

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
MARCH 19, 2008 – 6:30 P.M.**

Board Members	Attendance	Cumulative	
		June 2007 – Present	May 2008 – Absent
Edward Curtis, Chair	A	8	2
Catherine Maus, Vice Chair	P	9	1
Rochelle Golub	P	10	0
Steve Glassman	P	9	1
Mary Graham	P	9	1
Pamela Adams	P	8	2
Mary Fertig	P	8	2
Tom Welch	P	8	2
Maria Freeman	P	7	3

Staff

Greg Brewton, Director, Planning and Zoning
Wayne Jessup, Deputy Director, Planning and Zoning
Adrienne Ehle, Planner II
Eric Silva, Principal Planner
Anthony Fajardo, Planner III
Renee Cross, Planner III
Yvonne Redding, Planner II
Mike Ciesielski, Planner II
Randall Robinson, Planner II
Jose Rodriguez, Traffic Consultant, Keith & Schnars
Kris McFadden, Public Works Department
Vince Garrison, Public Works Department/Engineering Division
Sharon Miller, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Index

	<u>Case Number</u>	<u>Applicant</u>	<u>Page</u>
1.	122-R-07	Ocean Wave Associates, LLC. / Ocean Wave Beach Resort	2
2.	6-T-07	City of Fort Lauderdale / Fire Station 46	11
3.	1-T-08	Water Supply Facilities Work Plan Comprehensive Plan Amendments	11
4.	15-P-07	Sovereign Development Group IX, Inc. / Value Place LLC	12
5.	126-R-07	P.H.D Development, LLC.	36

6.	12-ZR-07	Pier 17	38
7.	89-R-07	200 Brickell Ltd	44
8.	3-ZR-07	ADZ, LLC. / Depot Offices	45
		For the Good of the City	46

Call to Order

Chair Curtis called the meeting to order at 6:30 p.m., followed by the Pledge of Allegiance.

Approval of Minutes

Chair Curtis introduced the members of the Board and explained the procedures that would be followed during tonight's meeting. Assistant City Attorney Miller explained the procedures for quasi-judicial cases.

Motion made by Ms. Graham, seconded by Ms. Maus, to approve the minutes of the February 20, 2008 Planning and Zoning Board meeting. In a voice vote, the motion was approved unanimously.

Cases

	<u>Index</u>
1. <u>Ocean Wave Associates, LLC. / Ocean Wave Beach Resort</u>	Anthony Fajardo 122-R-07
Request: **	Site Plan Level IV / 328 Room Hotel with 8,000 sf Restaurant Use and 750 sf Retail Use / ABA
Legal Description:	All of said Block "C", BIRCH OCEAN FRONT SUBDIVISION, according to the plat thereof, as recorded in Plat Book 19, Page 26, of the Public Records of Broward County, Florida
Address:	525 North Fort Lauderdale Beach Boulevard
General Location:	NW corner of Viramar Street and State Road A1A

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Robert Lochrie on behalf of the Applicant, Ocean Wave Associates, LLC, advised that he is joined here this evening by the principals of Ocean Wave, LLC, Ramola Motwani and her two sons, Nit and Dev Motwani, who work with their mother on this project.

Mr. Lochrie informed that the Ocean Wave project is located on A-1-A directly to the east of Breakers Avenue between Windamar and Viramar Avenues, and is located within the City's ABA zoning district. Quoting from the City's Land Development Code, "The ABA zoning district is established for the purpose of promoting high quality destination resort uses to reflect the desired character and quality of the Fort Lauderdale Beach and improvements along A-1-A." The Code further states, "The District is intended as a means of providing incentives for quality development along a segment of A-1-A."

While providing graphics of this project, Mr. Lochrie apprised the Board that the property is located 2 blocks to the south of the Atlantic Hotel, one block south of the Trump Tower Hotel, one block north of the Hilton and two blocks north of the W Hotel. Mr. Lochrie asserted that the striking design of the Ocean Wave Beach Resort is the centerpiece for this ABA zoning district. In order to live up to the high expectations of the ABA zoning district, Mr. Lochrie indicated that the Motwanis have selected a team of topnotch professionals and consultants to work on this project. Among these consultants are Flynn Engineering, Coastal Construction Systems and Allen Tinter, Traffic Engineer. The Architectural design team is headed by Kohn Pederson Fox (KPF) out of New York and London, and supported locally by Jiro Yates of Falkanger, Snyder, Martineau & Yates.

Mr. Lochrie expressed that KPF's guiding principle with this site was to try to take away from what had already been done on the site, improving upon it and doing something different with a special emphasis on creating a building that is not only very attractive and welcoming to the guests, but to the public in general. The design of this building is a quite striking design with a primary element along A-1-A which has not been seen before on Fort Lauderdale Beach. The hotel portion of the project consists of a 328 guest room hotel with amenities, including a pool deck, spa, two ground floor restaurants (open to the public), retail shops at the ground level, and banquet facilities in the hotel. Mr. Lochrie disclosed that of most significance is that the hotel includes a central piazza, which is open to public as guests and residents of Fort Lauderdale walk along A-1-A and venture up to the restaurants and retail space within that.

According to Mr. Lochrie, unlike the other projects within the ABA zoning district that follow primarily a rectangular wedding cake design, which is driven by the shadow ordinance in effect, KPF took a dramatic turn and kept a consistent bow to this project, reaching from the top of the project all the way down. In addition, KPF added a "V" approach, which decreases the height of the building, with the sides of the building also coming in. Mr. Lochrie advised that the concept behind this was to create a dramatic elevation which had a prow-like form pointed at the sea, resembling a sail, a boat or a wave cresting in from the ocean.

Another dramatic approach is the canopy which comes out over the piazza area.

Mr. Lochrie disclosed that the building has purposely been designed to be lower in height than the surrounding buildings. Specifically, the W is 24 stories, the Hilton is 25 stories and the Trump is 24 stories. The Ocean Wave is at 22 stories, purposely lower in height than the other hotels nearby. Mr. Lochrie explained that in addition, the top of the building is set back further than the bottom point of the building. Mr. Lochrie confirmed that the building does exceed the 200' length limitation contained within the City Code. He continued to point out the various features of the hotel via the graphics being displayed.

Mr. Lochrie advised that it became important to the Ocean Wave project that people that had wandered into the Trump Plaza property would be welcomed into the Ocean Wave project. In addition, the people in the piazza area would be able to walk back out onto A-1-A or would also be welcomed into the courtyard of the neighboring Trump Plaza.

Mr. Lochrie pointed out that the other hotels along A-1-A provided very limited access to their plaza and restaurant areas. Rather than having a building wall, this design calls for a set of cascading steps that gently slope up with large landings and short rises between the steps from the A-1-A sidewalk up into a central open piazza, which is completely open to ocean breezes, covered with a canopy to protect from the weather, but provides for a welcoming opportunity for anyone walking along to come up any of the stairwells to the piazza.

Mr. Lochrie conveyed that there will be a café restaurant with outdoor seating, a formal restaurant which is part of the hotel having views across the piazza out to the ocean, and a retail shop accessible to the public. The space in the piazza area is 30' high, creating a very dramatic area where people can congregate, and encompasses 1/3 of an acre. When including the steps and landscape, the area increases to 1/2 of an acre of public area.

Mr. Lochrie disclosed that the sidewalks in front of the project vary in width from 12' at their narrowest and to over 19' at their widest. On the sides they range from 7' to 14', as well as a large plaza area in the back.

Mr. Lochrie clarified that the west side of the building is the formal entrance. Many other projects on Breakers Avenue have constructed walls, while the Ocean Wave's vehicular access to the site is through the west where a valet takes the guests' car from underneath. He explained that all parking is below grade underneath so there is not a parking podium. Mr. Lochrie advised that waterfall and water fountain features have been included along Breakers, as well as steps and other walkways from the sidewalk up into the plaza area. When coming into the lobby there is an all glass central atrium featuring a view down the Middle River across the Las Olas Isles and of downtown Fort Lauderdale. In addition, Mr. Lochrie stated that the building will have a glass elevator that go up a central glass atrium all the way up the western expanse of the building.

Mr. Lochrie stated that the project has been designed to meet all requirements of the FAR and height requirements and all parking is on-site.

Mr. Lochrie confirmed that the Applicant has no objection to Staff recommendations and recognizes that a \$265,000 park impact fee and other impact fees will be paid to the City. He advised that the Applicant has made presentations to the Central Beach Alliance, Beach Development Council, and the Golden Square group, and has received their support.

Anthony Fajardo, City Planner, reiterated that the Applicant proposes to construct a 328 room hotel, including 2 restaurants, consisting of 3,689 sf and 4,000 sf, a 750 sf retail space, and a 2,700 sf banquet facility. The proposed structure is 220' tall as measured to the habitable space, and 245' tall overall with a building length in the east/west direction of 325' and 160' in the north/south direction. Mr. Fajardo disclosed that the building also includes a piazza area, consisting of 15,670 sf, which is open to the public. Vehicular access to the development is provided from Windamar and Viramar Streets.

Mr. Fajardo stated that as a part of this proposal the Applicant is requesting the modify the maximum building height and maximum floor area ratio pursuant to Section 47-12.5.B.6, *Design compatibility and community character scale* ABA district, as well as the maximum building length, pursuant to Section 47-12.5.B.8, *Length and Width*. He advised that the maximum building height for the ABA district is 200' with a maximum FAR for the district of 4. Mr. Fajardo explained that pursuant to the requirements of the *Design compatibility and community character scale*, the Applicant is making a request to increase the maximum height by 10% and the maximum FAR by 20%, for a height of 220 feet and FAR of 4.8.

Mr. Fajardo pointed out that there was a discrepancy in the Staff Report on page 3, where the table indicating the required number of points is incorrect. To increase the FAR, as Mr. Lochrie presented earlier, the Applicant must attain a score of 9 and to increase the height, the Applicant must attain a score of 7. In addition, Mr. Fajardo advised, these points are not cumulative, but subject to the highest number of points required for each one.

Mr. Fajardo explained that the Applicant has submitted a narrative requesting the required number of points and indicated how the development attains the necessary points, which is attached as Exhibit 3. Pursuant to Section 47-12.5.B.8, *Length and Width*, the Applicant is requesting to exceed the maximum length of 200' in the east/west direction to 325', an increase of 125'. This type of increase can be requested subject to the development being approved as a Site Plan Level IV review.

Mr. Fajardo announced that In addition to the condition of approval as indicated in the Staff Report regarding the valet parking, Staff would like to add the following conditions, which have been discussed with the Applicant prior to this meeting:

1. Final DRC shall be subject to obtaining permits from the Florida Department of Environmental Protection (FDEP); and
2. The piazza shall remain open to the public during the hours of operation for the restaurant and retail uses.

Mr. Glassman stated that in the back-up, all of the assessments in terms of extra points and the rationale for the height and the FAR are from the perspective of the development team. In the past, the Board has seen the assessment in terms of what Staff thinks, and asked Mr. Fajardo if he concurs with the development team's rationale for those points.

Mr. Fajardo answered that Staff does not have a problem with the points being requested and did not provide a review of them because it is something that is subject to approval by the Board and, therefore, Staff does not see an issue with the points being requested.

Mr. Glassman refers to the developer's narrative wherein it states that they do not consider this project to be one of significant impact relating to setbacks, and asks if Staff concurs. Mr. Fajardo explains that this is part of the ABA district requirements, which specifically states that if requesting these increases, it be approved as a development of significant impact. Mr. Fajardo agreed that this statement is also acceptable.

In that there were discrepancies relating to the traffic reports, and additional reports required, Mr. Glassman asked if Staff was comfortable with the final analysis in terms of the two restaurants and whether they would be counted as ancillary and not part of the traffic report. Mr. Fajardo referred the question to Engineering Staff who performed the review for that issue. Dennis Girisgen, Engineering, stated that he was satisfied there was no major impact, even though the Applicant disagreed with that point of view, they did incorporate additional uses for restaurant and they revised that study based on that.

Mr. Glassman asked Mr. Fajardo if he is comfortable with all valet mechanical parking equipment on the beach and if this has been thoroughly reviewed. Mr. Fajardo responded that it was not believed that Staff had an issue with the valet parking, however, staff has very little experience with these types of parking systems. He believed that there were other projects approved with all mechanical valet, but did not believe such a project has been constructed yet.

Chair Curtis then opened the public hearing.

Ina Lee, an 18-year resident of Fort Lauderdale Beach residing at Pointe of Americas, and the founding Chair of the Beach Council of the Greater Fort Lauderdale Chamber of

Commerce, and current Chair of the Beach Redevelopment Advisory Board of the City of Fort Lauderdale, although not speaking on behalf of that Board. Ms. Lee read a letter from the Beach Council which unanimously supports this project.

