

MINUTES OF THE PLANNING AND ZONING BOARD
Fort Lauderdale
City Hall Commission Chambers – 1st Floor
100 North Andrews Avenue
Fort Lauderdale, Florida
October 17, 2007 – 6:30 P.M.

Cumulative Attendance
June 2007 – May 2008

Board Members	Attendance	Present	Absent
Edward Curtis, Chair	P	5	0
Catherine Maus, Vice Chair	P	4	1
Pamela Adams	P	4	1
Mary Fertig	A	3	2
Maria Freeman	P	3	2
Steve Glassman	P	4	1
Rochelle Golub	P	5	0
Mary Graham	P	4	1
Tom Welch	A	3	2

Staff

Sharon Miller, Assistant City Attorney
Greg Brewton, Acting Director of Planning and Zoning, Liasion
Thomas Lodge, Planner I
Anthony Fajardo, Planner II
Ella Parker, Planner III
Eric Silva, Principal Planner
Renee Cross, Planner II
Elizabeth Palomo, Recording Secretary, Prototype, Inc.

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Call to Order

Chair Curtis called the meeting to order at 6:30 p.m. All present recited the Pledge of Allegiance.

Approval of September 19, 2007 meeting minutes.

Motion made by Ms. Maus, and seconded by Ms. Adams, to approve the September 19, 2007 minutes. In a voice vote, all voted in favor.

Ms. Miller explained the rules and procedures for the quasi-judicial agenda items.

Cases:

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| 1. <u>DeMartini Right of Way Vacation</u> | Thomas Lodge | 5-P-07 |
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Request: Vacate a Portion of NE 5 Street Right-of-Way / RS-8 / Medium-Low Land Use

Legal Description: A portion of NE 5 Street, lying between Blocks 13 and 24, RE-AMENDED PLAT OF A PORTION OF VICTORIA PARK, according to the plat thereof, as recorded in P.B.15, P. 52 of the Public Records of Broward County, Florida.

Address: 500 North Victoria Terrace

General Location: Eastern Terminus of NE 5 Street

Mr. Robert Lochrie, attorney on behalf of the applicant, Don DeMartini, gave a presentation and explained this is a request to vacate a portion of right-of-way previously dedicated to be NE 5 Street in Victoria Park. He stated that currently this right-of-way is not being used by the City and does not meet the City's engineering criteria for a right-of-way. Currently, the right-of-way serves more as a landscape yard area and driveway into an adjoining home.

Mr. Lochrie stated that staff has asked the applicant to resolve certain issues. One is that FPL has no objection to the vacation request so long as a 10 foot utility easement is dedicated to FPL for underground utilities. Additionally, the City's PROW Committee has requested a 15' pedestrian access easement from the Terrace to the water. Mr. Lochrie stated the applicant agrees to dedicate and maintain this area.

Mr. Lochrie stated the applicant is willing to work with Engineering and the City's Forester to address landscaping in order to clear the 15-foot pedestrian access area.

Thomas Lodge, of the Planning and Zoning Department, summarized the staff presentation. He stated that the request is to vacate a 15-ft right of way at the east terminus of N.E. 5th Street. The owners of each side joined in support to vacate the right-of-way in order to make improvements to the property. Mr. Lodge advised that in September, 2003, the PROW had approved this request. He stated that staff determined the proposed request meets the criteria for right-of-way. Mr. Lodge stated staff has the following conditions for the Board's approval:

- A 15-foot pedestrian easement be dedicated to allow public access to the waterway and that this shall be maintained by the property owner.
- FPL requests that a 10-ft utility easement be maintained along the center line of the pedestrian easement.

Ms. Golub asked whether both property owners on either side of the 15-foot right-of-way will maintain their portion. Mr. Lochrie suggested that each property owner be asked to maintain the right-of-way jointly. Ms. Miller stated this can be made part of the conditions for approval.

Chair Curtis opened the meeting for public hearing.

- Margaret Nesser, 512 Victoria Terrace, a neighbor of the applicant, stated she has no objection to the vacation. However, she voiced concern about the City having the 15-foot right-of-way because for the past year, a homeless person has been living in the bushes at the corner of NE 1st Street and Victoria Park Road three to four nights a week during the summer. She voiced concern about strangers sleeping in the 15-foot area of public property.

Chair Curtis asked if Ms. Nesser thought that situation would be better or worse with the vacation. In response, Ms. Nesser said in her view, the public access will possibly be a problem, but she is in favor of the vacation.

Mr. Glassman asked about the Neighborhood Association's views on this request.

- Jay Holloway, President of the Victoria Park Civic Association stated the neighbors did not have an opportunity to review this request with their Planning and Zoning and Aesthetics Committees. He advised that residents had informally voted to return the land to the adjacent owners. Mr. Holloway commented that residents immediately in this area want the land returned to

the owners, but have concerns about green space. The neighbors are concerned that the owners keep the area green and not paved over or sold to developers. Mr. Holloway added that, if possible, the Association wishes for an opportunity to review this application with the committees.

