to walk or take the local circulator. She stated they would continue to refine the studies as the item moved forward, but she felt that everyone needed to realize that all the enabling legislation would come back, along with the criteria for using the units, before this Board.

Mr. Curtis asked when the 13,000 units were added, what assumptions would go into their conclusion that there would be no significant impact in regard to traffic. Ms. Sweetapple clarified that she had not stated there would not be any significant traffic impacts, but they had measured what they believed the impacts to be. She continued stating that the traffic added from the amendment would be roughly between 5% and 7% of the total traffic currently driving in and out of the area. She further stated that based upon their estimates, it would roughly be between 2-3 trips per unit. She remarked that every dwelling unit would not always be occupied all the time.

Mr. Curtis stated that assuming their estimate of a 5% to 7% traffic increase on the daily commute was correct, he asked what assumptions had gone into their analysis. He asked further if they would then have to build the rail and circulator systems to accommodate the increase. Ms. Sweetapple stated they had not reduced any background traffic. Mr. Curtis further stated that even if improvements were not made to the transit system, there would only be a 5% to 7% traffic impact. Ms. Sweetapple reiterated that the total traffic generated by the proposed units would only be between 5% and 7%. Mr. Curtis asked how they would be able to handle the increase in the traffic without significantly impacting the present traffic situation. He further asked what would be done to handle the traffic at the intersections. Ms. Sweetapple stated that part of the local rail being planned by the County and the DDA included individuals using the rail. She stated they would benefit from the new ITS (intelligent transportation systems) improvements which would be part of the rail infrastructure. Essentially, she explained they were cue jumpers and gave the transit operator the ability to change the signal timing. She stated these things were planned as part of the new transit systems.

Mr. Curtis asked if they had to have the rail transit system in order to meet the 5% to 7% increase. Ms. Sweetapple stated that was correct. Mr. Curtis further stated they would then have to spend the money on the other improvements to the transportation system in order to have the low impact on traffic. Ms. Sweetapple stated they had estimated that both the pedestrian improvements at the street level were important. Mr. Curtis asked how they would be funded. Ms. Sweetapple explained that Second Street was underway and that Sistrunk Boulevard had already been funded.

Mr. Wren stated that TMA was getting new vehicles and routes would probably also be changed. He stated there was a \$1.85 Million Federal grant which could be obtained next year and possibly before this amendment went through its entire process. He explained the monies could be spent on the ITS equipment and it was their intention to begin putting these improvements in place way in advance of the rail so they could begin having a more successful transit system. He stated the State had pledged to obtain half of their local share which was around \$10 Million, they had \$10 Million already from taxing the downtown property owners, and there were 5 Congressional offices who agreed to support them, and then going through the Federal Transportation Administration pot of money for the other half. He stated that was a \$40 Million transit system to occur in a period of 3-5 years.

Mr. Wren stated the most important thing was to have an operator and Broward County had voted unanimously to operate the light rail system. He added they did not need the \$100 Million at this time because they felt they had targeted the capital resources, along with the operational resources, to do the transit today. He further stated that the \$100 Million was a conservative estimate and could be used by the City, County or the School Board to reinvest back into the Downtown for possible additional transit improvements or streetscape improvements. He felt there was a capital plan that could be presented which would make sense. He stated they believed this was part of the reason why they wanted this application to move forward. He reiterated by moving it forward, they were bringing everyone to the table to start receiving comments in order to put together a strategy before the final ordinance adoption that would make sense.

Mr. Curtis stated that the traffic was just a minimum part of the concern. He felt bringing this complex issue before this Board and asking for a decision this evening was oppressive. He did not feel they could make an intelligent decision this evening. He stated that he was in favor of additional units Downtown, but he felt more time was needed to review all the material.

Mr. Milledge stated that this was a long process and they envisioned this as getting all the parties to the table. He stated they knew that a capital plan had to be developed, and the DDA was going to take the initiative in that regard. He further stated they also believed that now was the time to address the revenue impact so the monies could be allocated. He stated that this was a transmittal hearing and they realized this Board had some concerns, and he did not think that anyone would object to this Board reviewing the matter once again before it was sent to the Commission for final adoption. He stated that they needed the Board's input today and they believed it was consistent with the Plan. He reiterated that all the issues had not yet been resolved, and part of the process was for that purpose.

Mr. Curtis stated his concern was that if they were being asked to approve moving forward, he did not think that was a problem. He stated they were asking the Board to approve an additional 13,000 units, and he was concerned that individuals in the future reviewing this matter would note that this Board approved such additional units.

Mr. Milledge stated they were not concerned if the Board recommended moving forward, and from a legal perspective he did not believe there was an issue permitting the

transmittal subject to the conditions being worked out. He reiterated that was part of the normal procedure.

Vice-Chair Alan Gabriel reiterated that the process required that this be transmitted at some point from Board to Board. Mr. Milledge reiterated that they were not saying that this Board approved the amendment, but were saying they authorized transmittal subject to the concerns being addressed.

Maria Freeman asked how much money the DDA had contributed to the work force housing study. Mr. Wren replied that they agreed with the City Commission that a study was needed in order to create some strategy so that when the units went on line, there would be a mechanism in place so additional work force housing could be added within the City. He remarked that they did not know the conclusions of such strategy, but the Board had discussed this at length and had concluded and voted unanimously to authorize up to \$75,000 to participate in such a study. He reiterated that they wanted everyone at the table to work out solutions. He felt the DDA had sent a loud message through the transit dollars allocated and the monies for the study that they were willing to work on the issues and were serious to have them resolved. He reiterated that this was important to the DDA, as well.

Ms. Freeman asked how much such a study would cost. Mr. Wren stated that he had met with Faye Outlaw who believed the cost would be somewhere around \$300,000, and he explained that 1/3 of the amount could come from the SHIP funds. He stated they were going to approach the City Commission as to how the study could be funded and other partners could be solicited. He reminded everyone that at the same time, this amendment review process would be moving forward. He believed everything would coincide at the end to present a solid picture.

Ms. Freeman asked if this study would mandate, or would the Board be able to mandate, that a certain amount of units be allocated for work force housing. Mr. Wren stated that this study had not yet been done, and therefore, they were not aware of what would be uncovered, but nationally speaking studies had been performed and there were many legal requirements where a City could impose such an impact fee. He stated that communities arrived at fees so every unit developed would contribute to a fund which was administered by the City to create work force housing. He stated that other mechanisms were available that actually required the development to house a certain price range of affordability in their development. He explained that these things would be worked out in the study. He reiterated they wanted to participate in such a study and then make a recommendation that would make sense for this community. He stated it would depend where the properties were located. He felt they might end up with a "menu approach." He did not feel it would be appropriate to predispose what the study would conclude.

Charlotte Rodstrom stated that they also had a process and that they were to consider "a motion finding the proposed amendment to be consistent with and furthers the intent of the State Comprehensive Plan, Regional Policy Plan, County Plan and City of Fort Lauderdale Comprehensive Plan." She stated that they were then given 4 options, and none of those options listed the fact that this would come back to the Board for another

discussion. She stated that she was concerned that such an option was not being offered to the Board. She felt that once this Board made a decision, it would be final. She stated that words such as "planning, ongoing, proposed, hoping, will be, assumed, and more details to come" were concerning when asking for the additional 13,000 units.

