

**Planning and Zoning Board
City of Fort Lauderdale
February 28, 2007 – 6:30 P.M.
City Hall Commission Chambers – 1st Floor
100 North Andrews Avenue
Fort Lauderdale, Florida**

<u>Board Members</u>	<u>Attendance</u>	Cumulative June 2006 – May 2007	
		<u>Present</u>	<u>Absent</u>
Pamela Adams	P	9	1
Edward Curtis, Vice Chair	A	7	3
Mary Fertig	P	10	0
Maria Freeman, Chair	P	9	1
Steve Glassman	P	10	0
Rochelle Golub	P	10	0
Mary Graham	P	10	0
Catherine Maus	P	9	1
Tom Welch	P	5	0

Staff

Sharon Miller, Assistant City Attorney
 Greg Brewton, Planning and Zoning Services Manager
 Yvonne Redding, Planner II
 Jenni Morejon, Planner III
 Adrienne Ehle, Planner II
 Wayne Jessup, Principal Planner/Architect
 Don Morris, Acting Zoning Administrator
 Sandra Goldberg, Recording Secretary

Jeff Suiter
 Big Mama
 Chris Relea
 Tom Hall
 Kelly Manning
 Rich Robbin
 Mark Patterson
 Susan Thomas
 Don Metcalf
 Tom Yianilos
 Mike Pierce
 Bill Bigger
 Margaret Croxton

Ed Yevoli
 Eugenia Ellis
 John Gattuso
 Joaquin Vargas
 Jennifer Briely
 Diane Smart
 Robert Lochrie
 Kathleen Ginestra
 Don Zimmer
 Jiro Yates
 Bob Ross
 Pat Kelley
 Steve Nicholson

Craig Taboya
Sadler James
Andy Ziffer
Jennifer Breilly
Todd Felson
John Terrell

Diana Centorino
Frank Herhold
Ron Mastriana
Cecelia Ward
Richard Rothman

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Call to Order

Chair Freeman called the meeting to order at 6:35 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.

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1. 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 from the January 24, 2007 meeting.

Chair Freeman stated items 1 and 2 would be heard together, but voted on separately.

Mr. Robert Lochrie, representative of the owner, introduced the owners. Mike Reddington and Bill Telley, their architect and planner, Andy Martin and their engineer, Tracy Shepski.

Board members disclosed communications they had regarding this case.

Mr. Lochrie explained that the site was located east of I-95, South of the Marine Center and north of Pond Apple Creek apartments. He noted that they were not requesting additional residential density; they believed the request was consistent with neighboring properties. They were requesting the rezoning to RC-15 in order to be able to build town homes on the property.

Mr. Lochrie explained that their town homes would far exceed setbacks at 55' on the south side yards, 68' between the buildings and 150' on the north side. This would improve the view from 19th Street and allow for pocket parks between the buildings.

Mr. Lochrie said they were providing significant enhancements and increasing the designated wetlands, including public boardwalks around and through the center of the wetland area. Mr. Lochrie said they had also agreed to grant the City an easement through the site to the drainage outfall to the New River and give the City the pipe that connected the street to the outfall. They hoped this would help alleviate some drainage issues in the area.

Mr. Lochrie remarked that the site was 46% open and green space, made possible by the buildings' grouping. They had already determined which trees on the site were important and should be preserved and relocated on the site.

Ms. Redding explained that the request for rezoning would only affect the type of housing allowed, not the land use. She remarked that the applicant had worked with the City staff to reduce the originally proposed density. The applicant had presented a traffic study to the neighborhood association, and agreed to increase the wetland area on the site and provide drainage to it. She noted that the Board did not see the site plan because this was an allowable use in the zoned district.

Ms. Redding confirmed for Ms. Golub that if this were not approved, the Board would see the site plan for cluster homes. She stated that in cluster housing, some of the public use and open space might be lost to shared amenities. Since the wetland was recorded, that area must be preserved.

Chair Freeman opened the public hearing.

Jesse Touche, owner of the adjacent duplex east of the property, said he wanted this project here, since it would address issues in the area, such as drainage. He also felt it would mitigate noise from I-95.

Mr. Richard Robie, neighbor, said he supported the project too.

Ms. Graham asked if they had calculated how the flooding on the site would be reduced. Mr. Lochrie said when the lot was improved, they must ensure storm water

was kept on site. The drainage pipe they would provide to the City would also allow the City to remove a significant amount of water.

Mr. Lochrie clarified that there was no existing conservation easement on the site regarding the environmental area; they would place this on the environmental area as a requirement of their County permit.

Ms. Graham confirmed with the applicant that an arborist would determine which trees should be kept and relocated on the site.

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

Ms. Redding confirmed that the number of units had been reduced since the Board received their packet; that was why their packet indicated 116 units.

Ms. Adams asked Mr. Lochrie the target market for these homes. Mr. Lochrie said this was difficult to state now, but he felt it would be a mix. They had not yet specifically designated any units to affordable or workforce housing.

Ms. Golub asked Ms. Miller if they must add conditions regarding the number of units and the wetland area to their motion. Ms. Miller said the zoning matter could not be conditioned, but if the other items were voluntary, and not required by staff for platting, the Board might want to include the conditions in the motion regarding the plat.

Ms. Redding stated that on the plat, the note would restrict them to 108 units. The wetland and drainage was delineated on the site plan, and was part of the County process, but was not included on the plat or rezoning. Mr. Lochrie agreed to these conditions for approval of the plat.

Motion made by Ms. Maus, seconded by Ms. Fertig, to approve item 1. Motion passed 8 – 0.