Ms. Lee informed the Board that this is a spectacular building wherein a gathering place has been created with the piazza concept bringing in the residents and visitors. In addition, Ms. Lee stated that by opening up the main entrance on Breakers this will be the leadership that is needed to create Breakers as its own viable destination for the businesses currently there and those that will come in the future. Ms. Lee expressed that this is the kind of development that will create a new standard for excellence on the beach.

Sadler James indicated that he particularly likes this project because it is in between towers, there is an open piazza which invites people in, there is no wall effect going down the beach, there are large sidewalks and landscaping, and a canopy which allows for cover when it rains. In addition, the back of the building is gracefully designed and landscaped and there will not be a blank wall facing the neighborhood.

Chair Curtis asked why Mr. James believes there is a 200' restriction on building length on the beach. While Mr. James is aware of this restriction, he does not know why it is there.

Eileen Helfer, a long-time resident of the beach, advised that their condominium attended a presentation for the Ocean Wave. Ms. Helfer admitted that most residents were against the project before seeing the presentation, but after seeing the presentation everyone was so amazed and so thrilled with the piazza, in that it will be a benefit for the local beach residents. Ms. Helfer advised that she was here to show support for the project.

Joe Panico represents the Central Beach Alliance, which has over 40 condominium buildings and over 350 residents in the area from Oakland Park to Harbor Drive east of the Intracoastal. According to Mr. Panico, the Alliance held a public meeting on February 24, 2008, where this project was presented. Mr. Panico advised that the vote on the project was 291 in favor and 14 opposed. The only questions raised were the widths of the sidewalks and the height of the building.

Bob Debenedictis advised that he was one of the founding members of the Golden Square Alliance. A goal of the Golden Square Alliance is to improve Breakers Avenue because none of the west side has been developed yet. The Alliance had spearheaded the idea of promenade there. For that reason, Mr. Debenedictis advised, the Alliance would like to keep the area promenade-friendly.

Mr. Debenedictis apologized for sending a last minute email to the Board. Mr. Debenedictis stated that he loves the Ocean Wave project, he feels it is one of the best

things facing A-1-A, but is wondering how it is going to impinge on the west side of Breakers Avenue. He also admitted to owning 3 properties on the west side of Breakers Avenue, two of them directly west of the Ocean Wave. Mr. Debenedictis expressed that the Alliance has been fighting to make Breakers Avenue pedestrian friendly, all the way to Bonnet House. Upon seeing the renderings last evening, there were two things that bothered him: (1) the density of the building and the shadow that was cast over his properties; and (2) the idea of the wall on Breakers Avenue. Mr. Debenedictis indicated that if those two things can be explained, then he would have no problem supporting the project.

Mr. Glassman asked Mr. Debenedictis for clarification as to which wall he was referring. Mr. Glassman requested that Mr. Lochrie provide an explanation.

Mr. Lochrie admitted that there was some confusion due to some changes made to the plans a month and a half ago. Mr. Lochrie referred to a rendering in which it appears that the retaining wall is higher than the people. He advised that at the request of City Staff the rear side of the building was redesigned and re-engineered. Mr. Lochrie expressed that there is no part of the building as important as the Breakers side, which is the front door. There is actually now a 4' retaining wall, above which is landscaping and a cascading water fountain.

Ms. Graham asked if the section depicted on sheet A2-10 on the far left side (west side of the building) is incorrect. Mr. Lochrie stated that the correct depiction is A2-06, A2-05, and A2-10, and that he had A2-05 up on the screen at this time. Another misconception, Mr. Lochrie admitted, is that the wall is the entire length of Breakers, which it is not. There is landscaping on the north and south sides, ramps that go up behind the wall, steps on the north side, a waterfall going down to the central piazza. Mr. Lochrie advised that the drawing is accurate.

Chair Curtis asked Mr. Lochrie if the plans and renderings that were used in the presentations deviated from the plans provided to the Board or reviewed by the Development Review Committee (DRC). Mr. Lochrie stated that the plans shown to the Board do not deviate from what is in the plans. Chair Curtis again asked if the plans and renderings both do not deviate. Mr. Lochrie advised that there was a deviation in one element of the rendering which shows a higher wall than what is actually in the plans.

Mr. Glassman asked if the parking is all below grade parking, and Mr. Lochrie answered that it is. Mr. Glassman then asked for confirmation that the ingress and egress for all vehicles are serviced on Windamar and Viramar, with nothing on Breakers, which he did. Mr. Glassman inquired as to what type of ramp or entranceway feature is available for the pedestrians and whether the wall is just 4 feet now at street level. Mr. Lochrie answered that this was correct. Mr. Glassman also asked if pedestrians will be able to enter from

the corner of Breakers and Viramar and Breakers and Windamar and go up the side towards the entrance. Mr. Lochrie answered, "Yes."

Mr. Lochrie explained that pedestrians can walk up from Viramar and Windamar right up into the central lobby area as well as coming up ramps (shown in a graphic) behind the wall up to the level where the cars come in, with steps on the south side. Mr. Lochrie advised that the break is 12' between the two walls.

Fred Carlson, a resident of the beach area, volunteer for the South Florida Tourism Council, and member of the Central Beach Alliance, indicated that he saw the initial proposal by Mr. Lochrie and was very enthused about it. Recalling that Mr. Lochrie said the piazza would be open the hours that the restaurants were open, Mr. Carlson expressed concern that the piazza would eventually become an extension of the restaurants. Mr. Carlson asked for an agreement that it would remain open to the public at all times.

Mr. Lochrie advised that the point made by limiting it to the hours of operation is that the Applicant wants to be able to tell people at 3:00 a.m. that they need to leave, or that people with skateboards need to leave, but certainly do not object to a condition of approval that this area be open to the public, not roped off, not closed off and not exclusive for the restaurant or retailers, and have no objection to that.

Chair Curtis expressed that Mr. Carlson did not want the area of the restaurant expanded outdoors. Mr. Lochrie advised that the traffic study includes outdoor dining area and it is desired to have outdoor dining area. Mr. Lochrie showed on a rendering where the outdoor dining area would be located in the northeast corner of the site. In addition, outdoor tables and chairs for dining would be desirable around the café. Mr. Lochrie stated that this entire area would not be closed off to the public and the entire area will not be a restaurant.

Mr. Glassman asked if the Golden Square Association was supportive of this project. Guy-Paul Lopez, as President of Golden Square, informed the Board that it is their wish to have a promenade on Breakers Avenue, and that every potential future building should propose something inviting to the property. As stated by Mr. Debenedictis, Mr. Lopez concurred that if it is a long wall it does not matter of high it is. The project has been presented to the group and everyone has approved it because it is a hotel concept.

Mr. Glassman asked Mr. Lopez if the concerns of the Golden Square Association have been satisfactorily addressed this evening. Mr. Debenedictis claimed that it has not in that he would like the pedestrians along the promenade to feel free and not be intimidated by a wall. Mr. Glassman would like clarification if Mr. Debenedictis is speaking for himself or the Association and whether the Association still stands by its support after what has been heard tonight. Mr. Lopez responded that it does not speak for Golden Square.

Ms. Fertig asked how many members were on the Golden Square Board and the results of the vote. Mr. Lopez responded that there are 22 Board members, and that it was approved.

Sylvia Coltrain represents the developers of the Orion Resort at 700 N Atlantic Boulevard, and is a member of the Golden Square Association. Ms. Coltrain advised that she was present at the Golden Square Association meeting when the project was presented. There were plenty of opportunity to ask questions at that time, and it was unanimously approved and it was agreed to endorse the project as presented.

Dale Reed, a member of the Golden Square Association, concurred with Ms. Coltrain's comments.

Mr. Lochrie reiterated that the maximum building length allowed in this zoning district is 200' long, above 55' in height, and this is not exceeded by the Ocean Wave. In addition, if below 55' in height and 200' in length is exceeded one must go to the City Commission as part of the approval, which is being done in this instance. Mr. Lochrie advised that it is typical for building lengths in this area to exceed the 200' limitation, but expressed that the area is not a solid wall, but a good portion being open public plaza.

As to mechanical parking facilities, Mr. Lochrie advised that the Atlantic is all valet and Pelican Beach has mechanical parking.

Mr. Lochrie expressed that the Ocean Wave has a promenade along Breakers at several levels. In addition, there is no way around having a retaining wall as a part of flood insurance requirements. Mr. Lochrie pointed out that the building is set back 50' from the property line, and that the building itself is all glass.

Chair Curtis closed the public hearing and returned the matter to the Board.

Ms. Graham referenced the drawings and that the roof deck is at the 220' elevation on the plans, yet the actual top of the structure is at 245' and that there are cooling towers and chillers. Ms. Graham is concerned that the height is significantly above the height documented in the back-up from the City.

Mr. Lochrie explained that this is a reflection of the City Code for height, which is to the highest occupied space, and that the areas above that are not included within the definition of height.

Mr. Brewton agreed that Mr. Lochrie is correct, and advised that height is measured from grade to the highest habitable space. Architectural features such as those used to screen

equipment are not counted as contributing to the over all height of the building as permitted by Code.

Motion made by Vice Chair Maus, seconded by Ms. Golub, to approve with staff conditions as follows:

- 1) Final DRC shall be subject to obtaining permits from the Florida Department of Environmental Protection (FDEP); and
- 2) The piazza shall remain open to the public during hours of operation for the restaurant and retail uses.

The Motion passed by roll call vote 8-1, with Ms. Graham dissenting.

2. City of Fort Lauderdale / Fire Station 46 Renee Cross 6-T-07

Request: * City and County Land Use Plan Map Amendment / Park to Community Facilities

Legal Description: A portion of tract "A" "Lake Lauderdale Recreation Area" according to the plat thereof, recorded in P.B. 134, P. 38, of the Public Records of Broward County, Florida

Address: 1515 Northwest 19 Street

General Location: South border of Mills Pond Park

Chair Curtis announced that there was a request for a deferral of this item by Staff to the May 21, 2008 Planning & Zoning Board Meeting.

Motion made by Mr. Glassman, seconded by Ms. Golub, to defer item #2 until the May 21, 2008 meeting of the Planning & Zoning Board. In a voice vote, the motion passed unanimously.

3. Water Supply Facilities Work Plan Comprehensive Plan Amendments Eric Silva 1-T-08

Request: * Text Amendment: Water Supply Facilities Work Plan

Legal Description: N/A

Address: N/A

General Location: Citywide

City Staff, Eric Silva, advised that the proposed amendments are to amend the Comprehensive Plan to comply with Chapter 163. A few years ago, the Legislature

amended Chapter 163 to require the City to complete a Water Supply Facilities Plan. Before the Board tonight are changes to five different elements:

- The change to the future land use element will require coordination with land planning and water supply;
- The change to the infrastructure element will require more coordination with the South Fire Water Management District and the Lower East Coast Water Supply Plan;
- The change to the conservation element will require additional water conservation measures and preservation of Biscayne Aquifer;
- The change to intergovernmental coordination element will require that the City work together with the Water Management District to update our Plan every time that the Regional Plan is updated; and
- The change to capital improvements element will assume that we will comply with our level of service standards and add the projects in the water supply plant to our comprehensive plan.

Mr. Silva stated that the action tonight for the Board is to make recommendation on the transmittal of the proposed amendments and the work plan to the Department of Community Affairs.

Mr. Silva invited questions and stated that the Public Works staff was also available to answer any questions. There being no questions, the matter was brought to a motion.

Motion made by Ms. Adams, seconded by Vice Chair Maus to approve the amendment. In a voice vote the motion was approved unanimously as presented.

4. Sovereign Development Group IX, Inc. / Value Place LLC Plat Anthony Fajardo 15-P-07

Request: **

Plat Review

Legal Description:

A portion of the north 1,000 feet of the south 1,035 feet of the east 500 feet of the west 533 feet of the southwest one-quarter (SW ¼) of Section 18, Township 50 south, Range 42 east

Address:

2100 South State Road 7

General Location:

Approximately 260 feet south of Riverland Road on the east side of State Road 7 (access from Riverland Road)

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in.

Ms. Maus stated that the Board heard this presentation the last time and asked if new material was being presented. Ms. Krinsky, representing the Applicant, responded that some of the reports had changed since the last presentation, specifically the traffic report.

Chair Curtis stated that he was not present at the last meeting, and asked if the Applicant made a presentation last time. Ms. Krinsky responded that they did make a presentation, but that the matter was deferred, and they should be able to make a complete and accurate presentation at tonight's meeting. Ms. Krinsky advised that the Applicant was not permitted to put all of their documents into the record because of a rule that does not allow for the consideration of those materials. Therefore, on March 10, 2008, those materials were submitted to the City and the Applicant would like those materials to be considered and the Applicant would like to have those witnesses address those materials.