Mr. Wren stated that they were asking for the transmittal to be approved. He stated as far as this Board getting "another bite of the apple," he explained an ordinance would have to be created at the end of the process that would be presented to this Board. He stated if this Board wanted to act as a review Board, then they could sit at the table during the discussions. He felt the more community input received, the better the plan. He stated that he was willing to agree to such a condition.

Ms. Rodstrom reiterated that such a condition was not specified in the options being offered to this Board. She proceeded to read the 4 options offered to this Board. Mr. Wren stated they were not required to have a community outreach component, but they were going to conduct one. He stated that they could have a Planning and Zoning Workshop. He admitted that this merited a lot of scrutiny. He recommended that such a workshop be held and the input received could be included in the process.

Ms. Rodstrom asked if the matter should be deferred until such workshop could be held. Mr. Wren explained that he would prefer the Board pass a motion to allow them to transmit the amendment so the process could begin, and at some point during the community outreach, before it went to the City Commission, there could be such a workshop. Ms. Rodstrom clarified that Mr. Wren was choosing Option #2, which would allow them to transmit with amendments and revisions. Mr. Wren confirmed.

James McCulla reiterated that this was an advisory board and they did not take action, and then the City Commission made their decision. He further stated that the short version of tonight's presentation was that this dovetailed into the City's Master Plan which had gone through exhaustive review with experts and communities. He remarked that it had been before this Board and the City Commission. He stated that delaying the taking of the first step and asking for the units would not make sense. He stated further that they had already waited 6-12 months, and they should have begun asking for the units previously. As far as the capital was concerned, he stated that this was capital and people were trading the units. He stated that it did not cost anything to get them, but once they had them, they were invaluable. He stated this Board's role in the process was defined by ordinance, statute and practice. If they were to be further involved, the City Commission would direct such involvement. Otherwise, they would be involved by requirement. He stated that he did not see why they should be overly concerned with the minor details which dovetailed into the Master Plan, when they should be making the decision to take the step to ask for such units.

Vice-Chair Alan Gabriel proceeded to open the public hearing.

Janet Riley, attorney, stated that in listening to this discussion, she felt a lot of it had been on the right track. She reiterated that the Board was acting as the LPA and needed time to review all the pertinent information. She further stated that in looking at all the new construction, when she heard about a \$75,000 contribution for a housing study, she

asked herself what was there to study. It had been studied to death and there was a need to begin building. She stated that the DDA was not that interested in work force housing or there would be such housing. She felt the Board could not blanket such a transmittal and were being put in an awkward position. She stated if the Board was going to approve the transmittal, that there be a provision that the issue be brought back before this Board.

Arthur Frimet, architect and planner, stated that the attitude of individuals throughout the County had changed. He stated he was in favor of this amendment. He reiterated that people were tired of commuting and the traffic congestion. He commended the DDA to have the courage to make the improvements which they had begun. He stated they could all be in on changing and enhancing this community into something they could be proud of. He stated there could be a small urban life which would be great to live in. He urged the Board to look at the positive side and give their approval to start the process.

Charlie Ladd, member of the DDA, stated that he wanted to provide some perspective as to what they were attempting to do, as well as provide some background on the DDA. He explained that the tax base of the DDA and its representation was for commercial properties. He stated their pursuit of these units was actually the opposite of their interests. He stated the tax base would shrink with the conversion of commercial properties into residential uses. He stated they were actually trying to put the DDA out of business because the character of what they were attempting to do in the Downtown was for a more residential oriented downtown, than the one they all knew consisting of massive office buildings with interstates in the middle of them. He stated they were here due to a "quirk" of what happened in the RAC process that had been done years ago. He stated the original number of 5,000 units was picked out of the air because no one thought residential would be viable in Downtown, but by luck they were in a process where on a nationwide basis and in this City, people embraced an urban lifestyle which disappeared about 30-40 years ago when everyone migrated to the suburbs.

Mr. Ladd continued stating that Mr. Curtis's issues regarding traffic were valid as to how the traffic could flow better in the Downtown RAC, but he felt that some perspective as to where they were and where they were going to be were important. At the present time, the RAC allowed unlimited numbers of office, commercial, retail and industrial. He stated the impact of such space was huge in regard to traffic, and the impact on residential space was minimal. He stated they were trying to make the Downtown a softer more residentially oriented one, and the Land Use Plan provided the opportunity to address the issues. He stated if they did not attempt to bring in more residential, then they would end up with more Bank of America Towers that was more traditional, but they would miss the opportunity to take some neighborhoods and make them tremendous interesting places to live.

Ms. Rodstrom stated that the 13,000 units being requested would still contain the unlimited amount of office and retail. Mr. Ladd explained that the unit counts being requested were based on the Master Plan and arrived at by the consultant after comparing densities of cities they wanted to emulate, such as Charleston which had urban residential populations in a field they were trying to emulate. He stated such figures were not pulled "out of thin air." He stated if they put in units, they would

eliminate land that could be developed commercially. Ms. Rodstrom stated that the units were not going to take up all the land, and whatever was left would still be used for the unlimited offices and retail. Mr. Ladd replied that would be a matter of semantics. He stated further that he was a commercial developer and a DDA board member, but the more residential done would be better for the density of the Downtown. He stated if they wanted less office buildings, then they should approve additional units.

Ms. Rodstrom asked if the residential units were above retail and commercial, would that be considered residential or mixed use. She asked if the DDA would still receive monies because a portion of each building was still commercial on the ground floor. Mr. Ladd explained that they were researching the matter. He stated that a 450 unit building at \$300,000 per unit totaled \$120 Million, and 20,000' of ground floor space at \$30 rents was \$300 per foot X 20,000' totaled about \$6 Million. Therefore, the commercial component of a residential building was a "nickel and dime" issue. Ms. Rodstrom clarified that the commercial component was being added basically to accommodate the residential units. Mr. Ladd confirmed and stated it was his personal opinion that as they got past their growing pains, the first buildings done in the Downtown were to try and get someone to build a residential complex. He stated that New River Village had first been looked at as a fantasy. He felt that as they got more sophisticated, then he expected to see residential buildings with brownstones on the first floor and not retail on every street. He wanted to see walkable streets with people living on them. He felt there was a place for both, but he felt they were going to find they would have more residential streets than anticipated.

Ms. Rodstrom stated that in Charleston they did not allow any building to be taller than the tallest Church steeple. She stated that was not true of this City. Mr. Ladd stated that the density in the Master Plan had been based on the Charleston density. He stated what was being asked for here was only a fraction of the residences that could be supported.

Gerry Cooper stated that in summary they had about 750 acres and if some were taken over for residential buildings, there would be less available acreage for offices and retail. Mr. Ladd confirmed. Mr. Cooper stated that as a DDA donor, if one had residential they had to pay DDA taxes and one was only excluded if homesteaded. Mr. Ladd stated that was not correct and Mr. Cooper should talk to the Property Appraiser. Mr. Cooper stated that Mr. Loos had written him a letter and stated he did not have to pay because he was residential. Mr. Ladd explained that the new buildings would not be paying DDA taxes because they were residential units owned by individuals. He reiterated that only commercial real estate paid DDA taxes. He stated that they were researching the apartment buildings, and he referenced the JPI project.

