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Don Zimmer  
Joe Holland  
Bill Spencer  
Louis Rivolta  
Lucy Wayne  
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## Call to Order

Chair Freeman called the meeting to order at 6:37 P.M., then proceeded to introduce the members of the Board and explain the procedures that would be followed during tonight's meeting. Assistant City Attorney Miller explained the procedures for quasi-judicial cases, the local planning board requirements, and the City's lobbying rules. Anyone wishing to testify on any matter was sworn in.

Chair Freeman announced that item 2 had been withdrawn.

Chair Freeman asked for a motion to schedule a special meeting for February 28, 2007.

**Motion** made by Ms. Golub, seconded by Ms. Adams, to hold a special meeting on February 28, 2007 at 6:30 p.m. Board unanimously approved.

Chair Freeman requested a motion to defer items 8 and 12 to February 28, 2007.

**Motion** made by Ms. Golub, seconded by Ms. Graham, to defer items 8 and 12 to the Board's February 28 meeting. Board unanimously approved.

Chair Freeman recommended the Board hear items that could be handled quickly first: items 5, 9, 10 and 11.

**Motion** made by Ms. Graham, seconded by Mr. Curtis, to hear items 5, 9, 10 and 11 first. Board unanimously approved.

### **Approval of Minutes**

**Motion** made by Ms. Golub and seconded by Ms. Maus to approve the minutes of the January 3, 2007 Planning and Zoning Board meeting. Board unanimously approved.

### **Cases**

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#### **1. Transacta Prive Developers, Ltd. / Orion Resort      Don Morris      46-R-06**

**Request: \*\* Site Plan Level IV / 340 Room Hotel / 3,100 SF Retail / 8,100 SF Restaurant and Bar / ABA**

Legal Description: All of Block G, Birch Ocean Front Subdivision No. 2, according to the plat thereof, as recorded in P.B. 21, P. 22, of the Public Records of Broward County, Florida

Address: 700 North Atlantic Boulevard

General Location: Bounded by State Road A1A, Belmar Street, Breakers Avenue and Vistamar Street

Mr. Don Hall, representative of the applicant, said he would focus his presentation on the issues that had concerned the Board when they first heard this item on November 15, 2006: the DEP and the Floor Area Ratio [FAR] requirements. Mr. Hall requested one hour to make his presentation. Ms. Maus recommended allowing 30 minutes. Ms. Golub recommended allowing 60 minutes, including rebuttal, and holding Mr. Hall to it.

Mr. Mike McNerny, representative of the Bonnet House, requested the same amount of time for his presentation. The Board agreed this was fair.

Board members disclosed communications they had regarding this case.

Mr. Hall distributed seven exhibits to the Board: the briefing booklet; the bonus point analysis; Lucy Wayne's curriculum vitae; memo from Curtis Craig to Don Morris dated January 23; photometric exhibit; photos accompanying the bonus point analysis; letter from the Beach Council to the City Commission in support of the project.

Mr. Hall said his opinion regarding the bonus points differed from staff's, and Mr. Rivolta would address this. Mr. Hall said the project met the five development criteria, it was designed in keeping with the 1998 Central Beach revitalization plan, and the modern ULDR. It was also in keeping with the intent of the ABA district, which was to promote quality destination resort hotels. This included the bonus point incentive system to allow additional height and FAR.

Mr. Louis Rivolta, architect, said criterion 9 addressed the consolidation of lots. He felt it had been a tremendous effort to assemble the three lots from 12 to 15 different condominium owners. Mr. Rivolta said they had earned 3.17 points and it was capped at 2 points.

Mr. Rivolta continued that criterion 8 encouraged developers to achieve the goals of the ABA, which he felt they had. The project had received 6 points but they were capped at 2 points.

Item 7 concerned distinctive public facilities that contributed to the resort character of the area. Mr. Rivolta presented renderings of a restaurant, retail space, the building's pedestrian entrance, and a plaza that cut across from Vista Mar to Bel Mar. Mr. Rivolta said staff had not awarded points for the Vista Mar/Bel Mar plaza area.

Mr. Rivolta said item 6 addressed A1A-accessible pedestrian spaces. He felt they had earned 1.15 points, but staff had awarded 1.1 points. Item 5 concerned building orientation that relieved the monotony of massing and scale on A1A and staff had agreed with Mr. Rivolta's assessment of this item. Mr. Rivolta explained that building was set back from A1A 185 feet, 48 feet on the west, 29 feet on the north and almost 76 feet on the south. Mr. Rivolta noted that all facades had been treated with the same level of importance.

Mr. Rivolta said the building pedestal was the lowest in the area at 28.5 feet in front and 33.5 feet farther back. Mr. Rivolta said that except for one other property, they were the lowest building in the area.

Mr. Rivolta said this project had "by far, the lowest FAR" compared to other buildings in the area and presented renderings illustrating this.

Criterion 4 concerned deviation of sameness, and Mr. Rivolta disagreed with staff's opinion on this item. Mr. Rivolta presented renderings and explained how the Orion's shape differed from other buildings in the area. Mr. Rivolta showed additional renderings depicting landscaping and wide sidewalks. He noted that on the west side, they had created hotel units that looked like town homes to blend with other neighborhood development. Mr. Rivolta said they had made an effort to activate the pedestal and altered how the tower was oriented.