- J.D. Kamp, a Victoria Park resident, stated he was displeased that the project did not go through the Association's formal committee review process.
- Jim Kevern, 211 NE 16 Avenue, stated he was displeased that the neighborhood's committees were circumvented. He felt if the City is going to give away property, it should at least sell the land or give it back to the neighborhood so a park can be made for residents.
- William DeMartini, 2146 NE 56 Street, spoke of his experiences growing up on this property. He noted his parents' efforts to maintain this property. Mr. DeMartini stated he attended the Civic Association meeting recently and reminded the Board that the Association voted in favor 23-1.

Mr. Lochrie stated the property owners will maintain the property as they have done over the years. Mr. Lochrie stated the 15-foot area proposed to be dedicated will not have signage that might invite non-residents to the property. Additionally, Mr. Lochrie stated that by law, property can be dedicated for any purpose; this property was dedicated as a street and not as a park. He further explained that the City cannot request that a property owner pay the City for a vacation.

Ms. Golub asked if the Board votes to vacate the easement, how they can be sure it goes back to the two current owners and not the original owner who dedicated the land. In response, Mr. Lochrie explained that there are plats in existence stipulating that if a right-of-way is vacated, it will go back to the original owner; however, this is very rare. He added the general rule is that current property owners take title to interest in properties. Mr. Lochrie stated that developers are not allowed to build on this property as it is zoned RSH which requires a minimum of 75 feet for building.

Mr. Lochrie stated the property is about 5,000 square feet or 97 ft long by 50 ft wide.

Chair Curtis asked what would preclude the property owners from dividing the property into two lots as currently seen in Rio Vista. In response, Mr. Lochrie stated the zoning provides a minimum of 75 feet for a family lot; this means a 100-ft. minimum is required for two family lots; if there is an existing 50-ft lot, it can be maintained as such.

Mr. Brewton explained that the City Code has a merge ordinance stating if a property is merged, it cannot be divided again.

Chair Curtis asked what the property owner receives if taxes go up once the property is vacated. Mr. Lochrie stated the property owner wants control of the property as she has been maintaining it and wants to eventually put up a fence.

Chair Curtis then closed the public hearing.

Ms. Maus asked if Ms. Miller is in agreement with Mr. Lochrie's legal comments concerning this right-of-way. Ms. Miller confirmed that Mr. Lochrie's comments are accurate and added that a right-of-way cannot officially be turned into a park.

Mr. Glassman asked why there was a breakdown in communication with the Neighborhood Association. Mr. Lochrie stated he had approached the Association late, but did not feel there was any intention to subvert their review process.

Motion made by Ms. Adams, and seconded by Ms. Freeman, to approve with staff's conditions.

Ms. Adams was asked to accept the additional condition that the 15-foot easement be usable with no obstructions. Ms. Adams agreed to the amendment.

Ms. Adams was asked to accept the additional condition that future owners be jointly or separately responsible for maintenance of the easement. Ms. Adams agreed to the amendment.

In a roll call vote, the Board approved as follows: Mr. Welch – yes; Ms. Graham – yes; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – no; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 7-1).

2. <u>Fort Lauderdale Boat Club</u>	Ella Parker	99-R-06
Request:	Site Plan Level III Review / Waterway Use / Conditional Use for Marina / Industrial Zoning (I)	
Legal Description:	Lots 1 and 2, Block 9, Brickell's Subdivision, of Section 17, Township 50 South, Range 42 East, according to the amended plat thereof recorded in P.B. 1, P. 72, of the Public Records of Dade County,	

Florida, less right-of-way for the Seaboard System
Railroad

Address: 1915 SW 21 Avenue

General Location: West of I-95, East of SW 22 Avenue, South of
Flamingo Park, North of S. Fork of New River

Chair Curtis asked for disclosures. Board members disclosed communications they had regarding this item.

Ms. Miller swore in those who would be speaking on this item.

Mr. Howard Nelson, attorney on behalf of the applicant, stated representatives from all consultant groups are present. Mr. Nelson gave a brief PowerPoint presentation on the proposed Fort Lauderdale Boat Club. He spoke of the history of the original structure, Jackson Marina, which pre-dates the residential neighborhood. Mr. Nelson stated that current issues such as neighborhood compatibility, parking, landscaping, and access throughout the site need to be addressed. He explained that the project was designed to address these concerns.