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2. River Oaks Landing, LLC and Dad & Lad, LLC

Yvonne Redding

21-P-06

Request: ** Plat Approval / RC-15 and CR

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

Motion made by Ms. Maus, seconded by Ms. Fertig, to approve item 2, with staff recommendations restricting the number of units to 108, and the condition that the wetland easement and outfall drainage pipe appear on the plat. Motion passed 8 – 0.

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3. 17th 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 17th Street

General Location: South of 17th Street Causeway, just east of Port Everglades

Deferred from the January 24, 2007 meeting.

Board members disclosed communications they had regarding this case.

Mr. Ron Mastriana, representative of the applicant, distributed information to the Board regarding the development team, endorsements, and a printed version of the presentation. He then introduced the development team to the Board.

Mr. Mastriana noted that they had been meeting with the City and neighbors for 14 months regarding this project. He stated the project met B-1 zoning requirements, the East Area plan, the land use plan, and had been endorsed by all surrounding neighborhood associations.

Mr. Mastriana described the decline of the development currently occupying the property, from being a gem in the 1960s, to its demise in 2005 due to the bridge expansion and new height of 75 feet.

Mr. Mastriana said they had acquired additional property so they could develop the property as a unified plan. They had incorporated a hotel, marina and neighborhood retail.

Regarding neighborhood compatibility, Mr. Mastriana described surrounding development, and said they had not designed this project to maximize density, as many nearby developments had.

Ms. Jennifer Breilly, design architect, presented the site plan and described where the marina, neighborhood retail, and residential “hotel villas” were located. They had also created a 142-foot view corridor, which allowed a view from the park through property to the canal. The project included 120-foot translucent sails for the north façade of the project along the 17th Street Causeway. Ms. Breilly pointed out that the parking was completely wrapped with other uses and therefore completely hidden. Ms. Breilly noted that the hotel was floor to ceiling glass, and incorporated three 3-story trellises, creating a 9-story vertical garden. Ms. Breilly said the hotel was open to a center courtyard containing the hotel drop-off area, which was flanked by two green roofs.

Ms. Breilly explained that the project was designed to be viewed from all sides, including the bridge and the Intracoastal. She presented several renderings of the project from different angles.

Ms. Breilly said one of the neighborhood’s requests had been that from the view from the peak of the bridge maintained a view of the ocean. She explained that they had aligned their building in accordance with this. Ms. Breilly presented several renderings comparing the new project to the existing development on the site.

Ms. Cecelia Ward, planner, reminded the Board that the developer had consulted extensively the neighbors regarding this project. Ms. Ward felt that regarding neighborhood compatibility, staff focused too much on the building’s cubic square footage. Ms. Ward felt they must consider the project’s harmony and blending with nearby development. Ms. Ward thought neighborhood compatibility relied upon the layering of the Comprehensive Plan, the ULDR and neighborhood input. She felt this project reflected exactly what the neighborhood had requested.

Ms. Ward pointed out the surrounding properties were zoned for commercial and low-medium residential. Ms. Ward said they considered the goals and objectives of the land use map and comprehensive plan. The plan had requested that they create a project that enhanced the marine uses and water quality, which they had done.

Ms. Ward explained that they had considered the East Community Area Plan that was accepted by the City in 2004, and addressed the following concerns in the plan: they would preserve the marine uses, they would not replace a marine use with residential development; they would preserve dock storage. They were also proposing a dry stack boat storage facility. Ms. Ward noted that east of the Intracoastal Waterway, B-1 zoning allowed only 120 feet in height.

Ms. Ward stated the structure was approximately 698 feet long, and the building was broken up into three components, taking up only about 60% of the entire length of the

site. She noted that almost half of the project was only half the maximum allowed height. The project also provided almost three times the required landscaping – 56,000 square feet. Ms. Ward said the way the landscape was provided helped achieve neighborhood compatibility by softening the features of the development.

Ms. Ward said the project's minimum setback was ten times the code-required minimum, at least 59 feet on the north side. All of the other setbacks exceeded the requirements as well.

Ms. Ward stated the project complied with the comprehensive plan, the land development regulations and neighborhood compatibility, and she believed the public input and testimony would bear this out.

Mr. Joaquin Vargas, traffic engineer, explained that this project's peak traffic would not coincide with the usual peak periods, and a significant amount of traffic would stay within the compound. The traffic study projected that traffic would continue to operate adequately after the project was built.

Mr. Vargas said they would include signage to encourage the use of the north frontage road to exit under the bridge. The two access driveways on the south frontage road were projected to operate at an A level of service [the best]; the Harbor Inlet Drive access driveway was projected to operate at a C level of service, which was still very good. Mr. Vargas said they had addressed the comments made by City staff regarding the traffic report.

Regarding the parking reduction, Mr. Vargas said the project met the peak parking demand within the site, and they could accommodate all of their parking needs on site through shared parking principles. This meant that if a project had different uses and different peaks, these uses could share parking. Mr. Vargas reported that they had been very conservative in their shared parking analysis. He added that the City had reviewed and approved the analysis.

Ms. Morejon explained that the project was a hotel marina with hotel rooms, spa, fitness center, restaurant, bar, office space, retail space, dry dock storage for 150 boats and a 30-boat wet-slip marina. The applicant was also requesting a 23% parking reduction for a total of 684 spaces. Ms. Morejon reported that the DRC Committee had reviewed the project, and the Marine Advisory Board had approved the marine component, subject to staff recommendations.

Ms. Morejon stated four neighboring civic associations had sent correspondence regarding the project. Ms. Morejon pointed out that the City traffic consultant concurred with the methodology used by the applicant's traffic consultant, and it was up to the Board to determine if parking analysis met the criteria, and if any mitigation was required.