Regarding criterion 3, color and composition, Mr. Rivolta explained how they had developed the earth and water color scheme and the repeated sail motif and railing detail reminiscent of cruise ships and yachts.

Criterion 2 concerned sensitivity to history and culture, and Mr. Rivolta said the pedestal massing, artwork, landscape areas and quality of detail brought back the hotel glamour of the 30s, 40s and 50s. Artwork had been commissioned for the project entablature, and a fountain would be included in the drop off plaza.

Mr. Rivolta summarized why he felt they deserved additional bonus points: the town home-like components; the sail motif; the railing details; the curvilinear designs elements, scallop-layered balconies; open spaces and pedestrian access.

Mr. Bill Spencer, representative of the owner, said he would address the relationship of the Orion to existing properties and those under construction consistent with ABA zoning standards and criteria. Mr. Spencer displayed a rendering and stated the heights of various nearby projects.

Mr. Spencer displayed a line-of-sight rendering from the Bonnet House and noted that from some vantage points, other buildings would obstruct the Orion from view and at other vantage points, the Orion and other buildings would be visible. He pointed out which buildings would be visible from various vantage points on the Bonnet House grounds.

Mr. Spencer said the provision in the ULDR that referred to preserving view corridors - "The City recognizes existing and new views to and from the Intracoastal Waterway, the Atlantic Ocean, the Bonnet House and public parks are important to maintain" – was, at best, an "aspirational" statement and not a criterion or objective standard. He felt that denial of the project premised upon this would be "tantamount to an invalid act."

Mr. Spencer stated the Orion would provide a critical component to make Fort Lauderdale beach the high-end tourism destination the Central Beach Revitalization Plan and ULDR was meant to encourage.

Mr. Morris explained that on November 15, 2006, the following stipulations were included in the motion to defer:

- 1) Staff shall evaluate the FAR bonus point score as it relates to this development;
- 2) The applicant shall meet with the City, the Bonnet House and the Florida Trust for Historic Preservation to try to reach an agreement regarding the project;
- 3) A determination shall be made as to who approves the project, as it relates to habitable space for the purpose of minimum flood elevation.

Mr. Morris stated staff had provided the Board with a memo outlining staff's evaluation of the project, and a memo from Curtis Craig, City Building Official, in response to the applicant's elevation certificate and other materials regarding the City's flood requirements. Mr. Morris read from the memo, which indicated the project did conform to the flood elevation requirements. Planning staff therefore no longer questioned this issue.

Mr. Morris said that the project must be evaluated for neighborhood compatibility with surrounding development for the building length which was 394 feet where 200 feet was the maximum.

Ms. Fertig had questions about how the points had been awarded for four of the criteria. Mr. Morris confirmed that there was disagreement on criterion 1 regarding distinctive design. Staff felt the basic design – a tower on a pedestal – was similar to many buildings in the area on A1A. This item also concerned historic character, and considering this project's proximity to the Bonnet House, historic character should have been taken into consideration.

Criterion 2 concerned historically-sensitive architectural character, and Ms. Fertig asked if staff's concern was the tower location. Mr. Morris stated that the tower location had a negative effect on the Bonnet House view corridor.

Criterion 3 concerned color and composition, and Ms. Fertig said staff commented that less than 4% of the total area of the property area was provided in landscaping, and there was also concern about shadows on other properties. Mr. Morris explained that key components of natural composition were greenery, sunlight and air. The project provided public plazas, but very little landscaping. He confirmed they were also concerned about the shadows.

Ms. Fertig asked if achieving more points for the FAR would have entitled the project to greater building length. Mr. Morris said it would not, because the Board must make a determination as to neighborhood compatibility.

Ms. Fertig asked Mr. Hall why they should allow the additional building length. Mr. Hall stated they must judge this for neighborhood compatibility. He noted they had treated three of the street sides as pedestrian streets, and applied those design criteria. The pedestal was required to meet code requirements, and they had included the town home design at street level to reduce the pedestal effect and create a residential feeling desirable for the neighborhood.

Ms. Fertig asked about the letter of support from the Beach Council and wanted to know who this was. Mr. Hall explained the letter was from the Chair of the Beach Council Board, but he did not know the membership.

Ms. Fertig asked for clarification on the orientation of Mr. Spencer's view corridor renderings. He explained that his renderings depicted the south-facing view corridor from the Bonnet House.

Ms. Fertig asked Mr. Morris why other buildings in the area exceeded the Orion's requested 4.8 FAR. Mr. Morris explained that requirements had changed, and he could not attest to previous approvals. He indicated that parking garages had not previously been considered. Mr. Brewton confirmed the code had changed in 2001, and projects to which the applicant referred had been built prior to that.

Mr. Glassman understood that additional building length could be requested for the portion of the building that was less than 55 feet tall. This pedestal was 33.5 feet tall, and Mr. Glassman wanted to understand if the height of the pedestal justified the increase in the length from 200 feet to 394 feet. Mr. Morris said the request was permitted.

Ms. Graham suggested the Board hear from Mr. McNerny and the Board could then ask their questions, and Chair Freeman agreed.