Mr. Madfis, architect for the property, gave a PowerPoint presentation on the proposed project. In summary, Mr. Madfis stated that the following measures have been taken to meet compatibility and zoning requirements:

- The 10-foot buffer yard has been provided
- The easement has been vacated and all setback requirements have been met
- Landscaping is up to Code
- Non-confirming uses have been eliminated
- Lighting has been directed away from the residents
- Appearance character and scale are compatible
- Loading facilities, parking and dumpsters have been screened from residential property.
- Wall and fencing requirements have been met
- Building height is only at 50 percent of height allowed
- Overall quantity of boats ranging from 20-150' on site has been reduced

Ed Ruff, developer for the property, spoke of his background in the real estate industry and his experience building marinas over the years. He explained that this project was designed based on what was felt to be the ideal marina for the future.

Ella Parker, of the Planning and Zoning Department, summarized the application as follows: The proposal is to redevelop the existing Jackson Marina to include wet and dry slips accommodated in two buildings, a boat service building, a clubhouse, office and retail space and a garage structure. The project is directly adjacent to RS-8 zoned single family properties to the west. Ms. Parker distributed a letter of support from the Marina Mile Civic Association. Ms. Parker stated staff finds that although the marina use is appropriate in this district, the proposed project does not provide the necessary mitigation to bulk, mass and scale to minimize adverse impacts to the adjacent residences. Staff has concerns about neighborhood compatibility and preservation criteria may not be fully addressed, including the requirements of the conditional use permit. Ms. Parker advised that staff has outlined the following conditions for Board approval.

Ms. Parker distributed a letter of support from the Marina Mile Civic Association and summarized the proposal. She explained that although the use is appropriate at this location, staff has concerns about neighborhood compatibility since the project is directly adjacent to the RS-8 zoned, single family properties and as proposed the marina does not provide the necessary mitigation to bulk, mass, and scale to minimize adverse impacts. If approved, the following conditions were proposed:

- The applicant is required to obtain all applicable environment permits
- Approval is subject to Marine Advisory Board conditions.

Ms. Golub asked Ms. Parker to elaborate on staff's concerns about scale and mass compatibility.

Ms. Parker stated the proposed buildings are significantly larger in scale and mass than buildings in the adjacent neighborhoods.

Ms. Graham commented that the retail and office space seems to put this project "over the edge" where usage is concerned. Ms. Parker stated the applicant requested flex space for retail or office usage; either way, the parking requirements are met.

Chair Curtis opened the public hearing.

- Gypsy Miller, president of the Flamingo Park Civic Association, stated the Association has heard several presentations on this project. He spoke of his personal experience working with Jackson Marina and as a second generation resident of Flamingo Park. Mr. Miller advised the Civic Association residents voted in support of this project.

Mr. Glassman asked how many homeowners attended the meeting and voted. Mr. Miller stated the vote total was unanimous. He advised that of the 600 homes there are about 20 members who regularly attend meetings and vote. Mr. Miller added that the Civic Association provides newsletters to residents advising of projects being discussed on each agenda.

Ms. Freeman asked about the consensus regarding the compatibility of this project. In response, Mr. Miller stated that the boat yard as it stands today is a problem to the neighborhood. He stated that residents believe this project will be a vast improvement.

Margaret Cruxton, Executive Director of the Marina Mile Civic Association, stated the Association is in favor of this project and welcomes the Ruff family. Ms. Cruxton stated the Ruff family has continuously informed the Association of the project's process.

- Bill Brigger, President of the Marina Mile Civic Association, spoke in favor of the project which he feels is a tremendous improvement to the neighborhood.
- Frank Herhold, Executive Director of the Marine Industries Association of South Florida (MIASF), spoke of Channel 4's recent televised tour with the MIASF, on the topic of the working waterfront and loss of boatyards. Mr. Herhold advised that Mr. Ruff addressed the MIASF the previous night, after which the Board voted unanimously in favor of this project for these reasons:
 1. The project is in keeping with the Board's resolution that marine facilities should remain as marine facilities.
 2. The project updates an aging and obsolete facility.
 3. The project provides additional marine business opportunities with office space.
 4. The boatyard provides accessibility to the public.
 5. The project serves smaller boats and mega yachts.
 6. The developers are marine industry professionals.

Mr. Herhold urged the Board to vote in support of this project.

- Liz Forder, a resident of the neighborhood, commented that the 75' building will be right behind her home. She voiced concern that the building will directly overlook her yard and requested screening. She also complained about problems with garbage collection on the south portion of the site and asked what will be done with the access road.