Ms. Golub said that she takes issue with the Applicant in that she was not prohibited at the last meeting from putting in any documents that she so chose. Ms. Golub stated that she was offended that the Applicant claimed that it was not permitted, or prohibited from admitting evidence last time.

Ms. Krinsky said that no offense was intended in any manner, and that it was her understanding that the Board wanted additional time to consider the materials. Ms. Krinsky stated that part of the matter being deferred was to enable the Board to have that additional time.

Chair Curtis reiterated the request was for 45 minutes and asked if anyone was opposed to allowing the Applicant 45 minutes. Mr. Glassman was agreeable to 30 minutes. Ms. Golub was opposed to 45 minutes in light of the fact that there were specific questions in the minutes that were meant to be addressed, and that much of what was submitted was repetitious. Ms. Golub said that the Applicant should be able to present that which is new in 30 minutes. Ms. Graham also agreed to 30 minutes.

Chair Curtis stated that in light of the fact that the Applicant had the opportunity last time, he would approve her request for additional time and will limit it to 30 minutes for presentation and rebuttal. Chair Curtis also stated that if someone from the public comes up with a great deal of evidence in the nature of a presentation that could be considered evidentiary in some way, and the Applicant can show that additional time is needed, then the Board will certainly entertain it at that time.

Ms. Krinsky, representing the Applicant, Sovereign Development LLC and Value Place LLC, noted the location of the property; it is approximately 2.5 acres and that it has been

zoned B-2 for a long time; it is designated commercial in both the County and the City land use plans.

Ms. Krinsky indicated that the plat is a graphical representation of the property, showing where it is located and how it is accessed. In this case, there will be a restriction on the property for a 124-room hotel. The plat also shows a dedication of additional right-of-way on State Road 7 and sidewalks adjacent to Riverland Road and on State Road 7. Access is not permitted to the property through State Road 7, but instead there is deeded access permitted through Access Road 7 to the south of the parcel.

Ms. Krinsky noted that all DRC comments have been addressed. Sign-offs from the City Surveyor and Engineering Design Manager have been obtained as set forth in the Staff Report. The plat conforms to all of the legal requirements of the City set forth in Section 47-24.5, and all subdivision requirements.

Ms. Krinsky offered the City file on the plat only and the documents provided by the Applicant in advance, including the transcript from the December 19, 2007 hearing before the Planning and Zoning Board as part of the record tonight. Ms. Krinsky submitted that approval is required as the plat meets all applicable legal requirements. Since 1978 the Florida courts have confirmed and reconfirmed what they have held in the case of *Broward County v. Narco*, provided to the Board tonight, as follows: Having met all of the legal requirements for obtaining plat approval, the County must approve Narco's plat so that it can be recorded. The County there had no discretion to refuse this plat approval, and the trial court was correct in issuing the preemptory writ of mandamus. The court reasoned that all persons similarly situated should be able to obtain plat approval upon meeting uniform standards. Otherwise the official approval of a plat application would depend on the whim or caprice of the public body involved.

Ms. Krinsky stated that the evidence already presented, as well as the evidence to be presented shows that this plat meets all of the applicable legal requirements as has also been confirmed by City staff. Ms. Krinsky indicated she will make her comments as quickly as possible, but objected to any time limitation relating to her presentation.

Ms. Krinsky called the first witness, Steve Vrabel, owner of and surveyor with Patriot Surveying & Mapping. Mr. Vrabel stated that Dennis Gabriel, his partner, is the surveyor of record for this project. Mr. Vrabel acknowledged that he reviewed the plat shown as tab 2 of the notebook provided to the Board. He confirmed that the plat meets all of requirements of Florida Statutes, Chapter 177. He explained that a plat is a graphic representation of the lands being subdivided and presented to an agency for approval, which generally spells out the lots, restrictions, boundary information, etc. He stated that the subject property is not being subdivided. There is access via Access Tract 7 from Riverland Road which is shown on the plat. He explained that tab 28 of the notebook is from Broward County Property Appraiser's Office, showing the zoning area, which is B-2.

He believed the City Surveyor, Tony Irvin, approved the plat in its current format, in that he had received an e-mail from Mr. Irvin indicating that, other than a dimension he needed on the plat, everything was approved. He confirmed that dimension was added to the plat. There is additional 7 feet dedication of right-of-way shown on the plat on the west side of the plat, along State Road 7. He advised that there is a plat note restriction to 124 hotel units shown on the plat.

Ms. Krinsky called her second witness, Craig Bencz, a certified urban planner. Mr. Bencz indicated that tab 18 of the notebook is a copy of his resume. He acknowledged documents in tabs 4 and 5 of the notebook are responses prepared by Rhon Ernest-Jones Consulting Engineers under his direction. He has addressed all comments raised by staff in relation to the plat and any applicable criteria set forth in the Code. Based on his work as a planner, he indicated that the plat conforms to the requirements of 47-24.5 of the ULDR and subdivision requirements. He has not had any conversations or indication from staff, suggesting that those requirements have not been met. He testified on December 19, 2007. All of that testimony was accurate at that hearing. In his opinion as a certified planner, the plat meets or exceeds any of the adequacy requirements set forth in the Fort Lauderdale Code, as well as the City's subdivision regulations.

Ms. Krinsky called her third witness, Andrew Bie, a biologist and Director of Environmental Land Design South. He confirmed that tab 17 is a copy of his resume. Mr. Bie testified that his report is shown at tab 16; it is in relation to the property subject to the plat. He stated that the subject property is not environmentally sensitive and there is no mitigation regarding environmentally sensitive issues. He made three site visits in the a.m. and p.m. and did transects through the site but did not observe any protected animal life on the property. They looked for signs of tracks, nests or burrows, but did not see any of those signs in relation to any protected species, such as Burrowing Owls or Gopher Tortoises. Referring to page 14 of his report, he testified this map depicts environmentally sensitive lands, tree resource lands, local areas of particular concern and natural resource areas. He confirmed that the Broward County Planning Map does not designate the subject property as an area of particular concern, nor as an area of environmentally sensitive land. Through review of Broward County Wellfield Zone of Influence Location Map (page 16 of Mr. Bie's report) and the location of the site, he testified that it is not located in the Broward County Wellfield Zone. He observed quite a few signs of off-road vehicle usage on the site.

Ms. Fertig asked Mr. Bie when he first visited the site; Mr. Bie replied on December 7, 2007. Ms. Fertig recalled previous testimony that the site had been cleared at some point. Ms. Krinsky indicated in Mr. Bie's report there are aerials going back to 1958, showing that the site was cleared since 1958. In response to Ms. Fertig, Mr. Bie indicated he reviewed the testimony from the last meeting and it is not possible for any of the animals referenced at the last meeting to exist on the site. In response to Ms. Krinsky,

Mr. Bie stated there were no protected species located on the site, while there could be transient, non-protected species, birds, etc. There was almost no habitat on the site.

Ms. Krinsky called her fourth witness, Juan Ortega, who stated he is a professional engineer specializing in traffic engineering and he is a member of the Institute of Transportation Engineers. Tab 12 of the notebook is his resume. The level of service on Riverland Road would not change beyond the adopted level of service if the plat is approved, nor will the level of service at the intersection at State Road 7. A traffic impact study was not required for the pending plat approval, because property generates less than 1,000 trips during the day and less than the threshold for half an hour. Nevertheless he prepared a traffic impact analysis, which is set forth at tab 13. He attended a meeting on the traffic study's methodology. In attendance at that meeting were City staff and traffic consultants for the City. He stated that this was the first time he had to agree to a methodology before doing a traffic analysis for a plat. He and the City's Traffic Engineer agreed to the methodology, which was used to prepare the report set forth at tab 13. The plat meets the adequacy requirements with respect to traffic and transportation, according to his study. He advised that this plat will have less than 1% impact on Riverland Road, and less than 1-1/2% impact on any road within 2 miles of the plat. He confirmed that he considered school bus traffic on Riverland Road. He further refined his analysis since February 29, 2008, based upon receipt of comments from the City. He confirmed the City's comments are contained in a letter dated March 12, 2008, and his responses are contained in a letter dated March 13, 2008. He testified that none of the questions asked by the City, nor answers set forth in his response change his conclusion that the plat meets all of the adequacy and subdivision requirements regarding traffic and transportation. He testified that, as requested by the City, he increased the truck factor to 2%, which did not change the level of service at that intersection. Had he increased the truck factor for the intersection of the access road and Riverland Road, it would not have changed the level of service at that intersection. He used a 1% growth rate for traffic in his analysis set forth at tab 13, based on historic data from the Department of Transportation. If the growth rate increased to 1-1/2%, it would not have changed the results.

Mr. Glassman referred to exhibit three, a memorandum from Keith & Schnars to the City, and asked how Mr. Ortega would square away his testimony with their conclusion. Mr. Ortega stated that the existing level of service at State Road 7 and Riverland Road is service level "F" today. With the proposed project of a business hotel, it would be the same service level "F". The impact will be less than 1% on that intersection. Mr. Glassman stated that Keith & Schnars seems to take exception; they are stating there is no benchmark for the future impact with the hotel. Ms. Krinsky advised that Mr. Ortega's response was not provided yet. She passed out copies. She explained the analysis was not conducted until the day after receiving the City Traffic Engineer's report. She believed that the March 13, 2008 letter and testimony addresses all comments made by

the City Traffic Engineer in the March 12, 2008 letter and that all of the adequacy requirements have been met.

Ms. Fertig was concerned about not having time to appropriately review the traffic information just received; it was a concern at the last meeting. Ms. Krinsky noted the Applicant provided a traffic study that was requested at the last meeting and it is provided in the notebook at tab 13. On March 12, the City Traffic Engineer sent a letter to the Applicant with questions and comments in relation to the traffic report dated February 29, 2008. Ms. Krinsky advised that the Applicant responded in a day to those extra comments. The letters just provided to the Board are merely discussion back and forth. Ms. Krinsky reiterated that the Applicant stands by the traffic report in the notebook at tab 13, which is what was requested at the December 19, 2008 hearing and not what was just handed out.

In response to Ms. Fertig, Mr. Ortega responded that he agreed with methodology proposed by the City; it was followed in the traffic analysis.

Ms. Krinsky called her fifth witness, Eric Granger, who confirmed that tab 19 is a copy of his resume. Mr. Granger stated that there is existing access to the property, shown on the plat as Access Road 7, on the southeast corner of the parcel. It was provided by easement. The documents at tab 11 support the easements and provision of access to the property. He advised that he attended a meeting with Florida Department of Transportation staff and they acknowledged that access for the project would be through the existing Access Road 7. Tab 25 is a copy of the Florida Department of Transportation's pre-application meeting confirmation letter from September 25, 2007.

Ms. Golub referred to the curved road that runs along the plat line to the south of the property. Mr. Granger responded that existing roadway was constructed within Access Road 7, for the benefit of the property to the south and the subject property. Ms. Krinsky explained that the outline in red on the zoning map is not the subject property although it includes the property to be platted. Ms. Golub concluded the hotel entrance will be somewhere along the road that jogs up and over. Mr. Granger stated that is correct. Ms. Krinsky advised that it would depend on what the City approves.

In response to Chair Curtis, Mr. Granger pointed out Access Road 7 on the map, and noted that the location of the driveway for the subject property could occur anywhere within that area as approved by the City on site plan review. (Tab 2)

Ms. Krinsky called her sixth witness, Alan Tinter, a registered professional engineer, who indicated he has a degree of civil engineering and has been practicing traffic engineering for over seven years. Mr. Tinter confirmed Ms. Krinsky was presenting his resume to him. He has seen the traffic analysis prepared by Dr. Ortega of Land Design South in relation to the plat and he agrees with the conclusions of the traffic impact analysis

presented by Dr. Ortega. There will not be a significant impact on traffic if the plat is approved.

Ms. Graham referred to the survey handout. She asked if it is correct that all inbound traffic to the replatted site would proceed from the intersection of State Road 7 east on Riverland, make a right turn onto Access Road 7, and then a turn onto the site. Mr. Tinter concurred and concurred that it is a shared access pocket with the site to the south.

Ms. Graham noted that curb cuts for the site to the south are already in place. She understood that the Applicant has not yet determined where traffic will enter into the site, either from the west or the north of that access road pocket. Mr. Tinter agreed, indicating the Applicant will work with the City through the site plan approval process to locate the driveway. Ms. Graham understood any north or southbound traffic from State Road 7 will turn east onto Riverland, swing around the northeast corner of the site and proceed south on Riverland to make a right turn. Mr. Tinter acknowledged that as correct.

