

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

**WEDNESDAY, SEPTEMBER 21, 2005
6:30 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u>	
		<u>From 1/19/05</u>	
		(P)	(A)
Mary C. Fertig	P	8	1
Alan Gabriel	P	8	1
James McCulla	P	9	0
Charlotte Rodstrom	P	8	1
Judith Hunt	P	8	1
Maria Freeman	P	9	0
Edward Curtis	P	7	2
Rochelle Golub	P	2	2
Catherine Maus	P	4	0

Planning Staff: Marc LaFerrier, Planning and Zoning Director
 Greg Brewton, Liaison to the Board
 Jim Koeth, Principal Planner
 Wayne Jessup, Architect
 Mark McDonnell, Planner III
 Jenni Morejon, Planner III
 James Cromar, Planner III
 Ella Parker, Planner II
 Mike Ciesielski, Planner II
 Yvonne Redding, Planner I

Legal Counsel: Sharon Miller, Assistant City Attorney

Court Reporting Service: Jamie Opperee/Margaret Muhl (D'Alessio)

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

Chair Alan Gabriel called the meeting to Order at approximately 6:34 p.m. and all rose for the Pledge of Allegiance. He then proceeded to introduce the Board.

Jim Koeth, Principal Planner, proceeded to introduce staff that were present at tonight's meeting.

Chair Alan Gabriel announced that a workshop would be held by the Planning and Zoning Board in connection with the Evaluation Appraisal Report scheduled for September 29, 2005 at 6:30 p.m.

Chair Alan Gabriel proceeded to explain the procedure for tonight's meeting.

1. Daniel Ashlin/Ashlin Offices

45-R-05

Request: Waterway Use
Residential to Office (ROA)**

Legal Description: Lots 6 and 7, Block 3, PACIDENA UNIT 1,
P.B. 2, P. 44, of the Public Records of
Broward County, Florida, and that portion of
Royal Drive and all of that portion of the land
Lying between Royal Drive and Tarpon River
As shown by said plat which is included
Between the westerly line of said Lot 6, extended
In a northwesterly direction to said Tarpon River,
According to said plat and Easterly line of said Lot 7,
Extended in a northerly direction to said Tarpon
River, all as shown on the Plat of PLACIDENA,
UNIT 1, P.B. 2, P. 44. Said parcel comprising all of
Said Lots 6 and 7, together with all of the land lying
Between said Lots and Tarpon River as shown by
Said Plat. Excepting there from that portion of said
Lot 7 and the land lying between Lot 7 and the Tarpon
River described in deed dated November 27, 1951
And recorded in Deed Book 754, P. 229, Broward
County, Florida.

General Location: 213 Rose Drive. [North side of Rose Drive, which is
east of South Andrews Avenue and one block north
Of Davie Boulevard]

Chair Alan Gabriel announced that the applicant had requested a deferral of this matter until the November meeting.

Motion made by Judith Hunt and seconded by Mary Fertig to defer this matter until November 16, 2005 at 6:30 p.m. Board unanimously approved.

Chair Alan Gabriel announced that James McCulla had joined the meeting.

4. Kenneth Sandler, LLC

57-R-05

Request: Site Plan Review/Level III
Yard Modifications/RMM-25
3-Story Residential Multi-Family
Development**

Legal Description: Block 260, Lots 5 and 6, Progresso,
According to the plat thereof as
Recorded in P.B. 2, P. 18 of the

Public Records of Dade County, Florida

General West Side of N.W. 1 Avenue between
Location: N.W. 8 Street and N.W. 9 Street.

Chair Alan Gabriel announced that this matter had been withdrawn by the applicant.

5. Exotic 2501, LLC

80-R-05

**Request: ** Site Plan Level III/Conditional Use/
Waterway Use**

Legal Lot 12 in Coral Ridge Properties
Description: according to the P.B. 28, P. 8 of the
Public Records of Broward County,
Florida

General West side of Federal Highway and
Location: North of the Middle River

Chair Alan Gabriel announced that the applicant had requested a deferral until the October meeting.

Motion made by Maria Freeman and seconded by Mary Fertig to continue this matter until October 19, 2005 at 6:30 p.m. Board unanimously approved.

10. One Condos/Peter Sordjan

74-R-05

Request: Site Plan Review Level III/Waterway Use/
Yard Modifications/RMM-25
5-Story Residential Multi-Family
Development**

Legal Lots 1 and 2, of "Island No. 4, Nurmi Isles,"
Description: According to the plat thereof, as recorded in
P.B. 24, P. 43, of the Public Records of
Broward County, Florida.

General Southwest corner of Isle of Venice,
Location: directly north of Las Olas Boulevard.

Chair Alan Gabriel announced that the applicant had requested that this matter be continued until the October meeting.

Motion made by Judith Hunt and seconded by Maria Freeman to continue this matter until October 19, 2005 at 6:30 p.m. Board unanimously approved.

Approval of Minutes – August 17, 2005 Meeting

Rochelle Golub point out that the vote shown in the minutes regarding Item #7 listed the votes all in favor, but the total showed 7-1.

Chair Alan Gabriel asked staff to check this matter. He announced that the number would be amended.

Motion made by Rochelle Golub and seconded by Maria Freeman to approve the minutes of the August 17, 2005 as corrected. Board unanimously approved.

2. Coolidge-South Markets/Hyde Park Market

83-R-05

Request: ** Residential Use/Recommendation

Legal Description: Tracts 4 and 5 and portions of Tracts 1, 2, and 3 of "Burnham's Subdivision, " Section 10, Township 50 South, Range 42 East, According to the plat thereof, as recorded in P.B. 15, P. 29, of the Public Records of Broward County, Florida.

General Location: Between Las Olas and the New River and between S.E. 5 Avenue and S.E. 6 Avenue

Chair Alan Gabriel advised that the applicant had requested an extension of time, as well as by the presenter, for presentation purposes.

Chair Alan Gabriel announced that this matter was quasi-judicial.

The Board proceeded to make the following disclosures. Catherine Maus stated that she had spoken with representatives of the Developer. James McCulla announced that he had spoken with Mr. Hall and his team. Judith Hunt stated that she had spoken with Joanie Sheridan, Commissioner Hutchinson, Ron Wright, and several members of various Homeowners Associations in the area. She advised that she had also been to the site. Mary Fertig stated that she had been at the site, and during the last few months had received numerous e-mails and letters regarding this matter. She advised that she had also spoken with Mayor Naugle, Commissioner Hutchinson, and Vice Mayor Teel. Rochelle Golub stated that she had been to the site and had spoken with Vice Mayor Teel. Ed Curtis stated that he had been to the site and the neighborhoods adjacent to the property. Charlotte Rodstrom advised that she served on the Stranahan Board, and she had been to the site. She stated that she had also viewed a presentation by the developer. She stated that she had also spoken with Neal Schiller and several of the Members of the Stranahan House. Maria Freeman stated that she had received several e-mails, and had been to the site. Alan Gabriel stated that he had been to the site, and had several conversations with the applicant's representatives, and had received e-mails.

Marc LaFerrier advised the Board that this application had originally been submitted on September 8, 1999. The matter had been in litigation and a Settlement Agreement was reached. He explained that according to the Code in 1999, such a project would not be

presented to this Board. Due to the Settlement Agreement negotiated process, the site plan was to be presented to this Board. He explained it was not a requirement for this Board to take action regarding this matter, but that it was before the Board for their review and comment. He stated that the advised site plan being shown this evening was the result of the Settlement Agreement.

Chair Alan Gabriel asked Sharon Miller, Assistant City Attorney, to explain what quasi-judicial meant, along with an explanation regarding the Board's duties as the Local Planning Agency.

Sharon Miller, Assistant City Attorney, explained that quasi-judicial matters were treated similar to a Court hearing. Individuals were sworn in and could be cross-examined. All evidence presented would be part of the record, along with the case file from the planners and City staff. She further stated that such information would be used as the basis for the Planning and Zoning Board to decide whether the application met the criteria according to the ULDR.

Sharon Miller continued stating that the State of Florida Legislature stated that every City was to have a body that would review certain applications to make sure they complied with the City's Land Use Plan and the Comprehensive Plan that was the overall plan for the City. This Board was appointed to also act as the Local Planning Agency on behalf of the City. Certain matters, such as rezoning, were reviewed and then a decision made that the development request was consistent with the City's Comprehensive Plan.

James McCulla stated that he was confused because this was to be a quasi-judicial proceeding, yet they had been advised by Mr. LaFerrier that this Board was not required to take any action in this matter. Sharon Miller stated that the Board was to review the matter and supply comment. James McCulla clarified that they were conducting a public hearing for review and comment that had no technical impact. Sharon Miller explained that this was part of the negotiated Settlement Agreement, and was outside of the typical ULDR process. James McCulla asked why the matter was listed as a quasi-judicial proceeding. Sharon Miller stated that this was part of the protected process.

Ed Curtis asked what was the Board voting on. Sharon Miller stated that the Board was not voting tonight, and was only reviewing the matter and providing comments. She advised that a group comment could be provided, along with individual comments.

Mary Fertig asked if a group comment would include the Board passing a motion if the Board collectively felt a certain way, but no recommendations were to be provided. Sharon Miller confirmed.

Charlotte Rodstrom stated that in the Board's capacity, they would not be advising the Commission regarding this matter. She stated that the Board would only be commenting and reviewing. She asked if the Board's minutes would be provided to the City Commission.

Sharon Miller stated that it could be advice, and the minutes would be provided to the Commission. She reiterated that the Board would only be reviewing the matter and

providing their comments. She stated the Board would not be following their typical approved or denial format.

Marc LaFerrier further stated that it was their intention to submit all documentation to the City Commission for their review and final decision regarding this project.

Donald Hall, attorney for the applicant, proceeded to introduce members of their team, including Heidi Davis, Lynn Lawrence of Coolidge South Florida Markets Equities – owner of the property; Barbara Sock and Enrique de la Pezuela – Related Group the Joint Venture Partner; Charles Sieger; Jose Suarez; Bill Eager – architects; Alan Ward; Bob Carr – Archaeological and Historical Conservancy; John McWilliams – Traffic Consultant; and Joe Harris of Moss and Associates.

Mr. Hall stated that this was a good time for him to supply his comments as to why they were present this evening. He stated since they did not have to be here, why were they here. He explained they wanted to be here. He stated that the applicant wants to show the Board, and receive their comments, to the evolution of the development of this site which had been in process for seven years. In the words of the Grateful Dead, "What a long strange trip it's been." He stated they were proud of this project. He hoped the Board would provide favorable comments regarding this project. He stated that they valued the work of this Board, and would appreciate their comments, along with the City Commission.

Mr. Hall continued stating that for some individuals this would be a trip down memory lane, and for others this would be new information. He stated that he would briefly go over the history of this application. He stated that on September 8, 1999, the application was submitted for site plan approval for the project. The application was to construct a high-rise residential project consisting of 38 stories. He stated that they were not relying on the consent final judgment on the Code as it existed in 1999. He stated the project being presented meets the Code as it has evolved. He stated that this had been a Level II Site Plan review. He stated there was no call-up, no Planning and Zoning review, nor any review by Commission. He stated that only DRC approval had been required, unless the applicant requested a modification to the Code as it existed, but none had been requested.

