

**Planning and Zoning Board
City of Fort Lauderdale
March 21, 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	10	1
Edward Curtis, Vice Chair	P	8	3
Mary Fertig	P	11	0
Maria Freeman, Chair	P	10	1
Steve Glassman	P	11	0
Rochelle Golub	P	11	0
Mary Graham	P	11	0
Catherine Maus	P	10	1
Tom Welch	P	6	0

Staff

Sharon Miller, Assistant City Attorney
Greg Brewton, Planning and Zoning Services Manager
Yvonne Redding, Planner II
Herb Stanley, Engineering Department
Ella Parker, Planner III
Sandra Goldberg, Recording Secretary

Robert Lochrie	Duffy Haydon
Donna Robson	Ruth Haydon
Jeannie Burke	Dan McKenna
Frank Soska	Richard Jones
Ron Crawford	Dominic R. Romano
J. Marilyn Romano	Paul Addlington
C. Berger	D. Herckers
Anne Reliarey	Vicki Eckels
Jim Adams	Jay Walker
Pete Luckenback	Marilyn Mamano
Lou Goldstein	Phillipe Leonard
Agnes Leonard	Tina Demarco
Richard Heidelberger	Kevin Smith
Ron Ackerman	Amy Schimelfenyg
Mitch Lewis	Jack Brochmann

Gale Ackerman
Amy Heroux
Pastor Peary
Frank Herhold
Joe Marzy
Mike Keifer
Bill Barter
Karen Anderson
Troy Altman
Stephanie Teethaker
Debbie Orshefsky
Terry Collier

David Rigby
John Doering
Keith Campbell
Susan Ingall
Kevin Denny
Chris Barton
John Terrell
Roy Vergy
Brian Borbet
Lee Collier
Sam Moore
Andy Ziffer

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Call to Order

Chair Freeman called the meeting to order at 6:35 P.M., then introduced the members of the Board and explained the procedures that would be followed during the 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.

Approval of the February 21, 2007 Minutes

Ms. Fertig asked if permits that must be obtained by the Yacht Haven project could be listed in the motion.

Motion made by Mr. Welch, seconded by Ms. Fertig, to approve the minutes of the Board's February 28, 2007 meeting. Board unanimously approved.

Cases

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1. City of Fort Lauderdale

Dave Gennaro

2-T-07

Request: * Amendment to Sec. 47-21 Landscape and Tree Preservation and Sec. 9-52 Landscape and Tree Removal Permit Fees Ordinances

Legal Description: N/A

Address: N/A

General Location: City Wide

Mr. Brewton explained that the City had decided to pull this item for 60 days to further refine the amendment.

Motion made by Ms. Graham, seconded by Mr. Curtis, to withdraw item 1. Motion passed 9 – 0.

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2. Progresso Lofts of Fort Lauderdale, LLC

Yvonne Redding

27-P-06

Request: Right of Way Vacation/B-2

Legal Description: The west 18.00 feet of the east 33.00 feet of Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block 286, PROGRESSO, according to the plat thereof, as recorded in P.B. 2, P. 18 of the Public Records of Dade County, Florida

Address: N/A

General Location: West of North Andrews Avenue and South of N.W. 8 Street

Mr. Robert Lochrie, representative of the applicant, said this was a “cleanup of a right-of-way issue” of which the title company had made him aware. Because Andrews Avenue was an 88-foot wide County right-of-way, and the existing right-of-way was 70 feet, the developer was required to dedicate the additional 9 feet. Six of these ten lots had an easement deed granted to the City in 1984 providing an 18-foot dedication. He therefore was requesting vacation of the 18-foot easement dedication, so the 9 feet could be dedicated to the County. He presented a graphic depicting the existing easement on the six lots.

Ms. Redding said this had been unanimously approved by the Right-of-way Committee, and the applicant had received confirmation that there were no utilities located in the

easement. She noted that the utility easement vacation in the area would go before the City Commission at a later date.

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

Motion made by Ms. Adams, seconded by Ms. Golub, to approve. Motion passed 9 – 0.

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3. 17th Street Partners, LLC/Colonial Bank Yvonne Redding 5-ZR-06

Request: ** * Rezoning with Flex allocation including Site Plan Review/RMM-25 to B-1

Legal Description: Lots 10 and 11, Block 17, and the west one-half (W ½) of adjacent alley, EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE, Florida, according to the plat thereof, as recorded in P.B. 2, P. 15, of the Public Records of Dade County, Florida

Address: 1700 Miami Road

General Location: South East corner of Miami Road and S.E. 17 Street

Board members disclosed communications they had regarding this case.

Mr. Dan Fee, representative of the applicant, explained that this was the site of a former Wendy's restaurant. They had discovered that the lots comprising the property had split zoning and the applicant wished to rezone the RMM-25, which would allow the bank.

Ms. Redding informed that Board that the Wendy's was a non-conforming use in the current zoning, but the bank would be consistent with the employment center and commercial land use currently on the property. Ms. Redding stated a letter from the Harbordale Civic Association had been provided in the Board's packet.

Ms. Redding noted that eleven parking spaces were required, and the plan called for eighteen. The applicant had met all DRC comment conditions. The applicant had also provided narratives describing justification for the rezoning.

Ms. Redding pointed out an error in the staff report: item number 4 under "conditions of approval" did not apply.

Chair Freeman opened the public hearing.

Ms. Jeannie Burke, representative of the president of the Harbordale Civic Association, reported that the association had approved the project after the bank presented it, with

the provision that curbing be provided in the area of 18th Street to protect the swale. When their president, Ray Dettman, reviewed the plans, he did not see this curbing, and she asked what had happened.