Mr. Mike McNerny, Bonnet House Board member, said their conversation centered on the project's impact on Bonnet House. He remarked that the architect had spoken about how beautiful the building was, but not about its compatibility with the Bonnet House. Mr. McNerny pointed out that there were 19 references to protection of the Bonnet House in the Fort Lauderdale Comprehensive Plan. He asked the Board to consider the code and Comprehensive Plan criteria, and not the aesthetics of the project.

Mr. McNerny referred to specific code provisions regarding the Bonnet House, "These properties will be preserved in their natural state so there will be no additional impact on the natural resources in the coastal planning area." Mr. McNerny stated that maintenance of the Bonnet House view corridor was specifically mentioned in the ULDR Neighborhood Compatibility requirements. Mr. McNerny described the view corridors that concerned them to the east, not the view corridors to which Mr. Spencer had referred. Mr. McNerny felt the view corridor renderings presented by Mr. Spencer were incorrect, and introduced Mr. Ed Stone from EDSA, who had created view corridors for Mr. McNerny.

Mr. Ed Stone, planner and landscape architect from EDSA, and Bonnet House trustee, presented view corridors he had generated showing the view from the east terrace of Bonnet House, in which the Orion and other existing and proposed projects could be seen. Mr. Stone read a portion of the memo Mr. Morris had sent to the Board indicating that the Orion project would be in the Bonnet House view corridor, and would therefore impact the historic character of the area. Mr. Morris had noted that a "project with the same basic design that does not exceed the maximum FAR would have a more positive

relationship to the view corridor of Bonnet House than one that exceeds the maximum FAR.”

Mr. Stone presented letters from the Florida Trust for Historic Preservation and the National Trust for Historic Preservation urging caution in considering approval of the Orion project.

Mr. Ross Bradford, assistant general counsel for the National Trust for Historic Preservation, explained the Trust’s mission and membership, and said the Trust was interested in preserving and protecting the Bonnet House. He noted that the Trust had a contingent interest and responsibility to enforce restrictive covenants on the property designed to protect the historic and environmental character of the site.

Mr. Bradford stated the Trust felt the Bonnet House, its setting and context all warranted full protection. The Trust believed that the Orion project would adversely effect the historic character of the Bonnet House and its setting, and supported the Historic Preservation Board’s recommendation to deny the project based on its proximity to the Bonnet House. Mr. Bradford referred to the Orion’s “major visual intrusion” on Bonnet House’s southern view corridor from the east side of the house and the gardens and the southern vista from the grounds to the south pond.

Mr. Bradford said the Trust used National Preservation Act Section 106 to address view shed adverse impacts on historic properties. He noted that adverse effects included visual, atmospheric and audible elements that existed in the view sheds. Mr. Bradford explained that historic properties were evaluated in context, taking into consideration setting and landscape preservation. Mr. Bradford stated the National Trust encouraged the Board to take into account the City’s goal to protect view sheds included in the Comprehensive Plan.

Mr. Scott Strawbridge presented a letter from the Florida Trust for Historic Preservation, the owner of Bonnet House. The letter referred to Bonnet House’s inclusion in the City’s Comprehensive Plan and ULDR, which acknowledged the site’s sensitivity and “need for protection from encroaching development and the appropriateness of mitigating development impacts in the vicinity of Bonnet House.”

Mr. Strawbridge reported that on January 19, 2007, the Board of Trustees had met to evaluate the proposed Orion project, and viewed presentations from Mr. Strawbridge and the developer. The Board of Trustees had unanimously voted to support the position of the City’s Historic Preservation Advisory Board to recommend denial of the project as designed and to support the position of the Bonnet House in opposition to the project.

Mr. Strawbridge referred to a portion of the letter regarding neighborhood compatibility: “Development will be compatible with and preserve the character and integrity of adjacent neighborhoods; development shall include improvements or modifications

either on site or within public rights-of-way to mitigate adverse impacts such as traffic, noise, odors, shadow, scale, visual nuisances, and other similar adverse effects to adjacent neighborhoods.” Mr. Strawbridge stated the proposed project did not preserve the character and integrity of the adjacent Bonnet House and would cause adverse effects to Bonnet House due to shadow, scale and visual nuisance. The Trust felt these effects could be ameliorated by alternative design solutions, but none had been offered.

Mr. Strawbridge noted that the developer was requesting substantial setback modifications almost doubling the maximum allowed building length. The Trust thought this did not adequately address the historic resource and did not meet neighborhood compatibility criteria. Under the design and community character guidelines, the developer requested a 20% FAR bonus, but the Trust did not feel the developer’s analysis demonstrated it met the 9 required bonus points to qualify for the bonus.

The Trust requested that the Planning and Zoning Board deny the application because it threatened the significance of the Bonnet House, it did not meet the goals of the Comprehensive Plan, neighborhood compatibility or FAR bonus requirements.

Mr. McNerny provided a composite exhibit of all his presentation slides.

Mr. McNerny referred to Merrilyn Rathbun’s report to the City’s Historic Preservation Board, which pointed out that the Orion’s proximity to the Bonnet House would cause it to have a much stronger impact than other projects. Ms. Rathbun had concluded that the Orion project would have a damaging impact on the Bonnet House’s historic view corridors. Mr. McNerny reminded the Board that every member of the City’s Historic Preservation Board had voted against the project.