Mr. Hall further stated that on October 12, 1999, the Development Committee met and provided comments. All issues were addressed in March and April, 2000. He explained that on January 19, 2000, the City Commission adopted a resolution declaring a public necessity to acquire the subject property. On March 14, 2000 a bond referendum was approved authorizing the issuance of \$8 Million worth of general obligation bonds to acquire the property. He advised that on June 6, 2000, the City adopted Resolution 0074 which authorized the City to attempt to take the applicant's property by eminent domain. On June 22, 2000, the Petition was filed. He stated the litigation began and on March 22, 2002 Judge Andrews entered his Order, Opinion, and Summary Judgment finding that the City had failed to establish a public necessity for the taking of this property, and therefore, the City's Petition had been dismissed. At that time there had been pending Counter-Claims filed by the applicant for monetary damages and other relief. He stated that negotiations began in the summer of 2004 regarding the counter-claims. Resolution was reached on November 17, 2004.

Mr. Hall advised that the resolution stated that there was no reasonable necessity for the City to take the applicant's property via eminent domain. He stated that the City agreed to rescind the Condemnation Resolution. The Court found, and the City agreed, that the September 8, 1999 site plan complied with all applicable requirements of the ULDR and was consistent with the Land Use Plan. The City waived the right to appeal the Summary Judgment. The Final Judgment provided for the applicant to submit an alternate plan for development of the site. He explained that the alternate plan addressed four items. There was to be a public plaza between Las Olas Boulevard and Stranahan House, the footprint of the building was to be repositioned orienting it to the west (or 5th Avenue), the building was limited to 42 stories, and the dwelling units were to be reduced from 312 to 272.

Mr. Hall proceeded to show four images of the property, including the proposed plaza. He stated that a large public plaza was to be created directly in front of the Stranahan House connecting it to Las Olas Boulevard. He explained that Riverwalk would be completed and would continue to Las Olas. He stated that the footprint of the building was moved to the west, and the building was redesigned reducing its mass, along with reducing the dwelling units.

Mr. Hall stated that all through the discussions regarding this site, there had been focus on the project's impact to Stranahan House. He stated that Janus was to re-evaluate their report regarding the project and its impacts on Stranahan House. He emphasized that the findings of this report had driven the design of this project. He stated that the shape of the building had been changed, and the principal orientation was moved further from Stranahan House. He further stated that due to the repositioning of the building, the Janus Report stated: "that the mass no longer overwhelms the Stranahan House." He continued stating that it also reported "that this plan demonstrates a conscientious and substantive attempt to move the mass of the building away from Stranahan House." He added that the height of the building was reduced, and the Janus Report stated: "the additional height does not overwhelm Stranahan House, and the additional height of 42 stories is 'not an adverse impact.'" Due to the change of massing, the shadow effect had been decreased. He explained that today, Stranahan House was shadowed by the buildings existing in the neighborhood, and the subject project would not add to those shadows. The Janus Report also stated: "The plan creates open space on what was previously a parking lot, and allows a clearer view of the House. This is a generous well-thought out solution."

Mr. Hall continued stating that in regard to archaeological matters, the Janus Report stated: "The alternate plan achieves a satisfactory solution to the potential negative impact reported in the 2000 Report."

Chair Alan Gabriel clarified that the Board was to accept documents as exhibits, and he asked how that was going to be accomplished.

Sharon Miller stated that James Cromar was identifying the documents, and the Janus Report had been submitted to the Board.

Chair Alan Gabriel asked if an oral statement was going to be made regarding the submission of the exhibits. Sharon Miller replied that would be helpful. Chair Alan Gabriel asked for the applicant to identify the Board drawings that had been used in tonight's presentation.

Mr. Hall explained that the four drawings submitted would be marked #1, #2, #3, and #4. He stated that the Janus Report had been submitted to the Board with their back-up material. He stated that it could be marked as #5. He remarked that the Consent Final Judgment would be #6.

Chair Alan Gabriel welcomed Commissioner Hutchinson to the meeting.

Mr. Hall stated that Bob Carr would address all archaeological questions. Then, Charles Sieger would address architectural matters. He explained that Alan Ward's firm had designed the original plan for Riverwalk, and they had also designed the conceptual plan for the public plaza connected with this project.

Bob Carr, archaeologist and Director of the Archaeological and Historical Conservancy, stated that he was a consultant in this project to specifically provide the archaeological management plan and to have it implemented. He further stated that he had a personal interest in the Stranahan House because it was one of his first projects in South Florida. He stated that he had been involved in other projects in South Florida, such as being the Dade County archaeologist for 18 years, and the Director of Historical Preservation for Dade County, and had been party to the discovery of the Miami Circle. He believed that doing such a plan and implementing it was an important part of the development of the property. He explained that the City required that 300' from the River to be part of the archaeological sensitivity area, but their investigations would extend across the entire footprint of the parcel beyond the 300' requirement. He stated that regarding implementation, they would first do an archival and document review of all available information regarding possible historic and archaeological features that might be occurring on this parcel. He explained that no investigations had been done on the parcel because it had been built upon, and there was mostly asphalt on the site.

Mr. Carr explained that their investigations would look at all areas outside of the existing structure. He stated that trenches would be dug across the parking asphalt area, and in the area where the Riverwalk would be constructed in the west and south corners of the site. He explained there was an archaeological site located adjacent to the parcel, and he anticipated that it would extend onto the subject property. He further stated that once the trenching, excavating, and investigation was completed, they would determine based on their findings, whether additional work would be required as to a Phase II or Phase III investigation. He stated that if something significant was found which could be a site, feature or significant artifact, their mission would be to recover and document such things, including contacting the relevant agencies regarding such discoveries.

Mr. Carr continued stating that if human remains were encountered, then Florida Statute 872.05 - Unmarked Human Burial Act would apply and the State would become the reviewing agency in the process. Once the explorations were finished, they would focus on monitoring the demolition of the existing structure in the lower levels, and if anything significant was discovered, they would provide adequate notification to relevant parties.

He stated that materials found in this investigation would be fully documented, catalogued, and analyzed. Such materials would be donated by the applicant to a Broward County institution or museum.

Mr. Carr stated that finally a report would be issued which would become the historic archaeological record of what might be on the site within 90 days of completion of field work and monitoring. The report would be made available to anyone interested, including the City and other relevant agencies. He stated that the Management Plan summarizing what he had just explained would be listed as Exhibit #7. The site plan would be listed as Exhibit #8.

Mr. Carr further stated that part of their excavations would include crossing an old creek feature on the property with the idea that some materials could be preserved within the organic sediments.

Charlotte Rodstrom asked how long would the exploration take if Phase II and Phase III were done. Mr. Carr stated that was not known because the time schedule would be driven by what had been discovered. He stated the initial element of excavating the trenches would represent about 3-4 weeks of work, and based on what was discovered, that would determine how much additional time would be needed to adequately document or excavate the findings.

Mary Fertig asked when Phase I would begin. Mr. Carr stated that it was his understanding it could begin within the next several weeks. He explained that since everything was in order, they could begin right now. Mary Fertig clarified that construction would not begin until such evaluations were completed. Mr. Carr confirmed.

Judith Hunt asked for some further clarification of the process that would be followed if human remains were found and the State became involved. Mr. Carr explained that basically the substance of the Statute was that the State would have jurisdiction over any human remains. He explained they avoided getting involved in a takings issue, and in most cases asked if the human remains could be left in place. If the applicant refused due to economic reasons, then they would be asked to relocate them nearby. The whole idea was to keep the remains in place if possible, especially if they were prehistoric. If the remains were historic, then a different series of questions and responses would occur. He explained that in regard to areas in Miami, human remains had been relocated to places nearby and not necessarily on the subject site. He stated that could be done in the plaza that was to be constructed.

Mr. Hall stated that they had been sensitive to the public perception that could be created due to such archaeological excavations. Therefore, they had waited for the final resolution regarding the property.

Charles Sieger, architect, stated that this was a unique privilege to revisit a project 7 years later, and have hindsight which sometimes had 20/20 vision. He explained that the Planning Department and the Settlement Agreement directed attention to making this a better and more exciting plan. Exhibit #9 was submitted.

Mr. Sieger proceeded to show the site plan, including the round tower that would be located at ground level at the end of Riverwalk. He stated that the building would be set back 60' from the River at all points. He stated this would be a transition from 5th Avenue, the Riverwalk, to the City Plaza. He explained that 5th would be a pedestrian friendly street and would be the formal entrance to the tower. He stated that the service entrance would be from 6th Street.

Mr. Sieger further stated that staff recommended that they look at the entire street regarding the public plaza, including the tunnel formation, and design a composite for redesigning the area. He stated that the lobby was a glass fronted back giving a white transparency through the building. He stated that there would be a 6-story pedestal that would house parking, and cars would not be visible from the street. He proceeded to show a view of the area going toward the Stranahan House, including the plaza area, giving an architectural theme of curved metal panels that would be placed on the garage along Las Olas. He explained the shape of the building helped to shorten the longer side of the building, and there would be wrap-around balconies. He further stated that the roof of the garage would be embellished with landscaping and fountains to improve the aesthetics. Also, a rooftop spa would be included.

Mr. Sieger proceeded to show the view of the building looking north towards the Stranahan House.

Chair Alan Gabriel asked if the photographs being shown could be numbered for the Board's reference. Photographs were marked Nos. 9, 10, and 11, along with Items 1 through 4.

Mr. Sieger remarked that the composition of the building was very unusual. He believed the redesign was an improvement from the original plan submitted 7 years ago.

Alan Ward stated that he had worked on the Master Plan previously for the Riverwalk. He explained the area of study had originally gone beyond the property line of the supermarket. He stated this provided an opportunity to bring coherence to the area which had always been considered separate parcels. In their view, it was a gap in the City in terms of how the Riverwalk reached Las Olas, along with being a gap in the continuity of Las Olas. He proceeded to show the location of the Cheesecake Factory. He stated there was a parking lot adjacent to the Stranahan House, and they found that the engineering structure could be reduced to one fourth of its size. There would be a reworking of the vent structure, but there was still a need to address the tunnel. He stated the landscaping would extend from Las Olas near the Cheesecake Factory south to the River. He stated that part of the parking lot would be transformed to an open planted area, and become a water taxi stop.

Mr. Ward stated that they had several objectives regarding the Plaza area on Las Olas. He continued stating that there would be the terminus of the Riverwalk, which would anchor it to Las Olas. The other idea was to create a design opening views of the River and Stranahan House. He stated that the north side of the House was not a front because it was located on the south and east. Therefore, they attempted to extend the sidewalk on the west side of 6th to the River making a clear path to the east side of Stranahan House. He explained that the plaza area was designed to create continuity to

Las Olas providing shaded areas. He stated there would be an overhead structure of bougainvillea on an arbor, and a grove of Live Oaks creating shaded areas, along with a water feature. He stated that 6th would be extended straight to the River. Photographs numbered Exhibits 12 and 13 were identified for the record.

Mr. Ward further stated that the walkway opening to the tunnel would also be shaded. Photograph Exhibit 14 was identified. A view identified as Exhibit was presented to the Board. He explained there would be a gateway from 6th where it met Las Olas, and it would consist of a temporary structure with a nautical theme. He stated that the Riverwalk paving would extend over the street surface and over the crosswalk.

Mr. Ward stated that Exhibit 16 consisted of photographs of comparable projects done by their firm.

Mr. Ward stated that they attempted to achieve to create a place that would endure and be pivotal in connecting the Riverwalk to Las Olas. The design would have the opportunity to be a central point connecting to the past, and representing the vibrancy of the new residential dwellings being constructed in the Downtown area.

Chair Alan Gabriel welcomed Vice Mayor Teel to the meeting.