Mr. Fee recalled a request at the meeting for curb and gutter along Miami Road, which they had included. The request for curbing along 18th Street was added to the letter, but Mr. Vie stated this would create a drainage problem on 18th Street. If the curb and gutter were added, underground drainage must be implemented. This would be impossible, as there were trees in the swale and utilities under the road. They could therefore not agree to install curbing and gutters on 18th Street.

Ms. Redding said the City's engineering representative had confirmed that approval of the site plan was on the condition that drainage issues would be addressed prior to final DRC approval.

Mr. Brewton said they could not state definitively that this could not be done. Based on his discussions with the engineering department, there was a possibility this could be done.

Ms. Burke said the neighborhood would like this improvement.

Ms. Golub asked Mr. Fee if they would install the curbs if drainage would permit. Mr. Fee said he did not want to be in the position of having to remove street trees to accommodate the drainage, which could result in a conflict with the landscape code.

Mr. Brewton advised the Board that they could stipulate that the curbing would be built only if it did not violate any other code requirements.

Ms. Golub asked Ms. Burke about "deed restrictions" mentioned in the civic association's letter and Ms. Burke could not recall what this item was. Mr. Fee did not recall promising any deed restrictions at the meeting. He thought a meeting attendant had brought up deed restrictions regarding height that were not relevant to this project, but to some possible future building 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.

Motion made by Ms. Fertig, seconded by Mr. Welch, to approve, with the condition that the City and applicant try to reconcile the issue regarding the curb and gutter on 18th Street, providing that this would not result in violation of some other code requirement, such as landscape. Motion passed 9 - 0.

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

Legal Description: **Lots 1, 2, 3, 4 and 10, Block 1, GILLCREST 1st ADDITION, according to the plat thereof, as recorded in P.B. 34, P. 47, of the Public Records of Broward County, Florida**

Address: 900 S.W. 31 Avenue

General Location: East side of S.W. 31 Avenue and south of S.W. 9 Street

Board members disclosed communications they had regarding this case.

The applicant's representative stated the RS-8 zoning predated the CF zoning district. He explained that after the 2005 hurricanes, the church decided to modernize the church, to provide for public safety and welfare. The representative remarked that the church provided an excellent buffer between the busy thoroughfare, Martin Luther King Jr. Boulevard, and the residential neighborhood. The rezoning was requested to allow the church to be more compliant with ULDR regulations. The church had submitted a site plan and landscape plan showing compliance with all City requirements for rezoning. The applicant's representative stated the rezoning would ensure consistency.

The representative said that after the church made its improvements, the nearby neighborhood typically improved its residences.

Ms. Redding explained that the church had future expansion plans which would require the CF-H rezoning. She stated the church had performed proper neighborhood notice, and Ms. Redding had received one call from a neighbor expressing support for the rezoning. Ms. Redding informed the Board that the site plan would not be presented to them unless it was over 10,000 square feet. At this time, the site plan was not tied to the rezoning.

Chair Freeman opened the public hearing.

Mr. Peary, church pastor, said he believed the community was in favor of the project and asked the Board to approve.

Mr. Welch asked about the church's long-term vision. Pastor Peary said their current capacity was 225, and they had approximately 100 members. He said the improvements were intended to serve the physically impaired, and to allow the church to offer other services to the community. Pastor Peary said they did not now, and had no future plan to own additional property in the area.

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.

The church's representative pointed out that there were no vacant properties surrounding the church. He noted that the church had been unusable since 2006 due to roof damage, and this had caused some loss of membership.

Ms. Graham asked about the parking for the church. The representative said they currently did not have sufficient paved parking, and congregants used a grassy area to park for services. He stated that they intended to pave some of the grassy area as part of this project.

Motion made by Ms. Fertig, seconded by Ms. Golub, to approve. Motion passed 9 – 0.

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5. Charles Madrano / Commodore Club

Yvonne Redding

164-R-06

Request: ** Site Plan Level III Review/Waterway Use/RML-25

Legal Description: Lots 12, 13 and 14, Block 10, of LAUDERDALE HARBORS SECTION A, according to the plat thereof, as recorded in P.B. 9, P. 1, of the Public Records of Broward County, Florida

Address: 1532-1538 S.E. 12 Street

General Location: East of Cordova Road and on the south side of 12 Street

Board members disclosed communications they had regarding this case.

Mr. Robert Lochrie, representative of the owner, said this was a three-story residential building in an RML-25 zoning district. Mr. Lochrie stated the building was designed to meet or exceed all setbacks, and the height was slightly under the maximum 35 feet, which was consistent and compatible with the neighboring residential areas. He noted that a significant portion of the building was only 23 feet tall. Mr. Lochrie explained that the building's design was similar to that being used for other new residential buildings in the neighborhood. Mr. Lochrie stated the waterway would be significantly enhanced, and the landscaping on the site would be improved.

Mr. Golub was concerned that the parking area could be viewed from the waterway. Mr. Lochrie said they were providing the required 21 parking spaces, and the parking area was shielded from waterway view. Mr. Lochrie presented a rendering of the project, and noted that the parking would not be visible from the waterway or the street.

Mr. Lochrie explained to Mr. Glassman that the Engineering Department had indicated that the 5-foot sidewalks would be compatible with existing sidewalks in the area.

Ms. Redding confirmed that the project did not exceed the height restrictions; it provided adequate setbacks; it provided the required parking, which was concealed from the waterway and the street; it did not exceed the allowed density, and it blended in with the structures nearby that Mr. Tuthill had also designed. She noted that there had been one concern from the neighborhood about the height, but the zoning administrator had signed off on Mr. Tuthill's documentation.