Mr. McNerny reminded the Board that City code required that the impact of the project on the Bonnet House must be considered.

Chair Freeman opened the public hearing.

Mr. Sadler James requested 10 to 15 minutes to present the Central Beach Alliance’s position. Mr. James said the CBA had been concerned about setbacks, heights, neighborhood compatibility, pedestrian friendliness and landscaping compatibility. Mr. James reported that on December 13, 2005, the CBA had unanimously voted to support the Orion project. The Bonnet House had requested reconsideration of that vote in October 2006, and the Bonnet House and the developer had made presentations to the CBA in November 2006. The membership had then voted 45 - 121 to reconsider, and continued their support of the Orion.

Mr. James stated the reasons for the CBA’s support of the project. Regarding the setback, he noted the setbacks exceeded the minimums they saw from other developers. Regarding height, Mr. James said, “we always want the buildings to be lower.” He noted that the design was originally taller and the height had been reduced,

and said “ we are also in agreement that height is always an issue with us.” Regarding neighborhood compatibility, Mr. James asked if anyone felt this design was less attractive than other projects in the area, and pointed out that the CBA members found the sail motif particularly distinctive and compatible. Mr. James questioned whether this project would obstruct the views any more than other nearby projects.

Mr. James said the Orion had complied with their requests for wider sidewalks, pedestrian friendliness, landscaping and bike racks. They therefore supported the project.

Ms. Fertig clarified that all of the setbacks met the City requirements, they did not exceed them.

Mr. James explained to Mr. Curtis that the Central Beach Alliance’s mission was “to oversee the public’s concern about the activity, business development and building and activities that occur on the beach.” He said it was not a homeowners association, but an “association of membership” representing approximately 50 condo associations. They were incorporated and registered with the City of Fort Lauderdale.

Mr. Joe Holland, licensed engineer and member of the CBA Board of Directors, stated Mr. James’ speech had not been authorized by the CBA Board; he was authorized only to report the results of their vote. Mr. Holland explained that he was involved in land use activism on the beach, and his greatest concern had been the technical aspects of the ULDR. Mr. Holland felt staff had misrepresented setback requirements, and referred to the setback requirements in the ABA zoning district code section 12.5.B, the closing statement of which was, “unless otherwise approved as a development of significant impact, in no case shall the setbacks required be less than an amount equal to half the height of the building.”

Mr. Holland acknowledged that application was made for this as a project of significant impact, and that was a “wild card that throws everything out” but he felt that when comparing things to the base code, those “half the height” requirements should be accurately expressed in the staff report. He thought that if they had been, the project would not have been unanimously approved by the CBA. He asked the Board to consider this section of the code when making their decision.

Ms. Diane Smart stated she did not represent any other organization this evening. She stated that although Hugh Taylor Birch had begrudged the infringements of a growing Fort Lauderdale on his seaside paradise, Birch had ceded a right-of-way for A1A, and leased or given most of his beach to the City. He had given the City the Sunrise Boulevard right-of-way land, and deeded 180 acres north of Bonnet House over as a State park.

Regarding neighborhood compatibility, Ms. Smart felt a “high-end, well designed 5- star hotel ... could be very classy neighbor.”

Ms. Smart felt it might be time for Bonnet House to “face the reality that something will eventually be built on this property that meets the City code.” She thought it would be better to have “this attractive neighbor than to take a chance on a mediocre design down the road.”

Ms. Karen Beard, Executive Director of Bonnet House, noted that as a non-profit, they did not have access to large resources to make their point. She pointed out that Bonnet had not been approached by the developer until the plan was complete.

Mr. Guy Lopez, business owner and member of the ABA, said he had checked the Comprehensive Plan, and it was clear that 14 blocks were reserved for hotels. He noted the number of potential Bonnet House visitors that could occupy the Orion each year, and contribute to the Bonnet House’s income. He also remarked on the jobs the Orion could provide.

Mr. David Hagen, Membership Chairman of Bonnet House, informed the Board that the volunteer members wanted to see Bonnet House preserved. He explained that visitors were always impressed by the solitude and serenity the grounds offered. He noted that last year’s hurricanes had removed some vegetation and altered the view so some buildings could now be seen from the property, but he anticipated the view would be obscured again by future canopy growth. Mr. Hagen said he opposed the project in its current form.

Ms. Beth Merose, a guide at Bonnet House, said she lived on Birch Road and objected to the project because the developer wanted to make Vista Mar a pedestrian mall and this would interfere with her commuting route.

Fred Carlson, neighbor, said he sympathized with the Bonnet House representatives, and thought they must consider several issues, including the jobs and the tourist income the hotel would provide. Mr. Carlson felt the canopy would re-grow and help obscure the view of the Orion from the Bonnet House.

Commissioner Charlotte Rodstrom stated it was a gorgeous building, but that was not the issue. She acknowledged there was a disconnect between the CBA and beach residents, who had voted unanimously at their community meeting to limit building heights on the beach to 5 stories. Commissioner Rodstrom asked the Board to follow the ULDR to the letter, which would require that the building be reduced in height by several stories. She felt this would be a “step in the right direction for the beach... for the density, and the overall well-being of the community as a whole.”

There being no other members of the public wishing to speak on this item, Chair Freeman closed the public hearing.