Mary Fertig asked if Exhibit 12 could be reshowed to the Board. She asked who owned the property where the vent shaft for the tunnel was currently located. Mr. Hall stated that he believed it was located in the right-of-way for US 1. Enrique de la Pezuela stated the property was owned by the State and leased by the City and was located in the DOT right-of-way.

Mary Fertig asked what the dimensions were regarding the public plaza portion fronting Las Olas. Mr. de la Pezuela explained that approximately 15,000 sq. ft. distance wise from the property line to the face of the lower portion of the drum of the building was 60', and then it step backed an extra 15' to create the pedestrian feel. He then showed the area on the map. Mary Fertig asked how many feet it was from the Stranahan House to Las Olas. Mr. de la Pezuela stated that it was 127'. Mary Fertig asked where the restaurant was to be located. Mr. de la Pezuela proceeded to show on the map the locations of the proposed restaurants.

Mary Fertig stated that she had read different estimates regarding the height of the building, and asked what was the correct height. Mr. Sieger stated that there would be six stories of parking on a taller level of a restaurant with 35 floors of condominium dwelling units. Mary Fertig asked why there was no parking requirement. Mr. Hall explained that the building would be located in the RAC that had no required parking. He added that there were no concurrency issues involved. Mary Fertig asked about the mix for the units. Mr. Sieger stated that there would be a total of 272 units that varied in size from 844 sq. ft. to 1,881 sq. ft. He explained that there were six different models that varied from two to three bedroom units.

Mary Fertig asked further what types of businesses were they planning for the development. Mr. Hall stated that it was too early to project what type of businesses would be moving in, but that they would be market driven. Mary Fertig further asked for

a breakdown of the 388 parking spaces. Mr. Sieger stated that it was approximately a 1.3 ratio. He explained that the City requested a small garage be built. He further stated that there was no real breakdown of the spaces in connection with the residential and commercial uses. He stated they were attempting to compress the garage in terms of height and mass to allow for the plaza and walkways to occur on the site, and in doing so with an overlap of use the total minimum spaces needed were 385.

Mary Fertig further asked if parking studies had been done regarding availability of parking in the neighborhood. Mr. Hall stated that the Riverside Hotel provided 500 parking spaces in their garage that were for public use. Mr. Sieger explained that the 1.3 ratio was times the 272 units which equaled 354 spaces. He reiterated that there would be an overlap of use, along with a valet service.

Mary Fertig stated that a comment had been made by DRC regarding a trip generation survey, and she asked if copies of that survey were available.

John McWilliams, Traffic Consultant, stated that a traffic impact analysis had been done resulting in 111 new a.m. trips with 150 p.m. trips. He added that he had not conducted a daily trip generation analysis. He explained that typically a development would generate 10% of its daily output at peak times.

Mary Fertig asked if there was any difference in the two plans regarding square footage. Mr. Hall stated that the original plan consisted of 312 units with larger space, but he did not know the space size.

Mary Fertig further asked for some further clarification of the pilings being used.

Joe Harris, Moss Associates – General Contractor for the project, stated that they were using auger casts into the ground that would be extracted at the same time they were injecting grout. He stated there was very little vibration during the process. Mary Fertig asked about the size involved. Mr. Harris stated that they would run anywhere from 24" to 16" depending on the compression and retraction piles. Mary Fertig asked how many pilings would be used. Mr. Harris stated that he did not have that information, but probably anywhere from 300 to 400. Mary Fertig clarified that the process would not have any effect on the integrity of the surrounding buildings. Mr. Harris stated there would be no effect and the process was used widely in urban areas. Mary Fertig asked if there was any type of indemnification agreement regarding the surrounding buildings in case the tunnel was impacted. Mr. Harris stated that before construction begins they would enter into an agreement with a consultant who would place monitors in the tunnel and against the adjacent properties. He explained that would be done 35-45 days before the construction began in order to establish a base line of the vibrations that would occur in the area. He explained further that once the base line was established, it would be monitored during construction. Mary Fertig asked if the tunnel was to be included. Mr. Harris confirmed.

Mary Fertig asked what impact would occur on schools in the area. Mr. Hall stated that a letter was provided to the Board from the School Board regarding their analysis. He explained that under the new School Board Mitigation Policy, they had agreed to comply and would pay the amount determined.

Mary Fertig asked for further information regarding shadows on surrounding buildings.

Mr. de la Pezuela explained that two shadow studies had been done. One involved the existing buildings surrounding Stranahan House. He explained that the three existing buildings shadowed Stranahan House during December and March. He added that there would be no increase in shadows from the new construction. He stated that the shadow studies were marked as Exhibit #17. He stated that the shadow drawings were marked as Exhibit #18.

Rochelle Golub asked about the River being opened to children. Mr. Sieger stated that the children would be able to associate with the River, and steps would be provided leading to the area. He remarked that it was an architectural feature.

Rochelle Golub further asked about the rooftop spa. Mr. Sieger clarified that the spa was actually a hot tub that would be located on the roof area, and it would not be an additional floor. Rochelle Golub asked for the height of the building. Mr. Sieger stated that the building would be 454' in height, and the FAA had approved them for 461'.

Catherine Maus asked for some further clarification regarding the steps taken to reduce noise and lights coming from the garage. Mr. de la Pezuela explained that the structure would be enclosed, and air would be inducted from the northeast and expelled to the southwest. He explained the fans had to have an intake and out take which would be located within the parking structure. Mr. Sieger explained that according to Code, they could now place CO2 sniffers on the fans that would click on when the carbon dioxide reached a certain level.

Mary Fertig asked who would maintain the public plaza and the Riverwalk. Mr. de la Pezuela explained that the maintenance of the plaza would be the responsibility of the City because that property would be deeded to them. Mr. Hall stated that the Riverwalk was the responsibility of the City.

Rochelle Golub stated that the Janus report stated: "...encouraging discussion between the developer and Stranahan House regarding security measures...", and asked for some further clarification. Mr. Hall reminded everyone that the land would be deeded to the City, and therefore, all fencing would be discussed between the two entities.

Mr. de la Pezuela stated that the Consent Final Judgment was listed as Item #19.

MEETING RECESSED AT 8:03 P.M.

MEETING RECONVENED AT 8:16 P.M.

Chair Alan Gabriel proceeded to open the public hearing.

Marc LaFerrier announced that a Janus representative was present to answer any questions from the Board.

Jim Blosser stated that he was a representative of Stranahan House and Friends of the Park. He stated that they were seeking a full, fair and detailed review of the proposed site plan to ensure that it complied with the City's ULDR. He explained their goal was to protect the Stranahan House. He stated that they wanted to make sure the development would be compatible with the area. He proceeded to introduce their speakers as follows: Tucker Gibbs – Legal Matters; Sarah Stewart – Planning; Barbara Keith – Executive Director of Stranahan House; and Scott Strawbridge – President of Friends of the Park.

Tucker Gibbs, attorney, stated that there were some problems with the process regarding this development, and concerns were raised regarding compatibility. He explained that at the core of the site plan was the Settlement Agreement. He stated that he wanted to correct a comment made by Marc LaFerrier which was that this was a lawsuit regarding a site plan. He explained that it was an eminent domain lawsuit filed by the City as to whether the property should be a park. He stated that it was not about whether the site plan presented in 1999 was good or bad. He stated that the agreement was very clear. He referred the Board to paragraph 5 of the Agreement which stated: "The City is to diligently expedite and cooperate with the developer in obtaining all necessary approvals and permits to accomplish the approval of the alternative site plan."

Mr. Gibbs stated that normally in a City process, they would be at arms length critically reviewing a plan, and were not expediting or cooperating. He stated that this deal obligated the City to approve either the alternative plan or the original site plan. He further stated that it was a deal between the City and the Developer and it contracted away the City's power to make land use and zoning decisions regarding the property. He continued stating that the law was clear about the ability of a City to contract away its powers. He stated that even if an agreement stated that the developer would follow formal requirements for approval, such as public hearings, the approval would be ultra-virus and void because the public hearing was pro forma. He reiterated that the Board was not even going to vote, but hear a presentation. He explained that the deal was done per the Settlement Agreement. The Board was only making comments. He stated that he felt differently and that the comments made by this Board had weight.

Mr. Gibbs continued stating that the City Attorney confirmed that this deal overrode the public process. He stated that the City Attorney had stated on several occasions that if the City Commission did not approve the alternative plan, then the developer would retain the right to build the 2000 plan. He stated that public input regarding other alternatives or mitigating either plan was off the table, and therefore, made the public hearings a sham. He reiterated that the only important thing was the deal. Comments by anyone did not matter.

Mr. Gibbs stated that the City in its haste to expedite and cooperate ignored critical parts of the process. He explained that in the process DRC had reviewed the project, and the City Attorney determined that they were a quasi-judicial body. He explained that the DRC failed to provide the required opportunity to be heard. He stated that changes had been made to the DRC report and evidence was submitted. Public notices were not sent out regarding meetings, and the DRC had not met and only provided a report that contained issues. He stated that a review of the project was required by the Historic Preservation Board. He stated that Policy 11.3 of the historic preservation element of the Comprehensive Plan stated: "All proposed impacts to historic resources shall be

reported to the Historic Preservation Board for review and comment.” He advised that he was submitting this as Exhibit “A” to the Board.

Mr. Gibbs stated that DRC’s comments in 1999 regarding the original project were that the developer’s historic impact report would be sent to the Historic Preservation Board for review and comment. He stated that Board had made comments regarding this project, but the applicant had then suspended their application. He remarked that the Board’s comments have still not been addressed. He stated that DRC’s comments regarding the present site plan did not mention that HPB was scheduled to review the plans.

Mr. Gibbs further stated that the Consent Final Judgment did not say that HPB should not hear the matter. The implication in the Court Order was that all legitimate, all legal, and all required City processes would take place. He stated that DRC had asked the developer for a narrative regarding impacts on the area. The developer responded saying that a narrative was not necessary because when the City rezoned the property to an RAC-CC District a study had been done. He stated that he disagreed with that comment. Mr. Gibbs stated that the Comprehensive Plan was supreme and superior to the ULDR, and that Plan stated that the project should go before the HPB. He stated that their position was that when they talked about the zoning being the impact statement, they were being disingenuous because an RAC-CC District could have a 10-story, building, a 20-story building, and even possibly a 50-story building. Each building could have different impacts on the surrounding neighborhood, and that was why an impact statement was required. He explained that an HPB review was necessary to evaluate the impacts of the development due to the Comprehensive Plan.

Mr. Gibbs stated that on several occasions when the deal had been approved by the City Commission, the City Attorney assured and re-assured the Commissioners that this matter would be sent before the Historic Preservation Board. One of his remarks to Commissioner Hutchinson had been as follows: “The alternative plan would also have to go before the Historic Preservation Board for the recommendation to the Commission.” Another of the City Attorney’s comments to Commissioner Trantalis was: “The new plan will also go through the Historic Preservation Board before it comes to you.”

Mr. Gibbs stated that this meeting was rather meaningless, and the Board was only to review and comment. He reiterated that the proposed project would be the largest building in the City being built next to a 2-story historic structure. He stated that it was their position that it deserved a Certificate of Appropriateness, but that was another venue. Their position tonight was that this Board recommend to the Commission that the project be sent before the Historic Preservation Board. He proceeded to show the Board Exhibit “B” which was a picture of the area, including the Stranahan House.