Ms. Golub asked if all trips, 900 plus, would be on Riverland Road and questioned if that is less than a one percent impact to the traffic on Riverland. Mr. Tinter concurred. advised that the analysis was done on the basis of the peak hour (between 4 p.m. and 6 p.m.); traffic volume was 73-77 vehicles during the peak hour. Ms. Golub asked what it would be during the time that school buses are on Riverland Road. Mr. Tinter stated that the analysis was done to look at the worst condition, which is the evening rush hour. Traffic volume during the afternoon when children are leaving school is not typically the maximum volume of traffic on the highway, nor is it the maximum volume that is generated by this type of development.

Ms. Golub understood this project was analyzed as a business hotel, not as an extended stay that has families. Mr. Tinter agreed this was correct. He noted an extended stay hotel generates more traffic than a typical hotel. All of the traffic does not go onto that one piece of Riverland Road between the access point and State Road 7; they estimated about 95% will do this, but 5% or four vehicles during the peak hour will head east on the balance of Riverland Road, and then to Davie Boulevard or 27 Avenue by turning out of Access Road 7, turning right onto Riverland Road and proceed to the east.

Ms. Fertig understood that Mr. Tinter was hired by the Applicant to review the traffic engineer's report. Mr. Tinter acknowledged this as correct. He indicated it included review of the methodology. They did not do any analysis of the traffic in the area.

In response to Ms. Fertig, Mr. Tinter believed there are two schools on Riverland Road east of the site, but was not sure of all the schools in the area. He added that the traffic study was done during a period of time when school is in session, so it did account for school traffic. He believed the counts were done in late January and early February over

four week days and two weekends, when school was in session. Although the review was done on a daily basis, it concentrated on the peak hour basis, because that is the typical period of time for traffic studies as required by the City.

Ms. Graham noted and Mr. Tinter confirmed on page 14 of the traffic study, tab 13A, the conclusions and recommendations notes 72 during the peak a.m, and 77 during the peak p.m. time. Ms. Graham asked about exiting the access road and turning left to go north on Riverland, to make the intersection of State Road 7 and Riverland, if there was going to be a traffic light there. Mr. Ortega replied that a traffic light is not required.

In answer to Ms. Graham, Mr. Tinter indicated that Broward County busses run on Riverland Road. Ms. Graham asked if there will be a bus pull-in lane on Riverland, on the east side of the site. Mr. Ortega was not aware of one, but noted this would be part of the site plan process at the County.

Ms. Fertig requested confirmation that the study was conducted based on the use of a business hotel and not an extended stay. Ms. Krinsky indicated that the traffic analysis used the category of business hotel because it was the most conservative category with hotels. She noted the plat restriction is 124-room hotel, as defined by the City, which will be addressed in the site plan review process. Ms. Fertig pointed out there was previous conversation that Value Place does not allow overnight stays, but generally for a week or more. Ms. Krinsky reiterated that the plat is limited to a 124-room hotel and whatever the City defines as a hotel is what will be allowed on the plat, unless there is a plat amendment. The 124-room hotel restriction is being placed on the plat voluntarily by the Applicant.

Chair Curtis invited comments from the public.

Mark Engel, 2418 Riverview Drive (off Riverland Road), stated that he is an architect and lifelong resident of the Riverland neighborhood. He disclosed that at the last DRC (Development Review Committee) meeting he was nominated as a liaison between the City and resident associations. At this DRC meeting, residents were requested to provide a list of comments and suggestions for the proposed development. He provided the Board with a copy of their comments which was provided to the City. He commented that many times the site plan process and the plat process run concurrently and if there was ever a case for this, the Value Place would be such case. He noted if the application is denied at DRC, it will most likely be appealed to the Planning and Zoning Board.

Mr. Engel indicated the Applicant is requesting a 124-room hotel at the site when, in fact, it does not meet the definition of hotel. He referred to an email from Greg Brewton, Director of Planning and Zoning, to that effect and that the Applicant has presented a letter, saying, they promise to act like a hotel. He questioned how this would be enforced.

He indicated that every bit of their corporate structure is to act not like a hotel, so he did not believe in this one instance they will change and operate this property differently.

Mr. Engel believed the level of development requested exceeds the capacity of Riverland Road and is grossly out of scale for the neighborhood. The Applicant is requesting a 124-room, four-story, almost fifty feet tall, which will dwarf the single-family homes in the neighborhood, which are in the fifteen foot range.

Mr. Engel remarked that in the mornings it is already extremely difficult to get out of Riverland Road. He disagreed with the conclusion of 73 trips in one hour. Those vehicles traveling eastbound will go through the neighborhood. He questioned the estimate of 5%. He believed traffic will use it as a short-cut to Davie Boulevard, which will impact Stephen Foster Elementary, New River Middle School and all residences on Riverland Road. He did not believe this development meets any portion of the City's neighborhood compatibility and it will add traffic to an over capacity road.

Mr. Engel commented that this is a tiny portion of an overall four acre property. The two properties to the north will be accessed through the Applicant's site. The Applicant is not providing a dedicated road to access the two sites to the north, rather it will be through a parking lot. He felt the entire site should be platted as one. The Department of Transportation will not allow the existing platted easement to the north from State Road 7, therefore ingress and egress for all three sites will be through the spur road. He concluded it will be much more than 72 trips. He suggested that the Applicant provide twenty-four foot access through the site, which should account for what level of development will occur on the other two sites.

Mr. Engel indicated the development has many issues not addressed by the plat. He asked that the plat be denied because it proposes something disallowed; the level of development far exceeds the capacity and scale of the neighborhood and full impact of the vacant parcels to the north cannot be evaluated unless the entire site has been platted.

In response to Ms. Krinsky, Mr. Engel indicated that he has put a copy of his February 22 letter into the public record. Ms. Krinsky stated that the Applicant objects to the consideration of Mr. Engel's letter as it addresses site plan and not plat approval.

Ms. Krinsky asked if Mr. Engel is a professional engineer, registered in the State of Florida. Mr. Engel responded no. In further response to Ms. Krinsky, Mr. Engel indicated he is not a traffic engineer.

In response to Ms. Krinsky, Mr. Engel indicated that he understands a plat is different than a site plan and there is a note restriction on this plat for a hotel use.

With regard to impact on Riverland Road, Ms. Krinsky asked if Mr. Engel had performed a traffic study with regard to the impact of the plat. Mr. Engel replied no, he had reviewed the traffic study by the Applicant's Engineer.

Ms. Krinsky recounted that Mr. Engel had said the Applicant admitted that there would be access to the site to the north, and asked where that alleged admission took place. Mr. Engel advised that it occurred at the DRC meeting when he raised these concerns. He Engel indicated that an issue arose about the existing platted property to the north on the corner of 441 and Riverland Road with an access through the middle of the site. At that meeting it was stated that would not be allowed by the Department of Transportation. Mr. Krinsky asked if that DRC meeting was in relation to the site plan. Mr. Engel confirmed as correct, but it did address access to the site. Ms. Krinsky asked if Mr. Engel has heard any information tonight in relation to any access to the north of the platted property. Mr. Engel responded no, and that is his objection to the plat; it has to be accessed from the north.

Scot DiStefano, 2410 SW 29 Way (off Riverland Road), stated he is a registered architect in the State of Florida. He believed the traffic study presented in support of this plat is compromised. It was prepared by a member of the design team, and not a neutral third party. According to the data in the traffic study, it was conducted over an eight-day period, but only four days of the data are used to draw conclusions. He wondered, from a methodology standpoint, who decided which four days to use. He believed that anything less than a seven-day study is inherently flawed.

Mr. DiStefano found the report convenient at best and possibly misleading at worst. He provided information to the Board and referred to Exhibit 4, which is a page from the Florida Department of Transportation level of service handbook, and the traffic study on page 10, Section VI, Paragraph B, wherein the Applicant is suggesting that highway capacity manual data is supporting the level of service of Riverland Road; it is actually B. In Exhibit 4 there is a level of service analysis and evaluation chart. Field measurements are considered more accurate than the Highway Capacity Manual data. For them to default back to the Highway Capacity Manual data to make an argument on level of service is inherently flawed.

Mr. DiStefano referred to page 11, Section VII, Paragraph A of the Applicant's report that acknowledges that the current level of service at the intersection of Riverland Road and State Road 441 is F, but the conclusion of the study does not seem to acknowledge it. The level of service grading is such that D is considered normal and E and F are over capacity.

Mr. DiStefano referred to page 10, Section VI, Paragraph B of the Applicant's report concludes that the free flow speed on Riverland Road is level of service B. In speaking with staff of the Broward County Metropolitan Planning Organization about how the free

flow speed was determined, they smirked. He explained there is a very definitive methodology for determining free flow speed. One cannot upgrade the status of Riverland Road by putting markers on one spot mid-block and measuring the average speed of the cars passing that one point.

Mr. DiStefano referred to his Exhibits 5A and 5B, which is email correspondence between himself and Roger Del Rio, Executive Director of Broward County Metropolitan Planning Organization, who is responsible for level of service determinations upon which the traffic study was based. He had stated at a previous Board meeting that he was told four years ago that Riverland Road was over-capacity, and Mr. Del Rio acknowledged in these emails that Riverland Road is not a major city/county roadway, which is how this study was based, but it is an other signalized roadway and it is a level of service E.

Mr. DiStefano suggested that if the data that Value Place collected is applied to level of service E (Exhibits 2A and 2B of Value Place's traffic study) and the traffic counts conducted on January 29 and 30) are cross referenced to Exhibits 1A and 1B, average daily volume on Riverland Road and peak hour data, one will see the Applicant used level of service D, instead of E - other signalized roadway that should have been used. Referring to Exhibit 2A, he pointed out that Value Place counted 13,179 trips on this given day, which is greater than the 12,600 trips allowed under level of service E. Today Riverland Road is 4% over-capacity for level of service E. If the 901 trips per day that Value Place is proposing is taken into account, it would be over the level of service by 10.5%. He suggested if the remaining property that has yet to be developed is considered and Value Place's numbers are applied on a square foot basis of available land, 1,800 cars is added, it would put Riverland Road over level E by 20.6%.

Referring to Exhibit 2B, Mr. DiStefano performed a similar analysis for the peak hour studies. The daily count for Wednesday, January 30, at 1 a.m. was 1,127 cars. If Value Place's 72 vehicles are added, it totals 1,199 peak hour vehicles. Referring to Exhibit 1B, he noted the threshold for exceeding level E is 1,200 and for the p.m. hours, it is 1,303 vehicles – well over the 1,200 threshold.

Mr. DiStefano concluded if Value Place is built, Riverland Road level of service becomes F, a definitive downgrade in the quality of the roads serving this neighborhood.

Ms. Graham noted that a 124-room hotel is going to require at least 124 parking spaces, there will not be a Planning & Zoning Board site plan review. Ms. Graham felt that she could not question the traffic studies as she is not a traffic engineer, but there seems to be a discrepancy. Mr. DiStefano indicated there is a huge disparity in the data interpretations. Mr. DiStefano reiterated that the emails between himself and Roger Del Rio were forwarded to staff, therefore he did not understand why this was not considered in the methodology meeting.

In response to Ms. Fertig, Mr. DiStefano indicated there are school zones on Riverland Road in front of New River Middle School and a mini-school zone where the main street serving the elementary school intersects Riverland Road. Sunset School is north of Davie Boulevard.

Ms. Krinsky asked Mr. DiStefano if he is a professional engineer registered with the State of Florida. Mr. DiStefano replied he is an architect. Ms. Krinsky then asked Mr. DiStefano if he is a traffic engineer. Mr. DiStefano replied that he hires traffic engineers, but he is not a traffic engineer. Ms. Krinsky asked if Mr. DiStefano has hired anyone to present testimony this evening. Mr. DiStefano answered no.