Mr. Hall said the question was what the Fort Lauderdale ULDR provided and regulated, not the National Trust’s standards. He thought some people erroneously believed that

there was a correlation between the Floor Area Ratio and the building height. Mr. Hall said the FAR referred to the building's volume only. He stated a 20-story structure would definitely be built on this site; the issue this evening was, "will it be a high quality building like the one proposed or will it be something else."

Mr. Hall explained that the bonus point system that allowed modifications from static zoning were meant to allow a developer to request the changes to create a high quality resort hotel.

Mr. Hall said the plan's public plazas and wider sidewalks were included pursuant to staff comments. Staff had been aware that this would result in the loss of greenery and had accepted it when presented to them, but now seemed to have changed their minds. Mr. Hall said the City had not requested analysis of view corridors for other projects in the area.

Mr. Hall stated the standard was not "view corridor" or "preserving views" and referred to the same code section Mr. McNerny cited, and noted that it said views to and from would be "maintained" not "preserved" and made no mention of view corridors. Mr. Hall felt the compatibility test was "adverse impact" and in particular "visual nuisance." He referred to case law indicating that a nuisance was defined as "an activity that disturbs the free use of one's property or renders ordinary use or occupation of it physically uncomfortable or... the use of one's property so as to injure the land or sum and corporal right of one's neighbor." Mr. Hall felt no assessment of this project could fit this definition.

Mr. Hall reminded the Board that there had been public hearings when the ULDR was adopted, and no one from Bonnet House had ever suggested that this property be treated any differently from any other property in the ABA. He felt nothing about this project would diminish Bonnet House's importance, value or beauty.

Ms. Sylvia Coltrane, owner of the property, explained how she had purchased all of the individual properties to combine for this project. She said she had worked with community groups and City staff to create what the community wanted. She had gone to the Central Beach Alliance and incorporated their input, and presented the plan to the Beach Council, who had endorsed the project. Ms. Coltrane said she had visited every neighboring property owner on Breakers Avenue and they all wanted the project.

Ms. Coltrane said she had been dealing with the Bonnet House since April but had received no response from them. She said at her first meeting with Mr. McNerny, he had suggested she "cut it in half." She had since met with the Bonnet House Board and the Florida Trust. Ms. Coltrane said she had offered to pay for plantings on the property to replace what was lost in the hurricanes to help block the view. She said she had also offered two weeks ago to send her people to EDSA with their project model to create a view corridor analysis on which they could all agree, but had received no response yet.

Ms. Coltrane said that preventing a building from being built on the site would be confiscatory, and improper.

Ms. Coltrane said she needed the kind of design they had created in order to bring that high end quality to the City. She asked the Board to allow the project.

Mr. McNerny agreed that his first reaction had been to ask that the building be made smaller, but was told this was not negotiable. He felt that trees would help camouflage a 7-story building, but not a 20-story building. Mr. McNerny said money would not cause them to give up their principle of protecting the property. He noted that Bonnet House had not been invited to the CBA or Beach Council meetings.

Mr. McNerny reminded Mr. Hall that ULDR Section 0 referred to "view corridors." View corridors were not invented by the National Trust or Florida Trust; they were in the code and should be upheld.

Mr. Glassman asked staff to address Mr. Holland's comments.

Mr. Morris thought Mr. Holland had referred to 47-12.5.B.1 regarding the ABA setbacks. Mr. Morris said a) stated "no structure shall be constructed, remodeled or reconstructed so that any part of that structure is located within 20 feet of the proposed public right-of-way along A1A as shown in the revitalization plan and within 20 feet of any other public right-of-way." This project was at 20 feet. Farther down in the section, b) it addressed side yards not abutting a right-of-way and the setbacks here were 10 feet for side yards and 20 for rear yards. Mr. Morris said the "half the height" in c) only applied to side yards, not yards that abutted public right-of-way.

Mr. Holland felt the "key operative" in this matter was "the half the height requirement under no circumstances." Mr. Holland did not believe item c) only applied to side and rear yards. When it mentioned "the above minimums, it's referring to all discussions in a), b) and c."

Mr. Hall informed Ms. Fertig that the Central Beach Alliance had approved the project in December 2005. The first Bonnet House meeting was in April 2006. Mr. Hall confirmed that the building height was 200 feet and the tower was 114 feet north-south by 200 feet east-west. All pedestal setbacks were at 20 feet.

Ms. Coltrane confirmed for Ms. Graham that she had closed on all 15 properties in August 2005. She said she and her architect had been aware of the significance of the Bonnet House when she purchased the properties.

Mr. Rivolta explained to Ms. Graham that there was a misconception that the building would be lower if they did not get the FAR points. These were two separate issues and they should not be tied together. Mr. Rivolta felt that the incentives encouraged assemblage of parcels and this drove development to a larger pedestal. What was

important was how the pedestal was treated and how the project reacted to the pedestrian and adjacent neighbors.

Ms. Graham asked Mr. Rivolta if they had gotten around “not wasting that first 50 feet off of grade” by compressing the parking as they had. Mr. Rivolta said the pedestal compression and cladding the building with hotel units contributed to this. Mr. Rivolta said they had done all they could to make the pedestal pedestrian friendly. He wondered why a transition zoning was never established for the properties that were deemed important to the Bonnet House if the view corridor was so important.