Mr. Gibbs further stated that Section 47-13.2 of the Code discussed the RAC-CC and its boundaries. It stated: “In order to assure development along the boundaries of the RAC-CC District will be compatible with the adjacent zoning districts, properties abutting the edges of that District would be subject to regulations to provide a transition from the very intense and dense uses found in the central urban core.” He explained that Stranahan House was located in H-1. He stated that was a boundary line and there needed to be some transition. He reiterated that there needed to be some middle ground in this

matter. He stated that the Judge dealt with an eminent domain action, and the Board had the right to say there were alternatives available. He stated further that they were asking this Board to think and make suggestions. He stated that H-1 was a very restrictive zoning district.

Mr. Gibbs continued stating that Mayor Naugle in the past had made many comments regarding developments going next to the Bonnet House.

Mr. Gibbs stated that the proposed building would be contiguous to the Stranahan House that was a problem.

Mr. Gibbs further stated that Section 47-25.3 dealt with neighborhood compatibility. He proceeded to identify that document as Exhibit "C". He read from that section as follows: "Development shall be compatibility with and preserve the character and integrity of adjacent neighborhoods. Developments shall include improvements or modification to mitigate adverse impacts." He added that shadows, scale and visual nuisances were discussed, along with improvements and modifications "that may include, but not be limited to, the placement and orientation of buildings and entryways." He stated that the proposed building should have been stepped back.

Mr. Gibbs remarked that the proposed building could be re-tooled to mitigate its negative impacts, but the question was would the developer be willing to do so.

Mr. Gibbs requested that this Board recommend modifications such as stepping the building back. He stated that public input was to be given to ensure neighborhood compatibility and preservation. He urged the Board to have the item deferred until the developer adequately responded to the DRC request for a narrative regarding neighborhood compatibility, and recommend that HPB consider the plan and its impact on the Stranahan House.

Chair Alan Gabriel welcomed County Commissioner John Rodstrom to the meeting.

Mary Fertig asked if Mr. Gibbs had received a copy of Mr. Carr's archaeological management plan. Mr. Gibbs replied that he had not, but had heard him speak this evening. Mary Fertig asked if Mr. Gibbs was distinguishing between an archaeological management plan and historic preservation. Mr. Gibbs confirmed and stated that Mr. Carr's report should also be reviewed by the HPB. He believed that these issues should be evaluated by the HPB. Mary Fertig further asked for Mr. Gibbs to show on a map the 10' setback commented upon.

Scott Strawbridge explained that pedestrians would walk under the arbor being proposed, and the building was set back at 15' at that point.

Sarah Stewart, SS Consulting, stated that she had served on a Planning and Zoning Board in Lauderdale-By-The-Sea and was aware of the Board's jurisdiction. She stated that this Board's opinion was very important. She advised that she would be discussing neighborhood compatibility issues that were extraordinary in this setting. She stated the first matter involved density, and she believed the Downtown was getting worse and worse as days went on. She stated that the density of the Hampton Inn was 173 units

per acre, the density of the Riverhouse was 147 units per acre, and the density of this project was almost 184 units per acre. She stated this would be the most dense project in the City. She asked if that was the direction the Board wanted the City to go in. She believed that this Board gave direction to the Commission. She explained that single-family neighborhoods were 5-6 units per acre.

Ms. Stewart continued stating that she also wanted to discuss the height of this project. She explained that the Riverhouse was 417' in height, and the proposed project would be 454' in height. She stated that this building would be 40' taller than any other building in the City. She stated that this Board did not have to rubber stamp this project. She believed this Board needed to make their opinion known.

Ms. Stewart further stated that she wanted to comment on a concept known as consistency of scale. She explained that this concept reviewed soft uses, heavy uses, and heavier uses, but homes were not located next to an industrial area. She stated that the consistency also referred to heights. She further stated that there should be a graduating effect, which was how neighborhoods were normally constructed.

Ms. Stewart stated that even in industrial areas, solid walls were not permitted. She proceeded to show the massive wall from this project.

Ed Curtis asked about Ms. Stewart's experience in connection with Planning. Ms. Stewart advised that she had a degree in Economics and Urban Planning from Florida Atlantic University, and she worked in planning for over 25 years. She advised further that she had worked with Ruden McCluskey for 15 years, and with Ackerman Senterfitt for 3 years, and began working independently about 3 years ago.

James McCulla asked if the calculations regarding the density of this project had included the plaza area. Ms. Stewart advised that she had used the density which had been provided in the Board's back-up material. She added that it excluded the plaza area, restaurants and the retail space. She stated that the density was strictly in regard to the dwelling units. James McCulla stated that if the plaza area was included, the density would be slightly lower. Ms. Stewart corrected her comment and stated that it did include the plaza area. She thought he was referring to it as a density issue.

Marc LaFerrier clarified that the density calculation had been based on the size of the entire site.

James McCulla asked if the site included the plaza. Ms. Stewart confirmed.

Mary Fertig asked if there were sufficient parking spaces available. Ms. Stewart stated that there was no parking requirement for the area and she understood the concept, but from a practical standpoint it was difficult to find parking in the Downtown area. She asked if the spaces provided in the garage would be for public use, especially for patrons of the restaurants.

Charlotte Rodstrom asked about the parking for employees of the restaurants. Ms. Stewart stated that such spaces were normally included, but reiterated that there was no parking requirement for the Downtown.

Judith Hunt asked who had conducted the density study. Ms. Stewart stated that the study had been conducted by the City.

Chair Alan Gabriel stated that a photograph had been shown of the straight wall, and he remarked that a different architectural wall had been shown recently. Ms. Stewart stated that she had only seen the wall that was the side of the garage. Chair Alan Gabriel reiterated that architectural features had been added to break up the wall. Ms. Stewart stated that she had not seen such photographs.

Mr. Hall asked Ms. Stewart if she was a traffic engineer. Ms. Stewart replied she was not. Mr. Hall asked her if she was any type of engineer. Ms. Stewart replied she was not. Mr. Hall asked if she had performed a planning analysis regarding the parking for the project. Ms. Stewart replied she had not.

Barbara Keith, Executive Director of the Stranahan House, stated that she was passionate regarding the preservation of the Stranahan House, along with the proper development of this City. She stated that she became Executive Director of this historic property in 1992. She stated that it was exciting and encouraging to be surrounded by the progress and development of this City. She stated that this Board was to review and recommend to the City Commission what would be correct and just for the future of this City. She stated that it was her desire to address three points tonight, which was the past, present, and future.

Ms. Keith stated that Frank Stranahan had been a pioneer, trader and businessman, and his wife had been a schoolteacher, and they were regarded as the Founding Father and First Lady of Fort Lauderdale. She stated they were remembered not only for their civic activism, but also for their substantial gifts of land to the City. She stated that Stranahan began their efforts to acquire the Hyde Park Market Site that was also historically important because of its use by the Seminoles, and other early Native American Tribes. She stated they had continually been informed that the site was not for sale. Then, in 1998, they read in the newspaper that the property had been sold. Therefore, supporters of the Stranahan House had embarked on a successful petition drive that resulted in the citizens voting in favor of an \$8 Million bond issue to obtain the property to create an open green space in Downtown Fort Lauderdale. This was done in good faith, and they had entered into a partnership with the City to acquire the property by condemnation. Last November, the City Commission reversed their support.

Ms. Keith continued stating that the developer was now seeking approval for the construction of a 42-story building in close proximity to the Stranahan House that was a National Register Historic House and site. She stated they were asking for the City to follow their own zoning code. Tonight the issues and facts were being presented to this Board, and the Board had a responsibility to the community to enforce the rules that had been established in the past, which included that this project be reviewed by the City's Historic Preservation Board, and that any building on the site comply with the City's height limitations.

Ms. Keith stated it was important for everyone to know that their mission was to preserve, interpret and promote the Stranahan House. She stated that could not be done if it was not preserved. She stated the following questions needed to be asked:

1. What is the measure of the historic and environmental context that the 42-story building brings to the Stranahan House?
2. Does the vast size and closeness to the historic site and overbearing appearance diminish the appearance of Stranahan House?

Ms. Keith asked the Board to review the plans, and remember that an integral part of future development included preservation of historic sites. She believed this Board's input could help to preserve and protect the historical, archaeological, and cultural significance of this site. This could be accomplished by applying the City's zoning code.

Scott Strawbridge, President of Friends of the Park, stated that he also served on the Riverwalk Board of Trust, and was President of the Bonnet House Museum and Gardens, and a member of the Board of Directors of the Florida Trust for Historic Preservations, and also served on the Board of Adjustment. He advised that in 2000 voters had approved an \$8 Million bond issue for the purchase of Hyde Park Market, and have it preserved as a public park. He stated that the City had passed up an opportunity in the '80's to purchase the site for \$2 Million. He stated that the vote of the public has yet to be honored by the City. On November 16, 2004, the City Commission voted 3-2 to cease attempts to acquire the parcel, and agreed to work hand-in-hand with the developer of the proposed 45-story building. He remarked that he would still prefer to see a park on the site, even though it was a small site for a park, and even smaller for a 287 unit condominium.

Mr. Strawbridge continued stating that members of the community had diligently worked to create a vision of a "Window on the River" at the point where the zoning transition occurred. He stated that building heights were to be tapered down at that point. He added that the Code and the Comprehensive Plan also called for vistas on the River. He stated that they had been backed up by the elected officials, voters, and City staff even through the Settlement last November. He stated that the Friends of the Park, during the last five months, had been focused on ensuring that the laws of the City were followed regarding the approval of the Hyde Park site and the proposed project.

Mr. Strawbridge stated that tonight's hearing was premature because the proposed project was very close to an H-1 property, and impacts would be great enough that the City's Historic Preservation Board must review the project, and should issue a Certificate of Appropriateness before the site would be presented to this Board. He explained that was how the process worked. He explained that the Judge had not approved a deal where the applicant's alternate building did not have to follow the Comprehensive Plan or the ULDR, or the Riverwalk design guidelines. He further stated that the Judge had not stated that the project could be approved with all the requisite public hearings. When the Commission had met to approve the settlement, they and the City Attorney had stipulated that all public hearings would be held.

Mr. Strawbridge advised that the existing Hyde Park building encroached the H-1 property, and therefore, work would have to be done on a site that was zoned H-1. He

stated that according to Code, any demolition occurring on an H-1 property required a Certificate of Appropriateness, and was required prior to the issuance of any building permits. He stated that he was aware of the process involved. It was his understanding that the COA process was in place to ensure that the City's historical, archaeological and cultural resources were protected. He stated that the community and the applicant had the right to due process.

Mr. Strawbridge stated that this Board was being asked to recommend this site plan to the City Commission. He stated that the proposed building would only be 10' from the Stranahan House, and therefore, would not be responsible development, nor was it the type they wanted in this City. He stated that regarding neighborhood compatibility, the building next door was only 15 stories. Going east to west, there would be the Stranahan House (2 stories), the 45-story building, and a 15-story building. He remarked that one of the structures did not belong in the area.

Mr. Strawbridge further stated that he wanted to comment on the nature of H-1 zoning. He stated that the zoning category had been created in companionship with the preservation elements of the City's Comprehensive Plan to protect the City's historic treasures of which Stranahan House was one of the most prized. He advised that the Code stated: "That no person shall undertake any work that has an affect on a historic property without review and approval by the Historic Preservation Board." As a matter of practice, a quasi-judicial hearing was held, and appeals heard by the City Commission. He stated that to allow such a development to occur within 10' of an H-1 property line, while ignoring these important steps, would undermine the tenacity of the Code throughout the City. He feared they would be going down a "slippery slope," and one day realize a mistake was made in allowing this to happen tonight.