Ms. Golub thought the project seemed enclosed by brick walls and asked about view corridors. Mr. Lochrie said there were not walls running east and west on the property, but there were walls and fences on the property line. Mr. Lochrie explained that the view corridors on the east and west sides of the property exceeded the City's zoning requirements.

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

Mr. Lochrie wanted to stress that they were not maximizing the site, and the project was compatible with the existing neighborhood.

Mr. Glassman asked about the Rio Vista Homeowners Association, and Mr. Lochrie said they had met with the association's board in January, and one person attending that meeting had later sent an email expressing concern about the height of the building. Mr. Lochrie had subsequently met with this person and the project architect, and Mr. Lochrie believed his concerns had been resolved.

Motion made by Ms. Adams, seconded by Mr. Welch, to approve. Motion passed 9 – 0.

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6. St. Thomas Aquinas High School

Ella Parker

179-R-06

Request: ** Site Plan Level III Review/15,780 SF Second Floor Addition to Existing Athletic Facility/CF-HS

Legal Description: Block 1, CURLEY HEIGHTS, P.B. 28, P. 15, of the Public Records of Broward County, Florida

Address: 2801 S.W. 12 Street

General Location: North of S.W. 12 Street, south of S.W. 10 Street, east of S.W. 29 Avenue, west of S.W. 28 Avenue

Board members disclosed communications they had regarding this case.

Mr. Robert Lochrie, representative of the applicant, described the current layout of the campus, and explained that this was a request to add a second floor to a facility that was currently under construction. During construction and planning, it had become apparent that the school needed this addition to the proposed facility. Mr. Lochrie stated this addition was very similar in architectural style to the rest of the campus, and it met or exceeded all code requirements. Mr. Lochrie presented a letter from the school's principal explaining the need for the facility.

Ms. Parker explained that the school currently exceeded the 10,000 square foot gross floor area permitted in the CF-HS zoning district, and could request the additional square footage through a site plan level III permit. Ms. Parker clarified a correction in the staff report; the “staff findings” heading including the incomplete sentence should be deleted.

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

Motion made by Ms. Maus, seconded by Ms. Fertig, to approve, subject to any staff conditions. Motion passed 9 - 0.

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7. Sundance Lauderdale Realty, Inc. / Harborage Club Ella Parker 161-R-06

Request: ** Site Plan Level III Review/Waterway Use/Conditional Use for Marina/B-1

Legal Description: The east 390 feet of the west 580 feet, less the south 520 feet of Block 6, of HERZFELDS ADDITION TO LAUDERDALE HARBORS, according to the plat thereof, as recorded in P.B. 35, P. 22 of the Public Records of Broward County, Florida

Address: 1335 S.E. 16 Street

General Location: East of Cordova Road, on the north side of S.E. 16 Street

Board members disclosed communications they had regarding this case.

Ms. Stephanie Teethaker, representative of the applicant, introduced members of the development team. She described the Sundance Marina property as an existing dry stack marina with 308 slips totaling 1.33 acres. She presented photos of the existing facility from various vantage points and noted that it still had some un-repaired hurricane damage. Ms. Teethaker drew the Board’s attention to the condition of the canal and said this project would clean up the canal and the entire area.

Mr. Lee Collier, vice president of Atlantic Marina Holdings, said the existing 45-year old structure was deteriorated and was functionally obsolete, and required redevelopment. Mr. Collier said this development would continue the marina use and provide storage for 370 to 395 boats in an “environmentally clean and quiet” state of the art indoor facility. Mr. Collier said they would utilize electric cranes to move boats about the facility, and an automated parking garage to accommodate 144 cars.

Mr. Collier said Sundance Marina would maintain an office, service area and showroom space in the building as well. Mr. Collier said this would be a “very high end” marina

and would usually operate from 8 a.m. to 8 p.m. Hours would change during holiday and boat show periods.

Mr. Collier said they would add an environmental cleanup facility to filter runoff before it ran into the canal. They would also not store any boats in the water, as was currently done.

Mr. Collier referred to the site plan, and noted the changes made after meeting with the Marina Advisory Committee: the reconfiguration of the docks and the addition of a pedestrian plaza. He said they had been meeting with City staff for 8 to 9 months on this project, and staff had been very helpful. Their original plan, which maximized the property, called for a building 150 feet tall and 325 feet long, had been substantially reconfigured and reduced in size because the City suggested they find ways to mitigate the size of the building.

Mr. Collier said they had also met with Harbordale Homeowners Association three times and addressed most of their concerns, but the association's last vote was still 21 – 15 opposed because the members were still concerned with the height of the building. Mr. Collier said they had performed tremendous community outreach, and he believed this project was an appropriate use; the building was beautifully designed and would be a great addition to the City skyline.

Mr. Keith Campbell, project architect, said the client had asked the architects to envision this facility more as a hotel or museum building in terms of design. Mr. Campbell said the staggering of the roof heights increased the architectural quality and also helped minimize the building's shadows.

Mr. Campbell displayed results of the shadow studies for various days throughout the year, and noted that on solstice days, the shadows did not reach to north side of the canal. Mr. Campbell explained that the shadows began to reach the north side of the canal on November 9. He stressed that no building would be in continuous shadow on any day of the year.

Mr. Campbell stated their photometrics were within code standards and threw off very little light, with footcandle readings just outside the property line of approximately .1 to .5, well below commercial use standards.

Ms Debbie Orshefsky, attorney for the Harborage Club, said she would address neighborhood compatibility. Ms. Orshefsky explained that B-1 zoning did not have the many dimensional requirements found in other districts, but this project clearly met or exceeded the B-1 dimensional requirements. Ms. Orshefsky referred to the project's open space, including over 12,000 square feet of plazas, promenades, walkways, and shaded areas within landscaped areas. She remarked that this was an extraordinary amount of open space and landscaped area along an industrial canal.