Anthony Abate, architect, stated that this was the beginning of a process that was long overdue. He stated there were a lot of issues to consider, but they were talking about a paradigm shift. If they did not consider this, then the process could not begin and they would end up with the same that was commercial development Downtown. He stated neighborhoods would be torn down and they would build to the maximum density allowed, and there would be no residential units in the Downtown. He stated that Flagler Heights would remain with vacant lots, and there would be no transit system because

such a system was linked to development. If one looked at the Master Plan, it laid out the vision for a more pedestrian oriented form of development. He stated they had to forget about the idea of everyone having a car. He stated they had to look at this long term and realize it was the beginning of a process. The decision made tonight would not be the Board's last time to visit this problem, but only the beginning. He felt it would be irresponsible of the Board if they deferred the issue. He stated they were finally at the point to make a decision to start the process and workout the details. He felt tonight's decision was critical, and he was in full support of this matter.

Alan Hooper, developer in Flagler Heights and member of the DDA, stated that he cared about this City. He stated his company was a community based one, and they were currently building the Avenue Lofts project. He did not feel many people would object to that project. He advised that he lived in the project and worked in one of the retail spaces on the ground level. He stated they had 4 employees who worked and lived there also. He stated they enjoyed such an opportunity. He further stated that one had to ask what was the alternative, which was that the Downtown could be all office buildings if they did not move forward with this. Another alternative was that developers could still develop residential in the City that could be sprawled all over, and could be up to 150' in height. He stated then traffic would be increased. He felt they had to look at this issue globally because they were creating solutions to problems, one being the suburban sprawl. He asked if they would prefer to consolidate their efforts into a downtown area. He stated the expenses were consolidated in a Downtown. He felt this was a responsible approach in making the Downtown a more vital one. He stated that with the help of this Board, the City Commission and the County, they could make this City a better place to live.

Carol Rybalka, downtown resident, stated that she worked about 2 miles from her home and in the summer months it was impossible to walk far due to the weather. She stated she walked every morning by the River at 5:30 a.m. and she was disheveled after that. She stated she wanted to see the Downtown developed, but she also wanted affordable housing for people like herself. She stated she wanted to remain living in the City and wanted this Board to leave themselves open in order to revisit this matter.

Mike Ferber stated that most of the issues mentioned were not new and there was a long history of about 3 decades with the City charting out a vision. He stated that they were seeing what all the studies had suggested could happen. The JPI Project was partially occupied and people were walking to work. He suggested this was a small example of why such things were practical. He realized there was a lot of skepticism and many people preferred an urban way of life. It was not pure conjecture.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by James McCulla to transmit this amendment.

Ms. Rodstrom stated that she appreciated the comments about working and living in the Downtown area, and she felt that was important and that there was a percentage of



individuals who preferred that way of life. She further stated that if it impacted individuals not able to afford living in such places, and residents living elsewhere that would not be able to walk to grocery stores, then the infrastructure might not be in place to move forward on this. She stated she was concerned about the issues involved, and she did not see anything coming forward in the last 3-4 years that said there could be a better quality of life for individuals already living in the adjacent neighborhoods of what was being proposed. She felt the percentage of people living in those neighborhoods would have their quality of life diminished. She felt this had to be considered.

Vice-Chair Alan Gabriel welcomed Mayor Naugle to the meeting.

Mr. Curtis stated they were being requested to amend the text to the City's Comprehensive Plan to add new residential units to the Downtown RAC. He stated there was no specific number in the request, but there was a specific number suggested in the discussions. Therefore, he asked for further clarification on what was being transmitted.

Vice-Chair Alan Gabriel stated they were transmitting the amendment as proposed that was for the 13,000 units.

Ms. Freeman asked if the matter was going to come before the Board again. Vice-Chair Alan Gabriel stated there was no guarantee. He stated they could ask that it come back before the Board once again. Ms. Freeman asked if that condition could be included in the motion.

Sharon Miller, Assistant City Attorney, stated that she was hearing that although this Comprehensive Plan Amendment would not come back to this Board, but the actual allocation of the units could not occur until an ordinance was adopted addressing specifically the allocation so developers could apply. She stated that 2,970 units had been transmitted to the State a couple of years ago, and just this last July the Commission had approved the ordinance which allowed the developers to apply for such units. During that process was when they had created the Downtown Master Plan. She explained the protection to have it before this Board was the ordinance process. She stated the LPA set the criteria as to whether specific developments could apply and obtain approval for any units.

Vice-Chair Alan Gabriel reiterated that this Board would have the opportunity to comment and discuss the allocation of the additional units. Ms. Miller confirmed.

The motion read as follows:

**Motion** made by Gerry Cooper and seconded by James McCulla to recommend transmittal of a comprehensive plan amendment that seeks 13,000 units for the Downtown RAC.

Ed Curtis replied that he could not support this item because he felt it was important to move forward, and that it was a recommendation of 13,000 units without proper studies being conducted.

Roll call showed: YEAS: Gerry Cooper, James McCulla, Randy Powers, Maria Freeman, Alan Gabriel. NAYS: Charlotte Rodstrom and Ed Curtis. Motion carried 6-2.

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| <b>10.</b> | <b><u>City of Fort Lauderdale</u></b>  | <b>Sheryl Stolzenberg</b> | <b><u>10-T-04</u></b> |
|            | Request: * Proposed amendment to the text of the City of Fort Lauderdale Comprehensive Plan to allow additional residential units within that portion of the City that is designated Downtown Regional Activity Center (Downtown-RAC) land use |                           |                       |

Sheryl Stolzenberg, Planning and Zoning, stated that this was a request to amend the text of the City of Fort Lauderdale's Comprehensive Plan to provide enabling legislation that would allow an additional 13,000 residential units to be located on the land with the land use designation of Downtown Regional Activity Center. She proceeded to show the subject site on the map provided. She explained that a text amendment to the Comprehensive Plan provided enabling language, but was not a Development Order. She further stated that once any text plan amendment became final, development proposals must be submitted in compliance with land development regulations. She remarked that this was an initial step.

Ms. Stolzenberg further stated that the applicant for the amendment was the City of Fort Lauderdale, but they were proceeding jointly with Broward County and with the Downtown Development Authority. She explained that the DDA had assembled the data necessary to support this application, and their consultants were present this evening to provide technical back-up and answer any questions the Board might have regarding this matter.

Ms. Stolzenberg proceeded to introduce the consultants as follows: Leigh Kerr, Cathy Sweetapple who prepared the transportation analysis, Charles Fink who prepared the educational facilities analysis, and Chris Wren, Executive Director of the DDA, along with various members of the DDA Board.