Ms. Graham acknowledged that there had been a different mindset when the Comprehensive Plan was adopted. Mr. Rivolta felt the architectural issue was getting lost in the struggle.

Chair Freeman asked why the height could not be reduced a couple of stories. Mr. Hall replied that the building was “designed to create that number of rooms which a world class hotel resort would want to manage and operate.” Chair Freeman asked if a certain number of rooms was required for a 5-star designation. Mr. Hall asked what would be gained by reducing the building to 17 stories. He felt the building would no longer be “quite as attractive to the market that the City wants to have in the City.”

Mr. Glassman remarked that some misinformation should be corrected. Mr. Glassman said the Central Beach Alliance had a reputation for opposing projects, and this was why the developer had approached their Board of Directors first, and returned several months later with a presentation to the membership, which had been unanimously approved. Mr. Glassman said the CBA had appreciated the design because it was not a “massive barracks.” It incorporated air, sky and water on the east, and the design considered 360° of the building. Mr. Glassman mentioned the “monstrosity of a wall” behind “The W” and the insensitivity to the neighborhood this represented. The town home look on the pedestal continued the pedestrian friendly feeling the neighborhood wanted, and the structure was thin, and did not have the “massiveness” of other projects in the area.

Mr. Glassman said the reason no one had given the Bonnet House a thought was probably because the property was not adjacent to it, but a block over. Once the Bonnet House contacted the CBA, they agreed to meet with Bonnet House representatives and reconsider their vote.

Mr. Glassman stated Bonnet House was one of his favorite properties in Broward County and this boiled down to impact, and what was reasonable. Mr. Glassman said he had spent time on the property and considered whether this project would diminish any of the “special feeling” the Bonnet House property provided, and believed it would not.

Ms. Fertig felt there were more issues than just the Bonnet House to consider: the FAR, the length and height of the building, the neighborhood compatibility and the historic issue. She felt they had been presented with some contradictory evidence. Ms. Fertig noted that this was an important issue for the beach and City as a whole.

Mr. Brewton stated that there had been a statement that if this building were not built, a 20-story building would be, and he reminded the Board that they were reviewing this particular design, which could not be built at this height with the FAR they were seeking; they required relief from that. Any proposed project would be subject to review and applicable codes.

There had also been discussion of changing the code to protect certain areas and address neighborhood compatibility. Mr. Brewton believed that if they applied the "strict law of the code" those protections were in place.

Mr. Brewton confirmed that "view corridor" was in the code, in those particular words and in other words, such as "visible view."

As to Mr. Hall's statement that staff had changed its mind, Mr. Brewton said this project had gone through the correct process of review and revision with staff, but staff did not grant administrative approvals. The staff report and project presentation must be made to the Board.

Ms. Graham reiterated that they had compressed the parking and included the parking system in order to have 158,970 square feet of rooms on 15 floors.

Regarding the relief that the applicant requested, Mr. Glassman noted the staff had not included a recommendation or finding regarding this project, and asked Mr. Brewton what relief he thought was being requested. Mr. Brewton explained that they were requesting relief to the FAR, which related to the mass and size of the building, and staff had determined that they had not met the requirements for this.

**Motion** made by Ms. Maus, seconded by Ms. Adams, to approve. Motion failed 2 – 7 with Ms. Golub, Mr. Welch, Ms. Maus, Mr. Curtis, Ms. Graham, Ms. Fertig and Chair Freeman opposed.

Ms. Fertig recommended the Board defer any potentially lengthy items. Ms. Graham felt it was only fair to hear items for which applicants had shown up. Mr. Curtis recommended they consider the public purpose items only.

**Motion** made by Mr. Curtis, seconded by Ms. Maus, to hear item 4 and defer items 3, 6 and 7 to 2/28/07. Motion passed 8 – 1 with Ms. Golub opposed.

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**2. Premier Bayshore Developers, LLC Don Morris 136-R-06**

**Request: \*\* Site Plan Level IV / Waterway Use / Mixed Use / 63 Multifamily Units / 1175 SF Office / IOA**

Legal Description: Lots 3, 4, 5, and 6, Block 7, Birch Ocean Front Subdivision according to the plat thereof, recorded in P.B. 19, P. 26, of the Public Records of Broward County, Florida

Address: 529, 533, 537 and 545 Bayshore Drive

General Location: East side of Bayshore Drive, south of Terramar Street

Withdrawn.

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**3. Leontarakis Del Mar, LLC Don Morris 25-R-06**

**Request: \*\* Site Plan Level III / Waterway Use / 10 Multi-Family Units / IOA**

Legal Description: Lots 10 and 11, Block 11, Lauder Del Mar, according to the plat thereof, recorded in P.B. 7, P. 30 of the Public Records of Broward County, Florida

Address: 1 North Birch Road

General Location: NW Corner of Birch Road and Valencia Street

Deferred to February 28, 2007.

