

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
JUNE 18, 2008 – 6:30 P.M.**

Board Members	Attendance	Cumulative	
		June 2008 – May 2009	
		Present	Absent
Catherine Maus, Vice Chair	P	1	0
Rochelle Golub	P	1	0
Steven Glassman	P	1	0
Mary Graham	P	1	0
Pamela Adams	P	1	0
Tom Welch	P	1	0
Maria Freeman	P	1	0
Fred Stresau	P	1	0
Patrick McTigue	P	1	0

Staff

Greg Brewton, Director of Planning and Zoning
Wayne Jessup, Deputy Director of Planning and Zoning
Anthony Fajardo, Planner III
Jimmy Koeth, Principal Planner
Jenni Morejon, Planner III
Ella Parker, Planner III
Michael Ciesielski, Planner II
Renee Cross, Planner III
Adrienne Ehle, Planner III
Eric Silva, Principal Planner
Yvonne Redding, Planner II
Dennis Girisgen, P.E., Engineering Division, Public Works
Albert Carbon, Director of Public Works
Terry Rynard, Assistant Director of Parks & Recreation
Diana Alarcon, Assistant Parking & Fleet Services Manager
Norman Schwartz, City Architect
Robert Bacic, Battalion Chief, Fire Department
Sharon Miller, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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Call to Order

Vice Chair Maus called the meeting to order at 6:33p.m., followed by the Pledge of Allegiance.

Vice Chair Maus introduced the members of the Board and explained the procedures that would be followed during tonight’s meeting. Greg Brewton, Director of Planning and Zoning, introduced the newest Board members and the Staff members present. Assistant City Attorney Sharon Miller explained the procedures for quasi-judicial cases.

Approval of Minutes

Motion was made by Ms. Adams, seconded by Ms. Freeman, to approve the Minutes of the May 21, 2008, Planning and Zoning Board meeting. In a voice vote, the motion was approved unanimously, with the exception of Mr. Stresau, who abstained, as he was not present during the May 21, 2008 meeting, having just been appointed to this Board.

Mr. Brewton advised Vice Chair Maus at this time that the Applicant for Items 8 and 9 has requested an additional 30 minutes to make his presentation to the Board. Vice Chair Maus addressed the Board and asked if they would prefer waiting to make a decision upon reaching Item 8 on the Agenda, or whether they would prefer to discuss this request now. It was agreed by the Board to wait until this Item is reached on the Agenda before considering additional time for the Applicant.

Cases

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| 1. <u>City of Fort Lauderdale / Fire Station 46</u> | 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 NW 19 Street | |
| General Location: | South border of Mills Pond Park | |
| DEFERRED FROM THE MAY 21, 2008 MEETING | | |

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

Battalion Chief Bob Bacic of the City of Fort Lauderdale Fire Department explained that the Applicant wished to locate Fire Station #46 on a site located at Mills Pond Park on NW 19th Street. Chief Bacic advised that in 2004, the City of Fort Lauderdale put out a \$40 Million bond issue to reconstruct the 10 fire stations here in the City, which bond passed. At that time, it was planned that Fire Station #46 would be rebuilt on its current site, but since then there have been changes to the response territory for that Fire Station. Some of those changes were annexations that expanded the City's coverage area for that Fire Station. Chief Bacic chronicled that in November 21, 2005, Rock Island became part of the City of Fort Lauderdale, which expanded the coverage area for which the City would need to respond. It was determined to add an ambulance to Fire Station 46 to help with those responses, giving that Station 2 fire trucks and 2 ambulances.

Chief Bacic advised that the Fire Station personnel noted that they were facing challenges to get to the territories in the west within the Fire Department's benchmark response times. Chief Bacic displayed a map of the primary response zones for Fire Station #46, which is located at the 1100 block of NW 9th Avenue. Chief Bacic pointed out on the map how the benchmark response times were being met by this Fire Station, both by paramedic response and fire engine response, and also how the benchmark response times were more and more challenged in the areas further west from the Fire Station.

Chief Bacic explained that it was proposed that the Fire Station be moved to NW 19th Street to be relocated on the southern portion of Mills Pond Park, where it would be more centralized. Chief Bacic reported that by moving the Station to this central location, it was determined that the ability to respond to calls within those benchmark response times increased tremendously for both the first paramedic and first fire engine. Chief Bacic stated that the proposed relocation would also greatly enhance the coverage for the entire City and the entire District within the benchmark response times.

