

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
APRIL 16, 2008 – 6:30 P.M.**

Board Members	Attendance	Cumulative	
		June 2007 – Present	May 2008 – Absent
Edward Curtis, Chair	P	9	2
Catherine Maus, Vice Chair	P	10	1
Rochelle Golub	P	11	0
Steve Glassman	P	10	1
Mary Graham	P	10	1
Pamela Adams [8:06pm]	P	9	2
Mary Fertig	P	9	2
Tom Welch	P	9	2
Maria Freeman	P	8	3

Staff

Jim Koeth, Principal Planner
Wayne Jessup, Deputy Director, Planning and Zoning
Thomas Lodge, Planner II
Yvonne Redding, Planner II
Adrienne Ehle, Planner II
Mike Ciesielski, Planner II
Ella Parker, Planner III
Herb Stanley, Engineer
Dennis Girisgen, P.E.
Sharon Miller, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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Call to Order

Chair Curtis called the meeting to order at 6:34 p.m., followed by the Pledge of Allegiance.

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

Approval of Minutes

Motion made by Mr. Glassman, seconded by Ms. Maus, to approve the minutes of the March 19, 2008 Planning and Zoning Board meeting. In a voice vote, the motion was approved unanimously.

Cases

[Index](#)

1. 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

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

Jeff Lis, of Stiles Group, on behalf of the Applicant, 200 Brickell Ltd, recognized Staff's efforts on this application. He stated that several months were spent fine tuning the application. Mr. Lis advised that this project encompasses an entire city block in downtown Fort Lauderdale.

Mr. Lis explained that most prospective tenants want to know in advance what signage opportunities are available to them on a particular building, which becomes a major part of their decision making process with how they brand and position themselves within the market.

Mr. Lis advised that the applicant was not asking for signs not permitted within the RAC-CC (Regional Activity Center-City Center), but was asking for more signs than are specifically provided for under the Code. He stated that because this project is on three streets, the applicant is entitled to 3 building identification signs and 2 ground signs. The

applicant is asking for 8 building identification signs. Two of the three permitted signs have already been installed at the top of the building indicating "Bank of Florida," and one more is requested in the application before this Board. Four additional signs are being requested, being a pineapple logo, which is part of the branding of the Bank of Florida's name. Thus, the Bank of Florida would like their name to be visible on all four sides of the building with their pineapple logo on the top.

Mr. Lis advised that the second request made by the applicant is that the ground level tenant store signage for each store owner be allowed to be reflective of the branding and image of the individual store, as opposed to the Code requirement that each store sign be uniform in color and height. Mr. Lis then referenced renderings of uniform signage, as permitted by the Code. He then referenced examples of the types of signs that are seen in the urban core, related to the business that reflects their individual branding and shows the eclectic nature of the Las Olas corridor, as reflected in the retail signage. Mr. Lis advised that the applicant would like to continue to do this with this project's signage. He showed a graphic depicting what the different signage would look like on this building. Mr. Lis explained that it is the Applicant's desire to allow each individual retail tenant to reflect the nature of their brand and identity in their signage.

Mr. Lis further explained that the building is on three streets in addition to a "travelway," which is an alleyway located between the McCrory building and the parking garage that faces West Las Olas. He then showed the Board exhibits and indicated where the various proposed signage would be placed on the building, including one in the alleyway for the tenant that locates on the corner.

Mr. Lis stated that in addition to the signage for the retail tenants, the Code makes a provision for under canopy signs, which are limited to pedestrian priority streets in the RAC-CC. He explained that 2nd Street is not a priority street, but that the applicant is requesting permission for two under canopy signs on that side of the building for the two potential storefronts. Mr. Lis disclosed that there is 18,000 square feet of retail space available, of which 4,000 square feet has been leased to the bank, and the balance of 14,000 square feet remains to be leased. It is expected that 4 or 5 tenants will occupy the remaining 14,000 square feet. Mr. Lis explained that while there is the potential for more signs because there are more than 4 or 5 storefronts around Brickell and West Las Olas, realistically, there probably will not be more than 6 retail tenants on the ground floor of the building.

In addition, Mr. Lis stated that there are 19 locations on the building where potential secondary flat signs could be placed, but are requesting that no more than 4 signs ever be approved at one time; that no more than 2 be allowed on any one face of the building at any time; and that only one of those can be placed above the 70 foot elevation. Also requested is approval for five directional signs that are a bit larger than what Code permits. Mr. Lis offered the Board examples of these signs to show the scaling in relation to the building.

Finally, Mr. Lis stated that the last request was for two ground signs being 5'9" in height – 9 inches taller than permitted by Code. The basis for this request is due to the bottom of one sign being blocked by a base, which is a part of the building.

Mr. Lis confirmed that the Applicant has agreed to all Staff conditions.

Michael Ciesielski, City Planner, explained that this application is simply a request to allow signs pursuant to 47-22.C.13.1, which states that when any sign is proposed to be constructed or erected which does not comply in all respects with the requirements for signs in the downtown RAC districts, then such signs shall be only permitted in the downtown RAC districts if it receives Site Plan Level III permit. The Applicant's request is not just for more signage, but for approval of the sizes of the signs and of the locations as well.

Mr. Ciesielski referred to the Staff Report, specifically to clarify and to bring to the Board's attention the following points made by Mr. Lis:

- In point #1, the Applicant has requested a total of 8 building identification flat signs. The identification flat signs, 4 of which are proposed to be logo signs, are located immediately below the cupola. Two signs are proposed for each elevation, and although these signs meet the size regulations for the identification flat signs, the request exceeds the number of signs allowed by Code by 5.
- The Applicant has requested 3 under canopy signs along non-pedestrian priority streets (SW 2nd Street, east of Brickell and along the north/south alley, being the east elevation of the building), and these signs are to be 12 sq. ft., which is in excess of the maximum 8 sq. ft. in size permitted by Code.

Mr. Ciesielski advised that should the Planning & Zoning Board approve the request for Site Plan Level III, Staff proposes 4 conditions contained within its report.

Ms. Golub asked Mr. Ciesielski if it was Staff's recommendation that the Board not approve larger signs on the under canopy. Mr. Ciesielski responded that there was not a recommendation attached to this, but instead that if the Board chooses to approve this, that the Staff recommends that the Board attach its conditions with the approval. Mr. Ciesielski further advised that it is within the Board's discretion to allow larger signs. He indicated that the Applicant has requested the under canopy signs be 12 sq. ft., but that Code allows for them to be no larger than 8 sq. ft.

Ms. Graham agreed that down towards street level, due to overhangs, the signage could be difficult to see. While never having a signage request such as this come before her, Ms. Graham indicated that she did not have a problem with the increases requested by the Applicant.

Mr. Glassman asked Mr. Ciesielski if he could foresee a situation where an above canopy sign and below canopy sign would be utilized in the same area. While Mr. Ciesielski did not, Mr. Lis indicated that a pedestrian walking down the sidewalk would not be able to

see the above canopy signs. The under canopy signs would be perpendicular to the building and the above canopy signs would be flat against the façade of the building.

Mr. Glassman expressed that while he liked the building very much, he believed the size of the signs may be a bit excessive. Upon questioning by Mr. Glassman, Mr. Ciesielski reiterated that everything on the building will have to comport with the ULDR requirements for size, unless otherwise specifically requested by the Applicant and approved by the Planning & Zoning Board.

Upon inquiry by Ms. Golub, Mr. Lis advised that as to the under canopy signs, the style and design of the fixture itself will be uniform (bracketing and dimension of the sign), but the branding and the logo of the individual tenant will be portrayed on the under canopy sign similar to their regular retail sign. Mr. Lis also confirmed that the Applicant is not seeking a request for an increase in size in the over canopy signs.