Ms. Morejon reported that staff had determined that the project was not consistent with neighborhood compatibility and preservation criteria, section 47-25.3.A.3.e, and therefore did not meet the requirements for the conditional use permit. Regarding neighborhood compatibility, Ms. Morejon stated the intent was for a project to be compatible with, and preserve the character and integrity of adjacent neighborhoods, and to include improvements or modifications to mitigate adverse impacts. Staff had found the project not compatible in regard to scale, mass, and length in relation to the established pattern of development within the adjacent residential neighborhood, or the commercial corridor along 17th Street, east of the Intracoastal.

Ms. Morejon reminded the Board that the properties south and east of the site were zoned RS-8 [one of the lowest-density residential districts], and the buildings in the single-family neighborhoods were of a much lower mass and scale than the Sails project. She explained that the Sails project was approximately 90 to 140 times more massive than a typical single-family home in the area. Ms. Morejon noted that B-1 development was not expected to be similar to single-family, RS-8 development, but this number indicated lack of a gradual transition. The Sails' footprint was approximately 8 times that of the largest nearby multiple-family structure, and its volume was 16 times larger, again demonstrating a lack of gradual transition.

Ms. Morejon said they had also considered other B-1 commercial properties in that area, and the Sails' footprint was approximately 3 times larger than Pier 66, and the Sails' tower component floor plate was approximately 5 times larger. This resulted in Pier 66's appearing more slender and taking up less of the view corridor than the Sails project.

Mr. Morejon said the Sails did not meet three of the Design and Community Compatibility Criteria that addressed the transition between public and private development on the barrier island. The first was that buildings should vary in overall height and not be contained in a single volume of continuous height. Even though the Sails structure was broken up into three components, there was no significant variation in overall height for each part of the structure.

Ms. Morejon continued that the second criterion the Sails did not meet was vertical plane moderation: buildings exceeding 35 feet should maintain no more than three stories without horizontal moderation in vertical surface plane. She explained that the pedestal portions of the Sails structure were 61' tall, and on the east and north elevations of the eastern pedestal, no moderation in vertical surface plane was provided for levels 3, 4, 5, and 6. On the south and north elevations of the western pedestal, no moderation in vertical surface plan was provided from grade to the top of the structure.

Last and most important, Ms. Morejon said, was the "building separation and defensible space categories," which indicated that new building masses should be sited so they maintained reasonable views to the ocean and Intracoastal Waterway, and that view corridors should be preserved to the Intracoastal, the ocean, public parks, etc. Ms.

Morejon referred to a rendering depicting existing view corridors with the Sails project, showing that the project blocked the southern view of the ocean with a structure nearly 700 feet long, creating a wall between the 17th Street corridor and the neighborhood to the south.

Regarding the existing on-site structures that the applicant indicated had been dwarfed by the elevated causeway, Mr. Morejon noted that a majority of the development site remained quite visible, and a significant view of the Atlantic Ocean, Inlet, and Point of the Americas was provided from this vantage point. In contrast, the structure proposed by the applicant [with an overall length of 698' and continuous cornice heights of 61' for the two lower structures], created a wall-like barrier between the 17th Street corridor east of the Intracoastal, and the Atlantic Ocean and neighborhoods to the south and east.

Ms. Morejon stated the Board should consider 5 criteria for the conditional use permit. Staff had found that the required mitigation had not been provided, and the project was therefore not appropriate. Ms. Morejon pointed out that the project did meet some of the intent of the Comprehensive Plan, regarding Marine associated uses, but the physical structure would have a negative impact on the residential neighborhood and the 17th Street Causeway corridor. It was therefore a significant variance from the existing development pattern, and did not meet many of the goals and objectives of the comprehensive plan, including utilizing design criteria to protect and enhance the aesthetics and recreational value of the City's waterways, and to ensure that new developments were compatible with surrounding land uses.

Ms. Morejon summarized that the significantly large-scale and massive structure was not consistent with the existing development pattern and building types along the 17th Street Causeway corridor east of the Intracoastal, or the adjacent residential neighborhood to the south. Therefore, while the project addressed the standards of adequacy, as proposed it did not meet neighborhood compatibility criteria and subsequently failed to meet conditional use and waterway use criteria, and various goals, objectives, and policies of the comprehensive plan.

Ms. Morejon listed the following staff conditions for approval:

1. The proposal shall be subject to the conditions set forth by the Marine Advisory Board.
2. The applicant must record a restrictive covenant in the public records of Broward County, outlining the approved parking reduction order, and obtain approval by the City Attorney, prior to final DRC sign-off.
3. The applicant must record a restrictive covenant in the public records of Broward County limiting the lodging units to hotel use, and obtain approval by the City Attorney, prior to Final DRC signoff.
4. The applicant must provide approval from the Broward County Environmental Protection Department regarding the new boat slips.

Regarding the traffic and parking study, Ms. Fertig asked if staff agreed with the applicant's conclusions, not just the methodology. Ms. Morejon said the City's traffic consultant found the reports complied with the general criteria for such studies. Ms. Fertig was concerned that the City typically reviewed methodology and criteria, but did not check to make sure the figures were correct.

Mr. Vargas explained that the City had agreed with the assumptions, methodology and conclusions, and had endorsed both the traffic study and parking reduction; they had not done an independent study. Mr. Brewton said the City's traffic consultant did not endorse the request, he had only agreed it was properly done. Mr. Brewton agreed the applicant had gone through the proper formula, but remarked that 23% of 800 spaces was very significant, especially if the study proved inaccurate in the future.