Albert Carbon, Director of Public Works, explained that the fire bond did not include the cost of relocation of Fire Station #46. Consideration was given to various properties that were felt to be more optimum for Fire Station #46. Six sites were identified during the process that met a specific criteria, regardless of whether they were for sale. Finally, Mills Pond was the focus of the search. Mr. Carbon advised that the annexation caused an increase in the service area of Station #46 by 15%, and the population was increased by 14%.

Mr. Carbon stated that the Applicant met with the Parks Department regarding the relocation of maintenance facilities, restrooms and moving some play fields to the north. The new location would be an optimum location for improved fire department responses times, and gives a 24/7 presence at Mills Pond, which is favorable in light of the park's history of vandalism.

Mr. Carbon advised that the Mills Pond Park is already zoned "P" which permits construction of a fire station, but the Applicant is seeking a land use amendment from "park open space" to "community facilities."

Renee Cross, City Planner, stated that this land use plan amendment is a request to amend the future land use map of the City of Fort Lauderdale, to change a future land use for 1.30 acres at 1515 NW 19th Street, which is a portion of Mills Pond Park from park open space to community facilities to allow for the development of a new fire station. This request is also to amend the Broward County future land use map from recreation open space to community facilities.

Ms. Cross recalled that in January she had advised this Board that this item would return for this Board's zoning and site plan approval, but the zoning administrator has made a determination that all fire stations, except their headquarters, are considered sub-stations and are allowed in park zoning.

Mr. Glassman affirmed that he has a fundamental issue with giving up park land and green space for a purpose such as this, especially when informed that the Broward County land use map would have to be changed. Mr. Glassman stated that Broward County has recently made it very clear that it is very concerned about green space and park space being developed in any other way. In addition, several years ago, the City Commission authorized a vote that would require a super majority to change any kind of park land. Therefore, Mr. Glassman advised that he is having a problem with the intent and the philosophy of what parks are supposed to be to a community.

Mr. Glassman then asked if any research has been conducted to look at the northwest section of 19th Street in terms of acquisition for possible use of this station. Mr. Carbon indicated that site 5 is a 13.37 acre facility which the owner was willing to sell, but not subdivide. The purchase price was \$10 Million. In addition, Site 4 on the south side of the area had been sold and built upon, having an assessed value of \$2 Million, but sold for \$3 Million.

Mr. Carbon remarked that he left a letter from the Rock Island Fire Union, in support of the proposed relocation, with the Board members. He also pointed out Exhibit "J," a letter from the Lauderdale Manors Homeowners' Association, also supporting the relocation.

Ms. Adams asked Chief Bacic to confirm which facilities will be moved and asked how the public would access them after the move, as they would then be located at the back of the property.

Chief Bacic referred this question to Terry Rynard, Assistant Director of Parks & Recreation, who responded that the public will be able to access fields, maintenance facilities, and restrooms through the park's main entrance on Powerline Road. She confirmed for Ms. Adams that the public will not have to enter this area through the Fire

Station, as the gate at that entrance will be for emergency response use only, and not for public access.

Ms. Adams also asked how traffic will be controlled, as she felt Powerline Road had a high incidence of speeding and other infractions. Mr. Carbon noted that the station would actually be located on NW 19th Street and 15th Avenue, avoiding Powerline Road by six blocks. He continued that the current secondary entrance to Mills Pond will remain where it is now located, although it is presently closed.

Ms. Graham chose to hold her questions until the public had had an opportunity to address the issue.

Vice Chair Maus, hearing no additional questions from the Board at this time, opened the public hearing.

Dr. Elizabeth Hays, private citizen, identified herself as belonging to the group concerned about the proposed relocation. While she stated she was entirely in favor of improved response time to the area, she did not wish to lose park land to make this improvement. Furthermore, she said, it was her opinion that the City had not seriously considered other sites, citing cost as the possible reason for this, as she identified park land as "free space." She reminded the Board that Parks & Recreation, when asked for their vote, chose not to support this move, and felt that if the City took park land for facilities, it set a dangerous precedent for the future. She added, however, that if mitigation was involved, she had a different opinion of the matter.