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

Motion made by Vice Chair Maus, seconded by Ms. Graham to approve Site Plan Level III Permit with Staff conditions. In a roll call vote the motion was approved unanimously (8-0), with the following Staff conditions:

1. That the four (4) building identification flat signs located immediately above the building identification flat signs shall be limited to "logo" signs. The "logo" signs must be directly related to and serve to support the building identification flat sign immediately below it.
2. That the ground level store signs (including the requested store sign that does not front on a vehicular travelway) be limited to one (1) sign for each individual store per street front and that these signs do not extend beyond the ground floor level.
3. That the number of under-canopy signs be limited to one sign per entranceway for each of the ground floor businesses.
4. That only four (4) flat secondary signs be permitted at any one time and that, in addition to meeting all the ULDR requirements for size, there shall be a limit of no more than two (2) of these signs on any one elevation at any one time. Furthermore, there shall be no more than one "secondary" flat sign installed on any one elevation that is above seventy feet six inches (70' 6").

2. VYCO I New River, LLC.

Yvonne Redding

9-Z-07

Request: ** *

Rezoning/C-1 (County) to B-2/Industrial Land Use

Legal Description:

All that part of Government Lot 4 and the North 1/2 of the NW ¼ of the SW ¼ of Section 20, Township 50 south, Range 42 east

Address:

3000 State Road 84

General Location:

North side of I-595 and South of State Road 84

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

Tracey Lautenschlager, Esquire, of Greenberg Traurig, representing the Applicant, announced that this was a request for rezoning from County (C-1 zoning) to City (B-2). She then displayed an aerial of the site in order to show its location. Ms. Lautenschlager advised that this site was annexed by the City of Fort Lauderdale in 1996, but it has not yet been rezoned to a City zoning designation. She conveyed that the old County C-1 zoning permitted a fairly high intensity of commercial, industrial, and warehouse-type uses; but that a B-2 zoning is appropriate for redevelopment of this site and, as such, would like to proceed with the redevelopment with a City zoning designation, rather than an unincorporated zoning designation.

Ms. Lautenschlager suggested that the B-2 zoning is appropriate because it permits the marina uses, which is the type of project planned for this site. The property has been committed to marina use for many years and what is now proposed is a dry-stack marina of very high quality and very high-tech methodology of storing very large yachts, and will be a very suitable redevelopment for this site.

Ms. Lautenschlager then explained that the proposed project will be seen by this Board next month for site plan review. She then provided the Board with renderings of the proposed project for review.

Yvonne Redding, City Planner, reiterated the information provided by Ms. Lautenschlager as to the proposed use of this property. She stated that the character of the neighborhood would remain the same. In that the building would be considered a gateway into the City from I-595 heading east, City Staff has worked with the Applicant as to the style of the building. Ms. Redding advised that the proposed rezoning to B-2 would be consistent with the proposed land use.

Ms. Golub asked Staff if this project could be done without rezoning to B-2. Ms. Redding explained that the City would have looked at the project under the County C-1 uses and would have wanted the Applicant to eventually bring it into City rezoning, which they have actually carried forward on their own.

Chair Curtis, hearing no further questions for Staff, opened the public hearing.

Margaret Croxton, Executive Director, Marina Mile Association, informed the Board that this is one of the Association's favorite projects, and is a great example of how to use new technology. She asserted that a lot of people have said they were going to do things in Palm Beach and other places and have not done them, and strongly encourages the Board to approve this application as this is a marvelous upgrade for everything being done on Marina Mile. Ms. Croxton advised that the Marina Mile Association Board has seen this project 3 times and have each time voted to support the project unanimously.

Frank Hierhold, Executive Director of the 869-member Marine Industries Association of South Florida, advised that this project has been reviewed by its Government Relations Committee. During the presentation, a number of suggestions were made, which were taken to heart by the developer. Subsequently, the Marine Association Board voted unanimously to support this project. Mr. Hierhold asserted that this is a unique project in a unique area, being a very high-tech project, and that everyone is on the edge of their chairs waiting to see it come to fruition. As such, Mr. Hierhold urged the Board to approve the Applicant's rezoning request.

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

Mr. Glassman, while realizing that this is a rezoning request, felt it important to advise that he was not impressed by the rendering of the project as this is a gateway to the City from a major artery. He suggested that the Applicant attempt to refine what was presented this evening, in that it almost looks too much like a bunker.

Ms. Graham asked if the roof of the building was higher than the I-595 roadway. Mark Sals, Architect for the project, advised that the height of the building is 117 feet above grade, and that the height of I-595 is 86 feet above grade.

Ms. Golub echoed the comments of Mr. Glassman as to the look and feel of the building so that it may be revised before coming back in front of this Board.

Motion made by Ms. Fertig, seconded by Vice Chair Maus, to approve rezoning request as presented. In a roll call vote, the motion was approved unanimously (8-0).

3. Dan Lockhart / Westport Ship Yard

Yvonne Redding 27-R-07

Request: **

**Site Plan Level III / Conditional Use Permit /
Waterway Use / B-3 / Industrial Land Use**

Legal Description:

Portion of Parcel "A" and "B", in H.V. Plat, according to P.B. 85, P. 27, of the Public Records of Broward County, Florida

Address:

2957 State Road 84

General Location:

North of State Road 84 and West of Secret Woods
Nature Center

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

Michael Madfis, Architect, on behalf of the Applicant, advised that this is an existing facility currently operating as a yacht brokerage for yachts in lengths of 90 feet to 160 feet, located on 3-1/2 acres just north of State Road 84 on the south fork of the New River. He stated that there would not be an increase in the intensity of use and that there

will be a maximum of 26 boats on the site. Mr. Madfis presented the proposed project with the use of visual exhibits, and explained that it was the Applicant's desire to replace the existing barge as well as an existing warehouse building. The proposed building is a 2-story, 10,000 sq.ft. structure.

Mr. Madfis advised that the property is accessed from State Road 84, via a cross-access easement from the adjacent property.

In addition to the replacement of the existing building, it is the Applicant's desire to accommodate additional boats by adjusting the dock. The proposed new dock would be within all set-back requirements and placement requirements, and no variances are being requested.

Mr. Madfis explained that the property currently has a number of non-conforming conditions that were originally allowed, provided there were no changes. Since there are changes being requested by this Applicant, the property will now be brought up to compliance with today's Code. Therefore, the Applicant will be meeting all parking requirements, landscape requirements, drainage requirements, etc.

Mr. Madfis advised that this project has been presented to the Marine Advisory Board, has been through the DRC process and the Applicant has visited with adjacent neighbors.

Yvonne Redding, City Planner, affirmed that this is an existing ship yard that is being revamped by the demolishing of two existing buildings (main structure and boat barge) and construction of a new 2-story building on the west side of the property, away from the park area to the east.

The 14 conditions and recommendations of the Marine Advisory Board have been provided to the Board, and Ms. Redding requested that they be added as conditions of approval for this project. These would include the amount of slips requested, the uses of the fueling facilities, loudspeakers, and rafting and boats.

Ms. Redding affirmed that the proposed use is permitted in the B-3 area along the waterway for marinas, boat storage and ship yards, and the land use is consistent with this use. The use of the property is currently existing as a ship yard/marina.

Chair Curtis, hearing no questions for Staff, opened the public hearing.

David Bayer, President, Riverland Manors Association, stated that the neighborhood association represents properties directly across the river from the proposed new construction. He confirmed that they were presented with the plans, and informed that the Applicant will be replacing a T-pier with an L-pier. It is their belief that the L-pier is going to stick out further into the river. Mr. Bayer requested clarification on the requested pier and stated that he would like to see the wide spot on the river be maintained and that it not be encroached.