Ms. Stolzenberg explained that this amendment was needed to implement the Consolidated Downtown Master Plan which was accepted by the City Commission on November 18, 2003. She stated that the City Commission had initiated the Consolidated Downtown Master Plan in July, 2002, in recognition of the fact that Broward County and Downtown Fort Lauderdale were continuing to grow, and guidance was needed to determine how best to have that growth accomplish the type of Downtown that was desired. She stated that the appendix to the Master Plan contained estimates of numbers of units that could be accommodated, and Principle No. 2 called for increasing residential opportunities. As a result, an amendment to the Comprehensive Plan was necessary because the original units allocated to the mixed use were almost exhausted. She stated that this application was before this Board in their role as the Local Planning Agency. She further explained that it was their responsibility to provide their recommendation to the City Commission as to how this amendment was consistent, not

only with the City's Comprehensive Plan, but also with regional, County and State plans. She stated that staff provided their findings to the Board as to how this was consistent with those various plans.

Ms. Stolzenberg continued stating that she wanted to explain the lengthy process that this application would follow. She explained that in order to jointly submit with Broward County, there were only two opportunities during the year when a text amendment could be made. She further stated that they needed to proceed in order to be able to provide information to them before their deadline of September 15, 2004. She stated that the steps taken to date were that staff had reviewed the materials that the consultants had prepared, and then it was reviewed at the Development Review Committee Meeting on August 3, 2004 and notices had been sent to the neighborhood associations. She explained that tonight was the Local Planning Agency review, and then there would be a transmittal hearing at the City Commission meeting on September 8, 2004, which was opened to the public. She explained the County's deadline was September 15, 2004. She further stated there would then be a Planning Council meeting which would be held in either January, February or March, 2005, based on how many applications such agency received. Then, it would proceed before the County Commission for their transmittal to the State which would be in either March or April, and that would depend on how many amendments the County had to deal with, and when it reached the State, the State would have 60 days to complete their review. It would then go back to the County with any amendments or suggestions they might have, and the County would have another 60 days to review it and make any changes they desired. Then, 10 days after they adopted it, they had to return it to the State for a second review, and if any changes had been made, then the State would have another 45 days to review it. After that point, if they decided it was in compliance with State law, they would publish a Notification of Intent to find it in compliance, which would then start a 21-day clock during which time an effected party could appeal to the State and that would freeze the amendment. At the end of the time period if no appeal had been made, the County amendment would be done, but the City was not yet done. She stated that the City would then have to bring it for public hearings and have two readings to adopt it. Then, if it is adopted, the City then would ask the Broward Planning Council to re-certify the City Plan. If that was done, then the units were final.

Ms. Stolzenberg further stated that during the entire time period, the City, the DDA and other interested parties would work on land development, ordinances, and anything else needed to guide and determine how the units would be distributed.

Leigh Kerr, Planning Consultant, stated that he, Cathy Sweetapple and Charles Fink had prepared the transportation and educational facility planning, and the application being submitted. He explained that this was established based on the rules of the State, County and City procedures as to what had to be addressed in doing a Comprehensive Plan amendment.

Mr. Kerr explained that the area effected consisted of 750 acres, and the services analyzed were sanitary sewer and reviewed the capacity of the Lohmeyer Plant which served the area as to how it could handle the impacts by the amendment, potable water which was served by Fiveash and the Dixie Plants which had a capacity of about 90

million gallons per day with a remaining capacity of about 21 million gallons per day. He stated the amendment would affect 4.5 new million gallons per day and would be easily accommodated by the plant. He explained that a drainage analysis was done as part of the review, and the level of service standards had been looked at. He stated that in regard to drainage, it was normally done on a project-by-project basis. He explained that the City had also initiated a storm water study which would study the area and provide further insights in that matter.

Mr. Kerr stated that as it also relates to water and sewer, the master planning process for the City was ongoing to also address any needs required to address such items that could involve local infrastructure.

Mr. Kerr further stated that in regard to solid waste, it was handled by Broward County Resource and Recovery, which had adequate facilities to handle the increased demand caused by such additional dwelling units. He added there was recreation and open space and City-wide the standard of 3 acres per thousand was met. He further stated that this would be a unique situation as outlined in the Master Plan, and they would be looking for a variety of recreation for the Downtown such as plazas, arcades, and pocket parks, in addition to traditional recreational type facilities to serve the new Downtown campus and lifestyle. In addition, he stated the City was developing a Park Master Plan that he believed was known as the Public Realm Plan, and a focus would be made on the RAC.

Mr. Kerr stated that in regard to traffic circulation, there was an extensive analysis provided in the back-up material. He felt it was important to note that they were discussing residential units, and not talking about people coming to the Downtown, and when leaving they would be opposite of the rush-hour traffic. He remarked that traffic was only a problem during certain peak hours. As a general overview, he stated that the traffic proposed by this amendment represented about 7% of the traffic already occurring within the Downtown area, and therefore, was a small impact in that regard. He added that it included factors such as internalization that was another way of saying that people would use mass transit or walk instead of using their cars. He added further that the traffic study incorporated such types of internalizations reducing the traffic impacts that would occur.

Mr. Kerr further stated that there were significant improvements planned in regard to mass transit. He explained that the DDA was working in this area, and it was an essential element to the creation of a livable and workable downtown. In regard to education, he stated there were 4 elementary schools, 2 middle schools, along with 2 high schools. He stated they had entered into an agreement in principle with the School Board. He explained there was now a mitigation plan that was available, and they had received a letter from the School Board in regard to such plan. He explained further that any unit built Downtown would have to pay towards a "student station fee," which was the amount of money needed to place a student in the classroom. He explained that such standards were developed by the State of Florida and used State-wide.

Mr. Kerr explained that other areas they looked at were natural and historic impacts, including archaeological, wetlands, and historic including the 3 sites in the Downtown

that would be preserved. He added that soils and wellfield protection were also analyzed in the report. He stated that goals, objectives and policies were a benchmark in the City and County' Comprehensive Plans which were also addressed in the report. He stated they felt they demonstrated consistency with such plans.

Chris Wren, Executive Director DDA, stated that this was a joint application and the first step of a process and vision that had been in place for the last 30 years, which was to create a viable downtown. He added that it was also a product of a process that many people had been involved with which was the City's Master Plan. He explained that the Master Plan dictated how buildings would look so that when such units were available for development, there were regulations in place that would control bulk, height, relation to the street, and encouragement for retail. He stated that it also projected a downtown residential population. He stated they felt this was a starting point in implementing the Master Plan. He proceeded to show various slides including the goals set in place for the last 30 years to create a center for the City, and bring back housing in the Downtown area. He stated that the work was not yet completed.

Mr. Wren proceeded to show some areas still containing blight and drainage problems. He stated they believed that continued development was needed in the Downtown. He added they needed a transit plan that was the result of the Transit Mobility Plan that was done in conjunction with a intergovernmental partnership that involved regional connections to the Downtown. He proceeded to show an illustration of the downtown circulator. He added there would also be community loops connecting to the Downtown, along with a downtown circulator. He explained that currently there was funding in place for the TMA that had a variety of transit options. He stated further that the DDA had partnered with the A&E (Arts and Entertainment) group to create a trolley that would be launched in October, 2004. He explained that TMA was also obtaining new vehicles early next year. He stated these were transit options that would improve opportunities to get around the Downtown without having to use cars. He stated that a downtown circulator was needed so options could be provided to the public.