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**4. City of Fort Lauderdale / Poinciana Park Yvonne Redding 124-R-06**

**Request: \*\* Site Plan Level III / Conditional Use / Relocate Poinciana Park Storage Tank and Pumping Station / Park**

Legal Description: All of the unnumbered block lying between Blocks 62 and 64, "Croissant Park", P.B. 4, P. 28

Address: 401 S.E. 21 Street

General Location: North of SW 21 Street, West of South Federal Highway

Mr. Steve Hilburg, project engineer for WaterWorks 2011, explained that this was a major water supply and pressure maintenance facility that was recently reconstructed. The project was originally approved in 2004, but construction changes necessitated putting the project through the DRC process a second time.

Ms. Redding concurred with Mr. Hilburg that the project was originally approved in 2004 and changes required that the project go through the approval process again. Staff had added a request for bike racks, additional sidewalks and landscaping.

**Motion** made by Mr. Curtis, seconded by Ms. Glassman, to approve. In a roll call vote, motion passed unanimously.

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**5. Salmice & Soilise Alcime / Glory Land Plat Yvonne Redding 9-P-06**

**Request: \*\* Plat Approval / B-2**

Legal Description: Lot 6, Block 2 of Arrowhead Estates according to the plat thereof as recorded in P.B. 21, P. 27 of the Public Records of Broward County, Florida, less the South 300 feet thereof

Address: 2100 N.W. 22 Street

General Location: West side of NW 21 Avenue, South of NW 22 Street

Board members disclosed communications they had regarding this case.

Jane Storms, representative of Soilise Land Surveyors, stated they concurred with staff recommendations and invited questions from the Board.

Ms. Redding explained that the proposed house of worship would not exceed 9,000 square feet and 4,278 square feet at the parcel's northwest corner would be dedicated to the Department of Transportation for future construction of a bus bay.

Ms. Redding stated the plat conformed to City and County platting requirements, met all DRC comments, and had received sign offs from the City surveyor and City engineer.

Chair Freeman opened the public hearing. As there was no one present wishing to speak on the item, Chair Freeman closed the public hearing and brought the discussion back to the Board.

**Motion** made by Ms. Adams, seconded by Ms. Maus, to approve. In a roll call vote, motion passed unanimously.

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**6. River Oaks Landing, LLC and Dad & Lad, LLC Yvonne Redding 4-Z-06**

**Request: \*\* \* Rezone RD-15 to RC-15**

Legal Description: Parcel "A" of the R.B.F. Plat, according to the Plat thereof as recorded in P.B. 155, P. 35 of the Public Records of Broward County, along with various acreage in 16-50-42 unplatted lands.

Address: 2200 S.W. 19 Avenue  
General Location: West of SW 19 Avenue, North of SW 24 Street

Deferred to February 28, 2007.

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**7. River Oaks Landing, LLC and Dad & Lad, LLC Yvonne Redding 21-P-06**

**Request: \*\* Plat Approval / RC-15 and CR**  
**Parcel "A" of the R.B.F. Plat, according to the Plat thereof  
as recorded in P.B. 155, P. 35 of the Public Records of  
Broward County, along with various acreage in 16-50-42  
unplatted lands.**

Legal Description:

Address: 2200 S.W. 19 Avenue  
General Location: West of SW 19 Avenue, North of SW 24 Street

Deferred to February 28, 2007.

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**8. Oakland Park, LLC / Ark Condos Anthony Fajardo 129-R-06**

**Request: \*\* Conditional Use / Mixed Use / 46 Multifamily Units / 6,233  
SF Commercial Use / CB**  
**All of lots 1 through 7 inclusive of Block 29, "LAUDERDALE  
BEACH EXTENSION UNIT B", according to the plat thereof, as  
recorded in P.B. 29, P. 22, of the Public Records of Broward  
County, Florida, together with the two (2) Alleys lying within the  
confines of the Plat and now vacated**

Legal Description:

Address: 3200 East Oakland Park Boulevard  
General Location: Northwest corner of NE 33<sup>rd</sup> Avenue and NE 30<sup>th</sup> Court

Deferred to February 28, 2007.

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**9. Ricardo Alvear / BP Rozen Plat Anthony Fajardo 11-P-06**

**Request: \*\* Plat Approval / B-1**  
**A portion of the north 235.00 feet of the west 225.00 feet of lot 1  
of "W.C. Valentine's Subdivision of Section 9, Township 50  
South, Range 42 East" according to the plat thereof as recorded**

Legal Description:

in plat book "B" at page 29 of the public records of Dade County, Florida.

Address: 1776 West Broward Boulevard

General Location: Southeast corner of West Broward Boulevard and Northwest 18<sup>th</sup> Avenue

Jane Storms, representative of Soilise Land Surveyors, said this was subdivision plat and offered to answer the Board's questions.

Mr. Fajardo stated the property's plat restriction: "This plat is restricted to a convenience store/service station with 12 fuel positions."

Mr. Fajardo explained to Ms. Golub that when a site plan applied for DRC approval, the City requested it first be submitted to Broward County. The property had not met County requirements for a current plat, and it therefore had required replatting.

Chair Freeman opened the public hearing. As there was no one present wishing to speak on the item, Chair Freeman closed the public hearing and brought the discussion back to the Board.

Ms. Storms explained to Ms. Golub that a utility lift station and telephone transformer were located on the unused strip of property that had the utility easement.