Mr. Strawbridge stated that he had a lot of respect for this Board and the dedication they gave to the City, and that was what they were fighting for. He stated that there was an amazing fabric evolving in the community, and they needed to make sure they were getting it right. He explained that this parcel was a "lynch pin" to the Riverwalk and the H-1 property. He stated further that if the HPB review was avoided, sites like Old Fort Lauderdale, Old Dillard School, South Side School, the Bonnet House, Fort Lauderdale's Women's Club, and St. Anthony's Church and School would all be endangered by the failure to afford the community their due process under existing laws.

Rochelle Golub asked for further clarification of the comment made regarding the proposed development encroaching into the H-1 district.

Mr. Strawbridge explained that the boundary surveys clearly show that portions of the building would encroach the Stranahan House property. He stated that he personally assisted in the most recent survey that had been conducted in order to verify the encroachment. He remarked that the encroachments were real, and the law needed to be upheld.

Karen Newman, 200 SW 9th Street, Apt. #6, stated that this was a heartfelt issue. She stated further that the developer's attorney had repeatedly stated that this monstrous, 42-story skyscraper would frame and highlight the Stranahan House. She stated that it would frame the Stranahan House like King Kong framed Faye Wray in the palm of his

hand. She stated it would highlight Stranahan House like Hurricane Katrina highlighted New Orleans. She stated that in 2000 she helped garner petitions to have the subject property in order for it to be a park. She stated that she was not sure of the machinations as to why that park did not come about. She advised that she was against the proposed development. She stated that this project could be wrapped up into three words: money, influence and power. She stated that the plaza would be nice, but the whole area was to be an open space and would have benefited more individuals. She remarked that all open spaces were being lost, and they did not need another tower.

Diane Smart, President of the Broward Trust for Historic Preservation, stated that they were a 501-c-3 organization dedicated to advocate preservation of significant architecture in Broward County. She continued stating that the Broward Trust Board was committed to support the Friends of the Park, and they were co-applicants to the City proposing local landmark status for Stranahan House. She stated that the application required a public hearing before the City's Historic Preservation Board. She stated that it was incomprehensible and downright embarrassing that Stranahan House did not have local designation. She further stated that both the Comprehensive Plan and the Zoning Code required that HPB be involved in any action which may impact Stranahan House. She stated that this step should take place before any site plan was approved.

Linda Brown, Tarpon River, stated that she wanted to quote from a well-known planner. She continued stating that she recently listened to an interview with Paul Farmer, Director of the American Planning Association, discussing the rebuilding of the City of New Orleans. He stated that in reconstructing the City he would "like to see the new city laid out around the open spaces that people would gather in." He remarked that was his high priority for a well-planned city. He stated that usually the infrastructure and development plans were laid out first, and open spaces added at the end of the process, if there was room. Ms. Brown reiterated that was what was taking place here at this time. She stated that the open spaces defined a city and gave it a sense of importance.

Ms. Brown stated that an article appeared in the Sun-Sentinel by Harriet Johnson Bradley, and it was entitled the "Spirit is Born," where a New Orleans native reflected on the disaster. She stated that Fort Lauderdale wanted to be a world-class city, and most world-class cities had a powerful sense of place. She explained that most of those cities drew their sense of place from their history and historical sites. She stated that all world-class cities showcased their past. She further stated that the reason the majority of the residents voted in favor of the bond issue was to preserve the sense of place that the Stranahan House gave to this City. She stated that the Stranahan House and a park would serve as a focal point for the Downtown area, and would be a constant reminder of the City's heritage.

Ms. Brown stated further that it was her understanding that the developer had been offered an alternate site for the proposed project, but had rejected it. Instead, he was going to rob the citizens of their City's sense of place by pushing forward. She stated that the creation of a park was a once in a lifetime opportunity to create a sense of place that could bring everyone together in the face of a disaster such as the one facing New Orleans right now. She stated that some of the City's elected officials and several Civic Association leaders had stated that the City could not afford to create the park space. She stated that she wanted to know how could the City afford not to create it.

Mara Schlackman, 2100 S. Ocean Drive, Harbor Beach, stated that she wanted to echo earlier sentiments of Messrs. Gibbs and Strawbridge, along with some of the other speakers, and that was that the greater loss of the City was the loss of this open space. She stated that the will of the voters would be voided if the park was not created, and the tower would greatly dwarf the Stranahan House. She suggested that the Comprehensive Plan should be complied with, and at the least the plans needed to create more green space and less pavement.

Patsy Mennuti, Executive Director of the Riverwalk Trust, stated that their mission was to serve as a catalyst in building and nurturing Riverwalk as a vibrant community connected by the New River. She stated that they represented collective interests along the River, such as business, art, culture, history, marine, residential, and entertainment. She stated that the site offered a critical connection between Las Olas Boulevard and Riverwalk. Recently, she stated they had reviewed the plans shown this evening, and had hired a consultant to evaluate them. She stated that their final report had not been completed, but on behalf of her organization, they believed that reasonable modifications could be made which would provide a Riverwalk connection, along with a residential and retail project, that they could support. Ms. Mennuti stated that they looked forward to having time to work with the collective interests in common goals for the area.

Charles Jordan stated that he had been appointed to the Historic Preservation Board and served for over 10 years. He stated that when this process started, before the lawsuits occurred, the City made an eloquent argument as to why the HPB needed to be involved in the process. He stated that the information was only for review and comment, and then nothing else ever took place. He stated that the Commission agreed with the HPB that they and Planning and Zoning should be involved with this project. He stated that projects of this scope should not be for review and comment because the Board's voice needed to be heard, and it needed to be on the record. He encouraged this Board to arrive at a consensus that would be clear and concise and forwarded to the Commission.

Mr. Jordan stated that it appeared the process was now being run, decided and dictated by the City Attorney instead of the City's elected officials. He stated that the officials stated that the project was to be reviewed by the Planning and Zoning Board, and that had not occurred. He stated that he did not want this Board to be a rubber stamp for a "back room deal" that had been put together outside of the public's purview. He asked this Board to recommend to the City Commission denial of this project until the public process was followed in accordance with the ULDR. He further stated that the City Commission made the deal, and should not use this Board as an accomplice to their total lack of vision and planning regarding this issue. He stated if the Commission was going to break a covenant as important as the 2000 vote, then they should be doing it alone, and with some direction from this Board saying that it was wrong. He encouraged this Board not to just review and comment, but to come to some conclusions that could be forwarded that would be concise and clear so everyone would understand that the elected officials needed to make this decision, and not "sluff it off" on a board for review and comment. He further stated that the matter needed to go before the City Commission so they could explain to the voters why they were going to sell out their heritage, and why there would be no park.

Nick Sakhnovsky stated that this matter came before this Board in a convoluted fashion. He stated that this reminded him of a children's story entitled "The Adventures of Pippi Longstocking" because her house was built upside down so she could play on the ceiling. He stated this Board was now "playing on the ceiling." He stated that the role of this Board was to handle matters before they went to the City Commission, and not afterwards. He stated that this Board was being placed in an uncomfortable position for many reasons. One reason was that this matter had been voted on by the public, and it had been a matter of litigation. He stated that this Board was being played as part of a Kabuki Theatre in order to have this placed on the record in some fashion without its legality being completely understood, and where it would go from here. He further stated that it would be interesting to hear comments about this matter. He stated that the Board should abstain from all voting, and possibly not even comment on the project. He felt that such action would send a message to the Commission. He asked the Board to consider such an alternative.

Paula Russo, resident of Hollywood, stated that Fort Lauderdale was very nice and now a safe place to visit. She stated that a lot of progress had been made by this City, but too much of a good thing could be bad. She felt this Downtown was on the verge of being too noisy, too congested, and too dense. She hoped this project would not be approved because she did not feel it would be good for the Downtown.

Lou Deaner, former President of Dolphin Isles Homeowners Association, stated that if she had not been an avid newspaper reader, she would not have been aware of this issue being discussed this evening. She resented that no publicity had been out there regarding this matter, and she thought she would have the opportunity to provide some input on this project. She stated that was not the case because this was a "fete accompli." She stated that she was aware that this was necessary for the City to do because serious financial problems were involved, but she did not think this was an open government. She further stated that the project would negatively impact the North Tower of the Las Olas Grand. She reiterated that she was upset that this was not a free and open discussion that should take place in a City Government.

Bill Hawney stated that he liked this project and supported it. He stated that they moved from Coral Ridge to Downtown Fort Lauderdale, and he looked forward to jogging along the Riverwalk in the morning. He advised that he liked the architectural plans being shown. He understood the need to preserve history, but they also needed to embrace the future. He continued stating that if Fort Lauderdale wanted to be a world-class city, then he urged the Board to move forward with this signature project.

Mr. Hall stated that he respected Stranahan House and the people who worked hard to make it what it was today. He understood their concerns. He stated the applicant believed they had done what could be done to create a building on the site, along with an open plaza and the continuation of Riverwalk, which would benefit the public.

Mr. Hall stated that Mr. Blosser wanted a meaningful hearing. Mr. Hall stated that no hearing could be more complete or meaningful than tonight's. He stated that no decision made by this Board had a binding effect, and recommendations were only forwarded to the Commission. He further stated that Mr. Gibbs was concerned about process. He

stated if one did not have all the facts, then they had to argue process. Mr. Gibbs had stated that the law was clear that the City could not contract away its rights, duties and obligations. Mr. Hall stated that was true, but it was equally clear that the City had not only the right, but the obligation to settle litigation, and that was done in this case. It was suggested that the settlement of the litigation had been a "back room deal." He stated that was not true. A hearing had been held in December and views were expressed. The Commission voted to approve the Consent Final Judgment at the conclusion of that hearing. He reiterated that this was not a "back room deal," and he was offended for the Commission and staff that it was suggested as such.

Mr. Hall stated that Mr. Gibbs also stated that a decision had been made in haste. He stated that seven years was not "hasty." He stated there had been a lot of comments regarding DRC, and all procedures had been followed. He further stated that the Board needed to think about the comments made in context. He stated that it was said that they had withdrawn from the HPB hearing, and in fact, they had for a good reason because prior to that hearing the City had filed a Petition of Eminent Domain to acquire the property. He stated there was no purpose at that time to continue the HPB hearing.

Mr. Hall stated further that Judge Andrews had heard testimony from both sides, and the historic preservation issue had been argued before him. In the Summary Judgment he had made findings that were recognized by the City and the City Attorney. He reiterated that nothing had been done that did not follow the law. He emphasized that the Court's Summary Judgment was the law, and the Commission's entry into the Consent Final Judgment followed the law, and its obligation to settle litigation.

Mr. Hall continued stating that Ms. Stewart had raised the issue of density. He agreed about the density, and stated that in regard to height it would be taller than Riverhouse, but it would not be out of context with the neighborhood and it would not dwarf Stranahan House. He stated that what had been overlooked were the previously proposed projects, and he asked what would they have given to the City. He stated that Ms. Keith gave an eloquent speech from the heart that he respected. He stated they believed the construction of this project, along with the creation of the plaza, would help preserve and enhance Stranahan House. He stated they had not entered into this settlement cynically, and had provided a great deal. He felt this project would provide a "window" to the Stranahan House. He stated that now an asphalt parking lot existed with an unattractive building. He stated that Stranahan House was not visible today. He reiterated that they would be creating an active public space that would invite the public to the space and the house.

Mr. Hall further stated that the property was close to the H-1 District, and the City decided in 1998 that it should be when they adopted the ULDR. He stated this project did not encroach, even an inch, onto the Stranahan property. He reiterated that the opposite was true, and electrical service to the House came from meters and boxes attached to the Hyde Park Market. He stated that eventually that would have to be removed.