Ms. Krinsky inquired as to whether Mr. DiStefano testified at the last hearing in December of 2007. Mr. DiStefano replied yes. Ms. Krinsky recalled that Mr. DiStefano testified that he had built his house in the Riverland neighborhood seven years ago. Mr. DiStefano confirmed that as correct. Ms. Krinsky asked if Mr. DiStefano was aware that the subject property has been zoned B-2 commercial for well over seven years. Mr. DiStefano answered that he was not aware of that. Ms. Krinsky asked if Mr. DiStefano heard from at least one traffic engineer that the plat meets all applicable legal requirements. Mr. DiStefano replied yes. In response to Ms. Krinsky, Mr. DiStefano indicated he heard the comments of staff this evening. Ms. Krinsky asked if Mr. DiStefano was aware that the methodologies followed by the traffic engineers retained by the Applicant were approved by the City. Mr. DiStefano indicated he was not questioning that, but rather he is questioning the methodology itself. Ms. Krinsky asked if Mr. DiStefano told Mr. Del Rio who he was when speaking with him. Mr. DiStefano indicated he told him he was a resident of the Riverland neighborhood. Ms. Krinsky asked if Mr. Del Rio indicated to Mr. DiStefano that one recommended technique would be use of the FDOT Quality of Service Handbook. Mr. DiStefano acknowledged that is the reference manual. Ms. Krinsky asked if Mr. DiStefano is aware that is one of the precise techniques used by the traffic engineers presented tonight. Mr. DiStefano did not think the question was valid as posed. He explained the FDOT Quality of Service Handbook is a series of guidelines as to how various traffic studies can be implemented, but the guidelines very specifically state that the data in that guideline is not to be used for traffic studies, on page 85. Ms. Krinsky wanted to offer into the record the entire Roadway Capacity and Level of Service Analysis for 2005, dated September of 2006. Ms. Krinsky asked Mr. DiStefano the speed limit on Riverland Road, to which he responded that it is 35 miles per hour. Mr. Krinsky asked if Mr. DiStefano would be surprised to know that more than 50% of the time cars exceed the speed limit on Riverland Road today. Mr. DiStefano thought whether or not he is surprised is irrelevant. Ms. Krinsky asked if more than 50% of the time cars exceed that speed limit. Mr. DiStefano asked if she is basing her data on one set of sensors placed in front of the Value Place property. Ms. Krinsky indicated that she is not testifying. Mr. DiStefano indicated he does not know the percentage of cars that speed on Riverland Road. Ms. Krinsky asked if Mr. DiStefano would agree that using local field surveys would be one of the best ways to determine

actual capacity. Mr. DiStefano indicated he would agree with that. Ms. Krinsky asked if Mr. DiStefano was aware that the Applicant's traffic engineers used local field surveys to support their studies. Mr. DiStefano replied yes, that is the data he used in supporting his argument; the most current data available.

Ms. Krinsky stated that the Applicant will offer rebuttal to this testimony, even though by doing so the Applicant is not conceding that he has any competence to present any of the testimony he gave tonight.

In response to Ms. Fertig, Mr. DiStefano indicated he was not paid by anyone to be here tonight.

Linda Pisano, 2524 Flamingo Lane, Lauderdale Isles, was concerned if this plat is approved it will irrevocably change the neighborhood. Of most concern to her, is traffic impact and whether it is a hotel, does it meet the definition of a hotel and what was represented in the plat application.

Ms. Pisano affirmed that she is not a traffic expert, but anecdotally, as a mother, trying to get her children to school, living south of Riverland Road and attempting to cross that road in the morning, she sits at the end of the street for 5 to 10 minutes every morning. There is heavy traffic on that road now. The addition of a 124-room hotel with one access road, any traffic turning right would head along Riverland Road into her neighborhood. She did not believe that a 124-room hotel will not impact beyond 1% area traffic.

Ms. Pisano pointed out inconsistencies that she has heard in the multiple meetings that she has attended. She referred to the last Planning & Zoning meeting that there were inconsistencies with regard to the application and what was being represented to the Board. She noted the Applicant has indicated tonight the property is being platted as a business hotel, not an extend-stay hotel. The reason is because a business hotel has less of an impact. They have represented at two civic association meetings that she attended that this is an extend-stay hotel, offering weekly rentals only at \$350 per week, not nightly rentals. She commented that their target was families in transition and workers in town for extended periods of time doing contract work. She was concerned that there are area schools and daycares that will be impacted. She did not know whether that was addressed.

Ms. Pisano referred to the Applicant's Exhibit 29, where they proffered letters of residents. She noted out of the 688 homes in Lauderdale Isles, one resident, Michael Streur, wrote a letter of support. She has 175 signatures of Lauderdale Isles' residents who are opposed. Of the fifteen residents, only three are in the affected area. She listed each name and address of individuals who do not live in the affected area, some living as far as Davie, Plantation and downtown Fort Lauderdale: Pamela Calvert, Marion Bailey,

Matthew Weiner, Henrik Hesselman, Laura Reader, Sharon Reeves, Vivian Afonso, Page Lord, Maggie and Ken Potter and Lucy Weber. The fourteenth letter is from Broadview Park which is within a mile of the project but on the other side of 441 and would not be impacted by the traffic. The fifteenth letter provides no address.

Ms. Pisano contended that Value Place presents one thing and says another. She asks the Board to consider the totality and credibility of the evidence. There are a large number of people present who are opposed to the project.

Ms. Krimsky objected to consideration of Ms. Pisano's comments who has testified that she is not an expert witness and she quoted the DRC site plan as opposed to the plat application present tonight. In addition, she objected to consideration of any signatures on any proposed petition or any other document as she has not received it and those individuals are not in attendance this evening to be cross-examined. Ms. Pisano explained the petitions were presented at a February City Commission meeting.

Mr. Glassman asked if there were two neighborhood civic associations that are impacted. Ms. Pisano believed there are more: Lauderdale Isles Civic Association (688 homes south of Riverland), Sunset Civic Association within the 300 foot border across Riverland) and Riverland Manors Civic Association. There were a number of civic associations that attended a Southwest Coalition meeting and were very concerned. She indicated that what was initially presented to them is not what is bearing out according to their independent investigation. Mr. Glassman questioned why the Board is not seeing letters from active civic associations. Ms. Pisano indicated she has requested the Lauderdale Isles Civic Association to write a letter. The Board of Trustees has agreed to meet on this issue tomorrow night; there has been a change in leadership and many other reasons. Individual residents of those areas are concerned and their voices should be heard even if they may not be members of a civic association or attend association meetings. Mr. Glassman agreed, but he would have appreciated the civic associations weighing in. Ms. Pisano offered to encourage them to supplement the record.

Ms. Fertig asked if the Board is precluded from considering evidence unless it is presented by an expert. Ms. Miller responded no, it would go to how the Board would weigh it.

Ms. Fertig asked Ms. Pisano if any of the individuals that signed her petition in attendance and Ms. Pisano believed they are. Ms. Pisano clarified that the only petitions in her possession are those signed by Lauderdale Isles' residents. There were petitions signed by other communities within the Riverland area.

Ms. Golub asked how many people stood up when asked by Ms. Pisano to show their opposition to this application. Ms. Pisano estimated fifty.

Frank Bryan, indicated he resides east of the Applicant's site between Riverland Road and I-95, in Flamingo Park. In Flamingo Park, there are two ways out: Davie Boulevard to the north; or Riverland Road west to State Road 7. Mr. Bryan said he has lived at his residence for 48 years. He does not consider Riverland Road to be more than a city street. When school lets out, there are children on both sidewalks and they run across from one to the other. There is a lot of traffic on Riverland Road. There is nothing but residences on both sides of Riverland Road. There is already a bottleneck. The worst spot is the "S" curve to State Road 7. The traffic on Riverland Road at the traffic signal at State Road 7 backs up to the corner of the property. Riverland Road is about the only exit road to the west in any direction from the residential.

Ms. Fertig asked and Mr. Bryan confirmed if traveling east on Riverland Road from the site to get to I-95, or directly from Riverland Road past the schools to the bottleneck.

Frank Lipson, representing River Landings Homeowners Association, (nineteen residences), indicated he has resided in this area since 1978. Mr. Lipson inquired as to whether a study has been conducted on the number of accidents at the corner of 441 and Riverland Road. He cautioned against hampering fire rescue trucks along Riverland Road. He recalled that the site used to have a shopping center with a Safeway food store, restaurant and laundromat. Consideration should be given to what residents originally thought would be on the property. A four-story hotel would create risks for everyone and be a smack in the face.

Mr. Lipson questioned if the Board would approve a proposal for that many residences in the area. He felt it is the same consideration because it is extended-stay. He felt the traffic study has understated what is occurring in order to get the project approved.

Ms. Krinsky asked Mr. Lipson if he was aware of the zoning of this property for commercial, and he stated that he was. Ms. Krinsky stated an objection to comments relating to the site plan or DRC process, and not applicable to the plat reviewed tonight. At this time, Mr. Lipson stepped down.

Scott Bryan stated that he has lived in the neighborhood, Flamingo Park, his entire life. This is the City's entryway. He questioned if this facility should be what people see as they enter the city. It is no Venice of Florida. He commented that the storage facility next to this parcel has height and hours of operation limitations. He questioned if people would be able to arrive at 2:30 in the morning.

Mr. Bryan asked if the biologist's survey was done before or after the site clearing. He asked how long it would take for inhabitants to return after a clearing. He asked how long the biologist was on the site, was capture equipment put in place. He asked if there were any protected botanical species at the site. He asked if there were any migratory or wading birds which are protected. He commented that less than half a mile away a

Burrowing Owl was found on South Plantation High School football field. He questioned what would stop those owls from coming to this site. He wanted the biologist to confirm that no transient species, migratory or wading birds, would ever use the property, has not used the property or was not there during the survey.

Upon questioning by Ms. Krinsky, Mr. Bryan stated he is not a traffic engineer nor a biologist.

Ms. Krinsky objected to all comments in relation to the site plan, particularly the hotel and number of guests, none of which are applicable to this as a plat. Chair Curtis advised Ms. Krinsky that her objection was understood and that she could have a standing objection to all further testimony on this issue.

In response to Ms. Fertig, Mr. Bryan stated that the property has been cleared numerous times over the years. He commented that foxes, possum, raccoons wander through his yard all the time as well as migratory birds and forage across the state. He believed the biologist's statement that those species would never be at the property is at best faulty science, if not blatant lies.

Ms. Graham inquired as to a shopping center previously on the site that had been demolished and whether the native flora and fauna came back to the site. She questioned if the clearing happened when I-595 was constructed. Mr. Bryan replied no, some of the Slash Pine are much older. There has always been existing shrubbery and trees on the property, but most of the under-story vegetation has occurred since the property was cleared.

In response to Ms. Krinsky, Mr. Bryan acknowledged he was aware there is no water on the site. Mr. Krinsky concluded that Mr. Bryan's comment about wading birds was about another site. Mr. Bryan indicated that wading birds will go through there. Ms. Krinsky referred to tab 16 in the Applicant's notebook, of aerials going back to 1958.

Chair Curtis asked and determined that staff did not have anything to add to their presentation at the previous hearing.

Kate Hofstetter, 2525 Gulfstream Lane, indicated she has two protected species in the back; this is impacting her neighborhood.

Finding no further comments from the public, Chair Curtis closed the public hearing.

Ms. Golub acknowledged that the Board is supposed to be looking at plat approval. She was especially bothered by the experts' bold statements that all of the requirements have been met. Golub was especially concerned with Section D on subdivision layout, as it relates to access to the entire plat, if there are parcels that are not included in the plat

being requested; how will they be accessed. She was concerned about layout, traffic. The Applicant has only made the statement that they comply with Section D.

Ms. Golub was also concerned with the plat notation that this will be a hotel. The Value Place website states it is a minimum weekly stay property. She felt the City may be in violation of its regulations by approving this plat with such a notation. Ms. Krinsky explained that tonight the Board is to address a plat that is in a B-2 area. There are many commercial uses available in a B-2 area, one of which is a hotel. Restricting the property to a hotel is beneficial because it prevents other uses from being requested. The City has a very specific and long site plan process and all of those issues will be addressed through that process.

With respect to questions about traffic and other parcels, Ms. Krinsky contended that the only thing on the agenda tonight is the plat of the property on the map that is set forth at Exhibit 2. What occurs in the future with other parcels that may be vacant or cleared does not relate to plat approval of this parcel and that by law it cannot be considered in the plat approval of this parcel for one use. This is not a subdivision.

With respect to information on the website, Ms. Krinsky indicated those things may be considered at DRC and other levels in relation to the site plan. The property owner is Sovereign Development LLC and he has a right to develop his property in accordance with the code. The plat is the first step. There will be lots of opportunities as to what actually is built. The plat is only a graphic representation of where the property is located, access and a hotel restriction.

Ms. Golub referred to the Applicant's Exhibit 4 and requested an explanation as to why Section D (page 7) does not apply to the platting process. She understood the Board is being asked to make a recommendation to approve this plat. As such, she felt the Board should make sure that the Applicant meets requirements of the plat. If Ms. Krinsky could help her understand why this does not apply to the Applicant, it would be persuasive. Jason Feldman of Rhon Ernest-Jones Consulting Engineers, representing the Applicant, explained that the boundary plat layout meets all Section D requirements for streets, alleys, blocks, lots and canals. For example, there are no canals on the property.