Ms. Orshefsky said the maximum height in the B-1 zone was 150 feet, which only 25% of this project reached. This reduction had been made to accommodate the concerns expressed by City staff, and in anticipation of concerns from the community regarding the building height and massing.

Regarding neighborhood compatibility, Ms. Orshefsky stated the Harbordale community had many diverse uses from commercial to residential, and had building heights from one story to 18 stories. She presented renderings of the neighborhood showing this diversity.

Ms. Orshefsky presented renderings comparing the scenic quality of the area with the architecturally contemporary project and the current industrial use. She added that the project had active waterfront use, something the Board repeatedly asked for. Ms. Orshefsky asked the Board to approve the project, because it would improve the tranquility and scenic quality along the canal, it would prevent the site's redevelopment as a non-marine related use, and it would promote the long-term sustainability of Fort Lauderdale as the Venice of America.

Ms. Parker distributed copies of a letter from Harbordale Civic Association in opposition to the project that had been received too late to be included in the Board's package.

Ms. Parker stated the project would include wet and dry slips, boat sales and service, offices, private club amenities and an enclosed robotic parking facility. Ms. Parker explained that marina uses were permitted on waterfront, commercially-designated land use parcels, subject to the requirements of the conditional use permit, and contingent upon meeting waterway use and neighborhood compatibility criteria.

Ms. Parker said staff had concluded that the proposed marina use was appropriate at this site and under current zoning designation, but the project as proposed and designed is inconsistent with the existing surrounding development pattern and is not compatible with adjacent neighborhoods. She noted that adjacent residential and commercial areas include buildings of much lower mass and scale than the proposed project, and the structure does not provide a harmonious transition to the residential areas north of the site and creates an abrupt change in the established development pattern and building types within the commercial corridor to the south, east and west of the site. Ms. Parker noted that even though the building was broken up into three components, it appears as one long, continuous massive structure 130 to 150 feet high for a total length of 387 feet.

Ms. Parker listed the following conditions for the Board to require if it approved the development:

1. Applicant will be required to obtain all applicable environmental permits through all pertinent review agencies, including approval of the additional dockage and number of boat slips.

2. The proposal is subject to the conditions set forth by the Marine Advisory Board on February 7, 2007.

Mr. Glassman referred to a letter from the Broward County Environmental Protection Department which indicated that the number of boat slips should not be increased, but noted that the project seemed to increase the number of dry slips by 109 and reduce the number of wet slips by 3. He asked Ms. Parker to address this. Ms. Parker said this was a recommendation that applied until the County siting plan was approved. The applicant could request approval for the additional slips when the County siting plan was approved.

Ms. Orshefsky explained that the County had been reviewing existing marina facilities to determine how many more slips would be permitted. This letter stated the County's determination that this property was permitted for a total of 308 slips today. The proposed project only utilized the wet slips for staging, not dockage, and the interior storage would accommodate up to 395 boats. When the boating facility siting plan was approved, the County would allocate the additional 68 to 80 slips. Mr. Collier explained that if the County did not allocate the additional slips, they would not decrease the building size; they would reconfigure the slips to hold larger boats.

Mr. Glassman was also concerned about the shadow studies and asked about the times described by the study. Mr. Collier said the study depicted two-hour increments from 8 a.m. to 4 p.m.

Mr. Collier informed Ms. Fertig that the maximum size boat that could be stored was 45 feet long. He stated the length of the existing building was approximately 250 feet.

Mr. Collier informed Ms. Graham that the canal was 125 feet wide. He said the building would be humidity controlled, and the mechanical equipment would be mounted on the roof, including the generator.

Chair Freeman opened the public hearing.

Mr. Terry Collier, Port Condominium resident, said he currently kept a small boat at Sundance, and he felt this would be a great addition to the canal and community.

Ms. Jeannie Burke, SE 15th Street resident, speaking on behalf of the president of the Harbordale Civic Association, said the membership had voted not to support the project due to compatibility issues, specifically its height. She said this was very important to them and was included in their neighborhood vision plan.

Ms. Burke said they had received the staff report, and quoted from it: "Furthermore, the proposed project takes up the majority of the site with the proposed structure, provides a limited amount of landscaping and open space, and has virtually no separation between buildings. While the proposed building is broken up into three main

components, in actuality it appears as one long, continuous, massive structure as can be seen on the elevation plans. The significantly large-scale and massive structure proposed by the applicant varies significantly from the existing development pattern and building types within the proximity of the surrounding commercial corridor to the south, east, and west of the proposed site and the adjacent residential neighborhood north of the site. Fort Lauderdale's coastal location and numerous waterways offer a suitable environment for marine-related activity and while the proposed marina use is an appropriate use at this location, as proposed and designed the project does not harmonize with other development in the area, does not protect and enhance the scenic quality of the waterways and consumes the majority of the site with a massive structure, blocking potential views to the existing Seminole River Waterway."

Ms. Burke said they wanted this be their Harbordale neighborhood, not their Harbordale City.

Mr. Fertig said the Board had received a letter of support of the Sails project from some Harbordale residents, and noted that these two projects were similar in height. She asked what the difference was. Mr. Burke said regarding the Sails project, they were supporting the adjacent neighborhoods who felt the project would benefit them and improve their neighborhood. She noted that this project was on the corner of a very narrow two-lane street in an already congested area. While they recognized the positive improvements the project could provide, they were concerned mainly about the height, and she was concerned about the increase in traffic volume.