Mark Hartman, Chair of the Parks, Recreation, and Beaches Advisory Board, reiterated that the Parks & Recreation Department was opposed to this use of public lands. He pointed out that while no one wanted response time to suffer, he did not feel the City needed to improve response time at the cost of public land. He also concurred with Dr. Hays that he did not feel the Fire Department had demonstrated due diligence in seeking alternatives for this relocation, and added that the current state of real estate sales in the City made it difficult to believe another could not have been selected. He noted that Broward County has come out "strongly against" using park lands for other purposes and cited similar language by the President of the Florida League of Cities. He felt that a vote in favor of the Rock Island community did not have to be a vote against Fort Lauderdale's park space.

Ms. Golub asked Mr. Hartman if he could identify the purpose of the land north of the park that would be redeveloped in order to make up for the land the Fire Department had proposed to use. Mr. Hartman deferred to Assistant Director Rynard, who stated the area where the playing fields would shift to the north was currently home to the maintenance facility and storage pods. With the new proposal, she said, this facility would be replaced across the driveway into an open storage space area. While it was park space, she said, it was not currently in use as recreational space.

Ms. Golub asked Ms. Rynard if the move would result in a net gain of "equal usable space." Ms. Rynard agreed that this was true, and reminded the Board that Parks &

Recreation did not like to see park space taken for other uses; they were, however, supportive of this particular move, as there was no net loss of space, and, in fact, a new maintenance facility would be gained. She also reiterated that a 24/7 presence in the park could only be for the good.

Dennis Ulmer, private citizen, respectfully requested that the Board deny this land use map amendment, as he felt budget concerns would cause the City to look more and more at public land as a way of saving money instead of purchasing land for what they chose to build. He felt the same budget restrictions would prevent Fort Lauderdale from purchasing more green space for park lands, which raised the importance of preserving the green space that already exists.

Mr. Ulmer identified himself as a member of the Lauderdale Manors Homeowners' Association, which had sent a letter in support of the amendment, and pointed out that few members of the Association were present at the meeting to approve the proposal; he added that it was not noted in advance that this particular issue would be discussed. He informed the Board that two single-family residences next to the proposed station site were also not informed that this amendment would be discussed, and said he and others had still not been told what use would be made of the existing Fire Station #46.

Edna Elijah, President of the Lauderdale Manors Homeowners' Association, called the Board's attention to Exhibit "J," the letter of support from this organization, and stated the Association had been meeting with Chief Bacic since 2006. She said the Rock Island community had been invited to attend one such meeting at Mills Pond Park, and that the Association's newsletter had informed its members of meetings on the subject of Fire Station #46 and asked them to attend and share their opinions. She affirmed that the topic had been discussed at the Homeowners' Association meetings in 2006 and 2007, as well as the recent meeting earlier in 2008.

Ms. Elijah felt the Homeowners' Association recognized the need for Rock Island to have a fire station, and that the members of Lauderdale Manors wished to be "good neighbors" in this regard. She said they had spoken to members of the community to inform them of discussions relating to Fire Station #46. She stated the Association applauded the Fire Station's choice of location, and recommended that the Board consider placing the station at Mills Pond Park, citing crime in the neighborhood as an additional reason for the Association's support.

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

Mr. Carbon informed the Board that existing Fire Station #46 would be used for a public purpose, to be determined at a later date.

Mr. Glassman asked if any outlets were made to the Twin Lakes North neighborhood. Chief Bacic responded that this neighborhood was actually part of #53 and #88's territory, rather than #46.

Ms. Graham asked the following questions of those speaking on behalf of the Applicant:

1. What is the travel distance between existing Fire Station #46 and the proposed Mills Pond location?
2. What is the approximate value of an acre of park land in the City?
3. What is the impact of the station's move one mile north of the 19th Street site to the south, with reference to response time, and as there is no Southeast station to replace Fire Station #8?
4. Who will pay for the Mills Pond field redevelopment, and how does it fit into the proposed time frame?

Chief Bacic addressed those questions relating to Fire and Rescue, beginning with travel distance. He said the difference in travel was roughly 14 blocks, or one mile. He also noted that, relating to response time, Fire Rescue Headquarters had consolidated two fire stations into one, moving Fire Station #8 north of Broward Boulevard and Fire Station #2 west of the railroad tracks in that area. This facility, he said, housed two fire engines, two rescue vehicles, and a ladder truck, all of which carried paramedic care.

Mr. Carbon addressed Ms. Graham's questions regarding cost, stating the relocation of the building, restrooms, and fields was estimated at \$550,000. He noted that this would not go through the general fund tax, as it would instead utilize Community Development Block Grant (CDBG) funding. While he could not state the exact value of park property, Mr. Carbon said the City Commission's recent action regarding Middle River Terrace affected approximately one acre and cost \$800,000.