Mr. Hall stated that Ms. Smart stated it would be an embarrassment for Stranahan House not to be designated as a landmark. He stated that they agreed and were not standing in the way of such designation. He stated that she failed to say that the Friends

of Stranahan House and Stranahan House itself had filed a joint application to designate not just the property they owned, but also the applicant's property as a landmark. He stated that was a bit overreaching, and they would have appreciated some advance notice.

Mr. Hall stated that they found it a bit much that organizations would have the effrontery that this property be designated. He stated that he was sympathetic to the fact that the voters had approved an \$8 Million bond issue to purchase a \$50 Million piece of property. He stated that was not going to happen because the Circuit Court ruled there was no necessity for the taking, and the Petition for Eminent Domain had been dismissed.

Mr. Hall reiterated that there were no broken covenants, and there was a good faith controversy between his client and Stranahan House. He stated they had gone as far as they were willing to go, and they did not believe there would be a negative impact on the House from this project as presented tonight. He stated that Janus Research also agreed and came to the same conclusion. He asked this Board to send this forward to the Commission with whatever recommendation they felt appropriate, and with whatever considerations should be taken into account by the City Commission.

Ed Curtis stated that he had read the Consent Final Judgment, and Mr. Hall had stated that tonight's meeting was the result of the Settlement Agreement. Mr. Hall confirmed. Ed Curtis stated that he did not see that in the Judgment. Mr. Hall stated that the Court Finding regarding the applicable regulations that existed in 1999 made the application a Site Plan Level II that was for staff's review only. Ed Curtis stated that if this Board did not have to review this project originally, why should they now review it. He asked how it was interpreted that this Board was to recommend and comment. Mr. Hall stated that this Board was being shown courtesy and respect. Ed Curtis asked whose idea was it for this to be brought forward to this Board for review and comment. Mr. Hall stated that he thought it was a joint decision between himself and City staff. Ed Curtis asked if the Board could recommend approval or denial of this project as a whole. Mr. Hall confirmed. Ed Curtis stated that Mr. Hall had been very vague about what he wanted this Board to do. Mr. Hall stated that he wanted this Board to pass a unanimous motion recommending that the City Commission approve the plan that had been presented to this Board tonight.

Ed Curtis asked if this was a done deal. Sharon Miller replied that this was not a done deal. Ed Curtis asked what was the next step. Sharon Miller explained that it was her understanding that this Board was to review and comment on the building and alternate plan, which was an alternative to the original plan. Such comments would then be forwarded to the City Commission who would review this in the context of the Judgment, and then decide whether to approve or deny the project. Ed Curtis asked if the City had the right to turn down this project. Sharon Miller stated that they could turn down the alternate plan. Ed Curtis stated that would then take them back to the original plan. Sharon Miller confirmed. Ed Curtis stated that they were in the position to choose between the two plans. Sharon Miller explained there were other issues involved besides just the building, and that Stranahan House had also raised other legal issues. She stated that the Board was to focus on this building and provide their comments.

Then the Commission would decide upon either plan in light of the Board's comments, along with consideration of the other issues involved in this Judgment.

Ed Curtis stated that putting the other litigations aside, if the Board approved or denied the project, the Commission could then approve or deny approval of the alternate plan. Sharon Miller confirmed. Ed Curtis stated that if the Commission denied approval of the alternate plan, they would then revert back to the original plan. Sharon Miller confirmed. Ed Curtis reiterated that something would be built at the site of this magnitude. Sharon Miller confirmed and stated that it was subject to other litigation.

Ed Curtis asked why had he been told that he was wrong when he stated that one building or another of this magnitude was going to be built. Sharon Miller stated that she was not in control of the other litigations, and other claims that are part of this matter. Ed Curtis asked if one of the other lawsuits could be successful in stopping this project. Sharon Miller stated that was a possibility. Ed Curtis further clarified that the City Commission could not stop the project. Sharon Miller stated they were subject to the other litigations, but could not stop it themselves. Ed Curtis further stated that the City was not party to the other litigations. Sharon Miller confirmed they were party to the other litigations. Ed Curtis asked what other litigation could stop this project. Sharon Miller stated that she had not been involved in the other litigations.

Ed Curtis asked how could the City in light of the Consent Final Judgment take a good faith position contrary to the development. Sharon Miller stated that it was up to them as to what position was taken, and reiterated that other issues were involved in this matter.

Mr. Hall explained there were four pending matters. He stated the first matter had been filed after the entry of the Consent Final Judgment which was a Petition for Writ of Certiorari that asked the Court to find several things, but most importantly that the Consent Final Judgment was void for various reasons.

Ed Curtis asked who was party to such litigation. Mr. Hall replied that the applicant and the City were the parties to that litigation, along with Stranahan House and Friends of Stranahan House who had been the Petitioners. He further stated that another litigation was a Motion to Disqualify Judge Andrews that had been denied, and he believed was on appeal. Another litigation was a Petition for Mandamus to require the City to conduct a Historic Preservation Board hearing on these matters, and was also denied and on appeal. The fourth litigation was filed one week ago today that was a rehash of the Mandamus.

Mr. Hall stated that if the Commission approved the alternate plan that it would be possible that a party with standing could file to challenge the approval of the alternate site plan.

Mr. Gibbs clarified that the Writ of Certiorari was not an attack on the Consent Final Judgment, but was an exact argument that the Consent Final Judgment, in addition to settling the eminent domain action, approved the first site plan without going through the normal process. He explained that this was an important distinction. He stated that was their argument in that case. He further stated that he did differ with Mr. Hall regarding the fourth litigation which was a declaratory action requesting the Judge to decide if the HPB

should or could issue a Certificate of Appropriateness for the alternative site plan. He stated it was not a rehash of the Writ of Mandamus which was a case dealing with whether or not the HPB should hear the application for Hyde Park to be designated as a historic site. He clarified that they were two different issues.

Charlotte Rodstrom stated that she was surprised in reviewing the ULDR some of the information she uncovered, but now this Board was only to comment and review. She stated that she was very passionate about this issue. She stated that she had uncovered information such as what could be placed in a retail shop. She stated that neighborhood compatibility was a huge issue in this matter. Mr. Hall stated that it was not applicable in this zoning district. Charlotte Rodstrom stated they would be putting the smallest building in the City next to the largest one, and that was a huge problem because there would be no compatibility. She further stated that an auto repair store could exist in the RAC-CC. She added that a billard parlor and nursing home were also permitted uses. She asked what the applicant would be putting in his building, and would it be what the Code permitted today, or what it permitted seven years ago.

Mr. Hall asked if the same inquiry was made for other retail uses in the RAC-CC. Charlotte Rodstrom stated that such inquiry was made for every use. Mr. Hall asked if this question had been posed to every other applicant. He replied that they were not going to put a billard parlor nor a nursing home at the site. She asked if they were going to follow the current ULDR. Mr. Hall reiterated that neighborhood compatibility was not applicable in this zone at the time of the applicable regulations. Charlotte Rodstrom asked if that was before the current ULDR had been in effect. Mr. Hall stated it was September 8, 1999.

Charlotte Rodstrom asked if the applicant did not find it odd that they would be putting something so high next to something so low in an H-1 District. Mr. Hall stated they did not find it odd, neither did the City of San Antonio when they developed their town around the Alamo, nor New York City constructing a large building around Trinity Church, or in Boston when they permitted the Prudential Building next to another Trinity Church. He stated that to be the normal evolution of urban areas. Charlotte Rodstrom stated that she differed strongly about the H-1 Zoning District. Mr. Hall stated that the H-1 zoning was sacro-sanct, but whether a large building due to its size had a negative impact on an historic building was another issue. Charlotte Rodstrom stated that she would not be able to recommend this to the City Commission.

Mary Fertig stated that she did not feel the Board could comment on Building #1 because it had not yet been presented. Mr. Hall confirmed. Mary Fertig clarified that they could only comment on Building #2. She asked if the applicant objected to making a presentation before the Historic Preservation Board. Mr. Hall stated that he did object to such presentation. Mary Fertig asked if they were willing to follow the process, why should that step be omitted. Mr. Hall explained that Judge Andrews found it was not necessary, and the issues were resolved in the Summary Final Judgment of the City's Petition. He further stated that he did not expect a fair hearing. Mary Fertig stated that if this Board was not to make a formal recommendation one way or the other, what was the harm in making the presentation to HPB if they were also not to make a recommendation. She stated that possibly the applicant was not interested in that Board's comments.

Mr. Hall further stated that since the Fall of 1999, they had not agreed with the interpretation of the Comprehensive Plan. He stated they did not believe that it applied to this application. He continued stating that they believed the fair reading of the Comprehensive Plan provision was limited, and should be limited to the development of a property that was either a designated historic building, or on a designated or historic landmark site. He reiterated that neither applied in this case. He further stated that they had Judge Andrews' opinion that such issues had been satisfied. He also stated that in his opinion there would not be a fair hearing. He stated that he would expect one delay to occur after another, along with more lawsuits and wrangling over an issue that should be put to rest very soon.

Mary Fertig stated that this project was on the water, and normally projects on the water involved a discussion of waterway use. Mr. Hall stated that did not apply in this zoning district. Mary Fertig stated that once the property was given to the public did the City have the right to regulate the use of the site. Mr. Hall confirmed. Mary Fertig asked further if the site could prohibit restaurant use. Mr. Hall again confirmed.

James McCulla stated that this issue had been discussed tonight so far for 3 ½ hours for the purpose that had not been identified, and they had not commenced a process to accomplish any purpose whatsoever. He stated that this was a contentious issue between the developer and the community interests, along with the City since there was ongoing litigation. He felt they either needed to narrowly frame what this Board was going to do or say thank you for the input, let us know how it turns out. He stated this Board was being placed in an awkward position because they were being asked to do something they did not have the right to do, which was to make a recommendation because they were only to review and comment. He stated they heard various versions of this whole matter and saw many versions of the same site plan. Therefore, he wanted to have the Board review and comment on the site plan.

Chair Alan Gabriel stated that he was going to propose that the Board make their comments into the record and no vote would be taken. James McCulla stated that he would be in favor of such a procedure.

Charlotte Rodstrom asked if the Board was going to review and comment, or were they going to review and recommend. Chair Alan Gabriel reiterated that the Board was to review and comment, and if someone wanted to make a recommendation they could choose to do so.

Rochelle Golub stated that she was confused about the impact of the adequacy requirement statement in light of all the comments made that they were accepting the site plan as it existed, or if the developer was to modify it based on information from the adequacy review. She further asked why the applicant was willing to go before the Broward County Historic Board, but not willing to make a presentation to the City's HPB. Mr. Hall stated that they had not gone before the County's Historical Commission, and they did not intend to do so. Rochelle Golub stated that the adequacy report stated they were going to do so. Mr. Hall clarified that it applied to the monitoring archaeological procedures that staff recommended. He reported that Mr. Carr would be on site to perform some monitoring.

Mr. Hall stated that the adequacy requirements had been satisfied. He stated there were no traffic issues, no potable water issue, nor a wastewater issue. Rochelle Golub clarified that necessary improvements would be made prior to receiving their permit. Mr. Hall stated that they would be done prior to obtaining the building permit.