Ms. Golub asked if the height of the proposed building was a concern to the Riverland Manors Association, and Mr. Bayer confirmed that it was not.

Margaret Croxton, Executive Director, Marina Mile Association, announced that this is another project that the Association had been looking forward to seeing developed. She feels this is a significant improvement, and that it would be a logical step for Westport to be permitted to showcase what is perhaps a world famous yacht. In addition, Ms. Croxton expressed that this would be a big upgrade for Marina Mile and that they support this project.

Frank Hierhold, Marine Industries Association, affirmed that this project has been presented to the Association, which voted to support it unanimously. He reiterated that it is an upgrade/update of an existing facility and that nothing is changing in its use. To follow the market and provide slips for larger boats, the Applicant is actually giving up some of its land.

Mr. Hierhold advised that approximately 1500 mega yachts visit Fort Lauderdale each year, and that each visit represents approximately \$500,000 in economic impact. As previously reported, this is a huge niche market and Westport is a major player in the mega yacht market. They not only build the boats, but they also sell them, having a worldwide reputation for quality, excellence and service. Mr. Hierhold expressed that it was good news that Westport had chosen to expand in Fort Lauderdale, and that any other community would love to have a manufacturer of the quality of Westport. Mr. Hierhold requested that the Board approve this application.

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

Ms. Golub requested that someone respond to the issue of the dock extending further into the river and if there were any problems seen by this change. Chair Curtis requested both Staff and the Applicant to respond.

Mr. Madfis confirmed that the proposed dock would extend into the dock further than it does currently, but that it would be staying within all the required limits by any authorities, *i.e.*, the Army Corps of Engineers, City of Fort Lauderdale, and Broward County. Mr. Madfis indicated that the proposed dock could extend 69 feet from the current property line, but that it would not be going out that far because room would be left for the boats to be docked, without encroaching on established limits.

Upon questioning by Ms. Golub, Mr. Madfis responded that the current dock extends 39 feet from the property line and that the proposed dock would vary in length over the width of the project up to an additional 3 feet from the current dock.

Mr. Mayer explained that the answer that the neighborhood association did not get at the time of the Applicant's presentation, and which has not yet been provided tonight is how

far the dock will extend from the center of the channel. If it is 2 or 3 feet, that would be fine with the Association, but if it will be 20 feet, that will not be acceptable to the Association.

Mr. Madfis responded that on average the Applicant would be expanding 1 foot into the river.

Sharon Miller, Assistant City Attorney, asked if the Applicant had obtained a waiver to extend into the waterway. Mr. Madfis advised that the City Commission approved a waiver for 2 dolphin pilings that have been in the location for over 26 years. These pilings were permitted by the City and installed, although a waiver had not been requested. Mr. Madfis explained that this was discovered during the site plan review process and felt it proper to obtain a waiver, even though the pilings were in place for more than 26 years.

Ms. Miller expressed that under 47-19.3.B., it provides that no boat slips, docks, etc., can extend more than a maximum of 20 feet. Mr. Madfis confirmed that the Applicant was in compliance with the requirements for the dock placement. Ms. Miller stated that this would need to be confirmed.

Mr. Koeth, City Principal Planner, asked Mr. Madfis to clarify how far the dock extends from the property line. Mr. Madfis confirmed that it varies from 38 feet to 41 feet from the property line.

Ms. Miller stated that the City would recommend a condition that the dock does not need a waiver to extend further into the waterway.

Mr. Madfis, upon request by Ms. Freeman, showed on a drawing the location of the current T-dock and the placement of the proposed L-dock.

Ms. Graham questioned the location of the property line (survey tide line) according to the drawings provided by the Applicant. Mr. Madfis explained that the property line is not being changed, but instead approximately 40 feet of land is being dredged to accommodate more boats. After dredging, the property line will actually be under water. Mr. Madfis also confirmed for Ms. Graham that the existing seawall is going to be demolished in order to dredge the land.

Mr. Madfis explained to Ms. Graham that one of their requirements will be to get final approval from DRC, therefore, if there is any question about a limit, it will certainly be reviewed again. Mr. Madfis reiterated his confidence that they are in compliance. He also confirmed for Ms. Graham that they had already sought approval from the Army Corps of Engineers who did, in fact, approve the layout currently before the Board.

Ms. Golub questioned Mr. Madfis as to whether the new dock, along with the boats docked next to it, would extend out as far as the 70 feet limit. He indicated this was correct. Mr. Madfis advised that the boats were previously within 7 feet of that limit, and referred to a photograph depicting the current dock location.

Motion made by Ms. Fertig, seconded by Vice Chair Maus to approve the Site Plan Level III Permit. In a roll call vote, the motion was granted 7-1 (Ms. Graham dissenting) with the following Staff Conditions:

1. The following conditions of approval of the Fort Lauderdale Marine Advisory Board:
 - a. Dockage and mooring accommodations shall not exceed the specified number of twenty-six (26) slips and mooring pilings with size limitations as specified on the site plan with required parking to accommodate lot demand and prevent overspill into the adjacent neighborhood.
 - b. Fueling facilities are not permitted unless permits are obtained from those regulatory agencies requiring authorization including the City. All such conditions or regulations including the ULDR and the Code of Ordinances, which are applicable, shall be made part of the Planning/DRC permit.
 - c. The marina operation shall be equipped with oil spill containment and fire safety attenuation equipment as required by the City Code of Ordinances and as determined in conjunction with the Planning/DRC permit.
 - d. No outside loudspeakers, amplification systems or work activities shall be permitted on the marine center site that would be in violation of noise and other nuisance related ordinances or as determined in the final planning/DRC permit.
 - e. No rafting of boats shall be permitted along any dock or seawall adjacent to the property except in cases of emergency.
 - f. Substantial changes to the marine site plan requiring an amendment to be reviewed by the Planning and Zoning Board shall first be reviewed by the Marine Advisory Board.
 - g. The applicant shall comply with all permits required by governmental agencies having jurisdiction over the waterways, and shall comply with all codes and regulations affecting the operation of the marina, including Section 47.24.2 and Section 24.5 of the Urban Land and Development Regulations (ULDR) Adequacy requirements.
 - h. The applicant is required to provide proof of contract services for mobile marine sanitation pumpout service accommodations and shall comply with established requirements imposed on the applicant by the City and other Environmental Permitting Agencies that may be more restrictive. All such conditions shall be made part of the DRC/Planning permit if necessary.
 - i. The applicant shall furnish to the Supervisor of Marine Facilities copies of final plans and required fueling and other Environmental permits with the regulatory agencies for review and comment to the appropriate City Department staff. Additional comments or site plan revisions from the Supervisor of Marine Facilities or appropriate staff not requiring Planning and Zoning or Marine Advisory Board reviews will be made part of the DRC/Planning permit.
 - j. No boat repairs shall take place on site, other than minor in water repairs as permitted by the City Code of Ordinances and the Unified Land and Development Regulations. Storage of any form of petroleum based fuel, oil,

etc. is not permitted on the property unless permitted by the appropriate environmental agencies.

- k. Signs are not permitted on the dock structures or property for purposes of selling vessels, boats or other marine related amenities unless approved in accord with the City Code of Ordinances and the Unified Land Development Regulations or in conjunction with the DRC permit and site plan approval.
 - l. Should County, State or Federal permitting agencies having jurisdiction, impose more restrictive standards to the conditions of local approval as specified above, then the more restrictive standards shall apply.
 - m. As a general condition of approval, vessels moored on the New River adjacent to the property cannot extend beyond the distance of the submerged land lease area. A copy of the amended submerged land lease No. 060028236 to allow for docking on state owned submerged lands on the New River must be furnished to the Supervisor of Marine Facilities as a condition of approval of the waiver of limitations and the Planning/DRC permit.
 - n. A special condition to establish a self-imposed restriction by the applicant to prohibit live-aboards on site with the exception of occasional overnight use by Captain and crew of vessels in service for sales or other purposes in accord with the Planning/DRC permit.
2. That confirmation is provided that the Applicant has obtained a waiver to extend into the waterway, as well as a confirmation of the dimensions.
 3. If such a waiver has not yet been obtained, then the Applicant will be required to obtain same.
 4. That confirmation is obtained from the Zoning Administrator that Site Plan Level III complies with the ULDR Section 47-19.3.