**Motion** made by Ms. Maus, seconded by Ms. Golub, to approve. In a roll call vote, motion passed unanimously.

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**10. John and Sara Jolly / Jolly Fields**

**Michael Ciesielski**

**21-P-05**

**Request: \*\* Plat Approval / RS-8**

Legal Description: The West 225 feet of the East 225 feet of Lot 46 of the Subdivision of Section 9, Township 50 South, Range 42 East, according to the plat of said Subdivision made by W.C. Valentine, surveyor, recorded in P.B. "B", P. 29, of the Public Records of Dade County, Florida.

Address: 1131 SW 9 Avenue

General Location: West side of SW 9 Avenue approximately one block north of Davie Boulevard

Mr. John Jolly, applicant, explained he wanted to split the property into three lots, with the existing house remaining.

Mr. Ciesielski explained that the application was consistent with the comprehensive plan and Mr. Jolly had revised the plat to provide a utility easement along the southern

portion of the property. This revision allowed the plat to meet code requirements. Mr. Ciesielski stated staff conditions for approval:

1. That the applicant revise the wording on the plat to match that of the plat note, specifically, that the easement is a utility and right-of-way easement for public, vehicular and pedestrian access, and
2. That the applicant adds the County information to Plat Book and Page on the graphic, per the City Surveyor's comments.

Mr. Ciesielski confirmed for Ms. Graham that the Board would not review the site plan. He agreed there were many trees on the property and the site plan must meet landscape code. Mr. Ciesielski confirmed that the lots met the minimum for the RS-8 zoning district.

Mr. Ciesielski confirmed that this had come before the Board before, and that the record of the previous meeting had been included in the Board's backup materials. The applicant had addressed the expired easement about which there was concern.

Chair Freeman opened the public hearing. As there was no one present wishing to speak on the item, Chair Freeman closed the public hearing and brought the discussion back to the Board.

Mr. Jolly stated that the new lots would be approximately 2/3 of an acre, which was in keeping with many other lots on that road. He added that no trees on the property would be affected.

**Motion** made by Mr. Curtis, seconded by Ms. Maus, to approve. In a roll call vote, motion passed 8-1 with Ms. Graham opposed.

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**11. Old Florida Corporation**

**Mike Ciesielski**

**20-P-06**

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

Legal Description: A tract of land situated within the NW quarter of Sec. 35, Township 49 South, Range 42 East, specifically the northern 20' of NE 18 Street that is adjacent to and south of Parcel A, Lero Development Plat, P.B. 76, P. 41, of the Public Records of Broward County, Florida

Address: 1311 NE 18 Street

General Location: NE 18 Street west of NE 15 Avenue and east of the Florida East Coast Railroad Tracks

Mr. Bryan Phegley, owner of Old Florida Corp., explained that he was requesting the existing 60-foot right-of-way be reduced to 40 feet to match the other right-of-way on the one-way street.

Mr. Ciesielski said the vacation was approximately 5,000 square feet in area: the 20 foot by 250 foot portion of Northeast 18<sup>th</sup> Street immediately in front of the buildings addressed 1311 Northeast 18<sup>th</sup> Street. The applicant wished to landscape the vacated area to improve the overall appearance of the site. Mr. Ciesielski informed the Board that the Property and Right of Way Committee's comments were included in their backup.

Mr. Ciesielski stated the applicant's narrative addressed the criteria for right-of-way vacation and that the applicant had provided a letter of support from the Poinsettia Heights Civic Association which was included in the packet.

Mr. Ciesielski cited the staff conditions for approval:

1. Pursuant to the request made by the Property and Right of Way Committee, that the City shall retain an utility easement over the portion of the right-of-way to be dedicated.
2. Final DRC approval.

Mr. Phegley stated he had also obtained letters from all utilities saying they had no objection.

**Motion** made by Mr. Glassman, seconded by Ms. Graham, to approve subject to staff conditions. In a roll call vote, motion passed 9-0.

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**12. 17<sup>th</sup> Street Marina Investments, LLC / The Sails Jenni Morejon 79-R-06**

**Request: \*\* Site Plan Level III / Waterway Use / Conditional Use / Parking Reduction / 350 Room Hotel with 14,000 SF Spa and 4,000 SF Fitness Center / 8,900 SF Restaurant / 2,000 SF Bar / 33,857 SF Office / 29,617 SF Retail / 150 Boat Dry Dock Storage / 30 Boat Wet Slip Marina / B-1**

**Legal Description:** West 5 feet of Parcel "B" less the South 35 feet thereof, and all of Parcel "A" less the South 35 feet thereof, of the subdivision of HARBOR HEIGHTS, according to the plat thereof, as recorded in P.B. 34, P. 33, of the Public Records of Broward County, Florida; including a portion of Section 13, Township 50 South, Range 42 East

**Address:** 2150 SE 17<sup>th</sup> Street

**General Location:** South of 17<sup>th</sup> Street Causeway, just east of Port Everglades

Deferred to February 28, 2007.

**For the Good of the City**

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The Board discussed the scheduling issues. Mr. Brewton said staff tried to create a balanced agenda, but if an applicant met the deadline and wanted to be heard, staff could not force the applicant to move to another date. Mr. Welch felt they must make the decision to defer earlier in the meeting.

There being no further business to come before the Board, the meeting was adjourned at 11:12 p.m.

Chair:

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Attest:

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Sandra Goldberg [for Jamie Opperee, Recording Secretary]