Rochelle Golub asked if the applicant had any comments regarding the 10' objection that had been raised by some individuals. Mr. Hall stated they did not object to it. Mr. de la Pezuela stated that this was listed as Item #21. He stated that he had addressed this issue. He explained that having the Stranahan House next to the proposed structure had been discussed with staff and all issues had been addressed regarding compatibility. He stated that one of the main issues raised was in regard to the perimeter of the building and to create a two-story effect. He stated that Item #21 provided a large overview of the site. He explained further that there was a total of 35' from where the Stranahan House sat to the property line. Then from the property line to the first columns of the Colonnade was another 20', and then to the interior of the building was another 15'. In reality, he stated there was a total of 60' from the edge of Stranahan House to the interior portion on the first two levels of the pedestrian walkway. He explained from that level to the tower itself, there was another 8'. He proceeded to show Exhibit #20 which was the interior of the colonnade.

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.

Chair Alan Gabriel proceeded to ask the Board for their comments regarding this matter.

Catherine Maus stated that she supports the project being shown tonight, and stated that she was interested in the Janus report, especially the portion addressing the concerns regarding the original building proposed. She stated that this building is where it should be because the City's land use plan encourages and focuses on intense development in the RAC. She believed that this project had been singled out and treated differently than other similar properties. She stated that she can think of three high-rises which surround the Bonnet House that consisted of 15 stories or more either adjacent to or across the right-of-way. She stated that she also remembers the approval process regarding the Riverside Hotel, and she did not remember any comments being made regarding a 15-story tower, a parking garage or a Cheesecake Factory being across from this building.

James McCulla stated that given the choices that the Board and the City had, the current site plan and building were preferable to what the litigated alternative had been. He stated further that the park did not appear to be achievable, even though the developer was making some concession by providing the plaza. He stated that he believed the plaza should be designed more park-like with a less modern structure holding up bougainvillea, and have more greenery and less pavers. He further stated that he felt the art, architecture or feature on the wall of the garage facing the Stranahan House could be something more transitional, than so dramatically different than the historical architecture. He remarked that was a matter of taste. He commended the efforts that were made to resolve a "sticky" situation.

Judith Hunt stated that she supported the project as presented, and felt it was lovely. She stated that this project provided an opportunity for individuals to walk and dine in the area. She further stated that everyone would have loved a park, but the problem was that there was not enough money in the bond issue to afford it. She stated that the question then came back as to whether to put all the park dollars into a single Downtown park, or maintain and adopt new parks all over the City. She stated that she favored more equity throughout the City, as opposed to putting all the money in one place. She further stated that the proposed project was much better than the original one. She urged the Commission to support this project.

Mary Fertig stated that Commissioner Hutchinson had appointed her to this Board, but she expressed her own opinions on matters. She stated that the inner conflict between the Commissioner's appointments on this Board showed the conflict that many of the City officials felt regarding this matter. She stated that tonight they were not present to speak about a park, but to comment on the proposed building. She further stated that everyone hopes for the best for this City, and many comments have been made regarding historic preservation which the City had not done as well as it should have. She stated that there are still structures in the City to save.

Mary Fertig stated that protections should be put in place regarding the surrounding properties and the tunnel. She continued stating that she assumed from the applicant's comments that they are indemnifying their surrounding properties. She stated further that they need to work on expanding the Architectural Management Plan to encompass more of a historic preservation plan. She felt it was possible to marry both of those concepts into one overall concept that would be more positive for the entire community. She stated that she had served on this Board for four years, and she had never voted for any of the buildings mentioned adjacent to the Bonnet House. She further stated that things come before this Board well before they are built.

Mary Fertig stated that every month this Board meets and has projects brought before it, and every month there is an issue regarding parking. She stated that a real effort had been made on behalf of the Civic Associations regarding a parking study for the area. She stated that she had asked the question specifically because whether or not it was required, this was something that should be considered and planned for. She stated that this was something the City had to deal with in the future. She stated that she hoped they would look in the future at other issues and discuss how the City could look at waterway use, and other issues which need to be reviewed in the context of development along the New River.

Donald Hall asked Ms. Fertig to further clarify if she was speaking regarding architectural matters or archaeological. Mary Fertig stated that she meant archaeological.

Rochelle Golub stated that she felt constrained to make any comments because she did not feel that this forum was the right place for such comments considering the circumstances. She further stated that the constraints under which the Board was put did not give them the opportunity to comment on this particular project. She felt the project had been presented as a "take it" or "leave it" project. She stated that she did want to echo Mary Fertig's comments regarding the fact that they did have the opportunity to make sure that issues, which make people unhappy about this project, can be

addressed and tools provided so such matters can be adequately addressed in the future such as parking, compatibility, and waterway use.

Ed Curtis stated that it was said that history was studied to improve the future. He stated the Board had been asked to review and comment, and yet someone set up a quasi-judicial hearing and the Board heard and received evidence, but the Board was not going to do anything with it. He felt they should not go anywhere near making any sort of a finding of fact that could be used by anyone in the future one way or the other. He stated that he did not know if the City was attempting to use this to foster a position of the City's, or if the developer was using it to foster a position of the developer, or if Stranahan House was using it to foster a position of Stranahan House. He stated that it did not matter what the agendas were, but the Board should not be involved in this. He felt no comments should be made at all, and that was what he was going to do in this matter.

Charlotte Rodstrom stated that the fact that this matter was brought before this Board, even though the pretenses were different than what everyone came tonight to do, it did warrant comment. She stated that one of the things that she wanted to see was the City to take this for review before the Historic Preservation Board. She stated there was a process in place. She further stated that it had been seven years since this project was first presented, and she felt that all the "Ts" should have been crossed and the "Is" dotted, but she did not feel that had been done in this case. She stated that her recommendation was that this should at least be taken before the Historic Preservation Board.

Maria Freeman stated that she supported this project in light of the original site plan first presented. She felt the Historic Preservation Board, and all the other participants, needed to look at the positive things that were coming out of this site plan. She stated that she had never seen the Stranahan House from Las Olas, and this would be an opportunity to open the House to visitors that probably did not know of its existence. She stated that in looking at the positives of the project, the waterway was being opened up, along with the Stranahan House. She felt the architect had done a wonderful job in presenting it.

Chair Alan Gabriel stated that it boiled down to the fact that if he had no choice, but the original project versus the alternative project which was shown this evening, then obviously the alternative project was the better one. However, the best deal for the City, in his opinion, was if they could have effectuated the exchange of property and allowed the parcel to become a park. He stated that was a shame that it could not occur. He further stated that he was concerned about the structure of the building itself, and he had that concern no matter where the building would be located. He stated that when one was on a boat coming through the New River, what would be seen. He continued stating that there had been no such discussions. He stated further that he was afraid there would be a solid wall with little or no architectural break-up. He stated that he was also afraid that if one was sitting on Las Olas looking west, one would also see a solid wall with little architectural break-up. He stated that he opposed when they had, as a matter of course, building garages that were boxed such as this building. He stated that he always objected to such structures and looked for architectural add-ons to take the harshness away and the wall from the viewpoint.

Chair Alan Gabriel stated that if he had no other choice, the alternative project was a better choice than what had been originally presented. He continued stating that it was a shame that there were no other alternatives.

3. City of Fort Lauderdale

5-T-05

Request: * Amend the text of the Future Land Use Plan element of the Comprehensive Plan to transfer 475 existing residential flexibility units from Flex Zone 56 into the South Regional Activity Center (SRAC)

General South of the Tarpon River, East of Flagler Drive,
Location: West of Federal Highway and North of State Road 84

Chair Alan Gabriel announced that this was a Local Planning Agency item.

Mark McDonnell, Planning and Zoning, stated that this was a Comprehensive Plan text amendment to transfer 475 existing residential flexibility units from Flex Zone 56 into the South Regional Activity Center (SRAC). He proceeded to show a portion of the flex zone map. He explained that the area shown in pink was Flex Zone 56.

Mr. McDonnell explained that flexibility units was the difference between Broward County who measured their density and intensity by gross acreage, and Fort Lauderdale's Land Use Plan which measured by net density. He explained further the difference was the additional units allowed by the County Plan that the City had the ability to shift its into different areas allowing a mixture of uses. Currently, SRAC had 461 units on the ground which was permitted by the current Comprehensive Plan. They were now capped out. He stated that Flex Zone 56 currently had 1,274 residential flexibility units, and 475 were to be shift into the SRAC that would bring the total residential units in the SRAC to 936 units.

Mr. McDonnell stated that the City went above and beyond what was required for public notice by the State, and all Civic Associations were notified of the amendment. He explained they were required to publish the information in the newspaper, and a narrative analysis had been made available for public review at various locations throughout the City, such as the City Manager's office, Building and Zoning, and the City Clerk's Office. He stated further that they had received about a dozen letters in support of the amendment, and copies of such had been distributed to the Board this evening.

Mr. McDonnell explained that the purpose of the SRAC was to encourage development or redevelopment of areas that were of regional significance. He stated it was also to facilitate mixed-use development, encourage mass transit, reduce the need for automobile travel, provide incentives for quality development, and give definition to the urban form. In further support of the proposed Comprehensive Plan Amendment was the South Andrews Master Plan that had been approved by the City Commission on May 18, 2004, which called for additional residential development as an important component of the planned redevelopment of the area. He stated that the staff report had listed 253 units, but that was an old number and the current units were 461. He stated that the South Andrews Plan had recommended the transferring of approximately 1125 units

from Flex Zone 56 into the SRAC. He stated that the proposed amendment only recommended transferring 475 units.

Mr. McDonnell further stated that the analysis was the "meat" of the application where they were required to see what impacts the amendment would have on area facilities. The bound text amendment narrative that had been included in the Board's materials as Exhibit "5" included various data and analysis, such as sanitary sewer, potable water, drainage, solid waste, recreation and open space, traffic circulation, mass transit, public education, and population projections. He explained that there was ample sanitary and sewer and potable water to accommodate the proposed amendment, and the site also met the level of service regarding drainage. He stated that the Broward County Solid Waste Operations Division reported that they had and would continue to have sufficient capacity to receive and process all waste generated by this amendment. He stated further that the transferred units were calculated to generate 176 peak hour trips, and would be assessed transit impact fees under the new Broward County Transit Oriented Concurrency Fee System. He explained there were 70 daily transit trips resulting from the amendment, and Broward County Transit commented that there was current and planned service to accommodate the amendment.

Mr. McDonnell continued stating that Broward County School District stated that owners and developers of properties resulting from the amendment were to provide mitigation for the anticipated students by paying the student station cost factor. He explained that this amendment was not intended to add population into the City beyond the population projected by Broward County.

Mr. McDonnell stated that this Board as the LPA was required to make a finding of consistency that this amendment was consistent with the Comprehensive Plan. He explained that staff had outlined various sections of the plan that supported the consistency factor. He stated that this Board was also to make a recommendation to the City Commission to transfer the application amendment to the Florida Department of Community Affairs. He stated that approval of such amendment would be anticipated by April, 2006.

James McCulla asked why this was being done. Mr. McDonnell stated that the Comprehensive Plan only allowed 461 residential units in the SRAC, and currently there were 461 units on the ground. Therefore, no new development could occur unless they tore down and replaced. James McCulla asked if there was acreage in the SRAC that would beg redevelopment at this time. Mr. McDonnell stated that there was land that could be redeveloped, and this amendment would allow the density to permit the SRAC to become an Activity Center. James McCulla clarified that this was being done so the area could become denser. Mr. McDonnell confirmed.

Chair Alan Gabriel proceeded to open the public hearing.

Linda Brown stated that she lived close to the subject area and there were a lot of portions of the area that could be redeveloped due to the blight. She continued stating that her neighborhood was north of the flex area, and the majority of the immediate neighborhood was in the process of attempting to down zone that portion of the Tarpon River neighborhood. She stated there had been a lot of interest from residents in the

area in regard to doing the same thing. She stated they would give their flex units to this area so it could be developed into something, as long as Hardy Park and Southside School were protected. She stated it would benefit this corridor and enhance its redevelopment, and allow them to preserve their neighborhoods by donating their flex units to the subject area. She stated that she would be glad to sign her flex unit into that RAC.