Mr. Wren continued stating that there was a \$1.87 Million grant which the DDA had agreed to put \$375,000 to partner with the City for additional transit funds next year that would add additional improvements to the transit system with a possible beach connection. Finally, he stated that there would be a downtown rail in the future. He explained it was a \$40 Million rail project composed of an east/west and north/south rail line which was done in conjunction with the Federal government, State government, County and DDA. He explained that the capital funding to implement the \$40 Million plan would be split between the Federal government and stated they had 5 Congressional offices supporting the project. He stated the State and the DDA would cover the local share. He advised that Broward County had unanimously voted to operate the system that was about \$1.4 Million annually once the entire system was operational.

Mr. Wren stated they believed the final steps of the 30-year vision coming into place and the 13,000 units needed for its conclusion would create a downtown with distinct districts such as Flagler Village, the Financial District, Las Olas Main Street, and the Arts and Entertainment District, along with the Judicial Complex. He stated it would be a walkable community connected by the rail. He explained there would be open space, along with

an implementation strategy. He stated there would be work force housing and attractions for retail and entertainment would be increased. He stated it would also be an employment base.

Mr. Wren stated that the City's Master Plan and Transit Mobility Plan were now done and they wanted to begin implementation. He stated this land use amendment was a necessary step to do that. He added that John Milledge was also present representing the DDA as their general counsel, and Neil Sterling the governmental liaison. He stated that Peter Feldman, Alan Hooper and Charlie Ladd were DDA Board members and also present this evening.

Mr. Wren stated that a joint meeting had been held with the DDA and the City Commission on July 26, 2004, where this matter was discussed and the Commission had decided to proceed forward with this application.

Mr. Wren stated there were many issues involved in this matter and many comments had been made. He stated they had met with the individual neighborhood associations in the areas surrounding the Downtown so they could be part of this process. He emphasized that this was the start of the process. He reiterated it was a long complicated process. He stated they were also submitting an outreach program to ensure that people understood what was taking place, and allow opportunity for comments. He stated this program would take place in each Commission district. He stated they would arrive at specific strategies to deal with the transit and work force housing. He stated that the DDA last week had agreed to spend up to \$75,000 to partner with the City for a work force housing study. He stated that strategies would be put into place before the Commission would adopt the final allocation ordinance for the units. He stated the checks and balances and commitments were in place to make sure this was something to be done together in order to create the best possible downtown. He showed photographs of what they envisioned the Downtown to look like.

Mr. Wren concluded by stating that they were hoping that this Board found this amendment consistent with the Comprehensive Plans. He stated that they believed this amendment would accomplish the last steps in creating the downtown envisioned for the last 30 years, and define the population downtown while creating a good transit system and tax base for a capital plan. He stated that the current projects under construction today would be spinning off over \$20 Million annually. He stated that he realized the lion's share would go to the City, County and School Board, but they were hoping there would be some reinvestment that would occur in the Downtown to accomplish some of these items. He reiterated that this amendment represented approximately \$100 Million in annual recurring tax base. He stated they believed such funds should be reinvested back into the Downtown. He stated other accomplishments would include the spending power of the new residents which would enhance the retail, service and entertainment activities. He stated that another important point was that without directing growth to a place with logical infrastructure, they would not have a livable community. He stated this would direct the growth away from the single-family neighborhoods. Otherwise, there would still be sporadic development without these infrastructure strategies in place.

Mr. Wren further stated that this would accomplish a work force housing strategy and an open space strategy to further enhance the Downtown area.

Vice-Chair Alan Gabriel asked if this matter would come back before this Board again. Mr. Wren stated that technically it would not, but if the Board wanted to be part of the process, they would incorporate the Board.

Gerry Cooper stated it was nice to see so many developers and lawyers in the audience this evening, and he assumed most were in favor of this amendment. He stated that he had moved here in 1970 and there were about 150,000 people in the City, and the last he heard there were about 157,000 residents as of this point in time. He asked why in 34 years had the City grown only by 7,000 people, and by 2015 it was projected that there would be 225,000 residents.

Mr. Wren stated that many people in the County were moving west and there was not many developable properties in that area. He stated the trend nationally was for people to move back into urban centers.

Mr. Cooper asked if there was a basis for such projection. Mr. Wren replied that the Greenberg study had made the projection.

Mr. Kerr reiterated that Ken Greenberg had identified the population projection in the creation of the Downtown Consolidated Master Plan, but in addition, the County had projected that there would be about 1.2 Million more people. He stated they were well past where they thought they would be 10 years from now in the County. Mr. Cooper asked if they felt the population in the City would increase by 50% in the next 10 years. Mr. Kerr confirmed and stated it would be due to redevelopment. He added that people could not develop in the Downtown and pressure was being put on the surrounding neighborhoods. He explained that units Downtown would provide relief.

Mr. Cooper stated that Mr. Wren stated in his presentation that this would provide a \$100 Million increase in the tax base. Mr. Wren replied that consultants had done some analysis in that regard. Mr. Cooper stated that when a big building was constructed and there was a \$100 Million increase in the tax base, would it be profitable for the City. He remarked that he had heard two different sides to the issue. Mr. Wren stated that the consultants had done an analysis on what the taxes generated versus what the service cost the local governments.

John Milledge, attorney for the DDA, stated that it would be \$100 Million recurring annual revenue, not tax base, and the additional units would spin out to all the taxing units which would be broken up by jurisdiction.

Mr. Cooper asked about the cost side. Mr. Milledge stated that had also been analyzed and the impact was mostly on the City due to the police and fire departments, but there would still be a significant profit to the City.

Ed Curtis clarified the Board was being asked to approve an additional 13,000 units. Mr. Wren confirmed. Mr. Curtis stated they were being given 4 options that were as follows:

5. Recommend tht the City Commission transmit the amendment, as proposed, to Broward County as an amendment to the Broward County Plan.
6. Recommend that the City Commission transmit the amendment, with revisions, to Broward County as an amendment to the Broward County Plan.
7. Defer action.
8. Recommend denial of the amendment.

Mr. Curtis further asked if in essence a deferral would be a denial. Mr. Wren stated that in regard to meeting the timeline, it would be a denial.

Mr. Curtis further stated that the traffic study and analysis was difficult to understand, but clarified that they were saying that the additional 13,000 units would not significantly affect the downtown traffic. Mr. Wren stated that Cathy Sweetapple would further clarify the issue.

Cathy Sweetapple, on behalf of the City of Fort Lauderdale and the DDA, stated that this application had analyzed the impact of the approved underlying land use compared with the proposed land use. She explained that typically in a land use amendment, they would look at the highest and best use for the property and compare that to what everyone wanted. She stated that the surprise was that all the properties in the RAC could have office, commercial, industrial and transportation related uses. She explained that such uses generated by far thousands of more trips than the residential units. She stated they took a conservative route and assumed that certain properties would never develop at the intense which was allowed under the land use plan, but would wait until the units became available. In talking about the downtown and residential, she explained they were talking about a 3-story or more building. Typically, she stated in such mixed use projects there were retail stores included, and they would have to count the trips generated by the retail at the ground level, plus the trips generated by the units themselves. In this analysis, she explained they had gone through a series of evaluations and determined what percentage would be given to the stores, offices and transit. She stated this area was currently benefiting from local and regional transportation plans that would provide a reduction in traffic into the downtown.