- Byron Linder, 2150 SW 16 Court, asked where the wall will be placed and whether he will still have access to his garage via the alleyway.
- Franklin Bryant, 1830 SW 22 Avenue stated he is not against this project, but voiced concern about the 75' building behind the homes. He also wanted to ensure the staff conditions will be met.
- Mike Resta, 2040 SW 22 Avenue, thanked Mr. Brewton, Ms. Parker, and the Planning and Zoning Department for their work on this project. He voiced concern about the 20' easement which has never been officially recognized by the City. He stated that the marina has used this roadway for years. Mr. Resta requested that all marina activities be limited to the marina property and that homeowners be given full use of this road. He also voiced concern about activities and operating hours at the proposed clubhouse and whether they will affect homeowners. Mr. Resta stated that the neighbors are adamant that they do not want any marine activity on the easement.
- Mr. Nelson stated the easement will be abandoned and the marina will discontinue using it. Chair Curtis asked Mr. Brewton how this will be accomplished. Mr. Nelson pointed out the easement is private and not public. He stressed that the applicant will release the easement to any property owner who requests it.
- Mr. Ruff stated the asphalt will be removed and the ground will be sodded.

With regard to the privacy concerns, Mr. Madfis said a 3-story, 55-ft clubhouse is proposed. He stated that windows can be made opaque and landscaping can be added to screen the view of neighbors' homes.

With regard to operating hours, Mr. Madfis added that boat entries are permitted from dawn to dusk. Additionally, he stated that this is a boat storage facility and not a site where wild parties are held. Mr. Madfis once again summarized measures taken to achieve neighborhood compatibility.

- Ms. Freeman asked how access to Mr. Linder's garage is being addressed. Mr. Madfis stated he was advised by the City that usage of the alleyway to enter private garages is illegal and must be closed. He commented that abandonment of the easement would restrict residents' use of this alleyway. Mr. Madfis stated the applicant is willing to sit with the residents to further address this issue.

- Ms. Graham asked whether lights will be on all night long. In response, Mr. Madfis replied that only those required by Code will remain on at night. Ms. Graham voiced concern about the level of illumination and its effect on homeowners. She also voiced concern about second and third floor suites in the clubhouse which can be opened up to balconies overlooking neighboring homes.

Mr. Madfis stated these suites are for boat owners to leave their belongings for short periods and are not for usage as apartments. Ms. Graham also questioned the driveway circulation route. Mr. Madfis advised that garages on the west side are for long-term storage of cars for those taking boats out for extended periods. He added that cars would not use the driveway extensively and vehicular circulation is extremely limited except for emergency vehicles. Ms. Graham asked if it is necessary for the added illumination on the west side of the property if vehicular traffic is limited. Mr. Madfis stated lighting on the west side of the property will not spill over into neighboring properties. He added that a stipulation can be added that lighting be placed on timers if the Board is concerned about glare.

Ms. Maus asked if Mr. Madfis is satisfied that proposed landscaping buffer is adequate to meet neighborhood compatibility requests. Mr. Madfis responded affirmatively. Ms. Maus asked if mature landscaping is going to be installed. Mr. Madfis stated the client is committed to buying the most mature foliage possible.

Ms. Maus asked if clean marina practices are factored into the project; Mr. Madfis responded affirmatively.

Ms. Golub asked who the car garages will be sold to and was advised by Mr. Madfis that the garages will be sold only to marine industry individuals using the boat slips. In addition, she commented that if locker rooms were used versus suites, the clubhouse would be shorter. Mr. Madfis stated these rooms are an amenity that fits into the overall package being offered to mega yacht owners.

Ms. Golub voiced concern about the facility's size and about privacy for the neighboring residents. Mr. Madfis stated the balconies are 5-foot wide and not designed for people to sit out for long periods. Ms. Golub stated the neighboring residents have legitimate concerns about the proposed facility and activities that will be different from current use.

Ms. Golub asked who will own the commercial units on the property. Mr. Madfis stated marine businesses will operate these units.

Chair Curtis closed the public hearing.

In a roll call vote, the Board approved as follows: Mr. Welch – yes; Ms. Graham – yes; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – yes; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 8-0).

4. Key Village, LLC / Key Village Anthony Fajardo 2-Z-06

Request: ** Rezoning / MHP to RML-25 / Medium High

Legal Description Lots 6 through 20, Block 38, “Westwood Heights,”
according to the Plat thereof, as recorded in P.B. 6, P.
34, of the public records of Broward County, Florida

Address: 475 SW 27 Avenue

General Location: Northwest corner of SW 4th Place and SW 27th
Avenue

Board members disclosed communications they had regarding this item.

Mr. Lochrie, on behalf of the applicant, gave a presentation on this application as follows: The property’s land use category is 25 residential units per acre. The current zoning is for a mobile home park but there are no mobile homes on the property. The zoning district required needs to be compatible with the underlying land use. The applicant is requesting a rezoning to the City’s RMM-25 category which is the most restrictive zoning. The applicant requests rezoning in order to develop the vacant site. There will not be driveways going out to the streets; the project that will be proposed will be lined with landscaping, sidewalks and townhomes.