Ms. Graham, comparing the square footage of the proposed station to the square footage of one acre, asked why so much land must be taken for the property, and stated she felt land was being used injudiciously. It was explained that while the station would take up roughly 10,500 sq. ft., the remaining area would go toward parking and landscaping, the latter of which would involve some 20,000 sq. ft., or .46 acre. The landscaping boundaries were said to be a function of the Unified Land Development Regulations (ULDR) requirement.

Ms. Graham concluded by asking if the proposed station was approved at the City level but not at the County level, was a "plan B" in place. She was informed that no such plan had been proposed.

Ms. Freeman asked how many trucks and employees were currently housed at existing Fire Station #46. Chief Bacic responded that one fire engine and two rescue vehicles were kept there, and the minimum staffing for a station of that size was seven; full staffing, however, would be ten. He added that these numbers would also apply to the proposed new station.

Mr. Stresau expressed concern that the City might approve the station, but, as Mark Hartman had suggested, the County might disapprove of this appropriation of park lands.

He asked what was likely to happen at the County level if the City actively promoted the new Fire Station #46.

Ms. Cross stated the City would submit a land use map amendment to the Broward County Planning Council, who would in turn submit the map to all their departments in a process she described as "similar to DRC" (Development Review Committee). When the County received their report and made their decision, they would then pass it on to the County Commission for approval.

Mr. Stresau reiterated his concern, saying if Broward County had a policy in place that ran counter to the City's proposal; it would seem that the City and County were "knocking heads" on this issue. He stated he was not aware of an appeal process if the County Commission turned down the amendment.

Ms. Rynard advised the Board that Parks & Recreation had spoken with Land Acquisition, as 22 acres had been added to Mills Pond Park for conservation purposes over the past two years. She said the response had indicated there would be no County opposition, and that the conservation restrictions affecting the park only applied to the recently added 22 acres, not the entire park.

Motion made by Ms. Adams, seconded by Mr. Stresau to approve amendment of City and County Land Use Plan Map, Park to Community Facilities. In a roll call vote, the motion was denied 4-5 (Mr. Welch, Ms. Graham, Ms. Golub, Mr. Glassman and Vice Chair Maus dissenting).

2. VYCO I New River, LLC.

Yvonne Redding

2-P-08

Request: **

Plat Approval / B-2

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

DEFERRED FROM THE MAY 21, 2008 MEETING

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

Vice Chair Maus recommended that the Board hear items two and three together, but vote upon them separately. The Board agreed to this suggestion.

Members of the public wishing to speak to regarding items 2 through 8 were requested to list their names and addresses on the sign-in sheet. In addition, Vice Chair Maus

informed all present that the three-minute time limit for public commentary would be upheld.

Ms. Tracy Lautenschlager, attorney for the Applicant, asked Vice Chair Maus that the two items be presented separately in order to avoid any confusion. In a roll call vote, however, the Board chose to hear the items together and use judgment in considering them separately.

Ms. Lautenschlager stated that item 2 is a request for plat approval, located between State Road 84 and I-595. She said the item was presented in May, but recalled that there was some confusion that needed to be cleared up: the plat notation, required by the County but not the City, states that the approval requested is for 120 boat slips and approximately 33,000 sq. ft. for other uses. She informed the Board that these numbers are different from the numbers the Applicant actually intends to build according to the site plan. She explained that the plat application requests the boat slips in addition to the number for which approval is sought for two reasons: to be consistent with recently obtained environmental permits, and to preserve the historic vested boat slips that exist at this site.

Ms. Lautenschlager reiterated that the plat notation is a County requirement, intended to provide a way for the Applicant to plan for any unforeseen changes in the future, such as changes in marine industry. She likened this to a residential developer submitting a plat for more units than he plans to build, and noted that this is a common practice. She advised that the City Staff Report reflects that this plat meets all City subdivision requirements, and concluded by requesting that the Board recommend approval on this basis.

Regarding the site plan, Ms. Lautenschlager gave an overview of the project for the benefit of the Board's two new members. She stated there was no residential zoning near or adjacent to the site, and added that the owner proposed 62 boat slips. The building's height is 117 ft. against a maximum height in this zoning area of 150 ft., and drew the Board's attention to the location, pointing out that the site is in a shallow valley that minimizes the height. The proposed parking has increased from 21 spaces to 24 against a code requirement of 13 spaces.