Mr. Vargas explained that the hotel, retail and office would all need parking spaces at different times, and they therefore planned for these uses to share. He said they had not considered the public spaces within 700 feet of the site, even though the City allowed this, because they felt they would not be needed.

Mr. Todd Felson, hotel manager, stated approximately 65% of a hotel's guests required parking spaces. In a 350-room hotel, this meant that only approximately 255 spaces would be needed at 100% occupancy. Mr. Mastriana said what was important was they had considered needed parking for the peak hours of the entire project.

Ms. Fertig asked about the neighborhood outreach. Mr. Mastriana said they had met with approximately 30 – 40 people many times, in conference rooms and on site.

Ms. Fertig asked about the open space and green space. Mr. Jeff Suiter, EDSA, explained the additional landscaping they had provided, and said their calculations were based on the code. He said landscape was defined as all pervious area, excluding the parking surface.

Ms. Fertig asked for a comparison of the current and planned marine use. Mr. Mastriana said there would be 2,000 lineal feet of dock area, with power and lighting and inside boat storage. He said they would be significantly increasing the marina use of the property with the inside storage.

Mr. Glassman did not understand how the shared parking could work, where employees would park, and what happened when there were events at the hotel. Mr. Vargas said all of the traffic would be processed through the intersection of Harbor Inlet and 17th Street Causeway. The frontage roads allowed three ways to exit. Mr. Vargas said when they added in the additional traffic from the hotel, there was still surplus capacity at the intersection. Mr. Vargas explained the calculations he had used for the parking reduction. He said they had calculated a peak parking demand of 684 spaces, which they had provided on site. Mr. Glassman asked about the employees, and Mr. Vargas said the calculations had included employees and customers. Mr. Glassman asked if

parking had been considered for events in banquet and meeting rooms. Mr. Vargas said these events typically took place in the evening, and the public parking spaces could be used for special events.

Ms. Ward said code allowed shared parking because the full parking would add mass and scale to the building, and because it was a more efficient way to analyze needed parking. She added that the project utilized valet and automated parking.

Mr. Brewton confirmed that code allowed shared parking in principle, but he believed the code intended that the time frames for the different uses must be clearly "nailed down," which he felt had not been done. Mr. Brewton confirmed that the code allowed for use of public spaces within 700 feet of the site, but only if a safe pedestrian path was included. Mr. Mastriana said there was a clear pedestrian path to the public parking. He added that their parking consultant had used the statistics that were generally recognized as appropriate in performing the shared parking analysis. The City's consultant had agreed these numbers were acceptable. Mr. Mastriana said the analysis took "every single hour" for every parking use. Mr. Brewton said when asked about parking during use of meeting rooms, Mr. Vargas had not included this in parking times. This was an example of another use for which Mr. Brewton felt a parking time had not been identified.

Ms. Graham said there were 14,000 square feet of meeting room space on level 4, 28,900 on level 5, and 4,600 square feet on level 7. Mr. Mastriana said much of that square footage was office space for the hotel. Ms. Graham indicated the meeting rooms on the plans, and Ms. Ward said the gross square footage included stairway and small storage areas, which Ms. Graham was certain could not exceed 10%. Ms. Ward said in a typical meeting space, there was a large 'pre-function' area; additional rest rooms; telephone areas and a large amount of storage, so the "open volume does not constitute the final meeting space."

Ms. Fertig asked again where employees would park. Mr. Mastriana said, "a great deal of your employees come by mass transit." He said 70% of Pier 66 employees came by mass transit.

Ms. Fertig asked if the traffic generated by the building across the street, and the bridge operation had been taken into account; Mr. Vargas said they had done traffic counts including with the existing hotel operation and the land uses on the north side. They had also inflated the numbers for peak season because the counts were conducted in July.

Ms. Golub confirmed with Mr. Mastriana that there was one central entrance area. She asked about parking for office employees in the building. Ms. Ward described several different parking areas, and Ms. Golub noted that 135 office spaces were sharing 110 retail spaces that she felt would mostly be utilized by people not using valet. Ms. Ward said, "There's a certain percentage that will have to valet park." Ms. Golub noted that

the Marine Advisory Board had required them to accommodate the lot demand and prevent parking overspill for the wet slip and dry storage parking. Mr. Mastriana said, "That's what it says, but that does not say that you cannot share parking of the marina."

Chair Freeman opened the public hearing.

Mr. Mastriana said they had donated property to local charities and some representatives of these charities were present to speak in favor of the project.

Essie Reed [Big Mama] explained that after Hurricane Wilma, the Best Western had donated furniture and refrigerators.

Ms. Miller advised the Board to limit testimony to information relevant to the site plan.

Mr. Bill Bigger, Marina Mile Association, remarked on the loss of slip space to new development recently, and said they were pleased that this project would actually add 150 slips to the site. They also appreciated the dry stack storage.

Ms. Kelly Manning said she represented her employer, Broward House, and explained that the developer was one of their big supporters.

Mr. Rob Ross, president of Harbor Beach Property Homeowner Association, said they approved of the project. Mr. Ross said he used to have an office in the Pink Palace but had vacated after the bridge height increased due to the deterioration of the property and the loss of view. Mr. Ross confirmed that the project was presented to the homeowners board and membership, and had "100% approval." Mr. Welch asked if the homeowners had been concerned about the parking issues. Mr. Ross said they had been concerned, but he felt the issues had been addressed.

Ms. Diane Smart, president of the Broward Trust for Historic Preservation, said there was currently a significant architectural structure on the property, the lobby of the Best Western Marina Motor Inn. Ms. Smart explained that the Historic Preservation Board had unanimously agreed that the structure should be designated, and the Trust had an agreement with the developer to relocate the property. The developer had agreed to donate the structure, and the Trust was in the process of identifying the new site. The Broward Trust board had voted to support this project, and the developer agreed to support the designation and provide the Broward Trust with \$100,000 toward relocation.