Mary Fertig stated that they were increasing the density of the area, but they were taking units from an adjacent area that had a lot of units in it. Mr. McDonnell confirmed and stated the density increase would occur in the area "hatched" on the map that was the SRAC. He reiterated that they were just refocusing the units. Mary Fertig clarified that they were reconfiguring where the population would be which was in the same geographic region. Mr. McDonnell confirmed.

Judith Hunt asked if the Tarpon River residents preferred that the units be outside of the shaded area shown on the map. Ms. Brown stated that many residents in the "pink" area would be glad to donate their flex units, as well. Judith Hunt clarified that the residents wanted development in the SRAC. Ms. Brown continued stating that they would prefer it there in an urban environment, rather than taking the existing neighborhoods in the area which were predominantly single-family and redeveloping duplexes and townhomes. She added that the tree canopy could be preserved, along with the single-family characteristic of the neighborhood. She stated that she believed the President of their Civic Association would support this.

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 Maria Freeman to approve the amendment per staff's recommendations.

Charlotte Rodstrom asked about the affordable housing element in regard to moving these units to another area.

Marc LaFerrier stated that a City-wide affordable housing study was due to be completed by the end of this year and presented to the City Commission. He stated that this amendment would not obtain final approval until March or April, so the results of that study would be available before that time.

Motion was seconded by James McCulla. Roll call showed: YEAS: Ed Curtis, Maria Freeman, Mary Fertig, Rochelle Golub, Judith Hunt, Catherine Maus, James McCulla, Charlotte Rodstrom, and Alan Gabriel. NAYS: None. Motion carried 9-0.

6. St. Thomas Aquinas High School, Inc.

10-Z-05

Request: * Rezone from RS-8 to CF**

Legal	Lots 13, 14, and 15, less the South
Description	10 feet of Lots 13, 14, and 15 Block 7, Gillcrest 1 st Addition,

According to the plat thereof, as recorded
In P.B. 34, P. 47, of the Public Records of
Broward County, Florida.

General North side of Davie Boulevard,
Location: between S.W. 28 Terrace and S.W. 28
 Avenue

Chair Alan Gabriel announced that this matter was quasi-judicial, as well as the Board serving as the Local Planning Agency.

Judith Hunt stated that Ms. Sheridan of the Southwest Coalition had called her and indicated that a letter had been forwarded to staff to present to the Board regarding the activities of the Southwest Coalition in connection with this matter.

Ella Parker, Planning and Zoning, stated that she had the letter and would distribute it to the Board.

The Board made the following disclosures: Judith Hunt stated that she had been to the site and had spoken with Ms. Sheridan, and some of the homeowners in the area. Mary Fertig stated that she had been to the site. Ed Curtis stated that he had been to the site. Charlotte Rodstrom stated that she had been to the site.

Erin Westwood stated that St. Thomas Aquinas High School was located north of Davie Boulevard. He stated they were discussing six lots, and he proceeded to show a map of the area. He stated that they were requesting to rezone three of the six lots that would be part of the project. He further stated the facility would be a 350 seat Performing Arts Center, along with a dance studio. He continued stating that one of the important aspects of this project in its design and development was to create three good sides. He stated that Davie Boulevard needed a new anchor, and the development of the new corridor plan for that roadway showed it to be more urban. He stated that this would be the start of the renaissance of this roadway. He proceeded to then show a rendering of the proposed building. He explained that the frontage on Davie Boulevard would house the box office with glass allowing visual penetration into the building. He explained the primary use of the facility would be for the students for their training and performances.

Mr. Westwood stated that St. Thomas was not getting any bigger, and the number of students was not increasing. This would provide a facility for the Arts that were on par with the facilities provided for the athletics at the school. He stated that the Coalition of Civic Associations supported this project.

Maria Freeman asked about the parking at the site. Mr. Westwood stated there were currently 780 parking spaces on the site, and when the facility would be used in the evening spaces would be available. He stated the facility would consist of 350 seats, and ample parking was available to meet the needs of the facility.

Mr. Westwood stated that one of the issues they had to address was that the entrance would be from the north.

Charlotte Rodstrom asked about the exit for the building.

James McCulla stated that the Board was not to address the site plan or building design. He stated that the matter of rezoning was only to be considered.

Ella Parker, Planning and Zoning, stated that this was a request to rezone approximately .76 acres from RS-8 to CF. She stated that the existing land use designation of the site was low medium residential, and rezoning to CF would be consistent with the Comprehensive Plan. She stated that the site plan was currently going through the DRC process.

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 Charlotte Rodstrom and seconded by Mary Fertig to approve the application as submitted per staff's recommendations. Roll call showed: YEAS: Maria Freeman, Rochelle Golub, Mary Fertig, Judith Hunt, Catherine Maus, James McCulla, Charlotte Rodstrom, Ed Curtis, and Alan Gabriel. NAYS: None. Motion carried 9-0.

7. Mariani, LLC

15-P-05

Request: Street Vacation/PEDD

Legal Description: Parcel "A", Mariani Asphalt Plat, according to the plat thereof, as recorded in P.B. 135, P. 47 of the Public Records of Broward County, Florida.

General Location: North side of SE 20th Street between SE 10th Avenue and Cordova Rod (the side access road To the Publix and Harbor Shoppes Center)

James McCulla stated that he had a conflict of interest regarding this matter, and therefore, would excuse himself from this matter.

Ed Plosky, Land Planner, stated that he was representing the applicant. He stated that the area in yellow shown on the map was the area they were requesting to have vacated. He stated that the 35' was a portion of road right-of-way that had been given by the plat in 1988. Since 9/11 the connection to SE 20th Street had been terminated due to Port Security. He stated that two businesses were adjacent to the property, and they entered and exited through Eisenhower Boulevard through the east and had to go through a security gate that was installed last year. He stated the right-of-way was no longer needed, and the Right-of-Way Committee and the DRC both recommended that the right-of-way request be reduced to 22 ½'. He stated they did not disagree and would amend their application to reflect same.

Michael Ciesielski, Planning and Zoning, stated that per recommendations made by the Property and Right-of-Way Committee and the Engineering Department, the right-of-way

to be vacated would be limited to the northern 22.5' of SW 20th Street, and not the 35' originally requested. He further stated that a utility easement had to be retained on the vacated segment of the alley, and if any relocations of utilities were required, the cost would be borne by the applicant, and the relocation plan would be reviewed and approved by the Engineering Department. He added that final DRC would be needed. He stated that staff supported this request. He proceeded to show an aerial map of the site.

Judith Hunt asked what the property was going to be used for. Mr. Plosky explained that the parking lot would be redeveloped, but most of the area would be used for landscaping. He stated they did not yet have a site plan. Judith Hunt stated that she had a problem giving away public land for a parking lot. Mr. Plosky reiterated that only a portion of the area might be used for parking purposes. He explained there were utilities on the site and nothing could be built on it.

Maria Freeman asked for some further clarification of the site. Michael Ciesielski explained that it would be 22.5' from the property line and proceeded to show the area on the map.

Mr. Plosky explained that the process to vacate this right-of-way would take about 1-½ years because of having to go before the County and the City.

Catherine Maus asked why the property was to be vacated. Mr. Plosky stated that due to the conditions of the roadway changing, 60' of right-of-way was not needed any longer, and they were requesting to have the property for redevelopment purposes.

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 Maria Freeman and seconded by Rochelle Golub to approve the application as submitted per staff's recommendations. Roll call showed: YEAS: Mary Fertig, Rochelle Golub, Catherine Maus, Charlotte Rodstrom, Ed Curtis, Maria Freeman, and Alan Gabriel. NAYS: Judith Hunt. Motion carried 7-1.

James McCulla rejoined the meeting.

9. Miami Road Partners, LLC

73-R-05

Request: Site Plan Review/Level III/Conditional Use
Approval for Mixed Use Development/
RMM-25/Employment Center/24 Multi-Family
Units with Flex Allocation**

Legal Description: Lots 14, 15 and 16, Block 25, and all of Lots 13 and
and 14, Block 28, according to Everglades Land
Sale's Company First Addition to Lauderdale, Florida,

As recorded in P.B. 2, P. 15, of the Public Records of Dade County, Florida, together with that certain Portion of Southeast 21 Street, a dedicated 50' wide Right-of-way, as shown on said plat.

General West side of Miami Road between SW 20 Street and
Location: SW 22 Street

Chair Alan Gabriel announced that this matter was quasi-judicial. The following disclosures were made by the Board: Charlotte Rodstrom stated that she had been to the site. Mary Fertig stated that she had been to the site. Judith Hunt stated that she had been to the site.

Gus Carbonell stated that this project consisted of 24 multi-family units on a one acre site which was zoned RMM-25. He explained that the land use was an employment center that permitted residential developments. He stated the site was located on Miami Road and backed up to the Mediterranean Village Apartments. He advised that the project was of a townhouse style with every unit having its own entrance from the rear yard. He stated there would be a parking garage that would be hidden from view. He stated the site was in the shape of a parallelogram that permitted them to use a form of architecture giving each unit its own identity. He proceeded to show a rendering of the project. He explained that each unit contained an interior elevator. He stated they were providing five guest parking spaces within the development, plus six additional parking spaces on the street. He advised that Harbordale Civic Association endorsed this project unanimously. He stated that the units were 2,600 sq. ft. and each would have its own sun terrace on the roof. He stated the neighborhood was blighted and this project would benefit the community.

Charlotte Rodstrom stated that the agenda listed the project as being on the west side of Miami Road. She asked if it was not on the east side of Miami Road. Mr. Carbonell confirmed. Charlotte Rodstrom asked about the height of the apartments. Mr. Carbonell stated that if one was driving on Miami Road, the project would be 34' in height. He explained that the building behind the project consisted of three stories with a high-pitched roof. Therefore, the heights were approximately the same to the ridge of the roof.

Mr. Carbonell explained that between this development and the one to the east, there were large parking areas. Charlotte Rodstrom asked about the price of the units. Mr. Carbonell stated that each unit consisted of three bedrooms and 3.5 baths, and sidewalks would be provided on Miami Road. He stated that the units facing Miami Road would have a landscaped courtyard also. He explained that the price had not yet been established, but probably would run in excess of \$600,000.

Maria Freeman asked for clarification regarding the location of the parking. Mr. Carbonell explained that the parking would be on the ground floor, but in this case that would be at basement level. He proceeded to show a map of the parking area. He added that some units would also have a small storage area, and some would have a den.

Jenni Morejon, Planning and Zoning, stated there were nine existing units at the site, and therefore, this was a request for 15 residential flex units. She advised that currently

875 residential units were available in Flex Zone 55. She stated that staff had no additional conditions regarding this project.

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 as submitted per staff's recommendations. Roll call showed: YEAS: Judith Hunt, Catherine Maus, James McCulla, Charlotte Rodstrom, Ed Curtis, Maria Freeman, Mary Fertig, Rochelle Golub, and Alan Gabriel. NAYS: None. Motion carried 9-0.

"For the Good of the City"

Chair Alan Gabriel asked about the date for the Workshop. He stated that there had been some discussion as to holding the workshop on September 28, 2005.

Motion made by Maria Freeman and seconded by Judith Hunt to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at approximately 11:30 p.m.

CHAIRMAN

Alan Gabriel

ATTEST:

Margaret A. Muhl (D'Alessio)