Ms. Golub referred to Section C, Provision for Platting Adjoining Unplatted Areas - The arrangement of streets in new subdivision shall be such as to facilitate and coordinate with the desirable future platting of adjoining unplatted property to provide for local circulation and convenient access to neighborhood facilities, and D, Protection from Through Traffic, Minor and Collector - Residential streets shall be laid out. Ms. Golub assumed because this is not residential, the Applicant is saying it does not apply. Craig Bencz of Rhon Ernest-Jones Consulting Engineers, representing the Applicant, indicated the majority of the cited provisions do not apply to this. They were written for the specific purpose of a classic subdivision. In this situation an existing unplatted lot is now being

platted. He emphasized the property is not being subdivided, streets are not be added or any of those things outlined in that section of the code. This was Applicant's response to staff and that staff agreed.

Ms. Golub did not understand how the property is a subdivision when it wants to be and not when it does not want to be one. She pointed out that the entire parcel between Access Road 7 to the South, Riverland to the east and north and 441 to the west is unplatted. In response to Ms. Golub, Mr. Bencz stated it is correct that one piece is being platted. Mr. Bencz noted that the land to the north has not been previously platted. He indicated that the subject property and the property to the north have been two unique parcels from the beginning of this process. The code language was clearly written for classical subdivisions where there may be a hundred lot subdivision; it provides for roads and other amenities being placed in there. This is a clearly delineated lot that is already there. The roads are already existing and surrounding the site. There is no way to address these conditions because they do not apply.

Mr. Vrabel of Patriot Surveying & Mapping, representing the Applicant, advised that Section D does not apply. In Broward County there is platted land, unplatted land, replatted land, and replatted - replatted land. This parcel was part of an area that was never platted. The Applicant purchased the property and wants to build on it. He noted a Broward County rule that prohibits construction of a primary building on any parcel unless it has been platted. Platted means recorded in the public records of Broward County; the purpose is to define the property, set restrictions, etc. This particular case is a parcel plat which is just a boundary. There is no need to subdivide this into parcels or lots as one would see in a typical subdivision. If there were individual commercial parcels on the site, there would be roads, easements to handle the utilities and the access to the various parcels inside this property. Because this is a single parcel, there is only an access drive from Access Road 7 into a parking lot. Parking lots do not have to be shown on plats.

Ms. Golub asked what happens to the parcel of land to the north. She thought the access road was to serve the entire parcel. Ms. Krinsky explained at the time that property is platted, access may be an issue to those parcels, but it is not relevant to this plat application. Ms. Golub thought the Board has an obligation to be concerned about approving a plat that leaves a contiguous parcel unable to be developed. Ms. Krinsky advised that not only is not the Board's obligation, but it is against the legal requirements for this plat application. Mr. Vrabel explained this is handled in the site plan process. If the City, during the site plan process, wants to provide access to the parcel to the north, it could require the developer to adjust the driveway to do so. However, it has nothing to do with the plat because the Applicant cannot provide a road into a parcel to which they know nothing about or have any rights to it. It is possible the property is not developed and turned into a park, for example.

Ms. Graham thought everything in the backup would be relevant, therefore it was news to her that some of the sections in the unnumbered report by the other consultant may not be applicable. Ms. Graham referred to the Value Place plat (tab 2) and a legal description for Parcels 1, 2 and 3 (tab 4). The large oversized drawings show Access Road 7. The legal descriptions from the drawings and the binder do not match. On the last page of the drawings are the plat restrictions. Lastly, the binder tab 28 is the zoning map with the parcel outlined in red. She asked if some information was included in the materials relating to the "L" shaped piece that were not supposed to be included. Ms. Krinsky indicated the warranty deed included more than one parcel of property; the legal description on the plat attached to the plat application is applicable. The red outline is not the actual property being platted. Mr. Vrabel noted on the Broward County Property Appraiser's website, it is highlighted and cross-hatched. At the bottom of the "L" shaped property, which is not in the cross-hatched area, is the north limits of this plat. In response to Ms. Graham, Ms. Krinsky indicated the northwest corner B-2 portion as shown on the Property Appraiser's aerial is not part of the Applicant's plat. Ms. Graham asked about access to the two other pieces as shown on the same aerial, one a quarter round circle in the northeast corner and the northwest corner or southeast corner of Riverland Road and State Road 7). Specifically, she asked if access to those sites would be through the parcel before the Board tonight. Ms. Krinsky advised that this has not yet been determined and it is not part of this plat application.

Chair Curtis asked who owns the parcels north of the subject parcel. Ms. Krinsky believed it is the Applicant. Access may not necessarily be through the subject property. Chair Curtis did not believe as it stands today that there could be access from Riverland Road or 441. Ms. Krinsky knew there would not be access from 441. Joe Balocco, representing Sovereign Development, stated that he did the title work when the Applicant acquired the property. He indicated that the property to the north was platted and there is access on that plat from Riverland Road on the north. When the property is sold and it is developed, the plat will need to be renewed and they will have to come before the necessary boards to see if the same or a different access will be possible. It is totally false to assume that the property to the north, if developed, will have the same access.

Ms. Krinsky reiterated the Applicant does not believe this is relevant to this plat application.

Ms. Graham referred to the minimum distance for access to roads from an intersection set by the City and County. She referred to the intersection of Riverland Road and 441 and believed those parcels will be restricted from having access. Generally such access would be provided by an easement. Ms. Krinsky explained that the other two pieces will have to come back to be platted or replatted in terms of access and addressed at that time but that does not change what is being platted tonight.

In response to Ms. Fertig, Ms. Krinsky confirmed that schools is not a level of service. In reference to Ms. Krinsky's comments that levels of service should only be considered, Ms. Fertig noted the previous minutes show that her comments were about levels of service.

Mr. Glassman recalled one of the reasons for the deferral on December 19, 2007 was a question of whether the property had been inadvertently zoned as B-2. Greg Brewton, Director of Planning and Zoning, advised that staff did not have any information to acknowledge that the property was zoned inappropriately; it has been B-2 since the roadway came in. Ms. Krinsky asked if Mr. Brewton had checked and not found anything. Mr. Brewton concurred.

Mark Engel noted there is a platted parcel to the north, but there is also a piece of property being eliminated that is between the platted parcel to the north and the subject parcel. This piece of property is not platted and has no access. It needs to be addressed.

Ms. Krinsky asked Alan Tinter, Traffic Engineer, to address comments about traffic.

Mr. Tinter referred to a comment by Mr. Engel that the Applicant had indicated 5% of the traffic would be on Riverland Road, both south and east of the site and 95% on Riverland Road, both north and west of the site as it approaches 441. This estimate was made by Land Design South Traffic Engineers, which was reviewed by himself, City staff, and the City's Traffic Consultant, and all agree with it.

Mr. Tinter referred to Mr. DiStefano's allegation that the study was not done by a neutral party. He has been doing this for 37 years. The developer always prepares a traffic impact analysis and the reviewing agency reviews it and reaches a conclusion as to the acceptability of the analysis. In this instance he has been asked to provide a third opinion.

As to why only four days of traffic counts were used, Mr. Tinter explained that typically in a traffic study done at the platting level of development, one day of traffic counts is used. The counts were done over a longer period of time, but reduced to just the average days – Tuesday, Wednesday and Thursday. This is standard in the industry.

As to the level of service on Riverland Road, Mr. Tinter agreed with Mr. DiStefano that field measurements are much more important. They are the best, accurate way to calculate capacity. Mr. Tinter referred to Exhibit 4 of information furnished by Mr. DiStefano and noted the Generalized Tables are appropriate for generalized planning purposes. Platting is generalized planning. The analysis was conducted at level of service B, based on the analysis and the techniques quoted by Mr. DiStefano.

As to which is the appropriate category to use for this particular roadway, Mr. Tinter referenced the Roadway Capacity Level of Service Manual provided by Ms. Krinsky. Page 7 indicates for non-state highways (Riverland Road is a non-state highway for the most part, although on this particular portion it is a state roadway) there are either major city/county collect roadways or other signalized roadways. Mr. DiStefano has questioned whether the Applicant appropriately applied the correct category of roadway. Pages 17 and 18 provides the definition of non-state roadway and a major city/county roadway. He believed the correct identification of Riverland Road is major city/county roadway which is the designation included in the County's report. Three criteria are used: 1) that the segment length be more than three miles. Riverland Road connects to 27 Avenue and that is the roadway system that the County is looking at and it is over three miles; 2) that it have less than three traffic signals per mile, which is the case for this section of Riverland Road; and 3) it not have excessive cross-street activity. Riverland Road does not have excessive cross-street activity. Under those criteria, he believed it is correctly categorized as a major city/county roadway.

Chair Curtis asked Mr. Tinter if it is his opinion, based upon that document, that level of service D is appropriate. Mr. Tinter responded that D is always the appropriate application. The question that Mr. DiStefano raised is level D at 950 vehicles per hour or level D at 1350 vehicles per hour. Mr. Tinter reiterated that it is correctly identified in this document at 1350 vehicles per hour, which is the comparison that was made.

Mr. Tinter indicated that he contacted Roger Del Rio of the Metropolitan Planning Organization, and learned that the County has not made a determination that they will definitely make any changes to their level of service manual, that they will redesignate Riverland Road. Mr. Tinter believed it is correctly identified now in that report and should not be changed. Mr. Del Rio has indicated that they would reevaluate it, but it has not been changed. It is indicated as a major city/county roadway and therefore its level D capacity is 1350 vehicles per hour.

Mr. Tinter believed the report is accurate. It was accepted by the City.

Ms. Fertig asked about the study and times of day when the the speed traveled is 15 miles per hour. Mr. Tinter indicated during the morning peak hour, it changes to level E, which is 15 miles per hour. During the evening rush hour, which is the principal time period that is studied, the roadway is operating at an acceptable level of service.

Ms. Fertig commented if one was staying at Value Place, they would exit at State Road 7 and Riverland Road or Davie Boulevard and Riverland Road. Mr. Tinter stated that one could also exit by Davie Boulevard and 31st Avenue. Ms. Fertig submitted there are an additional four schools within six blocks and queried whether that was considered. Mr. Tinter advised that the analysis was done during school time and school traffic was accounted for in the volume collected. Ms. Fertig asked how is the level of service

impacted by the fact that getting in and out at peak times is limited to those two points. and how would the Applicant's 124 customers impact this. Mr. Tinter indicated with a strict look at traffic volumes on Riverland Road and comparison to level D, then the road is operating at better than level D in the morning and in the afternoon with and without school children. If looking at the speed of traffic, the speed calculated on Riverland Road was based on the counts that were done over that period of time. In front of the site was 35 miles per hour which is level B and at 15 miles per hour, just by definition, is level E, and that is because of the school zone sign.

Ms. Fertig asked if the study considered accidents at Riverland Road and State Road 7. Mr. Tinter replied no. He added that at the peak hour, the impact on the overall level of service at that intersection is only about two-tenths of 1%. The same impact would be expected on the accident rates.

Ms. Graham referred to existing conditions in the traffic report (page 4) and asked if Riverland Road is a city or county road. Mr. Tinter advised that Riverland Road is a state highway from State Road 7 through the "S" curve. When the Department of Transportation acquired the property as part of I-595 construction, DOT owned the road and have never released it. Past the curve around 36th Avenue, Riverland Road becomes a county collector and again from that point to the bend where it comes to 27th Avenue as it approaches Davie Boulevard. Riverland Road changes its designation throughout its length, from state, county and city.

Ms. Graham asked if any of the designations – state, county or city – impact the criteria selected to do the traffic study. It appears that there is some latitude in professional judgment on the part of traffic engineers. Mr. Tinter indicated that the designation makes a difference; state highways typically have higher capacities. Given the particular nature of this section of the roadway, the analysis was based on city and county roads. It is a state highway by designation only because the property was condemned fifteen years ago and have maintained ownership.

Ms. Graham felt something happened in the process awhile ago to everyone in this predicament now. Mr. Tinter explained when the Department of Transportation condemned the property and when the Pantry Pride was situated there, they placed a limited access line along the entire frontage. There is no access from these properties to 441.

Mr. DiStefano drew attention to Exhibit 5B, with respect to conversations with Roger Del Rio (Metropolitan Planning Organization).

Ms. Krinsky advised that the property owner in this case has a right to have his property platted and used. The determination for the Board tonight is whether this plat meets the legal requirements. The only evidence the Board should consider is competent fact

based evidence, not unsubstantiated evidence, not opinions, not opinions about expert testimony when they are not really an expert or competent to provide that evidence. She explained that once a plat meets the legal requirements as set forth in staff's report, as has been confirmed by staff, there is no discretion and it must be approved. The City has a process to deal with site plan issues. Those issues will be addressed upon reaching that stage.

Ms. Fertig asked Ms. Krinsky why the letters of support were submitted. Ms. Krinsky answered that the Applicant did obtain letters of support and whether the Board wants to consider them, they do relate to the plat. Ms. Fertig asked Ms. Krinsky to describe how each one of them relates to the plat. Ms. Krinsky advised that the individuals in the letters simply stated whether they agreed with the plat application. Ms. Krinsky clarified that she personally did not solicit the letters.