Mr. Fajardo of Planning and Zoning gave a staff presentation on this item as follows: The site is surrounded by the following residential districts – to the west RS-8; to the north and south, RMM-25 and B-2 zoning; to the east and existing mobile home park designation. Mr. Fajardo advised that staff wished to add the following condition for approval: the subject site should meet all existing state statutes in reference to mobile home parks.

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

Motion made by Mr. Glassman, and seconded by Ms. Freeman, to approve with staff’s conditions.

In a roll call vote, the Board approved as follows: Mr. Welch – yes; Ms. Graham – yes; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – yes; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 8-0).

5. Florida Sunrise Propco, LLC / Sunrise Lane Parking Facility Ella Parker 94-R-07

Request: ** Site Plan Level IV / Proposed Parking Facility & Retail / Sunrise Lane District (SLA)

Legal Description Lots 1,2,3,4,5,12,13,14,15, and 25 in Block 1, Atlantic Beach Development, as recorded in P.B. 27, P. 1 of the Public Records of Broward County, Florida

Address: 917 Sunrise Lane

General Location: South of Sunrise Boulevard, North of NE 9 Street, East of Breakers Avenue, West of Sunrise Lane

Ms. Freeman requested that the Board hear items 5 and 6 together as they are related. Ms. Miller advised both items can be heard together.

Board members disclosed communications they had regarding this item.

Ms. Miller swore in those who would be testifying.

Barbara Hall, attorney with Greenberg Traurig, representing the property owner, introduced herself and Glenn Alba.

Glenn Alba, of the Blackstone Group, property owners, introduced himself and gave a brief overview of the Blackstone Group's proposed improvements to various hotel properties in the City.

Ms. Hall gave a PowerPoint presentation illustrating the site plan and summarized the application as follows: The current parking facility is not adequate and needs to be demolished in order for the hotel to be renovated. The new parking facility will provide 289 spaces. The facility will be 200' long and will have 45 ground level parking spaces along Sunrise Boulevard. New landscaping will be installed along street frontages and improvements will be made along Breakers Avenue. The new enclosed parking garage will include windows and other elements to present a village-like setting along Sunrise

Lane. Additional landscaping along the street will provide buffer for the building. When completed, 266 of the 289 spaces will provide the required off-site parking and 22 spaces will accommodate new retail. Landscape and streetscape improvements on the site plan were summarized. The applicant also plans to re-landscape the surplus portion of FDOT right-of-way in front of the property.

With regard to the hotel renovation, Ms. Hall summarized improvements proposed to the building's façade, infrastructure, lighting, banquet spaces and pool area.

Ms. Parker gave a staff presentation as follows: The applicant proposes to demolish the existing parking structure and construct a new 4-level open parking garage with retail and restaurant space fronting on Sunrise Lane. The applicant is proposing streetscape improvement including on-street parking, new sidewalks, and landscaping.

With regard to the hotel, the applicant proposes to renovate the interior and exterior of the building including new architectural elements along the building façade, new design to the lobby and penthouse levels. Ms. Parker advised the principal development has not received a beach development permit for the hotel and other uses because it existed on the date the Central Beach regulations were adopted; it is therefore considered a non-conforming structure.

Chair Curtis opened the public hearing.

- Sadler James, of the Central Beach Alliance, spoke of four meetings held where there was good cooperation between the Blackstone Group, Mr. Alba and Ms. Hall. Mr. James advised that on September 27, the Board had voted unanimously in favor of this project. He added that a gentleman's agreement was made to improve the appearance of the parapet wall hiding machinery.

Ms. Golub asked if any discussion was held about the 100-car spot increase and the shortfall as well as if the project came up to current Code. Mr. James stated that any increase in parking is an improvement although it currently is not given to the public.

Mr. James advised that in previous meetings on this item, there was an overwhelming vote in favor of the currently proposed parking garage and for the renovation of the hotel.

- Tim Schiavone, owner of the Parrot Lounge and adjacent neighbor, stated he has seen no change in his neighborhood. He commented that the Blackstone Group has been very cooperative and respectful of neighbors' concerns. He

requested that the Board approve this application as the neighborhood and businesses need this hotel.

- Monty Lalwani, neighboring resident and merchant, commented on the efforts of the Blackstone Group to work with neighbors and requested that this item be approved.
- Karen Beard, CEO Bonnet House Museum and Gardens, spoke in favor of the project.
- Patrick Shavloske, of Bonnet House Museum and Gardens, spoke in favor the project and of the excellent relationship with the LXR Group.

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

Mr. Glassman commented that the parking space allotment is one count off in the documents. In response, Ms. Hall explained that 288 spots are required but 289 are provided.

Mr. Glassman asked if consideration has been given to allow for public restrooms as such an amenity is lacking on the beach. Ms. Hall said that no available space for public restrooms remains at this particular property.

Ms. Graham asked if the current parking garage is illuminated all night long. In response, Ms. Hall said the garage operates 24 hours; therefore lighting is illuminated all night for safety.