Mr. Phillipe Leonard, 15th Street resident, said he and his wife had purchased their apartment because the area was so quiet and peaceful. He had the feeling that the applicant's presentation had been a "misrepresentation" and the applicant cared about maximizing profit from the project, not about the neighborhood. Mr. Leonard felt the canal would "be like a highway" because the applicant planned to host as many boats as possible. Mr. Leonard said he opposed the project.

Ms. Agnes Leonard stated Fort Lauderdale was a "jewel in the world" and building skyscrapers on the canal would ruin the charm of the Venice of America. She noted that in Amsterdam and Venice, buildings along the canals were kept at a low level. She asked the Board to preserve the beauty of the canals.

Mr. David Rigby, SE 13th Street resident, said he was a member of the Lauderdale Harbors Homeowners Association. Mr. Rigby felt the project had merits from a marine standpoint, as he assumed it would clean up the canal, which he described as "a sewer." He felt the building design was aesthetic, and that tall buildings were inevitable. Mr. Rigby stated that for the residents it was about money too; he thought their property values would increase because of this project.

Mr. Rigby said he used this canal for traveling, and told Ms. Golub that he believed the canal would be less congested when the boats were kept inside of a facility that sitting in an exterior dock area.

Mr. Jack Brochman, Riverbend Condominium Association, explained that most residents of his condominium were members of the Harbordale Civic Association. Mr. Brochman said he had come to Florida for the sun, and he thought that the building would shadow the other side of the canal 8 hours per day. Mr. Brochman said they had suggested to the applicant that the maximum height be reduced to 90 feet and they would accept this.

Ms. Karen Anderson, 1050 SE 15th Street, said her complex was 54 feet tall, and after the hurricanes, their roof was littered with considerable debris. She was concerned that because the storage building was not broken up internally with floors and walls like a residential building, if one of the glass walls were breached in a hurricane, the entire building would blow apart and the boats would fly about the neighborhood.

Ms. Anderson noted that the shadow studies presented did not show from Cordova Road to the west. She believed her building would be in shadow for a portion of the day. Ms. Anderson said that because of the canal width, the longest boat permitted should be 32 feet. She added that this afternoon, the boats in the slips on the north side were sitting in mud, and she wondered if the canal could sustain the volume of boats.

Mr. Roy Vergy, 1424 SE 15th Street, Norwich Condominium, agreed that the City needed more boat slips, but felt the building was too high. He stated the garbage in the canal came not from the boatyard but from the City because of the two 40-inch drains that emptied into the canal. Mr. Vergy did not believe the applicant would fix the drainage problem or clean up the canal.

Mr. Lou Goldstein, 1460 SE 15th Street, said he lived directly across from Sundance, and reported that the boat he kept docked in the canal was often hit by other boats trying to navigate the canal. He thought the canal was too narrow to accommodate the existing boat traffic. Mr. Goldstein was also concerned about the shadows, and feared he would have no sun for November, December and January.

Mr. Richard Jones, 1777 SE 15th Street, reminded the Board of the dry storage project built at the port a few years ago, and noted what an improvement this had been in terms of noise and pollution. He felt this project would clean up the canal.

Mr. Ron Ackerman, Riverbend Condominium resident, felt the canal could not handle the traffic the project would generate. He announced that pilot boats operated out of this canal, and an accident on the canal would affect commercial shipping.

Ms. Donna Robson, South Miami Road resident, said she was vehemently opposed to the project. She noted that the proposed business hours were longer than the current business hours. She was also concerned about the shadows.

Ms. Marilyn Mamano, 1501 SE 15th Street, member of Harbordale Civic Association, cited a list of concerns: canal crowding and safety, traffic congestion, noise and neighborhood compatibility. She felt that neighborhood compatibility was the primary issue this evening. She referred to the staff report that declared the project did not meet neighborhood compatibility requirements. Ms. Mamano said she had been on the New York City Planning Commission, the equivalent of the Planning and Zoning Board, so she understood how difficult these decisions could be.

Ms. Mamano said Fort Lauderdale zoning did not provide the Board with guidance regarding appropriate buffers between a residential and a business zone, but it did provide for neighborhood compatibility review. This required the Board to determine what must be done to make a project compatible with the neighborhood. She felt it was clear that the building maximum height must be reduced. She was also concerned with canal traffic.

Ms. Amy Heroux, 1424 SE 15th Street, Norwich Condominium, said she was “passionately opposed to this project” and its impact on quality of life for herself and her neighbors. She was very concerned about the maximum building height.

Mr. Dominic Romano, representing Cromwell East, was concerned about shadows, car and boat traffic, and noise problems. He felt the additional boat traffic would lead to accidents.

Ms. Amy Schimelfenyg, 1472 SE 15th Street, said she was mainly concerned with the shadows, which she felt would affect her property for three months of the year. She noted that this would negatively affect not only her quality of life, but also her property's value. Ms. Schimelfenyg was also concerned that the project would be run as a condominium association, as she believed that “once they take charge of it, they can pretty much do whatever they want.” She was worried about the rooftop bar as well, and the noise it would generate. Ms. Schimelfenyg also shared Ms. Anderson's concern about hurricane debris.

Ms. Schimelfenyg said they had met with the applicant's representatives and expressed all of these concerns, but at the last civic association meeting, when residents asked what had been done to address these concerns, the response had been “nothing.”

Mr. Richard Heidelberger, vice president of Lauderdale Harbors Improvement Association, was very concerned about noise generated by the rooftop club. He noted that what the developer referred to as “public open space” was not for the public, but for those who purchased the boat slips. He asked the Board to consider the noise and traffic problems the project would bring.