Ms. Lautenschlager described the facility as state-of-the-art, designed to handle dry storage of large yachts that would be lifted into custom boxes at the facility, then stored in a climate-controlled setting, and informed the Board that this made for a quieter and cleaner dry-storage operation than had been seen before. The facility is also designed to be hurricane-protected up to a Category 5. In conclusion, she described the architecture of the building as compatible with other structures in the area.

Ms. Lautenschlager turned the presentation over to Mark Saltz, of Saltz Michelman Architects, who offered a similar overview of the project's renderings and operations. He affirmed Ms. Lautenschlager's description of the building as "three levels of cubes," storing 62 boats within the building. To make a building that is basically a cube more

interesting, he said, windows on the north and south sides allowed for a view of the boats stored on either side. Additionally, he showed a night rendering of the building, which offered a glimpse into the actual boat storage bins from the highway.

Ms. Lautenschlager recalled that the two issues raised during last month's presentation were parking and site circulation. She reiterated the addition of three parking spaces to the original proposed amount, which now allows for one parking space for every 5.2? slips at any one time at the facility. Four spaces will go to employees, although most of the time only three employees will be at the facility at any given time: a concierge, a dockmaster, and a hand, with an additional hand as needed on very busy days. A 72-hour limitation would be placed on parking for any single patron, although overnight parking would be the exception at this site.

As to site circulation, Ms. Lautenschlager noted the fire marshal had approved the original plan set forth by the Applicant, although this information had not been included as part of the package presented at the earlier meeting. She informed the Board that this information was included in their packet. The largest vehicle that could be accommodated at the site was a fire vehicle, she said.

She concluded by affirming that there would be no negative impact on nearby properties by this site, considering the industrial and marina uses existing in the neighborhood. Traffic impact would be minimal as well.

Yvonne Redding, City Planner, advised the Board that her staff report, presented in May, had not changed regarding the plat, which still meets all technical specifications required by the Code. She confirmed that the additional boat spaces listed on the plat were for vesting purposes, and if the conditional use of the marina for 62 boat slips was altered, the issue would come before the Board again. The only change to her staff report, she said, was to include a reference to the Fire Department's analysis and the parking data as requested.

Ms. Golub asked staff for clarification regarding the impact on traffic flow or fire vehicle accessibility while the facility was in operation, for example accepting delivery of boats for stacking. She felt, during her site visit, that the area was something of a "dead end" and had concerns about this safety issue.

Ms. Redding said the parking layout, drive aisle, and stacking, were all reviewed by City Engineering, and were found to be adequate for the site's uses.

At this time Vice Chair Maus, hearing no further questions from the Board at this time, opened the hearing to the public.

Margaret Croxton, Director of the Marina Mile Association, felt that the proposed facility was a "great project" for the business community. She felt there was little good news regarding the marine industry of late, citing bankruptcies and foreclosures in the area, some of which had not even received bids; New River Marina was named as one such

example. She noted that Vertical Yacht Club, which had purchased the proposed site over a year ago, wanted to invest in Fort Lauderdale; in addition, she named competing communities such as Savannah, Palm Beach, and Charleston, which would most likely adopt a marina such as the proposed facility with very few restrictions. She expressed great enthusiasm for the project and the technology.

Frank Hierhold, Executive Director of the South Florida Marine Industries Association, also felt the facility would be “good news” for the state of new developments in Fort Lauderdale. He pointed out that a state-of-the-art boatyard was going up in Palm Beach and felt the City should be cognizant of the fragile nature of marine industry. He reiterated the uniqueness of the facility and felt Fort Lauderdale should strive to remain the “yachting capital of the world.” Mr. Hierhold noted the City has always been on the cutting edge of developing new facilities of this nature, and urged the Board to approve the project.

There being no more members of the public wishing to speak on Item 2 or Item 3, Vice Chair Maus closed the public hearing and brought the discussion back to the Board.

Ms. Golub asked the Applicant if the technology did indeed exist for the facility, recalling its description as “never before developed.” Mr. Ross affirmed that the interest was present for such a facility, and informed the Board that an existing facility on the 17th Street Causeway housed vessels up to 53 ft. The only changes necessary to the current technology, he said, was “beefing up” the structures to hold larger boats.