Motion made by Ms. Maus, and seconded by Ms. Adams, to approve with staff conditions.

In a roll call vote, the Board approved as follows: Mr. Welch – yes; Ms. Graham – yes; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – yes; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 8-0).

6. **Florida Sunrise Propco, LLC /
Stay Social Hotel**

Ella Parker

132-R-06

Request:

**Site Plan Level IV / Renovations to Existing Hotel /
Sunrise Lane District (SLA)**

Legal Description: Lot 2 in Block 2, Atlantic Beach Development, as recorded in P.B. 27, P. 1 of the Public Records of Broward County, Florida

Address: 999 North Fort Lauderdale Beach Boulevard

General Location: South of Sunrise Boulevard, North of NE 9 Street, East of Sunrise Lane, West of A-1-A

Motion made by Ms. Maus, and seconded by Mr. Welch, to approve with staff conditions.

In a roll call vote, the Board approved as follows: Mr. Welch – yes; Ms. Graham – yes; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – yes; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 8-0).

7. 2301 SE 17th Street, LLC / Pier 66 Anthony Fajardo 86-R-07

Request: **Site Plan Level III / Mixed Use Development / Boulevard Business (B-1)**

Legal Description: All of Tract “A” of the Kimberly Plat, as recorded in P.B. 130, P. 1, of the public records of Broward County, Florida.

Address: 2301 SE 17th Street

General Location: North of the intersection of Harbor Drive and SE 17th Street

Board members disclosed communications they had regarding this item.

Ms. Miller swore in those who would be testifying on this item.

Ms. Alota gave a lengthy PowerPoint slide presentation on the proposed project. Ms. Alota reported that several meetings were held between project staff, planning staff, and City Commissioners, culminating in the design presented today. Elements included separation of the larger building to the south of the marina into two structures. Another element is a transition building to the east of the marina; this will be a four-story building that will house new yacht broker office space and the relocated dock master and dock facilities.

Ms. Alota directed everyone to Exhibit 3, a narrative describing provisions of the ULDR applicable to this project, along with the applicant's responses.

Ms. Alota advised that over the past year, the applicant met with the South Beach Alliance and representative Neighborhood Associations. Two open houses were advertised and held in September and October, which were well attended by residents.

Ms. Alota stated that the project ensures the property remains below grade in relation to the 17th Street Causeway Bridge. Ms. Alota added that the dock master building will act as a transition buffer to the residential area to the north. Landscaping improvements were also reviewed. In summary, Ms. Alota advised that overall, the Pier 66 improvements will add 62 new larger hotel suites, 42 residential units, slightly over 18,000 s.f. of yacht broker office space and 5,000 s.f. of marine related retail. Ms. Alota stated that all applicable provisions of the ULDR have been met.

Susan Danielson, senior traffic consultant with Kimley Horn, gave a slide presentation while summarizing the traffic impact study. Ms. Danielson stated that additional Pier 66 related traffic projected to impact S.E. 23 Avenue, south of SE 17 Street is expected to total only three vehicle trips during the a.m. peak hour and five vehicle trips in the p.m. peak hour. Ms. Daniel advised that 70 percent of new project traffic is expected to originate to the east and the remaining 30 percent to the west. Standard growth factor, traffic from pending projects and traffic from the sales project were all factored into this study. The traffic study determined that the most significant increase in delay is expected to be on the Pier 66 approach to the intersection.

Ms. Danielson advised that in order to improve queuing conditions on site, the applicant proposes to relocate the existing guard house 223 feet to the west. Ms. Daniel said that staff recommended that the applicant work with FDOT and Broward County regarding additional pavement markings on the Pier 66 property. The applicant will include an additional stop bar and signage. Ms. Danielson stated the traffic study was reviewed by staff and an outside consultant.

Mr. Fajardo gave a staff presentation on this item as follows: The application proposes a mixed use addition to the existing marina and Pier 66 hotel. The project is subject to mixed use development criteria, waterway use, conditional use, flexibility requirements and neighborhood compatibility requirements. Mr. Fajardo advised that staff proposes the following 6 conditions for approval to address traffic concerns.

1. Access gates to be relocated by the new parking structure;
2. Trailblazer signs to east bound and west bound SE 17th Street to be provided;

3. Pre-application approval by FDOT;
4. Additional parking spaces to be provided if hotel use is converted to condominium in the future;
5. Retail area (5,000 s.f.) shall not be used as a restaurant; and,
6. Subject to the requirements of the Traffic Impact Report Review.

Chair Curtis opened the public hearing.