Mr. Glassman referred to a letter from the South Beach Alliance that stated, "The structure has no historical significance, as was related to us at a meeting with the Broward Historical Trust." Ms. Smart asked Genia Ellis and Mr. Mastriana to comment on this; that the Broward Historical Trust had objected to this statement and Mr. Mastriana had informed her that this language would be removed from the endorsement.

Mr. Glassman said he would like to be provided with any recommendations from any other Boards regarding any of the cases the Board considered in the future.

Mr. Pat Kelley, adjacent neighbor, felt the project would benefit the neighborhood, and commended Mr. Mastriana for the outreach they had conducted.

Mr. Chris Relea, from the Harbor Inlet Association, said his Board had unanimously approved the project. He complimented Mr. Mastriana on his communication with the community and taking their concerns into consideration. Mr. Relea said they had been concerned about the view from the top of the bridge, but Mr. Mastriana had provided renderings that showed this project would not additionally block the view. Mr. Relea said the public parking under the bridge was underused and pedestrian passage in the area was safe. Mr. Relea stated only the Harbor Inlet board had voted on the project, but the presentation would be made to all residents soon.

Ms. Golub wondered why Mr. Relea's opinion of the view blockage was different from the staff report. Mr. Relea said the Sails representatives had taken photos from the top of the bridge, where the observation deck was. He thought the staff photos were taken from farther down the ramp. Mr. Brewton said staff had taken no photos; all of the photos were provided by the applicant and staff had interpreted those. Mr. Mastriana said, "The neighborhood asked us to look at the peak because that's what they were concerned about, so we lined up our building with Point of Americas on the peak...the photograph... that the staff is using... is down the bridge." Ms. Morejon and Mr. Mastriana discussed the difference in the views.

Mr. Relea informed Ms. Fertig that they had published information about the project in the association newsletter, but the parking and traffic concerns had not been included.

Mr. Steve Nicholson, President of Harbor Colony, adjacent neighbor, said all 16 condo owners had been concerned, and Mr. Mastriana had addressed all of their concerns. Mr. Nicholson said they supported the project. He said one owner had mentioned the parking issue, but believed that the project would be code-compliant.

Ms. Golub asked if their concerns had been addressed to their satisfaction. Mr. Nicholson said there had been previous problems with lighting from the Best Western, but Mr. Mastriana had assured them that indirect lighting would be used. There were also concerns about the landscaping, but Mr. Mastriana had shown him renderings that satisfied his concerns.

Ms. Margaret Croxton, Marina Mile 84 Association, said they supported the project. She said this project was of major significance to the marine industry. Ms. Croxton remarked on the dilapidated shape the property was currently in, and said she had asked Mr. Mastriana to present the project to her board and membership. She said Mr. Mastriana and his staff had addressed every concern their members brought up.

Mr. Craig Taboya, neighbor, stated he supported the project. He was concerned about yacht dockage occurring on both sides of the canal and about the effects of hurricane winds on the building. Mr. Taboya said he often used the north entrance into the property to bypass the traffic light, and had witnessed gridlock with cars exiting Pier 66. Mr. Taboya wondered about fire vehicle access to the dry storage area. He also felt that cars that came with mega yachts had not been taken into account for parking, noting that typically there were cars for crew and logistical support and service.

Mr. Taboya informed chair Freeman that he lived in Harbor Inlet condos, and the project had not been presented to his association. Mr. Glassman shared Mr. Taboya's concerns, and asked why he supported the project when he had such concerns. Mr. Taboya said he wanted new development to replace the decrepit, old development.

Ms. Diana Centorino, resident of the Harbor Inlet Association, said she opposed the project. She said she and her neighbors had not been informed about the project, and had seen nothing in their publication about it. Ms. Centorino had researched the project herself, accessing the staff report online. Ms. Centorino said the project was "pretty in the picture, [but] I've been on the P and Z Board, and I know what can happen after it's really built." She was bothered by the building's mass, and noted that she enjoyed the view from the entire bridge as she ran in the morning, as did many other people. She also enjoyed watching the cruise ships leave in the afternoon, which she would never see again if this project was built.

Ms. Centorino acknowledged that change was inevitable, but reminded the Board that the project was not in compliance with City ordinances. Ms. Centorino remembered that the reason a tunnel was not built was to preserve the view, and this same view would now be lost if this project were built. Ms. Centorino said she was "frantic" about the traffic. She noted that traffic in the area was already heavy. Ms. Centorino agreed with Mr. Taboya about the gridlock that occurred sometimes at that intersection. Ms. Centorino agreed that the parking under the bridge was underused, because the shopping had declined. She said she would love to have the shopping center back, but said she was "not willing to sacrifice the grand view, the beauty of the open port area to have a post office there as opposed to the other side of the bridge."

Mr. John Gattuso, president of Breakwater Surf Club, said his board had voted in favor of the project. He said he preferred this project to residential, and considered it positive for the community and the City. Mr. Gattuso said the developer had not presented the project to the association.

Mr. Ed Yevoli, Harbor Inlet Association member, said the project was well-designed and the developer had addressed their concerns. He said everyone in the neighborhood acknowledged that it was busy, and liked that character of the area. Mr. Yevoli informed Mr. Glassman that the association had included information about the project in its newsletter more than once. Mr. Glassman felt that projects should be presented to the full membership for consideration, discussion and vote.