Ms. Golub asked if the form of ownership of storage facilities were intended to make the spaces condominiums, or if spaces would be leased. Mr. Ross said he wished to operate the facility as the owner/operator of a for-lease product.

Ms. Golub continued that the use of the common area and the 72-hour limit on space suggested that the facility could potentially be used for overnight stays, parties, receptions, or other uses not originally intended for the site. She informed the Applicant that the Board could have conditions that would require the business to limit use of its property.

Mr. Ross said he had already considered adding such language to the leases, stipulating that a 72-hour time frame exists and the vehicles would be towed after this time. He stated overnights in the facility would not be allowed for reasons of security.

Ms. Lautenschlager added to this that the “common areas” would strictly prohibit any overnight or party use.

Motion made by Ms. Freeman, seconded by Mr. Welch for Plat Approval. In a roll call vote, the motion was approved unanimously (9-0) as presented.

3. **VYCO I New River, LLC.** Yvonne Redding 26-R-08

Request: ** Site Plan Level III / Waterway Use / B-2

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

DEFERRED FROM THE MAY 21, 2008 MEETING

Ms. Adams requested clarification that no limits were placed on the number of boat slips, the building's height, or any other issues. It was confirmed that these specifications were included as part of the proposal for site plan use.

Motion made by Ms. Freeman, seconded by Ms. Adams to grant Site Plan Level III approval. In a roll call vote the motion was approved unanimously (9-0) as presented.

4. **CJB Real Estate Management, L.P. / CVS # 0410** Thomas Lodge 1-ZR-08

Request: ** * Rezoning with Flex Allocation / Rezone RMM-25 to CB

Legal Description: Lots 10 and 11, Block 2, "Coral Ridge Addition A", P.B. 41, P. 30 and Lots 9, 9A, 12, 12A, Block 2, "Coral Ridge Addition A", P.B. 41, P. 30

Address 1815 East Commercial Boulevard

General Location North of Commercial Boulevard between NE 18 Terrace and NE 18 Avenue

DEFERRED FROM THE MAY 21, 2008 MEETING

Motion made by Mr. Glassman, seconded by Ms. Golub, to defer this Item to the July 16, 2008 Planning and Zoning Meeting. In a roll call vote the motion was approved 8-1 (Ms. Graham dissenting).

5. **Arthur and Shirley Stone / Concentra Medical Center** Thomas Lodge 147-R-07

Request: **

Site Plan Level III / Parking Reduction / CB

Legal Description: Lots 1, 2, 3 and 4, Block 22, "Croissant Park", P.B. 4, P. 28

Address 1347 South Andrews Avenue

General Location North of SW 14 Street between Andrews Avenue and SW 1 Avenue

DEFERRED FROM THE MAY 21, 2008 MEETING

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

Robert Lochrie, on behalf of Concentra Medical Center and Mr. Stone, presented the request for parking reduction at 1347 South Andrews Avenue. He explained that the reduction was requested out of a desire to expand the existing Concentra Medical Office Center; presently occupying 6000 sq. ft. of an 8000 sq. ft. building, of which the remaining 2000 sq. ft. will soon be vacant. It is Concentra's desire, he stated, to expand into this property once it has been vacated.

Mr. Lochrie described Concentra Medical Center as a "stopgap" between a regular doctor's appointment and an emergency room visit, providing urgent care, vaccines, flu shots, and drug testing. He noted that they also serve employees for a number of Fort Lauderdale businesses, such as Federal Express, UPS, and SunTrust, among others. Concentra has centers at 324 locations in 40 states, often in or near urban centers; another Concentra center is located at Cypress Creek.

Before Concentra Medical Center took over this location, Mr. Lochrie said, it was previously Sunshine Medical; in 2003, Planning and Zoning granted a parking reduction of 17 spaces to allow them to occupy this space as a medical office. The further reduction of eight spaces is because the addition of 2000 sq. ft. would require five more spaces under Code. Also, in redesigning and re-striping the parking lot to meet Code, three more spaces will be lost. Mr. Lochrie pointed out that ample on-street parking exists near this site, including 11 spaces on Andrews Avenue and 12 spaces on 14th Street. The on-street parking, he said, is there to serve businesses such as Concentra Medical Center along Andrews Avenue.