Ms. Sweetapple further stated that opportunities would be provided for individuals to walk to their destinations or take local transit. Individuals using their cars and going west would be traveling counter to the flow of traffic occurring. She stated this would be an opportunity to put the units in the most logical place to promote the transit-oriented development and the pedestrian opportunity. She remarked that this was the center for such development. She explained that the Master Plan had outlined in great detail how it envisioned the new projects be developed to promote the pedestrian environment. She realized this was a stretch to make such a suggestion, but for the individuals that would live in the area it would become their desired mode to walk or take the local circulator. She stated they would continue to refine the studies as the item moved forward, but she felt that everyone needed to realize that all the enabling legislation would come back, along with the criteria for using the units, before this Board.



Mr. Curtis asked when the 13,000 units were added, what assumptions would go into their conclusion that there would be no significant impact in regard to traffic. Ms. Sweetapple clarified that she had not stated there would not be any significant traffic impacts, but they had measured what they believed the impacts to be. She continued stating that the traffic added from the amendment would be roughly between 5% and 7% of the total traffic currently driving in and out of the area. She further stated that based upon their estimates, it would roughly be between 2-3 trips per unit. She remarked that every dwelling unit would not always be occupied all the time.

Mr. Curtis stated that assuming their estimate of a 5% to 7% traffic increase on the daily commute was correct, he asked what assumptions had gone into their analysis. He asked further if they would then have to build the rail and circulator systems to accommodate the increase. Ms. Sweetapple stated they had not reduced any background traffic. Mr. Curtis further stated that even if improvements were not made to the transit system, there would only be a 5% to 7% traffic impact. Ms. Sweetapple reiterated that the total traffic generated by the proposed units would only be between 5% and 7%. Mr. Curtis asked how they would be able to handle the increase in the traffic without significantly impacting the present traffic situation. He further asked what would be done to handle the traffic at the intersections. Ms. Sweetapple stated that part of the local rail being planned by the County and the DDA included individuals using the rail. She stated they would benefit from the new ITS (intelligent transportation systems) improvements which would be part of the rail infrastructure. Essentially, she explained they were cue jumpers and gave the transit operator the ability to change the signal timing. She stated these things were planned as part of the new transit systems.

Mr. Curtis asked if they had to have the rail transit system in order to meet the 5% to 7% increase. Ms. Sweetapple stated that was correct. Mr. Curtis further stated they would then have to spend the money on the other improvements to the transportation system in order to have the low impact on traffic. Ms. Sweetapple stated they had estimated that both the pedestrian improvements at the street level were important. Mr. Curtis asked how they would be funded. Ms. Sweetapple explained that Second Street was underway and that Sistrunk Boulevard had already been funded.

Mr. Wren stated that TMA was getting new vehicles and routes would probably also be changed. He stated there was a \$1.85 Million Federal grant which could be obtained next year and possibly before this amendment went through its entire process. He explained the monies could be spent on the ITS equipment and it was their intention to begin putting these improvements in place way in advance of the rail so they could begin having a more successful transit system. He stated the State had pledged to obtain half of their local share which was around \$10 Million, they had \$10 Million already from taxing the downtown property owners, and there were 5 Congressional offices who agreed to support them, and then going through the Federal Transportation Administration pot of money for the other half. He stated that was a \$40 Million transit system to occur in a period of 3-5 years. He stated the most important thing was to have an operator and Broward County had voted unanimously to operate the light rail system. He added they did not need the \$100 Million at this time because they felt they had targeted the capital resources, along with the operational resources, to do the transit

today. He further stated that the \$100 Million was a conservative estimate and could be used by the City, County or the School Board to reinvest back into the Downtown for possible additional transit improvements or streetscape improvements. He felt there was a capital plan that could be presented which would make sense. He stated they believed this was part of the reason why they wanted this application to move forward. He reiterated by moving it forward, they were bringing everyone to the table to start receiving comments in order to put together a strategy before the final ordinance adoption that would make sense.

Mr. Curtis stated that the traffic was just a minimum part of the concern. He felt bringing this complex issue before this Board and asking for a decision this evening was oppressive. He did not feel they could make an intelligent decision this evening. He stated that he was in favor of additional units Downtown, but he felt more time was needed to review all the material.

Mr. Milledge stated that this was a long process and they envisioned this as getting all the parties to the table. He stated they knew that a capital plan had to be developed, and the DDA was going to take the initiative in that regard. He further stated they also believed that now was the time to address the revenue impact so the monies could be allocated. He stated that this was a transmittal hearing and they realized this Board had some concerns, and he did not think that anyone would object to this Board reviewing the matter once again before it was sent to the Commission for final adoption. He stated that they needed the Board's input today and they believed it was consistent with the Plan. He reiterated that all the issues had not yet been resolved, and part of the process was for that purpose.

Mr. Curtis stated his concern was that if they were being asked to approve moving forward, he did not think that was a problem. He stated they were asking the Board to approve an additional 13,000 units, and he was concerned that individuals in the future reviewing this matter would note that this Board approved such additional units.

Mr. Milledge stated they were not concerned if the Board recommended moving forward, and from a legal perspective he did not believe there was an issue permitting the transmittal subject to the conditions being worked out. He reiterated that was part of the normal procedure.

Vice-Chair Alan Gabriel reiterated that the process required that this be transmitted at some point from Board to Board. Mr. Milledge reiterated that they were not saying that this Board approved the amendment, but were saying they authorized transmittal subject to the concerns being addressed.

Maria Freeman asked how much money the DDA had contributed to the work force housing study. Mr. Wren replied that they agreed with the City Commission that a study was needed in order to create some strategy so that when the units went on line, there would be a mechanism in place so additional work force housing could be added within the City. He remarked that they did not know the conclusions of such strategy, but the Board had discussed this at length and had concluded and voted unanimously to authorize up to \$75,000 to participate in such a study. He reiterated that they wanted

everyone at the table to work out solutions. He felt the DDA had sent a loud message through the transit dollars allocated and the monies for the study that they were willing to work on the issues and were serious to have them resolved. He reiterated that this was important to the DDA, as well.

Ms. Freeman asked how much such a study would cost. Mr. Wren stated that he had met with Faye Outlaw who believed the cost would be somewhere around \$300,000, and he explained that 1/3 of the amount could come from the SHIP funds. He stated they were going to approach the City Commission as to how the study could be funded and other partners could be solicited. He reminded everyone that at the same time, this amendment review process would be moving forward. He believed everything would coincide at the end to present a solid picture.