Genia Ellis, Harbor Inlet board member, and South Beach Alliance board member, confirmed that the project had been discussed at Harbor Inlet, Harbor Isles, Harbor Beach and Breakwater Surf Club, and had been in their combined newsletter a number of times. She explained that their board met monthly, and residents sometimes attended. Their practice was not to vote on projects, and they usually limited their support of projects. Ms. Ellis said they had heard about this project "by accident" and insinuated themselves into the process. They had asked to see the developer's plans and distributed them to the neighborhoods for consideration.

Ms. Ellis said the developer had responded to all questions presented to him. She noted that the shopping center had begun to go downhill prior to the bridge construction. Ms. Ellis acknowledged they may not have solved every problem, but asked the Board to move the project forward. Ms. Ellis felt staff had "fallen down on the job" because they had not asked the associations questions or attended any meetings with them. Ms. Ellis confirmed for Ms. Fertig that the parking reduction and traffic plan had not been included in the newsletter. She said the discussion of the view corridor had been in the newsletter, but not photographs.

Mr. Richard Rothman, Harbor Inlet resident, said he was in favor of the project, noting his neighborhood had suffered under a blighted environment for several years. Mr. Rothman thought it would be great for the community, the marine industry, the hotel industry, the cruise industry, and the convention center.

Mr. John Terrell, Chairman of the Marine Advisory Board, introduced himself, and Ms. Golub wondered if it was proper for a City Board member to be addressing them when they had a report form that board. Mr. Terrell said he had addressed many City boards, including the City Commission, and there had never been a concern.

Mr. Terrell said the Marine Advisory Board had unanimously recommended the project for approval. He stated this would be "the finest marina in the City," and would accommodate mega yachts, provide dry stack storage, provide offices, a hotel, restaurants and gardens everyone could enjoy. Mr. Terrell noted the importance of the marine industry to Fort Lauderdale, and the loss of slips the industry was suffering. Mr. Terrell asked the Board to listen to the community and approve the project.

Mr. Glassman remembered that the staff report indicated the Marine Advisory Board had approved the marine component, not the entire project. Mr. Terrell said this was correct. Mr. Brewton felt this was very important, and said he did not know if Mr. Terrell, "in addressing the entire project, was adequately representing the facts of the Marine Advisory Board." Mr. Terrell clarified that any remarks he made that went beyond the marine component of the project were a personal statement.

Mr. Frank Herhold, Director of the Marine Industries Association, remarked on the need for slips. He noted that the dockage at the Best Western had been limited to a "handful"

of large vessels for several years. Mr. Herhold explained that Mr. Mastriana had met with several marina groups and received no adverse comments. Mr. Herhold read from the Marine Industries Association of South Florida board of directors' letter regarding the project, which indicated their pleasure that the project would address the need for dry storage slips, marine retail and deepwater dockage. They felt it would serve as a landmark entrance to the yachting capital of the world. The board took special note of the fact that the wet and dry slips would be available to the public on a rental basis, thereby contributing to the affordability of boating. Mr. Herhold pointed out that a mega yacht brought in \$400,000 per visit. Mr. Herhold confirmed for Ms. Fertig that he believed this project would provide additional jobs in the marine industry.

Ms. Kathleen Ginestra, Harbor Inlet resident, said she had several concerns about the project. She felt that this could not be compared to Pier 66 or buildings in Port Everglades because those buildings were not contiguous to any residential neighborhood. Traffic and Parking for Pier 66 only affected 17th Street and the Pier's access road. Ms. Ginestra felt the traffic from the Sails would "seriously impact" Harbor Inlet streets, noting that the intersection of the access road, 23rd and 17th Street was already often congested. Ms. Ginestra worried that if additional parking was needed, that overflow would be on their neighborhood streets as well. Ms. Ginestra also wanted the promise that the mega yacht dockage would not be used for cruise ships or any other vessel that would possibly increase the traffic/parking issues.

Mr. Glassman asked Ms. Ginestra if she felt she had the opportunity to participate in discussions regarding this project with her neighborhood association. Ms. Ginestra said she had not. She said she had not attended the meetings had been unaware of this issue.

Mark Patterson, Harbor Inlet resident, said he was unaware of the project as well, aside from the postings at the building site. He remembered the project being mentioned in the newsletter, but did not recall any discussion of traffic issues. Mr. Patterson said he was concerned about how massive the project was, and was also worried about traffic at the intersection. He noted that Harbor Inlet Drive was the main ingress/egress for the neighborhood and the beach condos, and the traffic in January was "dramatically more" than in July, when the traffic study was done.

Mr. Andy Ziffer said he felt it was a beautiful building design, but had concerns about the mechanical noise and lighting. He referred to another project, and noted that the air chiller for that building could be seen from miles away, and heard from blocks away, and this had not been shown on the project renderings. Mr. Ziffer added that light pollution and temperature could "come back to haunt people that are in favor of this."

Chair Freeman closed the public hearing and brought the discussion back to the Board.

Mr. Mastriana said they had worked with the neighborhoods, and responded and “fixed” any issue brought up. Regarding Mr. Ziffer’s concerns, Mr. Mastriana said their mechanicals were entirely enclosed.

Mr. Mastriana stated that “any project on this piece of property will not happen without visibility.” The massing was therefore necessary. Mr. Mastriana said he disagreed with staff and felt they did not understand the view corridor. Regarding the traffic and parking, Mr. Mastriana said they had performed the study, and had it been reviewed by the City’s consultant, and addressed every concern anyone ever brought to them.

Ms. Fertig said the Board did not have the traffic report. She asked if the parking could be increased. Mr. Mastriana said they could use a completely automated parking system to increase parking.