4. Bay Colony Exxon, Inc. / Landings Plaza

Thomas Lodge

22-P-07

Request: **

Plat Review

Legal Description:

A portion of the West ½ of the East ½ of the West ½ of the Northeast ¼ of Section 13, Township 49 South, Range 42 East, Together with a portion of the West ½ of the Southeast ¼ of the Southwest ¼ of the Southeast ¼ of section 12, Township 49 South, Range 42 East, City of Fort Lauderdale, Broward County, Florida

Address:

5556 N Federal Hwy

General Location:

Northeast corner of Federal Highway and NE 55 Court

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

George Morgan, Morgan Property Group, on behalf of the Applicant, stated that this was a plat application for property at the northeast corner of NE 55th Court and Federal Highway, and was formerly an Exxon station. The Applicant has not yet acquired the

property, but is under contract for its purchase. Mr. Morgan advised that it was found that only a portion of this property was platted and the Applicant was applying for a plat to complete the platting process.

Tom Lodge, City Planner, explained that the Applicant is proposing to plat 29,005 sq. ft. of land located at 5556 N Federal Highway in the B-1 zoning district. In addition, the Applicant proposes to demolish the former gas station on the site and construct an 1,800 sq. ft. restaurant with a single drive-thru lane, as well as 1,300 sq. ft. of retail space.

Mr. Lodge advised that improvements on the site will include limiting the curb cuts previously on the site on U.S.1 (reduced from 3 to 1), and on 55th Court (reduced from 2 to 1). The plat will be restricted to 3,000 sq. ft. of commercial use.

Mr. Lodge reported that the Applicant has met all the required ULDR sections for the subdivision and adequacy.

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

Mr. Morgan asked to clarify that the dimensions of the building were slightly modified in that the restaurant will be 1,760 sq. ft. and the retail area will be 1,200 sq. ft., for a total of 2,960 sq. ft. This would keep the entire space under the 3,000 sq. ft. as required by the plat restriction.

[Ms. Adams arrived at 8:06 p.m.]

Motion made by Vice Chair Maus, seconded by Ms. Adams to approve plat as presented. In a roll call vote, the motion was approved unanimously (8-0).

5. City of Fort Lauderdale and RDM Development Thomas Lodge 2-Z-08

Request: ** *	Rezoning / B-2 to RMM-25 / NW-RAC Land Use
Legal Description:	Lots 25 and 26, Block D of "Fort Lauderdale Land & Development Co. Block 6", According to the Plat thereof, as recorded in Plat Book 1, Page 57 of the Public Records of Miami-Dade County, Florida.
Address:	721 and 723 NW 2 Street
General Location:	North side of NW 2 Street, between NW 7 Avenue and NW 8 Avenue

Chair Curtis noted that Staff has requested a deferral of this item, which was confirmed by Thomas Lodge, City Planner, as the signs were not up within the 15 days and the notices were not sent out within 10 days.

Motion made by Mr. Glassman, seconded by Ms. Graham to defer this item to the May 21, 2008 Planning & Zoning Board Meeting. In a voice vote, the motion was approved unanimously (9-0).

6. MSC Cluster Development

Jenni Morejon 113-R-07

Request: ** *	Site Plan Level III / 5-unit Cluster Development / RD-15
Legal Description:	Lots 6, 7, and 8, Block 8 of Osceola Park, according to the plat thereof, as recorded in P.B. 9, P. 46, of the Public Records of Broward County, Florida
Address:	2354 SW 18 Avenue
General Location:	Approximately 100-feet north of SW 24 Street on the east side of SW 18 Avenue

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

Robert Lochrie, on behalf of the Applicant, stated that this was a request for approval of a 5-unit residential project to be located at 2354 SW 18th Avenue, which is zoned RD-15. As is indicated in the Staff report, the project has been designed to meet or exceed all the City's code requirements. Mr. Lochrie offered as examples the following:

- There is 50% more parking than what is required;
- There is 73% more landscaping than what is required; and
- The front and rear setbacks meet the Code, but the side setbacks exceed the Code by 100%.

Mr. Lochrie advised that all vehicular access to the units is through a central driveway, with all garages serving the 5 units facing each other, so that the garages are not seen from 18th Avenue. The maximum height in this zoning district is 35 feet, and only the center unit is 35 feet, with the other 4 units being 2-story units. Mr. Lochrie stated that, as is required by the Code, an amenity area has been included, but that the square footage has exceeded the requirement. This 1,200 sq. ft. amenity area consists of a gazebo (covered area), outdoor seating area with a grill, and adjoining landscaped yard.

Mr. Lochrie stated that in addition to providing the amenity area, special attention was given to the tree canopy on the property. Most of the viable trees are located on the perimeter of the site and are being kept, including 3 significant mahogany trees. Several oaks that were damaged from prior storms are being replaced with new oaks.

Mr. Lochrie affirmed that this project was presented to the River Oaks Neighborhood Association and received support for the project.

Jenny Morejon, City Planner, reiterated that the Applicant is proposing a 5-unit cluster development in the River Oaks neighborhood, which is north of State Road 84, and east

of I-95. She confirmed that the Development Review Committee (DRC) reviewed this proposal on October 9, 2007, and referred to the various documents contained with the Board's documentation for review. Ms. Morejon advised that Staff is suggesting two conditions to approval of this project.

Ms. Golub expressed concern that the residents will need access to the development from the sides, and questioned why a sidewalk easement was not requested along the sides. Ms. Morejon explained that in the Applicant's site plan, there is a provision for a 5 ft. easement around the entire perimeter of the project, including the sides and the rear. Therefore, Staff's condition should read, "the sides, rear and front."

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

Ms. Golub admitted that she was against cluster developments, and asked Mr. Lochrie what type of dwellings were within the neighborhood. Mr. Lochrie stated that the new development in the neighborhood were largely 2- and 3-story structures, and on the west side of the neighborhood were very consistent with the proposed project. He then went on to describe the typical homes in the area and how this project compares.

Mr. Lochrie, responding to Ms. Golub's question, advised that the neighborhood supported the project and wrote a letter in support.

Ms. Fertig commented that she drove through the neighborhood this day and that she believed that it was developing more as single-family and not cluster homes. Mr. Lochrie believed the neighborhood to be split, with a consistent multi-family new development theme, consistent with the underlying zoning district.

As to the landscaping, Mr. Lochrie assured the Board that the trees on the property were being saved as part of the project.

Vice Chair Maus inquired as to whether Mr. Gennaro found any of the oak trees to be salvageable. Mr. Lochrie concurred that there were a number of oak trees which were not salvageable, but that all trees undamaged would be remaining on site.

Motion made by Ms. Freeman, seconded by Mr. Welch to approve Site Plan Level III with Staff conditions. In a roll call vote, the Motion was approved unanimously (9-0) with the following Staff conditions:

1. Provisions satisfactory to the City Attorney shall be made for a five (5') foot recordable easement along the front, side and rear property lines for use by owners of the dwelling units.
2. The applicant must have a recorded maintenance agreement for the common areas.

[Chair Curtis announced a 5-minute break at this time.]