Mr. Ron Crawford stated he did not live in the neighborhood, but was a Sundance Marine employee. He explained that Sundance Marine was an Employee-Owned Stock Ownership Company, and the employees were excited about the prospect of a modern facility, and a new showroom for new products. This would give them the ability to “really expand and grow and contribute to Fort Lauderdale.” Mr. Crawford felt the project would be positive for the employees, those participating in the project, and the tax base of the City. He said he understood the homeowners’ concerns and hoped the Harborage would address these concerns positively.

Mr. Crawford informed Ms. Golub that Sundance current housed approximately 275 boats. Mr. Crawford said they did their best to maintain the property, but the property was over 40 years old. Mr. Crawford described the current configuration of the site, stating there was “solid wall almost all the way down that Intracoastal.” He stated Sundance was currently 3 stories. Ms. Golub wondered why they would need a 150-foot tall building to accommodate just another 100 boats. Mr. Crawford said they currently stored many small boats, and the plan called for storing much larger boats. Mr. Crawford said Sundance had the developer’s commitment that Sundance would maintain service and sales facilities at the marina.

Mr. Crawford informed Ms. Graham that they currently performed all types of boat maintenance at Sundance. Work took place inside the building, outside the building, and in the water. There were currently three racks inside the building, and boats were moved about the property using a forklift.

Mr. Crawford told Ms. Fertig that some of the boats currently on the property were stored outside on the open racks. He estimated that the longest boat stored on the property now was 30 to 35 feet. He explained that the traffic on this canal was not unlike the traffic in other canals in the City. Mr. Crawford confirmed that nearly every business on the south side of the canal was in the marine industry.

Mr. Crawford could not discuss environmental issues with Ms. Adams. Mr. Crawford said if the Harborage project did not go through, he hoped Sundance would be able to improve the facility, but admitted that the kind of project proposed was beyond the means of a company such as Sundance. Mr. Crawford estimated a boat slip monthly rental at \$350 to \$450.

Mr. Paul Addlington, Norwich Condominium resident, had brought a model including some buildings of the area with him, and said he had done his own shadow study. Mr. Addlington stated the building looked beautiful, but was “100 feet too high.” He said their pool would be in the shade for four months of the year and their building would be in the shade two months of the year. Mr. Addlington clarified for Ms. Fertig that the pool and deck would be in total shade for approximately 5 hours per day.

Mr. Kevin Smith, 1401 SE 15th Street, felt they had the opportunity to replace an aging eyesore with a “state of the art facility that will pay 15 times the taxes that the existing structure does.” He stated the property taxes paid on the property would go from the current \$150,000 to \$2,250,000 per year, which he noted would allow to City to grow its revenue base.

Ms. Gale Ackerman, 1435 SE 15th Street, Riverbend Condominium, pointed out that the reflections in the proposed glass building would not be of clouds, as depicted, but of the nearby condominiums.

Mr. John Doering, Harbordale neighborhood property owner and non-resident, did not understand why the building was incompatible, because the neighborhood was a mix of commercial office space, commercial retail space, multi-family residential, rentals, multi-family condominiums, single-family homes and town homes. Mr. Doering said he was “strongly in favor of this project being built.”

Mr. John Terrell, 212 South Victoria Park Road, Chairman of the Fort Lauderdale Marine Advisory Board [MAB], stated he was speaking as a representative of that board. Mr. Terrell explained that the MAB served to advise the Planning and Zoning Board and the City Commission, and part of their job was to consider marine-related development.

Mr. Terrell quoted from the City Code of Ordinances section 8-34, “The Marine Advisory Board may consider any subject matter it considers appropriate, and, in addition, is specifically directed to consider and make recommendations on the following subjects:” Mr. Terrell said the code listed 18 subjects with which the board should concern itself. Mr. Terrell noted 2 of the 18: operation of marinas and operation of boat docking areas. Mr. Terrell said the board did consider how the upland use related to the marine component, and the positive or negative impact on the community.

Mr. Terrell informed the Board that the MAB had reviewed this application in November. He quoted from the minutes of that meeting: “The Chair recognized that zoning issues can often provide the group with a big picture view of the project. The Chair encouraged members of the board and public to come forward and speak on marine-related issues.”

Mr. Terrell said the upland use of this project was entirely marine-related. He said their minutes also referred to building heights, traffic, parking and noise restrictions. Mr. Terrell stated the site had been a boat yard and marina for four decades. He explained that the Seminole Canal was seven-tenths of a mile long, and there were eleven marinas and boatyards along its shoreline, including the Florida Marine Patrol and the Port Everglades pilot boats. Mr. Terrell acknowledged this led to congestion in the canal. He said the MAB had considered the impact the project would have on the canal, and determined that safety and navigation would not be negatively affected.

Mr. Terrell said the MAB had worked with the developer to reconfigure the docks, ensuring that boats waiting to be hauled out could be in compliance with code regulations. Mr. Terrell said the MAB members were chosen and appointed for their marine expertise and concern for the community. He said each of the members had independently considered the merits of this application and had voted according to his or her own conscience. Mr. Terrell reported that all 15 members of the MAB had voted to recommend this project for approval. Mr. Terrell felt this was significant and should be considered accordingly.

Mr. Glassman noted that the application had been sent to the Florida Fish and Wildlife Conservation Commission, which had not been inclined toward increasing the number of slips. He asked Mr. Terrell if the MAB had discussed the number of slips, and noted that the MAB had added a condition of three parallel slips for boats up to 45 feet. Mr. Glassman remembered Mr. Collier's comment that they would increase the size of the slips if they were not granted the additional slips. Mr. Glassman asked, "How would that condition of simply three parallel slips for 45-foot boats accommodate... what would have to be so many larger boats?"

Mr. Terrell said he believed the MAB had considered the slips. He said, "I think it's very safe to say that we don't know what's going to happen. Very clearly, nothing will be added that's not permitted. So the board considered that it really didn't matter, trying to second guess what Broward County may or may not accept and what the State may or may not accept; it's all hypothetical..."