Ms. Fertig asked about possible blockage of the canal. Mr. Mastriana referred to the neighbor across the canal, and said he could not block access, because his property deed included an easement that allowed access and limited the beam of a boat to 15 feet.

Ms. Fertig said she did not feel that parking for the employees and dock users had been calculated into the parking. Mr. Mastriana said usually, parking code took employees into account, and explained that if a parking problem arose in the future, they would provide off-site parking.

Ms. Fertig said she would have liked to see the report on the historic building located on the site included in their packet, and asked Mr. Mastriana what could be done to help. Mr. Mastriana said he had appeared at the Historic Preservation Board and “presented all of the facts to the Historic Board.” They had offered \$100,000 to assist in moving the building.

Mr. Glassman felt the 46,000 square feet of meeting room space was “hidden in the parking requirements.” Mr. Mastriana reiterated that the net meeting space was 20,000 to 25,000 square feet; the remainder of that space was for storage.

Mr. Glassman asked if the hotel use restrictive covenant was in perpetuity; Ms. Miller said the City required that the covenant be recorded. They did not control form of ownership, but how it was used and approved, so that there were conditions that mirrored regulations that it was for transient use. Mr. Glassman referred to another project on the beach that had been sold shortly after it was built, and the units sold as condo hotel spaces. Ms. Miller stated this could happen with this project.

Ms. Graham said her biggest problem was the parking reduction, and the fact that the Board had not received a copy of the traffic study. Ms. Graham wondered if there were adequate loading areas and fire access on the property. She felt the parking reduction had been requested in order to accommodate “all of the things you want for the public

and for the back-of-house and your boat storage, and your access onto the site, and the green area, the only thing you could give up was parking.” Ms. Graham said her vote on the project was influenced by the staff report, which she felt was “very thorough and comprehensive,” and the parking issue.

Ms. Golub thought it was a lovely project, and everyone was pleased to see this replace the run down shopping center, but she felt the site plan was “significantly deficient in many areas that, if we approve it, even with those minimal conditions, we’re asking for trouble.” She noted there were ingress/egress, use/flow issues, with huge massing and “acres and acres of building space on a very small site.” Ms. Golub noted there was meeting room square footage not considered for parking, and retail space that would be open more than five or six hours per day. Ms. Golub felt there were “too many critical issues regarding the use of the space that haven’t been answered by the applicant.”

Ms. Fertig said she was “very troubled by the lack of the traffic report” and noted the number of times a neighborhood came to the Board requesting their help to relieve traffic problems. She said it was very difficult to contemplate allowing something that would potentially create a traffic problem. She felt there was a lot of evidence that the 200-car parking reduction and the ingress/egress situation could negatively impact the entire area.

Motion made by Ms. Maus, seconded by Ms. Adams, to approve, subject to the four staff conditions mentioned by Ms. Morejon, the Marine Advisory Board conditions, the parking order and hotel use restrictive covenants, and Broward County DEP requirements regarding the new boat slips. Motion failed 3 – 5 with Ms. Graham, Ms. Fertig, Mr. Glassman, Ms. Golub and Ms. Maus opposed.

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4. Leontarakis Del Mar, LLC

Don Morris

25-R-06

Request: ** Site Plan Level IV / 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 from the January 24, 2007 meeting.

Board members disclosed communications they had regarding this case.

Mr. Robert Lochrie, representative of the applicant, informed the Board that the project was surrounded by many other multi-family dwellings, and was shorter than several of

these. Mr. Lochrie said the request for yard modification made sense because in this case, Valencia Street provided the light and view corridors the side yard requirements were intended to preserve. With the street to the south, the project provided a significant view corridor from the neighboring streets. Mr. Lochrie noted that the project met or exceeded setback requirements.

Mr. Lochrie explained that the site could yield 18 units, but this project was only 10 units, even fewer than the 15 currently on the site. Mr. Lochrie said they were also required by the City's beach development plan to provide additional funds for additional enhancements around [not on] their project site, and they would provide \$137,000 to the City toward this end.

Mr. Don Zimmer, architect, offered to answer any questions from the Board.

Mr. Don Morris, Planning and Zoning Manager, stated this project was consistent with the comprehensive plan, and noted it would increase the number of units available in the Beach RAC by four and would also increase the number of trips.

Ms. Adams asked about support or opposition from neighbors to the north or west. Mr. Lochrie said they had made presentations to Harbor House and Portofino, and met with the Central Beach Alliance.

Ms. Graham asked Mr. Morris about the side and rear setbacks. Mr. Morris said they were requesting a reduction of the west side setback to accommodate the pool, but noted that the building and pool encroached into the setback.

Ms. Golub was concerned about car lights from the parking area. Mr. Zimmer noted that there was a 6.5-foot wall that was partly opaque and partly open, per staff request. He added that the Police Department did not want the wall opaque either.

Chair Freeman opened the public hearing.

Mr. Don Metcalf, Portofino board member, distributed a copy of the statement from Portofino members that he said represented the full membership, stating their objection to the project. Mr. Metcalf said the street the Portofino shared with the project would be reduced to 14 feet, resulting in a "very dangerous, untenable and chaotic situation, with continuous backup..." Mr. Metcalf noted that the project had parking that was "barely enough for its owners," and he felt that the owners would be parking on Birch Road. Mr. Metcalf felt the setback was insufficient to future development and was dangerous to current traffic. Mr. Metcalf noted that the building lacked a step-back that other buildings in the area had, and was a sheer 100 feet tall. He felt the building could be moved farther back from the road.

Mr. Metcalf informed the Board that the existing structure was a "magnificent example of 1930s Abreu and Mizner-style architecture on the property at 1 Birch Road" which the

present owner had allowed to fall into total disrepair. He felt that allowing this project would cause them to “lose another glorious part of our past.”