There being no further comments, Chair Curtis closed the public hearing.

Ms. Golub referred to the November 8, 2007, response to staff's comments wherein the Applicant says they are proposing 124-room, four-story hotel with weekly rates only. She was confused because hotels are nightly, not weekly. Mr. Brewton felt the Board is required to consider the plat note which provides there will be a 124-plus room hotel. Whether at the time of site planning the Applicant is able to satisfy the City's requirement for the definition of a hotel is an entirely different level of review. He believed the plat note specifically states a 124-room hotel. He understood there is conflicting testimony. If the Board approves the petition, this would be what is approved.

Ms. Golub asked about the Board's power with respect to making plat notes to still having traffic concerns about access to the property. She asked about access and traffic with respect to adjacent properties and conflicting testimony. Mr. Brewton indicated that the Board should deal with those items specifically outlined in the ULDR's subdivision regulations. The Board is required to look at those regulations, what has been provided by the Applicant, and those things relating to traffic and adequacy. If the Board feels there is conflicting information that does not provide a clear understanding of how to vote, then additional information may be requested. The Board can make a determination on adequacy and whether dedications of additional right-of-way should be required, if supported by an engineering position.

Ms. Fertig asked if Mr. Brewton reviews the traffic study for methodology only. Mr. Brewton concurred and reiterated if the Board feels that the information provided through this process is insufficient, the Board may request additional information.

In response to Ms. Fertig, Ms. Miller advised the Board may consider all testimony and weigh it with regard to expertise and whether it is opinion or fact. Ms. Miller confirmed

Chair Curtis' understanding that the Board may accept or reject testimony in reaching a decision.

Mr. Glassman asked if the Board is permitted to request an additional easement on the plat. Mr. Brewton believed this is permissible if the Board feels from a traffic engineering point of view that there needs to be more consideration given for potential traffic. The same would apply for consideration of a plat for the adjoining property. Mr. Glassman noted this was a major issue when the Board deferred the application in December.

Ms. Graham referred to information provided as to the road belonging to three jurisdictions: state, county and city. She believed the criteria varies depending on the jurisdiction. It appears those parcels to the north are going to be forced to use the same little area depicted on this plat. Ms. Graham believed another easement or cross-access on this parcel will be needed in the future for the other parcels.

Ms. Golub commented that Sovereign owns all of this land and they are subdividing it in a certain way for a reason unknown to her. The Board then receives testimony from an attorney that some of it has already been platted, some has never been platted and access is unknown. The Board is being asked to approve a plat that is going to impact not just that owner, but subsequent property owners and the rights of the surrounding property owners and the City's control over the ULDR for this general area. She felt there are a lot of open-ended questions that really affect the plat issue. She will not be able to approve the plat. The Board could request additional information or simply vote on it.

Mr. Welch was not clear on (service level) D versus E. He also suggested having an independent person weigh-in on the traffic study.

Ms. Fertig commented one of her previous concerns and a major one is traffic. There is state, county and city road responsibility. There is a school zone that was not originally considered. There is limited access to this neighborhood. All of these are unusual circumstances, but go to the overall question of whether this area will be able to adequately sustain this plat. She did not believe the Board has received all those answers yet. At this point, she would not be able to support it.

Hope Calhoun, representing the Applicant, advised that to the extent possible, the Applicant would be willing to grant an easement to the extent possible.

Chair Curtis felt the Board probably needs more information, however, the Applicant has had ample opportunity to present their plat, and the Board should decide the issue tonight.

Motion made by Vice Chair Maus, seconded by Ms. Golub to approve the application as presented. In a roll call vote, the motion failed by a unanimous vote of 0-9.

[Chair Curtis called for a brief recess at 10:32 p.m.]

Chair Curtis called the meeting back to order at 10:39 p.m.

5. <u>P.H. D Development, LLC.</u>	Yvonne Redding	126-R-07
Request: **	Site Plan Level III / Cluster Development / RD-15	
Legal Description:	Lots 32, 33 & 34, Block 8, Lauderdale, According to P.B. 2, P. 9, of the Public Records of Broward County, Florida	
Address:	203 SW 10 Street	
General Location:	North side of SW 10 Street and East of FEC Railroad	

Anyone wishing to testify on the matter was sworn in by Assistant City Attorney Miller and disclosures were obtained.

Chair Curtis asked the Applicant if the property was on the west or the east side of the railroad. Mr. Stroh stated that it was on the west side of the railroad. Chair Curtis offered that there was a sign on the west side, but the notice referenced the east side, while the address is consistent with being on the west side. Chair Curtis conveyed that he did not have a problem with that notice, as long as Staff did not have a problem with it.

Mike Stroh of Trio Design Consultants on behalf of P.H.D. Development on behalf of the Applicant, wished to offer a presentation regarding a 3-unit cluster dwelling at 203 SW 10th Street. Being a cluster development, there were additional requirements to that of a townhouse development. Mr. Stroh believed that all these requirements have been met. Mr. Stroh advised that the property was located in RD-15 zoning, and that there is an existing one-family dwelling on the property.

Mr. Stroh advised that the setbacks have been increased by 4' from the requirement. Because a requirement of a cluster dwelling is that it have the appearance of a single-family home, a single driveway is planned which is wide enough for the safe movement of all cars entering and exiting the property. Mr. Stroh further stated that an additional requirement of a cluster dwelling is that there be an amenity, therefore, a gazebo has been provided in the rear of the units with two built-in benches, with more than 15 feet of back yard space for each of the units. He advised that the developer was entitled to build up to 3 stories, but has decided to comply with the neighborhood to build only 1-story residences.

As this completed the Applicant's presentation, Chair Curtis asked Staff to address the Board.

Yvonne Redding, City Planner, reiterated that the Applicant has requested approval for a cluster development consisting of 3 single-story units, which are attached by code. They are required to provide 7 parking spaces on site. The Applicant is providing two 1-car garages and must provide the additional parking spaces for guests and the residents.

Ms. Redding stated that the Applicant has worked with Staff to narrow the driveway width to emulate a single family dwelling with only one curb cut. She advised that the height of the dwelling was reduced to 17-feet; a swale is included in the front of the property, then a 5' easement, whereby the parking will be set back from the road.

Ms. Redding confirmed that all other criteria have been addressed and are contained within the packets provided to the Board. In addition, the Applicant has contacted the neighborhood association, and Ms. Redding advised that she has spoken with two of the members yesterday, both of whom sent emails indicating they had no objection to the development. Additionally, Ms. Redding stated that she had received an email dated March 18, 2008, from Gloria Reese, President of the Tarpon River Civic Association, asking that she advise the Board that they have no objection to the project as represented by the plans viewed by the Tarpon River Civic Association.

Ms. Golub inquired as to whether Staff believed the gazebo is a sufficient shared amenity. Ms. Redding stated that it is allowed per Code, that being one of several options.

Chair Curtis next opened the hearing to the public.

Derrick Rivers owns a home across the street from the proposed development. He indicated that initially there was a concern of traffic because the street is small, however, Mr. Rivers is pleased the project will be one-story, as opposed to three-story.

Ron Wakecaster reiterated that there was a traffic issue in that area and that sometimes there is bumper to bumper traffic during rush hour. Mr. Wakecaster stated that he is relieved that the development is not going to be a 3-story dwelling.

Mr. Stroh was provided an opportunity for rebuttal. He stated that due to the economics, if not permitted to build a single-story, 3-family dwelling, the dwelling would have had to be a 3 story duplex, which he believes would be more objectionable to the public.

Hearing no additional questions from the public, the public hearing was closed by Chair Curtis.

Motion by Ms. Adams, seconded by Vice Chair Maus to approve granted with the following staff conditions:

- 1) Site plan approval shall be valid as provided in ULDR Sec. 47-24.1.M;
- 2) The applicant shall record a maintenance agreement for the common areas, prior to final site plan approval; and
- 3) Final DRC approval.

In a roll call vote, the Motion was approved 8-1, with Ms. Golub voting no.

6. Pier 17

Anthony Fajardo 12-ZR-07

Request: ** *

Site Plan Level IV / Rezoning with Commercial Flexibility Allocation / Waterway and Conditional Use Approval (RS-8 to CB and XP)/ Marina with 26 wet boat slips, 6,510 SF Crew Club Building, and 23,276 SF Garage/Storage

Legal Description:

XP portion:

A portion of Tract "A", "BOSSERT ISLES" according to the plat thereof as recorded in P.B. 46, P. 42, of the Public Records of Broward County, Florida.

CB portion:

A portion of Block "A", "YELLOWSTONE PARK AMENDED" according to the plat thereof as recorded in P.B.15, P. 3, of the Public Records of Broward County, Florida.

Address:

1500 SW 17 Street

General Location:

Southern terminus of SW 18 Avenue

Anyone wishing to testify on the matter was sworn in by Assistant City Attorney Sharon Miller and disclosures were obtained.

Courtney Crush, on behalf of the Applicant, Pier 17 Marina & Yacht Club, LLC, advised that in attendance this evening were Earl Weber, Principal of Pier 17; Brad Tate, Pier 17; Dan Fee, Civil Engineer; Pete Ebersol, Architect; Glenn Bryant, BK Marine; who will all be available to answer questions.

Ms. Crush explained that Pier 17 Marina is a property located at 1500 SW 17th Street, formerly known as the Summerfield Marina. It has been a working Marina for past several years, and has been purchased by Mr. Weber and his company. It is zoned industrial.

Ms. Crush stated that her client is proposing to develop the property into a passive Marina, to provide slips, garages for parking, provide dockage, but that no work will be done at this Marina. This property is zoned industry and under the City's ULDR, property

zoned industrial on water must be designated as a Marina. Ms. Crush explained that while the property is zoned industrial, the eastern small portions of the property (the asphalt area and parking lot) are zoned RS-8.

Ms. Crush advised that the Applicant was before this Board tonight for site plan approval for a Marina containing 26 slips, with a slight expansion of the existing dockage. If smaller boats were docked on the property, up to 65 boats would be docked at the Marina. Today, between wet and dry, approximately 100 boats are being stored on the property.

Ms. Crush informed the Board that the Applicant was here tonight with two rezoning requests. The Applicant would like to keep the RS-8 parking lot as a parking lot, but because the Applicant wishes to landscape and improve the lot, it will have to be rezoned to the X zoning designation and stand before the Board tonight with that request. Currently, it is a 95 space parking lot, whereby Code requires 39. Ms. Crush advised that the landscaping is designed to be extremely compatible with the surrounding neighborhood.

Ms. Crush further advised that the Applicant would like to install a pool and a gazebo on the southern RS-8 property. Ms. Crush states that the ULDR does not permit pools unless they are attached or on the same property as houses. Therefore, the Applicant is requesting to rezone that property to Community Business. Ms. Crush explained that under the City's flexibility rules, which is how a property is rezoned that has a residential land use designation to either X or CB, one must have sufficient flexibility acreage available, and a site plan must be provided that will travel with the rezoning.

Ms. Crush disclosed that the garages will be residential in appearance, will park two cars, containing a small amount of storage area above, and will contain crew quarters on the eastern portion.

Ms. Crush believes this is a beautiful project that meets the neighborhood compatibility rules with respect to design. She claimed that traffic on the property when a working Marina averaged 500 trips a day, and today will be about 116 daily trips.

Ms. Crush remarked that Mr. Weber and Mr. Tate have been working with the River Oaks Civic Association for a long time, and they have indicated they are supportive of the project.

Anthony Fajardo, City Planner, addressed the Board and advised that the proposed development includes 26 covered boat slips; 22 stand-alone garages; 12 buildings; a crew club building, which includes storage units for slips 23 through 26; the dock master's office; and a business center along with a conference room, entertainment area, exercise room and showers. In addition, Mr. Fajardo recounted that the applicant is proposing a

pool gazebo, and 95 parking spaces. As explained, the Applicant will eliminate the working boat yard and there will be no facilities for hauling boats out of the water, with no major repairs being allowed on the premises.

Mr. Fajardo confirmed that included within this request are two rezonings for the residential single family, low medium density (RS-8) portions located at the eastern edge of the subject site. To allow the proposed pool, the Applicant is requesting to rezone the southeastern portion from RS-8 zoning to CB (Community Business), which would allow the pool as an accessory use to the Marina. Mr. Fajardo advised that to allow for the proposed parking lot, the Applicant is requesting to rezone the northeastern portion from RS-8 to parking lot, exclusive use (XP). This zoning, if approved would allow the exclusive use of this portion of the subject site for the associated parking only.