Mr. Glassman said the MAB had therefore not able to review or consider the possible configuration with larger slips if the additional slips were not allowed. Mr. Terrell said, "I don't think I can respond to that."

Ms. Golub said she had read the MAB minutes and correspondence and listened to Mr. Terrell, and asked him to confirm that "the advisory board then voted to permit the number of slips that were already grandfathered in, ignoring application of 430 slips." Mr. Terrell said, "Like I said, I don't want to comment to that, but I know that there are people that will, if that's alright with you."

Ms. Vicki Eckles, 917 SE 14th Street, member of Harbordale Civic Association, remarked that the vote in December had been "approximately 30 against it, 1 for it" and the most recent vote had been 21 against, 15 for it, so "obviously, the second presentation provided many of us with what we needed to hear to become supporters."

Ms. Eckles pointed out the improvement made, rescaling and re-dimensioning the original "box" to create an "architecturally stunning structure." Regarding neighborhood compatibility, Ms. Eckles said this was on the edge of RMM-25 and B-1 zoning, which allowed a 150-foot height.

Contrary to accusations someone had made that she favored the project because she did not live on the canal and would not be impacted by the project, Ms. Eckles said she would be impacted in positive ways: a cleaner canal; a clearer view from the Southport Raw Bar, and less traffic on surrounding streets than a residential use would create. She said she wholeheartedly supported the project.

Ms. Eckles informed Ms. Fertig that the Harbordale membership had soared over this project; "many of our new members and this vote came from people who people just joined the association to cast their vote on this single item."

Mr. Jim Adams, SE 12th Court resident, said he supported the project. He said he used to live directly across from Sundance but had recently moved two canals away. Mr. Adams said the development group had done a tremendous job of listening to the community and neighbors. He said his association had unanimously voted to support the project because they were "damned tired of looking at a warehouse out back." Mr. Adams said many people were proud of what had happened in the City, and pointed out that this had come from "high rises coming in, it came from development, redevelopment, and it came from boards like yourselves looking outside the box. Of course some swimming pools are going to have shadows, of course your view of the ocean is going to change down at the beach." Mr. Adams said his group completely supported the project.

Mr. Peter Luckenback, 1448 SE 15th Street, said the developer had done a magnificent job. He acknowledged the canal was congested, but said he had never had a mishap with his boat there. Mr. Luckenback did not believe this facility would be as congested in its operation as what already existed there.

Mr. Jay Walker, 1440 SE 15th Street, said his apartment was "directly across from where they put the boats in and they're running that diesel forklift all day long." He said he supported the project, and looked forward to the silencing of that forklift.

Mr. Brian Borbet, 1448 SE 15th Street, said he supported the project, and felt it would be good for the neighborhood.

Mr. Andy Ziffer, 525 SW 5th Street, said the mechanical components for this project were entirely enclosed, and this was extremely important. He stated he had his boat serviced at Sundance and favored the project.

Mr. Frank Soska said he loved the project and thought the design was spectacular. He said he was disappointed with the marine commission because, regarding the size of the boats and the number of slips, "nobody did the math." Mr. Soska was overwhelmed by the height, and recommended reducing the height to 7 to 10 stories.

Mr. Dan McKenna, 1424 SE 15th Street, Norwich Condominium, agreed the height was the big issue. He was surprised so many people supported the project, and remarked

that he had become used to the sound of the forklift and did not notice it anymore. He thought the offensive noise was generated by the boats being serviced all day long. He noted that this would not cease; boats would be serviced not in the dry stack but in the water. Mr. McKenna noted how lucky Mr. Luckenback must be to never have had his boat damaged by another boat in the canal, as his and his neighbors' boats had been hit several times. Mr. McKenna doubted the veracity of the developer's shadow study. Ms. Tina DeMarco, Harbordale Association board member, asked for permission to rebut for clarification. Ms. Maus said the association was not a party here, and so was not entitled to rebuttal.

Ms. DeMarco stated that for the second 21 – 15 vote, 5 of the 15 votes were non-verified proxies. Therefore, two-thirds of the voting membership voted against the project. She said she would like to see a compromise.

Ms. DeMarco stated Planning and Zoning and DRC agreed that the project did not meet neighborhood compatibility. Ms. DeMarco pointed out that the B-1 zoning was at one end of the community; most was zoned for a maximum of 5 stories. Only 16th Street had B-1 zoning. Ms. DeMarco said the Sails project was located on 17th Street, in a non-residential area, and so did not affect any nearby residents' quality of life.

Ms. Susan Ingall stated she was president of Envirocare, the firm that prepared the project's environmental permits, and had also been retained by the Marine Industries Association of South Florida to handle the Broward County Manatee Protection Plan. Regarding the Manatee Protection Plan, Ms. Ingall reported that in May, Broward County agencies approved a plan to increase the number of slips, including some specifically for this area. She clarified that "the controversy that we're dealing with right now are special areas that concern in the County, of which this one is not one."

Mr. Frank Herhold stated he was speaking on behalf of Marine Industries Association of South Florida, and read from a prepared statement explaining the marine industry's immense economic impact on the community. Mr. Herhold noted the small percentage of commercial dry stack space, and stated that the dry stack situation was "looking very critical" in the future. He thought this represented the area's best chance for growth because of the scarcity and expense of waterfront land. Mr. Herhold informed the Board that 350 slips would be lost when Dry Marina in Port Everglades closed for port expansion.

Mr. Herhold said this project, with its retention/expansion of the dry stack facility, was welcome news to Broward's marine industry, and even though it was only available through equity ownership, it was in accord with MIA SF's board resolution to keep marine facilities as marine facilities. Mr. Herhold noted that this project was innovative, forward-thinking and state of the art. He agreed that the noise of a diesel-powered forklift was very annoying.