7. **Aqua Lofts Townhomes, LLC. / Aqua Lofts** **Ella Parker** **140-R-05**

Request: ** **Request to Extend Site Plan Approval for Previously Approved Site Plan Level III / Conditional Use for Mixed Use Development with Flex Allocation / RMM-25**

Legal Description: Lots 9, 10, 11, 12, 13, 22, 23, 24, 25 and 26, Block 22, Everglades Land Sales Company First Addition to Lauderdale, according to the plat thereof, as recorded in P.B. 2, P. 15, of the Public Records of Dade County, Florida. Together with the North 8.0 feet of a 16 foot alley lying south of and adjacent to said Lots 22, 23, 24, 25 and 26 and the south 8 feet of said 16 foot alley lying north of and adjacent to said Lots 9, 10, 11, 12 and 13

Address: 701 SE 19 Street

General Location: South of S.E. 18 Court, north of S.E. 19 Street, east of Federal Highway, west of Miami Road

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

Gus Carbonell, Architect, on behalf of the Applicant, requested a Site Plan extension, and advised that it is a project of 40 residential units in the area of Miami Road, Federal Highway and SE 17th Street. The Site Plan was previously approved by this Board.

Mr. Carbonell stated that the time to apply for a building permit (18 months) begins to run immediately following the Planning & Zoning Board meeting. Because this is a mixed use development, the Applicant needed to finalize the requests of the flexible units, deal with the School Board, and finalize the civil engineering plans. The construction plans were done somewhat slowly for this particular project.

Mr. Carbonell advised that three other projects that were approved in the same area have planned not to build their projects, and have let their plans expire. It is this Applicant's desire to salvage this project as it has been very well received by the community and is needed in this area.

Ella Parker, City Planner, stated that the Board approved a conditional use permit for a mixed-use development with allocation of 40 flexibility units on the site on July 19, 2006 and the case was subject to 30-day City Commission review period that expired on August 19, 2006. Applicant is requesting an 18-month extension to apply for a building permit from the current deadline of February 19, 2008, to the date of August 19, 2009. Should the Board approve the extension, previous conditions of approval shall apply.

In addition, Ms. Parker advised that Staff had received correspondence dated April 11, 2008 from Ray Dettman, regarding the maintenance of the existing property, which correspondence was provided to the Board as an exhibit.

At Chair Curtis' request, Ms. Parker advised that the plan was originally approved on July 19, 2006, and the Applicant would have needed to apply for building permit within 18 months (by February 19, 2008). An extension could only be granted if an applicant requests the extension prior to expiration, and applicant's request was received prior to that date.

When Chair Curtis claimed that the Applicant's time had already run, Ms. Parker explained that the Applicant needed to request the extension within the time frame, which was done on February 13, 2008.

Mr. Glassman asked Ms. Parker if, according to the ULDR criteria, the Applicant has shown good cause for the delay? Ms. Parker informed Mr. Glassman that this was for the Board to decide, pursuant to Section 47-24.1.M.5.A., which states: "An extension of time for site plan expiration shall be granted by the reviewing body approving the site plan when all applicable building, zoning and engineering regulations remain the same, and good cause for the delay has been shown by the Applicant." She went on to state that, "Good cause may include, but shall not be limited to, delay caused by governmental action, or inaction, or other factors totally beyond the control of the Applicant."

Ms. Golub noted that future land use map designation for this particular land says "Employment Center," and asked whether this project falls under that category. Ms. Parker stated that this was correct and that the zoning is actually RMM-25 and the underlying land use is Employment Center. The project was approved as a mixed-use development project with flexibility allocation for the residential units because it is in Employment Center.

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

Mr. Glassman asked the Applicant to elaborate why he feels there is good cause for the extension. Mr. Carbonell responded that once this Board approves a development of this size, civil engineering plans have to be completed, as well as going through the permitting process with Broward County, which takes approximately 3 months to get a full-fledged license for drainage. In this particular project, there were steps to be taken to obtain financing. There were studies done of different ways to minimize the cost of construction after the plans were almost completed. As such, structural systems were redesigned to use wood floors instead of concrete. There was also delay due to obtaining the final DRC approval, which involved the plans being submitted to approximately 10 to 12 different departments in the City. Each department requires an appointment for the plans to be dropped off, and many times the plans are not approved the first time submitted. Then another appointment must be scheduled and the plans dropped off again.

Mr. Carbonell expressed that the Applicant feels this particular project should be extended, with conditions of Staff, in order to make it a reality.

Mr. Carbonell, responding to Mr. Glassman, stated that the financing was not in place at this time.

As to the letter from Ray Dettman, Mr. Carbonell advised that he has contacted his clients and they are going to have their maintenance company address the issues right away, which are very minor housekeeping issues. In addition, Mr. Carbonell assured the Board that the Applicant promised that this will not happen in the future.

Ms. Golub stated that while she is sympathetic to developers and the need for extensions during a time of economic downturn, what is bothersome about this request is that the Applicant is not going to build what was initially brought before this Board, but is going to build a cheaper building in order to accommodate the market and financing, and yet still did not have the financing in place. Ms. Golub felt the problem was finding a way to build what they can afford to build, which has not really been determined yet. She stated that she is not certain if good cause has been established as contemplated by the ULDR.

Vice Chair Maus asked the Applicant if they will be building what was approved in 2006. Mr. Carbonell stated that they will be building the same building that was approved. If there were any changes as to exterior, materials, colors, style, height, the Applicant would have to come back before this Board. The changes mentioned were that the building was originally designed as solid concrete poured slabs for the floor systems and then it was changed to a wood truss system for the floor, which is for a light 3-story residential building which is very common.

Motion made by Ms. Freeman, seconded by Ms. Fertig to approve Site Plan Extension with condition that the property be maintained as agreed to by the applicant (letter indicates painting shutters, trim and fence, cleaning roofs and general maintenance and site clean up)

In a roll call vote, the Motion and condition were approved 7-2 (Ms. Golub and Mr. Glassman dissenting).

8. Il Lugano, LLC. / Il Lugano Hotel

Ella Parker

123-R-07

Request: **

**Site Plan Level III / Proposed Restaurant Use at
Previously Approved Development**

Legal Description:

Lots 13, 14 and 15, Block 1, Galt Ocean Mile, according to the plat thereof, recorded in P.B. 34, P. 16 of the Public Records of Broward County, Florida and all that part of Lot 1, Block 12, in said Galt Ocean Mile, which lies south of the southern boundary line of Parcel "A", Coral Ridge Towers, according to the map or plat thereof, as recorded in P.B. 53, P. 24, of the Public Records of Broward County, Florida

Address:

3333 NE 32 Avenue

General Location:

East of the Intracoastal Waterway, west of NE 32 Avenue, between NE 33 Street and NE 34 Street

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

Robert Lochrie, on behalf of the Applicant, advised that this was an amendment to the site plan approval that was originally granted by the Planning & Zoning Board in 2003. This was originally approved as a hotel project, and is currently operating as such. The Applicant is requesting to add a full-service restaurant to the facility. Mr. Lochrie provided visual exhibits for viewing at this time.

Mr. Lochrie indicated that the essential request is to convert a 2,700 sq. ft. area, which is currently a breakfast bar area, into a full-service restaurant that would provide services to guests in the form of breakfast, lunch and dinner, as well as providing those services to the public. This would also serve to provide room service for hotel guests.

Mr. Lochrie stated that when this project went through the approval process, the developer committed to several additional enhancements to the site and surrounding area as follows:

- Undergrounding all power lines, telephone lines and cable lines;
- Install new curb and gutter;
- Redo the streets;
- Install new storm drains;
- Put in landscaping;
- Put in lighting; and
- Put in new public metered parking, not only directly in front of this project, but also all the way down 34th Street from NE 32nd Avenue to A-1-A.