Mr. Glassman referred to a Central Beach Alliance November meeting that was deferred to allow some surrounding properties time to meet with the developer. He wondered why no one from the Portofino had attended those meetings. Mr. Metcalf said he had not been on the Portofino Board at that time, but noted that opposition to the project had grown due to the ingress/egress issues.

Mr. Sadler L. James, Central Beach Alliance board member, said the second meeting was held in December. Mr. James said there had been concern about the north side yard modification, but residents of Harbor House were present and the plan was discussed. Mr. James reported that the vote that night was 207 in favor and 23 opposed.

Chair Freeman closed the public hearing and brought the discussion back to the Board.

Mr. Lochrie clarified for Ms. Graham that there were car lifts provided for several individual units.

Mr. Lochrie confirmed that they had met with the Portofino, and had not been made aware of any of the issues brought up by Mr. Metcalf. Mr. Lochrie said the corridor was beyond their control. They would gladly widen the corridor if the City allowed. The access on Valencia was at the request of the City as well.

Mr. Lochrie pointed out the areas for which they were requesting the side yard modifications on two of the residential floors and the amenities floor, and noted that the building did step back.

Ms. Graham acknowledged that the geometry of the site created constraints, but stated that, as with the previous case and several others in prior months, “there’s a proportionality to things” that all worked together. If this project terraced up, instead of encroaching on the setbacks, the floor area of the units would be reduced, thereby reducing the parking needs. She noted there were two things she felt were critical, and about which she was consistent: set back compliance and parking.

Motion made by Ms. Maus, seconded by Ms. Adams, to approve. Motion passed 6 – 2 with Ms. Golub and Ms. Graham opposed.

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5. Oakland Park, LLC / Ark Condos

Anthony Fajardo

129-R-06

Request: ** Conditional Use / Mixed Use / 46 Multifamily Units / 6,233 SF Commercial Use / CB

Legal Description: 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

Address: 3200 East Oakland Park Boulevard

General Location: Northwest corner of NE 33rd Avenue and NE 30th Court

Deferred from the January 24, 2007 meeting.

Board members disclosed communications they had regarding this case.

Mr. Robert Lochrie, representative of the owner, said the project met or exceeded all setback and parking requirements. Regarding neighborhood compatibility, Mr. Lochrie noted that surrounding properties were all taller and denser. Their public plaza area and streetscape improvements exceeded requirements as well.

Mr. Lochrie said they had met with Galt Ocean Terrace, The Tides, and the Central Beach Alliance. He assured the Board that the Tides board members had been present earlier and assured him they were in favor of the project. He informed Ms. Adams that the project did not include an affordable housing component.

Mr. Glassman asked about Mr. Lochrie's earlier promise to increase the streetscaping. Mr. Lochrie said they had a meeting set up with City staff, and agreed to contribute funds for additional streetscaping.

Ms. Morejon said this included a request for residential flex allocation. The project comprised 46 units, and 6,233 square feet of commercial space. The Development Review Committee had reviewed the project, and noted that the school board required no mitigation for the flexibility units. She agreed that the parked exceeded the requirements, and the use was permitted in the future land use, per the comprehensive plan.

Mr. Morejon stated the following condition for approval:

1. The site plan shall be revised to indicate a five-foot high privacy wall located at the northwest corner of the subject site along the street frontages of Northeast 32nd Avenue and East Oakland Park Boulevard.

Mr. Sadler James, Central Beach Alliance, reported that Mr. Lochrie had presented the project to the membership in December, and concerns were raised regarding congestion in the bridge area. There was also disagreement between the Central Beach Alliance regarding the amount of landscaping, and this had caused some votes against the project. The final vote had been 92 – 76.

Chair Freeman asked if the landscaping issue had been addressed, and Mr. Lochrie said they had agreed to contribute whatever amount the City presented as their share of the landscape plan.

Mr. Glassman remarked that residents along 33rd Avenue to 18th Street were not happy with the landscaping done on 33rd Avenue. Mr. Lochrie said even though they had not been included in the assessment, they would contribute the amount any other property owner would for additional enhancements.

Ms. Fertig asked if the contribution would satisfy the concerns of the Central Beach Alliance. Mr. James said this would satisfy the membership.

Mr. Glassman clarified that there were two landscape issues: the landscaping the neighborhood had expected but not received on 33rd Avenue, and residents' dissatisfaction with the lack of progress of the A1A greenway. Mr. Lochrie said they were committing to: 1) doing what other owners had done on the street, and 2) participating in any other landscape plan that was developed.

Ms. Adams mentioned that since the City was responsible for the design and creation of the streetscape, Mr. Lochrie could not guarantee that any work would actually be done. Mr. Lochrie said that generally, when the City collected money, they did execute plans. Ms. Miller said usually, if money such as this was collected and not used, it would be returned approximately 5 years later. Ms. Miller said the 33rd Street special assessment plan was implemented. Ms. Adams asked if the City preformed neighborhood outreach regarding these plans. Ms. Miller did not know.

Motion made by Ms. Maus, seconded by Ms. Fertig, to approve, subject to the condition that the applicant participate in the 33rd Avenue assessment on a per-unit basis, consistent with the other properties in the area, and also that the applicant meet future City funding requests for additional greenway, pedestrian and bike path improvements in the area. Motion passed 7 – 1 with Ms. Adams opposed.

For the Good of the City

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There being no further business to come before the Board, the meeting was adjourned at 11:54 p.m.

Chair:

Attest:

Sandra Goldberg [for Jamie Opperee, Recording Secretary]