Mr. Fajardo explained that in addition, Staff is recommending conditions of approval to mitigate the parking use to the residential properties to the north, east and west. In addition to the conditions included within the Staff Report, Mr. Fajardo advised that Staff would like to add the following:

Prior to final DRC approval: Prior to any land excavation, the applicant agrees to obtain authorization from the Broward County Environmental Protection Department that states any soil or groundwater contamination on this property has been mitigated.

Mr. Fajardo further offered clarification that it is Staff's intention that the condition of the 4' hedge and 3-1/2' wall be constructed with the hedge on the outside edge of the wall, as viewed from the waterway.

Chair Curtis opened the public hearing.

Mark Journey, Board member, Shady Banks Civic Association, referred to a letter provided to the Board which addresses their concerns. Mr. Journey states that the principal concern is the hedge or fence around the parking lot. The Association would like the hedge to be outside the wall and that they are at least 4' tall or taller.

Ms. Crush confirmed that the Applicant would be happy to put the hedge outside the wall, and Staff concurred this is her understanding.

Mr. Journey indicated that the final issue of concern was the area where the pool would be relocated, being rezoned to CB, that if this project were not to go forward that the zoning revert back to residential. It is a concern that it would allow another business that could potentially be offensive to the neighborhood.

Mr. Glassman acknowledged reading Shady Banks' letter which outlines their concerns, and indicates that assuming the issues are addressed that the Association is supportive of the Pier 17 project. Mr. Glassman asked Mr. Journey if any of the issues are not addressed, would he still be supportive of the project. Mr. Journey said that he cannot answer that because the Association did not go through one by one to see what would satisfy everyone. Mr. Journey admitted that while they generally support the project, these are serious concerns to the Association.

Frank Herhold, advised that he represents the Marine Industries Association of South Florida, an 860-member marine trade group based in Fort Lauderdale. Mr. Herhold indicated that the Applicant appeared before its Government Relations Committee, the plans were reviewed in detail, and the Committee recommended approval to the Board, the Board again reviewed all the plans, and as such, the Marine Industries Association of South Florida fully supports this project.

Of particular note, Mr. Herhold stated, is that the project takes an aging facility and turns it into a less intensive use and preserves slips. Mr. Herhold asserted that this Marina would appeal to a niche market, unique to Fort Lauderdale, being the mega yacht market, of which over 1,500 visit Fort Lauderdale each year. Mr. Herhold advises that each visit of a mega yacht brings approximately \$500,000 of economic impact.

Of particular note, Mr. Herhold informed the Board that in January, 2008, Mayor Naugle, Mr. Herhold, the Captain of Port Everglades, and the Customs and Border Protection representative for the region all went to St. Martin to attend a mega yacht conference. Mr. Herhold expressed that the concerns of the mega yacht captains involved dockage, depth, and that they preferred covered slips and captains' amenities. Mr. Herhold affirmed that this particular facility is geared directly to that market and it is important to the City.

David Clancy, a resident of Shady Banks neighborhood for 20 years, indicated that he strongly supports the Pier 17 project.

Robert Gargano, lives across the river from the proposed project, and feels he is affected more than anyone else due to being in the line of sight to the property. Mr. Gargano indicated that he believed this to be a very good project. The concern is that the parking area is not pleasant to look at, and that it is not a benefit to the City to have a parking lot on the New River. Previously, the parking lot was surrounded by 12' hedges. In Mr. Gargano's opinion, a 4' hedge is not adequate, and that the parking area be made to appear as a park-like area, not a parking lot in appearance. Also, Mr. Gargano asked that the lighting strictly go down and that it cannot be seen from across the way.

In addition, Mr. Gargano agreed that he shared the concern that the rezoning be approved only for this project.

Chair Curtis closed the public hearing at this time.

Ms. Graham asked the height on the light poles that are on the detail or on the schedule. Dan Fee, C.B.I. Engineering, advised that the heights of the light poles are either 16' or 12' and that there was a detail of them on the last sheet, ES-3. Mr. Fee explained that they are pedestrian-type fixtures which include a shade around the light so that it points downward.

Ms. Golub asked for confirmation that there are no living quarters. Ms. Crush did confirm that there are absolutely no living quarters contained within this proposal. She also asked for clarification as to the type of storage units contained within the garages. Mr. Tate explained that one of the possibilities for storage use would be to house jet skis in that area.

Ms. Golub then asked when referring to providing a facility for mega yachts and their crew, if the crew would merely shower and party at the facility, but would sleep on the boats or elsewhere. Mr. Tate confirmed this was correct. Ms. Golub then asked if the amenities were private to the boat owners, their crews and guests. Mr. Tate again confirmed this was correct. He advised that the hours of operation would be 7:00 a.m. until 7:00 p.m., to the best of his recollection.

Ms. Fertig asked Ms. Crush to elaborate

Ms. Crush explained that because this was a flex rezoning, it actually travels as a rezoning tied to a site plan. The land use designation of residential is not changed. Therefore, Ms. Crush explained that the only thing that can be developed on the property without going through this process again, would be the pool and gazebo, and that nothing more can be put on the property.

Ms. Crush advised that the residents initially asked for a restrictive covenant on the property, which the Applicant is not willing to do. It is believed by the Applicant that this type of rezoning, with the site plan and with the protections of having to come all the way to the City to ask to do anything, puts in adequate protections.

Ms. Crush confirmed that the Applicant spoke with Staff and the City Attorney's office about Shady Banks' request for a variance. The Applicant was advised that it would not be an appropriate application to request to leave the zoning as is and then request a variance because a pool without a residence is not permitted under the zoning, but also not permitted under the land use plan.

Ms. Golub asked if this is intended to be a condo facility or a rental facility. Ms. Crush answered that they will be sold as condominium, or "dockominiums." Ms. Golub then

asked if there will be an association or whether the owner will retain management, and whether the Board needed to include conditions of approval that there will be a management contract in place to maintain the facility. Ms. Golub concluded that she did not see any protection to the City or to the residents and, therefore, requested that there be a condition that would have a management agreement in place.

Mr. Tate, as the Project Manager, advised that he started out as the marina and boat yard when the previous owner purchased the property. At that time, Mr. Tate worked for Flagship Marinas, a marina management company. As Project Manager, Mr. Tate will be suggesting that a management company, such as Westrack or Flagship, act as management company for this project. He confirmed that trying to self-manage this is very difficult to do.

Ms. Golub asked Mr. Tate if he would then agree to a condition of the site plan, and Mr. Tate confirmed that he would.

Ms. Crush informed Ms. Golub that the actual operating hours are 8:00 a.m. until 7:00 p.m.

Chair Curtis discussed with Assistant City Attorney Miller that the residents were concerned about whether or not there could be some consequence of the failure to develop this project. Ms. Crush provided a response addressing why they were protected by the process in place now. Chair Curtis asked if the residents were, in fact, protected by this process. Ms. Miller responded that if the use of the pool were to be changed, the Applicant would have to come back through the site plan process that would end up at the City Commission.

Likewise, if this plan never got developed, Ms. Miller stated that another security measure would be when the zoning took effect. If that were the case, for instance, the rezoning could take effect when a building permit was ready to be pulled for a principal structure.

Chair Curtis asked Ms. Miller if the Applicant would have any difficulty with this. Ms. Miller responded, "None at all." Chair Curtis requested this to be made a condition as well.

Mr. Gargano asked that the Board also address the issue of the higher hedges. Chair Curtis asked if the Applicant had a problem with higher hedges. Ms. Crush advised that the Applicant would be willing to let the hedge grow higher than 4'. The project's landscape architect advised that it was difficult to plant something higher than 4'. Mr. Tate also expressed a concern that the hedge be allowed to grow too high for crime reasons.

Chair Curtis asked specifically what the Applicant wants to do. Ms. Crush stated that the Applicant can plant the hedge at 4', and let the hedge grow higher. Chair Curtis asked

the Applicant again what it would like to do as relating to the hedge. Ms. Crush answered that the Applicant would like a 4' hedge.

Mr. Glassman asked how realistic 7:00 p.m. is as a closing hour. Ms. Crush believes it is realistic and is checking their condominium documents. Ms. Crush also informed the Board that the project already has a condominium association with common elements, etc., being defined. Mr. Tate expressed that it is also stated within the rules and regulations.

Motion by Ms. Fertig, seconded by Ms. Adams to approve with conditions:

- 1) Prior to final DRC approval: Prior to any land excavation, the applicant agrees to obtain authorization from the Broward County Environmental Protection Department that states any soil or groundwater contamination on this property has been mitigated;
- 2) A Management contract is required; and
- 3) Rezoning shall be subject to Applicant obtaining building permits.

In a roll call vote, the Motion was approved unanimously.

7. 200 Brickell Ltd.

Michael Ciesielski 89-R-07

Request: **

Site Plan Level III Review/ Approval of Signage in RAC-CC

Legal Description:

Lots 1,2,3,4, 5, and the E. 70 feet of Lots 6 and 7, and the N. 20 feet and the E. 70 feet of Lot 8, Block 26, TOWN OF FORT LAUDERDALE, P.B. "B", P. 40, Dade County, Florida

Address:

200 Brickell (SW 1 Avenue)

General Location:

SE corner of SW 1 Avenue and SW 2 Street

Chair Curtis announced that the Applicant has requested a deferral of this item until the April 16, 2008 Planning & Zoning Board Meeting.

Motion made by Mr. Glassman, seconded by Ms. Graham, to defer item Tab 7 until the April 16, 2008 meeting of the Planning & Zoning Board. In a voice vote, the motion passed unanimously.

8. ADZ, LLC. / Depot Offices

Adrienne Ehle 3-ZR-07

Request: ** Rezoning with Commercial Flex Allocation / RMM-25 to CB / 4,928 SF Office Building

Legal Description: The south 12.4 feet of the west 64.5 feet and the south 3.09 feet of the east 70.5 feet of Lot 20 and all of Lots 21, 22, 23 and 24, Block 144 of "Progresso", according to the plat thereof, as recorded in P.B. 2, P. 18 of the Public Records of Miami-Dade County, Florida

Address: 421 NE 11 Street

General Location: NW corner of NE 11 Street and NE 5 Avenue

Anyone wishing to testify on the matter was sworn in by Assistant City Attorney Miller and disclosures were obtained.

Courtney Crush, on behalf of the Applicant, ADZ, LLC, advised that the matter before the Board concerned a proposed office building on NE 11th Street. She explained that this property is zoned RMM-25, residential, but is just north of the Home Depot. The properties along 11th Street include a restaurant. Coming east, there are some residentially zoned properties, many used for commercial businesses.

Ms. Crush recalled that her client, Ben Mierzwa, a residential home builder, purchased the property several years ago. Mr. Mierzwa obtained permitting for some townhouses on 11th Street. Given the nature of the area, the traffic problems exiting Home Depot, Mr. Mierzwa was unable to get anyone interested in the project.

Ms. Crush expressed that this application proposes a 2-story, 26' tall, 4,900 sf office that Mr. Mierzwa would like to use for his office for his building business. Ms. Crush explained that this building is certainly lower than townhouses in RMM-25, which would be between 35 and 55 feet. It is also lower than the residential zoning to the north would even permit. Ms. Crush advised that the footprint is modest, the parking has been oriented to the south along 11th Street, so it is as far away as possible from the residential neighborhood to the north.

Ms. Crush stated that the access point to the property is on the east side. The building has been designed as a 360 degree building and is felt to compliment the neighborhood. Ms. Crush expressed that the conditions along 11th Street, specifically as a result of the Home Depot and the other businesses, are thriving and it is functioning as a low scale, active commercial corridor, providing a nice buffer to the residential zoning to the north.

Ms. Crush advised that this is a flexibility rezoning, requesting to go to the CB zoning designation, which is the only choice under the Code, and which would be subject to the site plan.

Ms. Crush stated that the plans were reviewed by the Middle River Terrace Civic Association, having received an email from their Board wherein they voted unanimously in favor of this application. In addition, a handwritten note was received from the President, Tim Smith, stating they subsequently held a membership meeting at which time they voted unanimously in favor of it.

Adrienne Ehle, City Planner, stated that the Applicant proposes to demolish the existing 6 multi-family units currently on the property. The Applicant requests a rezoning from RMM-25 to CB in order to construct a 2-story office building. As stated, there are residential properties to the north and to the west are commercial properties.

Finding no questions from the Board or from the public, the public hearing was closed by Chair Curtis.

Motion made by Ms. Fertig, seconded by Ms. Graham to approve subject to the Applicant obtaining appropriate permits in order for the rezoning to occur. In a roll call vote the motion passed unanimously.

For the Good of the City

There were no items announced for the good of the City.

There being no further business to come before the Board, the meeting was adjourned at 11:44 p.m.

Chair:



Attest:


Brigitte Chiappetta, Recording Secretary