- Ina Lee, a resident of Harbor Inlet and Chair of the Beach Redevelopment Advisory Board, commended the Blackstone Group and LXR for going above and beyond in their efforts to enhance the area as a tourist destination.
- Bill James spoke in support of this item and commented that the proposal demonstrates a project that is consistent with the area.
- Kristin Barrett, of Broward Housing Solutions, a local non-profit agency, spoke in support of this project and of generous contributions from Blackstone and LXR toward the agency. Ms. Barrett commented that the improved valet service will benefit local organizations and their guests who use the property for special events.
- Eugenia Dunckel-Ellis, a resident of Harbor Inlet, stated the marine industry and tourism are the City's largest economic engines. She spoke of various public meetings held with the neighborhood association and of the consideration given by LXR and Blackstone groups. Ms. Dunckel-Ellis spoke in support of this project.

Mr. Glassman stated he has not seen anything submitted from neighborhood associations on this project. Ms. Ellis stated the South Beach Alliance had provided a letter stating their position.

- Annette Ross, a resident of Harbor Beach, was in favor of the project and stated residents of her neighborhood wished to remain closely involved in the final stages. She advised that a neighborhood association meeting will be scheduled within the next ten days.
- Frank Herhold, of MIAASF, spoke of the \$11-billion marine industry and the City's upcoming major event, the Fort Lauderdale International Boat Show. He stated that the proposed renovations for Pier 66 are necessary. Mr. Herhold stated the types of people who come to the Boat Show need a high end venue

for events. He added that LXR Group has been very easy to work with and commented that the project will attract the super yacht market in the future.

Jan Alota indicated that correspondence had been received from the South Beach Alliance earlier that day, which indicated significant measures were being taken to provide neighborhood outreach.

Ms. Golub stated she is curious about plans to award 42 residential flex units to the development. She also commented that it is difficult to believe 42 additional units will not have an impact on the surrounding area. Mr. Fajardo stated the development is a business zoning district resident in a flex zone.

Ms. Alota, explained that the 42 condominium units will be for sale for seasonal buyers. With regard to commercial land use, Ms. Alota stated that residential flex units are allowed.

Mr. Glassman asked what is required for pre-application approval for FDOT. In response, Dennis Garrett with City Engineering stated FDOT is aware of this project and requires staff's correspondence in favor. He added that staff is requiring the developer to store all vehicles on site.

Ms. Graham raised questions about data showing a breakdown for parking allocation. Ms. Alota referred Ms. Graham to the relevant data on the master documents.

Ms. Graham asked whether any other considerations were made beyond using parking lifts on the lower level. Ms. Alota stated the developer tried to be sensitive to requirements to keep the parking below grade.

Chair Curtis commented on the volume of additional rooms being added versus the questioned the minimal addition of trips. Ms. Danielson explained that this distribution was not done with a computer model, but was based on existing travel patterns layered with proposed development traffic.

Mr. Welch and Ms. Graham also voiced concern that the limited number of trips projected did not add up to the added intense usage of the property.

Ms. Danielson explained that one measure being taken to alleviate parking traffic is moving the guard house to allow for queuing on site. Additionally, the applicant was provided with a valet queuing analysis advising how many valet attendants are needed to prevent lining up into the roadway.

Ms. Golub asked if any discussions were held regarding the height of the newly proposed building. Ms. Alota stated that at various meetings, people had not voiced much objection to the project. With regard to the 4-story dock master building, Ms. Alota stated this building is located 162 feet from the north property line and has extensive landscaping to separate it from the neighborhood to the north. Additionally, she stated letters were sent to neighbors immediately abutting the north and east portions of the site which were met with an overwhelmingly positive response.

Mr. Glassman asked when the open house exhibits were held. In response, Ms. Alota said the exhibits were advertised in the Harbor News prior to the September and October open houses.

Motion made by Ms. Maus, and seconded by Ms. Freeman, to approve with staff's conditions.

In a roll call vote, the Board approved as follows: Mr. Welch – yes; Ms. Graham – no; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – yes; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 7-1).

8. RSA-8 Zoning District

Greg Brewton

5-T-07

Request: **Establish the new RS-8 zoning classification that will regulate single family development**

Legal Description: N/A

Address: N/A

General Location: N/A

Mr. Brewton gave a brief staff presentation on this item.

Mr. Brewton stated this item is brought before the Board for recommendation to the City Commission.

Ms. Freeman asked if public input was sought relevant to this new zoning proposal. Mr. Brewton said the application was taken to the Poinsettia Heights Neighborhood Association which endorses the creation of this zoning. He added that the zoning will be applicable Citywide and not only in this area.

Mr. Glassman asked about the typical minimum side yard in the Poinsettia Heights neighborhood. In response, Mr. Brewton said 5 feet is the current minimum. Mr. Glassman stated he would prefer a 10 foot minimum. Mr. Brewton stated this zoning classification is being presented at the request of the neighborhood.

Ms. Maus asked about the uniform lot size in Poinsettia Heights. In response, Mr. Brewton stated the uniform size is between 40 and 50 feet wide.