Mr. Lochrie further announced that In addition to the foregoing, the Applicant agreed to provide a 15-foot access easement from 32nd Avenue to the Intracoastal. This is currently

in place on the north side of the property line that was provided to the general public for access from the street down to the waterway. Although not included in the original plans as approved by the City, an issue arose that there was no paved walkway from 32nd to the Intracoastal. Staff brought this to Applicant's attention, members of the community brought this to Applicant's attention, and Coral Ridge Towers South passed a resolution last night requesting that the Applicant install a 5-ft. wide hard surface walkway from the street down to the Intracoastal. Mr. Lochrie advised that the Applicant has no objection to doing so and it is included in the Staff report as a Staff comment. It can, therefore, be incorporated into this plan and can be included as part of the Site Plan process.

Mr. Lochrie advised that this project has been presented to Galt View Apartments, Inc., Galt Village Improvement Association, Continental Condominium Apartments, and the Law Offices of Lawrence Black, who have all provided letters of support, which Mr. Lochrie presented to the Board at this time.

Ella Parker, City Planner, stated that the Board approved a mixed-use development for a hotel and multi-family use on the proposed site on July 16, 2003. At this time, the Applicant proposes a new 2,747 sq. ft. restaurant, replacing the existing lounge area at the northwest section at the hotel lobby level. In addition, the Applicant proposes modifications to the existing parking layout configurations to accommodate the new use, and also proposes a new landscape plan indicating a 5 ft. pedestrian walkway within the existing 15 ft. pedestrian easement at the north side of the property, which connects 34th Street to the Intracoastal Waterway.

Should this be approved by the Board, Staff proposes conditions which are outlined in the Staff report. Ms. Parker then distributed a letter from Coral Ridge Towers received today for the Board's review.

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

Upon questioning by Ms. Graham, Mr. Lochrie advised that the parking will be accommodated through the valet, and explained that this is how the parking requirements will be met.

Ms. Graham inquired as to the kitchen facilities, and Mr. Lochrie responded that the kitchen was designed and engineered so that there could be a possibility for expansion in the future. Mr. Lochrie also stated that the Health Department is signing off on the kitchen as meeting their requirements.

Ms. Graham then addressed parking and Mr. Lochrie reiterated that the Applicant was not asking for a reduction in parking, and that the Applicant would be providing valet parking for guests of the restaurant. Mr. Lochrie confirmed for Ms. Graham that all parking on the property is valet parking. In addition, there is additional parking on the street which has been installed by the Applicant and which will generate revenue for the City.

Mr. Koeth interjected that there was a member of the public that wished to speak on this item, and Chair Curtis invited him to do so.

Frank Casier remarked that he was a 50-year winter resident of Fort Lauderdale and 20 year resident of Coral Ridge Towers, immediately adjacent to the Il Lugano project under consideration. He was here tonight, with a considerable number of owners at Coral Ridge Towers, to support the Il Lugano application. Mr. Casier thanked the City of Fort Lauderdale, the Planning & Zoning Board, and Commissioner Christine Teel for many improvements to the area made over the years through a plan known as the "Miracle on 34th Street."

Mr. Casier recounted the ways in which the Il Lugano has been an excellent neighbor, being generous with their time and extensive financial contributions to the neighborhood. Mr. Casier urged the Board to approve the application of Il Lugano.

Mr. Casier then requested that the Board address certain commitments originally made between the original developer and himself, in particular the matter of the streetlights which will be addressed by fellow resident, Bonnie Levitt.

Bonnie Levitt concurred that the restaurant would be a plus and that she was happy with it. She then showed drawings from 2003 depicting streetlight fixtures that were approved, and which are not currently in place.

Mr. Glassman referred to the July 16, 2003 Planning & Zoning Board Minutes, on page 15, where it notes that as part of the improvements that there will be 8-ft. pedestrian paver sidewalks on both sides of the street. He expressed that 5 ft. sidewalks, as before the board this evening, was not very wide for a sidewalk of such length, and inquired as to why it was not 8 ft. Mr. Lochrie explained that a number of things changed from when the original project was designed, but that the sidewalk widths along 34th have not changed. The sidewalks vary in width from 7 ft. to 15 ft. in most places. The project architect feels that 5 ft. is the appropriate width, within a 15 ft. wide pathway, in order to accommodate plenty of landscaping on either side, along with the lighting that has been agreed upon.

Ms. Freeman asked Ms. Levitt to clarify if she wanted the 2003 lighting. Ms. Levitt responded that a little variance would be acceptable to the 2003 proposed lighting. Mr. Lochrie provided history on this topic, clarifying that the lighting in question was on property which is adjacent to the subject property, and not owned by the Applicant. Applicant was responsible for the cost and installation of the light poles. The City is responsible for maintenance, such as changing the light bulbs. Florida Power & Light is responsible for powering the light poles and, in turn, sends a bill to City of Fort Lauderdale.

As a condition, an engineering permit was issued by the City for the lighting, indicated that decorative lights must come from selection contained in the City maintenance

specification. At that time, there was only a choice of two lights. The Applicant is currently willing to contribute to the lighting change at a cost of up to \$1,000 per pole.

Ms. Miller, responding to Ms. Fertig's question, advised that there were two lighting choices available at the time, according to the City's maintenance plan, but that they were not what was approved for the light poles in 2003.

Chair Curtis asked Ms. Miller generally how the Board can approve an item, such as the lamps that everyone wanted, but someone after the Board can change the plans without coming back to the Board. Ms. Miller explained that the ULDR has a section, called Administrative Approval, where an item would go before an Administrative Review Committee, where they would decide if it was within their purview to make a change, and if not it would go to the final approving authority.

Ms. Miller suggested that it be added as a condition and if it found that the engineering department can accept the improved lights, that they will do so. Wayne Jessup, Planning & Zoning, stated that it was completely reasonable for the City to reconsider the type of fixtures, but the City will make the judgment based upon the capacity of the City to maintain those lights. Mr. Jessup reminded the Board that this was not the matter before the Board tonight on this application.

Mr. Casier asked that the Board not hold up the approval for the restaurant for the lights. Ms. Parker confirmed that there were no Staff conditions recommended for this application that related to the lights on 34th Street.

Motion made by Ms. Freeman, seconded by Ms. Fertig to approve with Staff conditions. In a roll call vote, the Motion was approved unanimously (9-0) with the following conditions:

1. Applicant shall enter into a valet parking agreement as required by ULDR Sec. 47-20 and as approved by the City Attorney.
2. All landscape improvements and proposed 5-foot pedestrian walkway as shown on plan sheet LP-1 shall meet all ULDR and any other applicable requirements, *i.e.*, ADA compliance.
3. Any public access easements and maintenance/developer agreements to be finalized and approved prior to final DRC.
4. All previous conditions of site plan approval apply.
5. Staff shall revisit the street lighting issue within the next 30 days, in an attempt to address the concerns of both the Applicant and the neighbors, the cost of which shall in no event exceed \$1,000 per light post to be paid by Applicant, and as approved by the City Engineer.

9. **A1A Trader, LLC. / Yankee Trader, North** **Ella Parker** **143-R-07**

Request: ** Site Plan Level IV / Renovations to Existing Hotel and Parking Reduction

Legal Description: Lots 1 through 7, inclusive Block 8, Lauder Del Mar, according to the plat thereof, as recorded in P.B. 7, P. 30, of the Public Records of Broward County, Florida, and also a portion of Government Lot 3, in Section 6, Township 50 South, Range 43 East, Broward County, Florida

Address: 331 North Fort Lauderdale Beach Boulevard

General Location: West of Fort Lauderdale Beach Boulevard (A-1-A), east of Birch Road, north of Granada Street, south of Bayshore Drive

At Chair Curtis' request, Mr. Koeth advised that Items 9 and 10 could be heard together, but they would have to be voted on separately.