Ms. Freeman asked if this study would mandate, or would the Board be able to mandate, that a certain amount of units be allocated for work force housing. Mr. Wren stated that this study had not yet been done, and therefore, they were not aware of what would be uncovered, but nationally speaking studies had been performed and there were many legal requirements where a City could impose such an impact fee. He stated that communities arrived at fees so every unit developed would contribute to a fund which was administered by the City to create work force housing. He stated that other mechanisms were available that actually required the development to house a certain price range of affordability in their development. He explained that these things would be worked out in the study. He reiterated they wanted to participate in such a study and then make a recommendation that would make sense for this community. He stated it would depend where the properties were located. He felt they might end up with a "menu approach." He did not feel it would be appropriate to predispose what the study would conclude.

Charlotte Rodstrom stated that they also had a process and that they were to consider "a motion finding the proposed amendment to be consistent with and furthers the intent of the State Comprehensive Plan, Regional Policy Plan, County Plan and City of Fort Lauderdale Comprehensive Plan." She stated that they were then given 4 options, and none of those options listed the fact that this would come back to the Board for another discussion. She stated that she was concerned that such an option was not being offered to the Board. She felt that once this Board made a decision, it would be final. She stated that words such as "planning, ongoing, proposed, hoping, will be, assumed, and more details to come" were concerning when asking for the additional 13,000 units.

Mr. Wren stated that they were asking for the transmittal to be approved. He stated as far as this Board getting "another bite of the apple," he explained an ordinance would have to be created at the end of the process that would be presented to this Board. He stated if this Board wanted to act as a review Board, then they could sit at the table during the discussions. He felt the more community input received, the better the plan. He stated that he was willing to agree to such a condition.

Ms. Rodstrom reiterated that such a condition was not specified in the options being offered to this Board. She proceeded to read the 4 options offered to this Board. Mr. Wren stated they were not required to have a community outreach component, but they

were going to conduct one. He stated that they could have a Planning and Zoning Workshop. He admitted that this merited a lot of scrutiny. He recommended that such a workshop be held and the input received could be included in the process.

Ms. Rodstrom asked if the matter should be deferred until such workshop could be held. Mr. Wren explained that he would prefer the Board pass a motion to allow them to transmit the amendment so the process could begin, and at some point during the community outreach, before it went to the City Commission, there could be such a workshop. Ms. Rodstrom clarified that Mr. Wren was choosing Option #2, which would allow them to transmit with amendments and revisions. Mr. Wren confirmed.

James McCulla reiterated that this was an advisory board and they did not take action, and then the City Commission made their decision. He further stated that the short version of tonight's presentation was that this dovetailed into the City's Master Plan that had gone through exhaustive review with experts and communities. He remarked that it had been before this Board and the City Commission. He stated that delaying the taking of the first step and asking for the units would not make sense. He stated further that they had already waited 6-12 months, and they should have begun asking for the units previously. As far as the capital was concerned, he stated that this was capital and people were trading the units. He stated that it did not cost anything to get them, but once they had them, they were invaluable. He stated this Board's role in the process was defined by ordinance, statute and practice. If they were to be further involved, the City Commission would direct such involvement. Otherwise, they would be involved by requirement. He stated that he did not see why they should be overly concerned with the minor details that dovetailed into the Master Plan, when they should be making the decision to take the step to ask for such units.

Vice-Chair Alan Gabriel proceeded to open the public hearing.

Janet Riley, attorney, stated that in listening to this discussion, she felt a lot of it had been on the right track. She reiterated that the Board was acting as the LPA and needed time to review all the pertinent information. She further stated that in looking at all the new construction, when she heard about a \$75,000 contribution for a housing study, she asked herself what was there to study. It had been studied to death and there was a need to begin building. She stated that the DDA was not that interested in work force housing or there would be such housing. She felt the Board could not blanket such a transmittal and were being put in an awkward position. She stated if the Board was going to approve the transmittal, that there be a provision that the issue be brought back before this Board.

Arthur Frimet, architect and planner, stated that the attitude of individuals throughout the County had changed. He stated he was in favor of this amendment. He reiterated that people were tired of commuting and the traffic congestion. He commended the DDA to have the courage to make the improvements that they had begun. He stated they could all be in on changing and enhancing this community into something they could be proud of. He stated there could be a small urban life that would be great to live in. He urged the Board to look at the positive side and give their approval to start the process.

Charlie Ladd, member of the DDA, stated that he wanted to provide some perspective as to what they were attempting to do, as well as provide some background on the DDA. He explained that the tax base of the DDA and its representation was for commercial properties. He stated their pursuit of these units was actually the opposite of their interests. He stated the tax base would shrink with the conversion of commercial properties into residential uses. He stated they were actually trying to put the DDA out of business because the character of what they were attempting to do in the Downtown was for a more residential oriented downtown, than the one they all knew consisting of massive office buildings with interstates in the middle of them. He stated they were here due to a "quirk" of what happened in the RAC process that had been done years ago. He stated the original number of 5,000 units was picked out of the air because no one thought residential would be viable in Downtown, but by luck they were in a process where on a nationwide basis and in this City, people embraced an urban lifestyle which disappeared about 30-40 years ago when everyone migrated to the suburbs.

Mr. Ladd continued stating that Mr. Curtis's issues regarding traffic were valid as to how the traffic could flow better in the Downtown RAC, but he felt that some perspective as to where they were and where they were going to be were important. At the present time, the RAC allowed unlimited numbers of office, commercial, retail and industrial. He stated the impact of such space was huge in regard to traffic, and the impact on residential space was minimal. He stated they were trying to make the Downtown a softer more residentially oriented one, and the Land Use Plan provided the opportunity to address the issues. He stated if they did not attempt to bring in more residential, then they would end up with more Bank of America Towers that was more traditional, but they would miss the opportunity to take some neighborhoods and make them tremendous interesting places to live.

Ms. Rodstrom stated that the 13,000 units being requested would still contain the unlimited amount of office and retail. Mr. Ladd explained that the unit counts being requested were based on the Master Plan and arrived at by the consultant after comparing densities of cities they wanted to emulate, such as Charleston which had urban residential populations in a field they were trying to emulate. He stated such figures were not pulled "out of thin air." He stated if they put in units, they would eliminate land which could be developed commercially. Ms. Rodstrom stated that the units were not going to take up all the land, and whatever was left would still be used for the unlimited offices and retail. Mr. Ladd replied that would be a matter of semantics. He stated further that he was a commercial developer and a DDA board member, but the more residential done would be better for the density of the Downtown. He stated if they wanted less office buildings, then they should approve additional units.

Ms. Rodstrom asked if the residential units were above retail and commercial, would that be considered residential or mixed use. She asked if the DDA would still receive monies because a portion of each building was still commercial on the ground floor. Mr. Ladd explained that they were researching the matter. He stated that a 450 unit building at \$300,000 per unit totaled \$120 Million, and 20,000' of ground floor space at \$30 rents was \$300 per foot X 20,000' totaled about \$6 Million. Therefore, the commercial component of a residential building was a "nickel and dime" issue. Ms. Rodstrom clarified that the commercial component was being added basically to accommodate the

residential units. Mr. Ladd confirmed and stated it was his personal opinion that as they got past their growing pains, the first buildings done in the Downtown were to try and get someone to build a residential complex. He stated that New River Village had first been looked at as a fantasy. He felt that as they got more sophisticated, then he expected to see residential buildings with brownstones on the first floor and not retail on every street. He wanted to see walkable streets with people living on them. He felt there was a place for both, but he felt they were going to find they would have more residential streets than anticipated.