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

Mr. Welch asked if the homeowners association had voted on this. Mr. Brewton responded affirmatively.

Motion made by Ms. Golub, and seconded by Mr. Glassman, to recommend a 10' setback change for two-story homes.

By show of hands, the motion failed with 3 votes in favor and 4 against.

Motion made by Ms. Adams, and seconded by Ms. Maus, to approve the establishment of the RSA-8A zoning district and move this forward to the City Commission.

By show of hands, the Board approved as follows: Mr. Welch – yes; Ms. Graham – no; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – yes; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 7-1).

9. **Comprehensive Plan Text Amendments**
based on the Evaluation and Appraisal Report **Eric Silva** **4-T-07**

Request: Amend all Elements of Plan to include the Goals, Objectives and Policies recommended in the City's adopted EAR
Amend the Permitted Uses section of the Future Land Use Element, as follows:

- Add City approved outdoor events as a permitted use in all categories;
- Identify banks and financial institutions as personal services in the Employment Center-Low and Employment Center-High categories;

- Identify marinas as a heavy commercial use in the Industrial category; and
- Create Local Activity Center, Mixed-Use Residential, Transit Triented Corridor and Transit Oriented Development land use categories

Legal Description: N/A

Address: N/A

General Location: Citywide

Eric Silva, of the Planning and Zoning Department, gave a staff presentation on the proposed Comprehensive Plan Amendments as follows:

- With regard to the future land use element, staff has added some new mixed use categories to allow for more pedestrian friendly projects.
- Staff has added 15% affordable housing to be consistent with Broward County's comprehensive plan.
- With regard to infrastructure, staff commits to comply with state statutes on the water and supply facilities work plan.
- Staff is adding a new public school facilities element, consistent with state statutes.
- With regard to transportation, staff will adopt the Broward County transit-oriented concurrency system.

Staff is requesting recommendation on transmittal of the package to the Department of Community Affairs.

Mr. Glassman commented on various objectives outlined in the document. He voiced concern about coordination with the Broward County Greenways project and asked who is spearheading these efforts. He said he does not see much aggressive action in regard to pursuing greenway and pedestrian friendly traffic goals. Mr. Glassman also voiced concern about the need for more bicycle friendly pathways. He commented that in his view, the City is doing the opposite of the Comprehensive Plan's stated objectives with regard to environmental protection, emergency management, and building codes. He voiced concern about policy concerning turtle lighting which causes AIA to be totally dark and potentially unsafe from March through November. Mr. Glassman voiced various other concerns which in his view do not reflect these objectives.

Ms. Adams commented that the word "density" needs to appear in Objective 8.

Chair Curtis asked why this item is being presented now. Mr. Silva stated the adoption deadline for EAR based Comprehensive Plan Amendments is coming up at the end of March.

Ms. Miller stated that the Board's recommendation will go before the City Commission.

Motion made by Ms. Maus, and seconded by Mr. Welch, to recommend that the City Commission transmit the amendments as proposed to the Florida Department of Community Affairs.

After brief discussion, the motion was withdrawn.

Ms. Adams requested a friendly amendment to the motion to include references to density in Objective 8.

Motion made by Ms. Maus, and seconded by Mr. Welch, to recommend that the City Commission transmit the amendments with revisions to the Florida Department of Community Affairs.

By show of hands, the Board approved as follows: Mr. Welch – yes; Ms. Graham – no; Ms. Golub – yes; Ms. Adams – yes; Mr. Glassman – yes; Ms. Maus – yes; Ms. Freeman – yes; Mr. Curtis – yes. (Motion passed 7-1).

10. For the Good of the City

Chair Curtis recalled that at the previous meeting the Board requested that he approach the City Commission to discuss the process of including the Planning and Zoning Board's input on future Code amendments.

Mr. Welch stated he had attended several meetings held by the Ad Hoc Committee discussing amendments to the Code. He suggested having some representation from the Ad Hoc Committee at a future Board meeting, possibly in the form of a workshop.

Chair Curtis recalled that the Board had previously raised concern about the process of providing input rather than the substance of any Code changes.

Mr. Brewton reported that when addressing the City Commission, staff had requested that the Planning and Zoning Board be included in the Ad Hoc process to discuss changes to the Code.

Brief discussion followed with regard to this issue. Ms. Miller advised that the process is established by the City Commission or the City Manager. She suggested that the Board also come up with a process before addressing the City Commission.

Ms. Golub suggested starting the meeting earlier to accommodate this discussion.

Chair Curtis summarized the discussion as follows: The Board agrees to start next month's meeting at 5:30 p.m. to discuss establishing a process for public input and input from the Planning and Zoning Board with regard to future Code amendments.

11. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 11:38 p.m.

Ed Curtis, Chair

Attest:

Alexandra Grant, Recording Secretary