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

Tracy Lautenschlager, Esquire, with Greenberg Traurig, announced her representation of the Applicant. The project involves the renovation of both the north and south buildings of the existing site. Ms. Lautenschlager advised that the entire façade renovation was approved by the City Commission previously.

Ms. Lautenschlager showed current photographs and renderings of the proposed renovations, which included an addition of two partial layers of parking.

At the south building, this renovation project will add a banquet facility and the square footage for a Starbucks, which is internal. Ms. Lautenschlager divulged the various improvements planned for the site, as well as the reflagging of the property as a Westin Hotel, which is an upgrade to the facilities.

Jeff Faulkingner, Architect, gave a presentation with visual aides, showing the proposed renovations, including two 10,000 sq. ft. banquet facilities.

Ella Parker, City Planner, explained that the applicant proposes modifications and additions to the Yankee Trader Hotel, including the reduction of hotel units and a request for Site plan Level IV approval for proposed uses and dimensional requirements for setbacks and length of building, and a 13% parking reduction. The hotel consists of two buildings separated by Granada Street.

Ms. Parker advised that proposed alterations to the North building include a redesign of the interior layout and pool deck, reduction of 9 hotel rooms, a new entry and canopy on

the north side, and two additional levels of parking proposed for the existing parking structure on the west side of the hotel, including a wall-mounted trellis of living plant material along the exterior of the garage facades to screen the parking.

Proposed alterations to the south building include a redesign of the interior layout and meeting rooms, a reduction of 22 of hotel rooms, 2054 sq. ft. of restaurant space fronting on S.R. A-1-A., and a new banquet/meeting facility fronting on Granada and Seville Street to the west side of the existing hotel, with streetscape improvements.

Ms. Parker referenced Staff conditions included within the Staff Report.

Mr. Glassman asked Ms. Parker to clarify the actual number of hotel rooms being proposed for the renovation. Applicant confirmed that the existing number of rooms is 459 and after renovation there will be 433 hotel rooms.

Ms. Fertig noted that the banquet space was being increased by 28,520 sq. ft. Despite the decrease in the number of hotel rooms, Ms. Fertig questioned whether the additional banquet space would generate a need for additional parking, rather than a 13% parking reduction. Mr. Faulkinger explained that by Code the additional banquet space would require 72 parking spaces, and this is going to be provided.

Ms. Graham expressed a concern that with there will not be sufficient parking. Mr. Faulkinger advised that they conducted a study at the height of the season, beginning on January 1st and for three weeks thereafter, twice a day, where the empty parking spaces were counted. He asserted that there were times when the hotel had 98% occupancy and there were 200 empty parking spaces. At another time, the study was done over a week long period where the spaces were counted 4 times a day. Mr. Faulkinger referred Ms. Graham to the chart which was provided to the Board members for details of the study. Ms. Graham continued to voice concern over making any decision as to parking reduction that might be construed as arbitrary or capricious. Mr. Faulkinger believes this project has special circumstances, one being the walk-in traffic along the beach.

Mr. Faulkinger announced that he had done the parking study, and then it was reviewed by Keith & Schnars. Dennis Girisgen, City Engineer, confirmed that the City's consultant reviewed the parking report, and did find it adequate to support the reduction. As part of the City's methodology, the Applicant was required to take counts during special events held at the hotel, during peak season. Mr. Girisgen advised that the highest factor was .71 per unit which accounted for the Shula Steak House and the existing rooms, and in addition, Starbucks and the uses of the meeting rooms was factored in. Taking everything into account, there were still spaces available. Mr. Girisgen stated that Staff feels comfortable with the traffic study. In addition, Mr. Girisgen advised that Diane Alarcon of Parking Services reviewed the study and feels comfortable with it.

Chair Curtis asked Mr. Faulkinger how he would suggest the Board protect the rest of the beach from overflow parking as a result of this new project in the event there are circumstances when local residents attend functions at the hotel.

Mr. Glassman asserted that there are now 57 spaces less than the number of rooms and with the renovations there will be a situation where there will be 16 more parking spaces than the number of rooms. He related that he had himself attended a variety of functions at this particular property, which were functions unrelated to people staying at the property, and admitted to always being able to pull the car in and park on the first level.

Chair Curtis, hearing no further questions for Staff, opened the public hearing.

Judy Scherer, President of Birch Crest Condominium, announced that she supported the parking reduction, and remarked that the Applicant was extremely cooperative.

Joe Panico, Corresponding Secretary for the Central Beach Alliance (CBA), consisting of 45 condominiums and over 350 residents from Oakland Park to Harbor Beach Drive, East of the Intracoastal. He related that on October 25, 2007, the Yankee Trader Hotel presented their this proposal to the Board of the CBA, and then again on November 29, 2007, at a public meeting at the Swimming Hall of Fame, presented to the neighborhood. After a lengthy discussion, the residents voted against the project 151 to 0.

Mr. Panico advised that on January 24, 2008, the CBA held another meeting at the International Swimming Hall of Fame for this project. The Yankee Trader worked closely with Birch Crest to reduce the parking. At that meeting, the CBA voted 258 in favor and 0 against.

Mr. Glassman asked why the vote went from unanimously against to unanimously for the project. Ms. Scherer stated that the Yankee Trader's parking garage is behind her residence. Originally, they showed Birch Crest that they were going to build up the parking garage next to the tennis courts. With this proposal, the parking garage would have gone up 40 feet higher and would have blocked 4 additional floors of Birch Crest. Birch Crest was absolutely against this proposal.

Ms. Scherer advised that instead the Yankee Trader came back to the CBA and asked to work with them. Thereupon, they proposed a parking reduction and the placement of extra garage space on top of the tennis courts, which would not cause any additional blockage to Birch Crest.

Sadler James announced his favor of this project, however, conveyed that he was not in favor of the parking reduction, and that it was unreasonable to accommodate the buildings behind the project. Mr. James opined that the economic impact of the larger convention space outweighs any other consideration.

Mel Rubenstein, former President of the CBA and present Treasurer of Birch Crest, expressed that whatever happens with the Yankee Trader will have a direct impact on Birch Crest. The original proposal of a 40-foot building to house cars had a very negative impact on the residents of Birch Crest. Such a situation would have resulted in residents looking out to see walls of cars and cement. Mr. Rubenstein affirmed that there were

always so many empty spaces in the parking area of the Yankee Trader, even in the height of the season, and urged the Board to approve this application.

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

Ms. Fertig asked Mr. Faulkinger to show on the diagram where people currently park at the hotel. Mr. Faulkinger indicated on the photograph where they park behind the hotel. He pointed out where 2 additional levels of parking are going to be built, which would accommodate 109 spaces. Mr. Faulkinger confirmed for Ms. Fertig that there was no objection to a 4-story parking garage in that location. In order to add an additional parking level, the entire parking structure would have to be torn down, making that option unfeasible.

Upon questioning by Ms. Fertig, Mr. Faulkinger responded that the capacity of the banquet space was 850 people.

Mr. Glassman confirmed that Staff concurs with the Keith & Schnars study finding that the Applicant has adequately demonstrated a feasible parking reduction of 68 spaces for the proposed project. Mr. Girisgen responded to Ms. Fertig that there was a methodology meeting as to the parking study, and that Staff did not take any independent counts.

Ms. Fertig advised that she had a concern with parking, and that the unknown factor in this project is the new capacity for banquet areas of 850. Ms. Graham also expressed a concern for overflow parking as a result of this parking reduction.