Ms. Rodstrom stated that in Charleston they did not allow any building to be taller than the tallest Church steeple. She stated that was not true of this City. Mr. Ladd stated that the density in the Master Plan had been based on the Charleston density. He stated what was being asked for here was only a fraction of the residences that could be supported.

Gerry Cooper stated that in summary they had about 750 acres and if some were taken over for residential buildings, there would be less available acreage for offices and retail. Mr. Ladd confirmed. Mr. Cooper stated that as a DDA donor, if one had residential they had to pay DDA taxes and one was only excluded if homesteaded. Mr. Ladd stated that was not correct and Mr. Cooper should talk to the Property Appraiser. Mr. Cooper stated that Mr. Loos had written him a letter and stated he did not have to pay because he was residential. Mr. Ladd explained that the new buildings would not be paying DDA taxes because they were residential units owned by individuals. He reiterated that only commercial real estate paid DDA taxes. He stated that they were researching the apartment buildings, and he referenced the JPI project.

Anthony Abate, architect, stated that this was the beginning of a process that was long overdue. He stated there were a lot of issues to consider, but they were talking about a paradigm shift. If they did not consider this, then the process could not begin and they would end up with the same that was commercial development Downtown. He stated neighborhoods would be torn down and they would build to the maximum density allowed, and there would be no residential units in the Downtown. He stated that Flagler Heights would remain with vacant lots, and there would be no transit system because such a system was linked to development. If one looked at the Master Plan, it laid out the vision for a more pedestrian oriented form of development. He stated they had to forget about the idea of everyone having a car. He stated they had to look at this long term and realize it was the beginning of a process. The decision made tonight would not be the Board's last time to visit this problem, but only the beginning. He felt it would be irresponsible of the Board if they deferred the issue. He stated they were finally at the point to make a decision to start the process and workout the details. He felt tonight's decision was critical, and he was in full support of this matter.

Alan Hooper, developer in Flagler Heights and member of the DDA, stated that he cared about this City. He stated his company was a community based one, and they were currently building the Avenue Lofts project. He did not feel many people would object to that project. He advised that he lived in the project and worked in one of the retail spaces on the ground level. He stated they had 4 employees who worked and lived there also. He stated they enjoyed such an opportunity. He further stated that one had

to ask what was the alternative, which was that the Downtown could be all office buildings if they did not move forward with this. Another alternative was that developers could still develop residential in the City that could be sprawled all over, and could be up to 150' in height. He stated then traffic would be increased. He felt they had to look at this issue globally because they were creating solutions to problems, one being the suburban sprawl. He asked if they would prefer to consolidate their efforts into a downtown area. He stated the expenses were consolidated in a Downtown. He felt this was a responsible approach in making the Downtown a more vital one. He stated that with the help of this Board, the City Commission and the County, they could make this City a better place to live.

Carol Rybalka, downtown resident, stated that she worked about 2 miles from her home and in the summer months it was impossible to walk far due to the weather. She stated she walked every morning by the River at 5:30 a.m. and she was disheveled after that. She stated she wanted to see the Downtown developed, but she also wanted affordable housing for people like herself. She stated she wanted to remain living in the City and wanted this Board to leave themselves open in order to revisit this matter.

Mike Ferber stated that most of the issues mentioned were not new and there was a long history of about 3 decades with the City charting out a vision. He stated that they were seeing what all the studies had suggested could happen. The JPI Project was partially occupied and people were walking to work. He suggested this was a small example of why such things were practical. He realized there was a lot of skepticism and many people preferred an urban way of life. It was not pure conjecture.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

**Motion** made by Gerry Cooper and seconded by James McCulla to transmit this amendment.

Ms. Rodstrom stated that she appreciated the comments about working and living in the Downtown area, and she felt that was important and that there was a percentage of individuals who preferred that way of life. She further stated that if it impacted individuals not able to afford living in such places, and residents living elsewhere that would not be able to walk to grocery stores, then the infrastructure might not be in place to move forward on this. She stated she was concerned about the issues involved, and she did not see anything coming forward in the last 3-4 years that said there could be a better quality of life for individuals already living in the adjacent neighborhoods of what was being proposed. She felt the percentage of people living in those neighborhoods would have their quality of life diminished. She felt this had to be considered.

Vice-Chair Alan Gabriel welcomed Mayor Naugle to the meeting.

Mr. Curtis stated they were being requested to amend the text to the City's Comprehensive Plan to add new residential units to the Downtown RAC. He stated there was no specific number in the request, but there was a specific number suggested in the discussions. Therefore, he asked for further clarification on what was being transmitted.

Vice-Chair Alan Gabriel stated they were transmitting the amendment as proposed which was for the 13,000 units.

Ms. Freeman asked if the matter was going to come before the Board again. Vice-Chair Alan Gabriel stated there was no guarantee. He stated they could ask that it come back before the Board once again. Ms. Freeman asked if that condition could be included in the motion.

Sharon Miller, Assistant City Attorney, stated that she was hearing that although this Comprehensive Plan Amendment would not come back to this Board, but the actual allocation of the units could not occur until an ordinance was adopted addressing specifically the allocation so developers could apply. She stated that 2,970 units had been transmitted to the State a couple of years ago, and just this last July the Commission had approved the ordinance which allowed the developers to apply for such units. During that process was when they had created the Downtown Master Plan. She explained the protection to have it before this Board was the ordinance process. She stated the LPA set the criteria as to whether specific developments could apply and obtain approval for any units.

Vice-Chair Alan Gabriel reiterated that this Board would have the opportunity to comment and discuss the allocation of the additional units. Ms. Miller confirmed.

The motion read as follows:

**Motion** made by Gerry Cooper and seconded by James McCulla to recommend transmittal of a comprehensive plan amendment that seeks 13,000 units for the Downtown RAC.

Ed Curtis replied that he could not support this item because he felt it was important to move forward, and that it was a recommendation of 13,000 units without proper studies being conducted.

Roll call showed: YEAS: Gerry Cooper, James McCulla, Randy Powers, Maria Freeman, Alan Gabriel. NAYS: Charlotte Rodstrom and Ed Curtis. Motion carried 6-2.

**“For the Good of the City”**

Gerry Cooper stated that he was concerned because the first 3 applicants had not been registered lobbyists with the City, and did not appear concerned that they were not registered. He asked if there was to be something included with the application explaining this issue. He asked for staff to make sure that such information was supplied to the applicants.

**Motion** made by Ed Curtis and seconded by Gerry Cooper to adjourn the meeting.



There being no further business to come before this Board, the meeting was adjourned at approximately 10:43 p.m.

VICE-CHAIR

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Alan Gabriel

ATTEST:

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Margaret A. D'Alessio  
Recording Secretary

**A mechanical recording is made of the foregoing proceedings, of which these minutes are part, and is on file in the Planning & Zoning Offices for a period of two (2) years.**