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

Ms. Orshefsky stated that all service work at this facility would be done indoors. There would be no in-water service, no brokerage boats in the water, and no rafting.

Regarding the shadow study, Ms. Orshefsky said their study used the most up-to-date technology to create the shadow study. She presented a rendering depicting the shadows on December 21st, the worst shadow day of the year, and a table indicating the time of day the shadow touched the land on the north side of the canal. Ms. Orshefsky said it was an exaggeration to state that a pool or home would be in shadow for eight hours.

Ms. Orshefsky said they had tried to address the concerns of the neighbors, and the issue that remained was the height. She noted that the neighborhood included a variety of building types and sizes. She asked the Board to focus on the project's quality, how it related to the waterway, and what an improvement it would be "to the tranquility and scenic qualities" compared to what existed today.

Ms. Golub asked how many cars could be waiting to be parked by the automated system. Mr. Collier said the system would park one car per minute. He described how the system worked to Ms. Golub. Mr. Collier said eight cars could be staged parallel while waiting, and he noted that they had agreed to a DRC condition to provide valet parking as well.

Mr. Collier confirmed that the same applied to the boat storage: boats from the 21 wet slips were either moved by staff into the facility or launched. Mr. Collier explained people would buy the boat slips, and the developer would manage the association and retain ownership of a percentage of the building. Mr. Collier said the club was a common element, owned by the association, and its hours would be 8:00 to 10:00.

Ms. Golub asked how they knew the crane system would work if it had never been used in this application before. Mr. Collier said the crane company was very advanced.

Ms. Golub asked Mr. Collier to confirm, "If you only get the slips that you've got, if you are not permitted any additional slips than what is grand fathered to this space ... you're still building the same square footage no matter what you get." Mr. Collier said "Our degree of confidence in gaining the approval to do the additional slips is very high." He said they were in the final stages of receiving the environmental permit, and the facility was located in an area that was most acceptable to "the fish and wildlife folks in Tallahassee, as well as the federal agencies for marina development." Mr. Collier said they were requesting 68 more slips than the current facility had and "we know we'll get those slips."

Mr. Collier Told Ms. Fertig they had measured the canal at 125 feet for the shadow study. He explained there were "12, 20" parking spaces on the site, and most employees parked along 16th Street. Ms. Fertig asked about the concerns two residents expressed regarding the building's performance in a hurricane. Mr. Collier said the building would be constructed to the highest existing hurricane standards.

Ms. Fertig said she wanted "one answer... on the number of slips." Mr. Collier said the building was permitted in 1962 for 250 boats to be stored inside the building. Additional permits had later been granted for 40 more boats to be stored in racks outside the building. There were also 24 wet slips, for a total of 314. They had requested 395 in the DRC application, and after further study had determined that only 370 boats would fit in the facility.

Ms. Graham noted Ms. Orshefsky had declared there was 2,000 square feet of landscaping, and the plans referred to 1,506 square feet of pervious space. Ms. Orshefsky said she stood corrected. She said the point she had been trying to make was that the requirement was actually zero, and she was highlighting the open space provided along the waterway portion.

Ms. Graham said she could not understand how the racks stacked up, absent sections inside the building. Mr. Campbell explained that the stacks could be adjusted as needed.

Ms. Graham said the club measured 9,790 square feet, but the pool deck area added approximately 6,000 square feet, and she wondered how the parking ratio worked. She felt the parking area could not accommodate a large party. Mr. Campbell said the 1/400 parking ratio was based on the 9,790, but they did not anticipate a large number of people in the club at any time. Ms. Graham said the code for parking was based on public areas.

Mr. Glassman referred to the application submitted for the environmental resource license, which contained a request for 450 slips, and asked if they had "padded" the application. Ms. Orshefsky said the environmental resource application had been filed months ago, when the design was larger and did contain 450 slips. They intended to modify the permit to the actual configuration, which was now 370 slips.

Ms. Graham said she did not dispute the design quality, but she was still concerned about the height. She felt it was somewhat misleading that the shadow studies had not been done from somewhere on the north side of the canal with the proper width of the canal documented, at eye level to give a better perception of the mass of the building.

Ms. Graham felt this was a great building, but she felt the proportions were too large to be considered compatible with the neighborhood in the immediate vicinity, considering what the impact would be on the north side of the canal.

Chair Freeman asked if the project would no longer be feasible if they could not have so many boats. Mr. Collier said they had reduced the capacity greatly already, and he felt they were "pretty much where we need to be now."

Ms. Golub asked if the brokerage, office and service space would be owned by the association and rented, or condo space. Mr. Collier said they would retain ownership of these spaces. Mr. Collier said the service area would be limited to 6 service bays and 6 storage bays in the building's interior, and this would limit the number of boats they could service that belonged to non-owners. Mr. Collier said they wanted to be able to provide service to their clients and therefore wanted Sundance to remain in the building. Mr. Collier confirmed for Ms. Golub that Sundance would be an open to the public, commercial operation.

Mr. Collier said they would offer fueling facilities. The pumps were located on the floating dock. Mr. Collier stated the same fuel sold to boats would be used for the generator.

Motion made by Ms. Adams, seconded by Mr. Curtis, to approve, subject to the conditions in the staff report. Motion passed 5 - 4.

For the Good of the City

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Ms. Freeman asked for technical support to make sure that all of the monitors worked.

There being no further business to come before the Board, the meeting was adjourned at 11:00 p.m.

Chair:

Attest:

Sandra Goldberg [for Jamie Opperee, Recording Secretary]