Ms. Golub inquired as to whether this matter will automatically go to the City Commission, and Ms. Miller responded that it does, and that this is just a recommendation.

Motion made by Ms. Maus, seconded by Mr. Glassman, to Approve Site Plan Level IV with Staff conditions. In a roll call vote the motion was approved 6-3 (Ms. Fertig, Ms. Graham & Chair Curtis dissenting), with the following Staff conditions:

1. A parking reduction order must be executed and recorded in the public records of Broward County at the applicant's expense, prior to Final DRC approval.
2. Archaeological monitoring by a qualified archaeologist is to be conducted as specific and approved by the Broward County History Commission Archaeologist.
3. Proposed streetscape materials and colors to be approved by the Beach CRA Engineering Design Manager prior to building permit. Applicant shall enter into a maintenance agreement associated with the improvements.
4. Per the City's Landscape Representative, all street trees to be at least 12 feet to 14 feet in height with a 6 foot clear trunk.
5. Applicant shall maintain and replace the proposed wall-mounted trellis along the exterior of the parking garage facades as necessary to ensure plant material is continually living.
6. Applicant shall enter into an off-site/valet parking agreement as required by the ULDR Sec. 47-20 and as approved by the City Attorney.

7. Per the City's Transportation Representative, applicant shall comply with any Broward County shared use path requirements.

10. A1A Trader, LLC. / Yankee Trader, South Ella Parker 144-R-07

Request: ** Site Plan Level IV / Renovations to Existing Hotel and Parking Reduction

Legal Description: Lots 1 through 7, inclusive Block 8, Lauder Del Mar, according to the plat thereof, as recorded in P.B. 7, P. 30, of the Public Records of Broward County, Florida, and also a portion of Government Lot 3, in Section 6, Township 50 South, Range 43 East, Broward County, Florida

Address: 301 North Fort Lauderdale Beach Boulevard

General Location: West of Fort Lauderdale Beach Boulevard (A-1-A), east of Birch Road, north of Seville Street, south of Granada Street

Disclosures were previously made by the Board above in Item No. 10, and anyone wishing to testify on the matter was sworn in.

Motion made by Ms. Maus, seconded by Ms. Freeman to approve Site Plan Level IV with Staff conditions. In a roll call vote the motion was approved 5-4 (Ms. Fertig, Ms. Graham, Ms. Golub and Mr. Curtis dissenting), with the following Staff conditions:

1. A parking reduction order must be executed and recorded in the public records of Broward County at the applicant's expense, prior to Final DRC approval.
2. Archaeological monitoring by a qualified archaeologist is to be conducted as specific and approved by the Broward County Historical Commission Archaeologist.
3. Proposed streetscape materials and colors to be approved by the Beach CRA Engineering Design Manager prior to building permit. Applicant shall enter into a maintenance agreement associated with the improvements.
4. Per the City's Landscape Representative, all street trees to be at least 12 feet to 14 feet in height with a 6 foot clear trunk.
5. Applicant shall maintain and replace the proposed wall-mounted trellis along the exterior of the parking garage facades as necessary to ensure plant material is continually living.
6. Applicant shall enter into an off-site/valet parking agreement as required by the ULDR Sec. 47-20 and as approved by the City Attorney.
7. Per the City's Transportation Representative, applicant shall comply with any Broward County shared use path requirements.

11. **Mount Hermon African Methodist Episcopal Church** **Michael Ciesielski** **3-Z-08**

Request: * * *

Rezoning of two (2) parcels (from RMM-25 to B-2)

Legal Description:

1. Lots 31 and 32, Block 19, of "North Lauderdale", P.B. 1, P. 48, Dade County
2. Lots 19 thru 23, and the South ½ of the abutting vacated 10 foot alley as described in Book 13946, Page 94, Block A of Fort Lauderdale Land & Development Co., Block 6, P.B.1, P. 57, Dade County

Address:

1. 416 NW 7 Terrace
2. 725 NW 3 Street

General Location:

1. East side of NW 7 Terrace between NW 4 Street and NW 5 Street
2. Northeast corner of NW 8 Avenue and NW 3 Street

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

Don Zimmer, Architect, on behalf of the Architect stated that this matter concerns rezoning and referenced the information provided to the Board. The Mount Hermon Church has been at this location for many years and is zoned CFH. There is quite a bit of parking in the B-2 zoning district. Mr. Zimmer then pointed out an area which was zoned RMM-25. At the top of the property, Mr. Zimmer referenced two properties, Parcel 4, also zoned RMM-25. While going through the permitting process, the Applicant purchased Lot 23, which is a 25-ft. wide lot that was zoned RMM-25 and adjacent to the parking.

Mr. Zimmer recounted that years ago churches were permitted to be built in residential districts, and parking for these churches was allowed in residentially zoned districts as well.

Originally, the Applicant wanted to rezone only the one lot, but because the lots next to it are RMM-25, the Applicant wanted to bring everything into compliance and rezone them B-2.

Mr. Ciesielski, City Planner, referenced the Staff report that contains a rezoning analysis. He stated that the Applicant must meet criteria that is listed in 47-24.4, and states that:

1. The zoning district proposed must be consistent with the City's Comprehensive Plan. Mr. Ciesielski advised that the rezoning request to B-2 is consistent with this future land use designation, wherein a parking facility is a permitted use in the NW-RAC (Northwest Regional Activity Center).

2. Substantial changes in the character of development in or near the area under consideration supports the rezoning. The neighborhood is undergoing significant changes. Virtually all land east of these subject parcels to NW 7th Avenue is zoned B-2. Much of the land in this neighborhood, especially to the east of the site, is vacant and is available for redevelopment.
3. The character of the area proposed is suitable for the uses permitted in the proposed zoning district and is compatible with surrounding districts and uses.

Mr. Ciesielski advised that per Code requirements, mail notices of this rezoning request were sent to all property owners within 300 ft. of the subject site and signed notices were posted on the site in advance of this meeting.

Mr. Ciesielski indicated that should the Planning Board determine that the application meets the criteria for rezoning, the Board's recommendation shall be forwarded to the City Commission for consideration.

Ms. Golub requested clarification per the drawing of the property as to where the parking is proposed. Mr. Zimmer provided Ms. Golub with that information and explained that the Applicant is requesting to rezone 5 lots that are owned by the Church from RMM-25 to B-2.

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

Motion made by Ms. Golub, seconded by Mr. Welch to approve rezoning. In a roll call vote, the Motion was approved unanimously (9-0) as presented.

For the Good of the City

Mr. Koeth expressed surprise at learning that this would be Ms. Fertig's last Planning & Zoning Board meeting. He announced that Staff would like to thank Ms. Fertig for her admirable service to this Board and to the City as a whole. Mr. Koeth announced that from Staff's perspective, it has been a privilege and a pleasure to work with Ms. Fertig over the years.

Ms. Miller mentioned that she and Ms. Fertig were members of the Junior League, and that Ms. Fertig taught them how to run their meetings. Ms. Miller expressed that Ms. Fertig has carried that forward as she helped to develop the Board's rules and policies for opening hearings, closing hearings, and providing suggestions on how to make matters clearer, and how to create a cleaner record. Ms. Miller voiced her appreciation for Ms. Fertig's input.

Ms. Fertig indicated that she has been on the Board for 6 years and has seen many changes over the years. Ms. Fertig announced that she has thoroughly enjoyed the configuration of this Board as well as the Staff, who have evolved and come to the point

where they provide so much information and prepare the Board so well. Ms. Fertig thanked Commissioner Hutchinson for appointing her, and expressed that she has loved serving on the Board and thanked everyone.

There being no further business to come before the Board, the meeting was adjourned at 10:41 p.m.

Chair:

Attest:

Brigitte Chiappetta, Recording Secretary