At the City's request, he continued, Concentra made a full parking study of peak hours and demand near this facility; the City carried out its own study in addition to this one. As a result, both studies confirmed adequate on- and off-site parking (including street parking). Loss of the three spaces in re-striping, combined with the additional demand resulting from the 2000 square foot gain, results in a shortage of eight spaces; but on-site spaces, even during the peak time of 12:30-1:00 p.m., show that some 21 spaces are

consistently available. The 140 on-street parking spaces in the area have a peak time of 10:00-10:30 a.m.; show an average of 69 open spaces. These spaces, Mr. Lochrie affirmed, are more than sufficient to make up for the loss of eight parking spaces.

Mr. Lochrie continued that representatives of Concentra have met with the Poinciana Park Civic Association and the South Andrews Business Association (SABA), receiving letters of support from both, which he presented to the Board. He noted that Concentra also plans to make significant upgrades to the face of the building as well.

Yvonne Redding, City Planner, speaking on behalf of Thomas Lodge, affirmed that the parking reduction study was presented to DRC members, and any past concerns have been met. She pointed out that City Traffic Consultant Kimberly Horn concurred with the DRC's findings on this matter, as had Diane Alarcon, Parking & Fleet Services Manager. Both Ms. Horn and Ms. Alarcon had signed off on the site plan. A letter of recommendation from the South Andrews Business Association confirmed their support as well, she said. She also cited a letter of disagreement from Ray Dettman, which had been sent to Mr. Lodge via email and had been forwarded to the Board; this was an individual disagreement, she noted, not on behalf of an association.

Mr. Glassman asked Mr. Lochrie to clarify certain numbers cited in the parking study, which stated that 62 spaces were required by code; with the loss of eight spaces; however; only 36 parking spaces would be available. Mr. Lochrie explained that the other building on the site was not included as part of the study, as it already meets code. He advised the Board that the Parking Division took a "keen interest" in the study, as they had several metered spaces in the area; they are keeping track of any parking reductions in the area, he said, so they can determine when and if a "breaking point" is reached with regard to parking. Their determination following the 2003 parking reduction was that there was no negative impact, or lack of parking, to the public.

Mr. Glassman noted that almost half the off-site spaces mentioned in the study are on Andrews Avenue, and mentioned that a light rail system is currently in development for that street. He asked Mr. Lochrie if the study had taken into account what might happen if the Andrews Avenue spaces were lost when this system was implemented.

Mr. Lochrie replied that it was Concentra's "sincere hope" that the addition of a light rail system would also result in a reduction of cars on Andrews Avenue, and therefore a reduction in the need for parking. He added that most of Concentra's customers came from the downtown area, and believed a light rail system would cut down on automobile traffic from that area in particular.

Lastly, Mr. Glassman said, some questions he had received via email from the neighborhood in question stated there was a problem with spillover parking from a copy center at the end of 13th Street. In addition to this, he said, a car dealership and repair center uses many of the available public spaces to store cars under repair.

Mr. Lochrie said the auto dealership in question was South of 17th Street, an area to which Concentra was "well north." He reiterated that despite any difficulties the copy center might cause, Concentra had not experienced a problem at its own location.

Mr. Welch referred to Mr. Lochrie's assertion that Parking and Fleet Services would be keeping tabs on the parking situation, and asked Planning and Zoning Director Greg Brewton if formal tracking could be done in the future. He cited a concern that property owners considering changes of use or redevelopment of property might want to access these figures, such as a cumulative number of reductions within a specific area, at a later date.

Mr. Brewton stated that all parking reductions coming before, and subsequently approved by, the Board are being tracked by Planning and Zoning. Parking and Fleet Services had their own system, he noted, and the two departments could "double-check" each other as needed. He pointed out that any future reduction requests would be compared to requests already granted by the Board, particularly in order to prevent "double-dipping" or requests regarding the same locations.

Mr. Stresau asked Mr. Brewton what happens to parking reductions when the business that requested them is no longer at that location. Mr. Brewton responded that the reduction generally goes with the site plan; if the site plan expires or the building in question has been vacated, the reduction is voided.

Mr. Glassman asked Mr. Lochrie if the support of a particular neighborhood was a condition of approval, as there was some concern that the 8000 square foot space now occupied by Concentra might be, for example, subdivided into various offices. Mr. Lochrie replied that Concentra had no objection to such a condition, and affirmed that they would not be making such subdivisions themselves.

Vice Chair Maus asked Mr. Brewton if a diagram showing other parking reductions in the same area as the proposed reduction under discussion would be available. Mr. Brewton said this could certainly be done in the future.

There being no further questions for Staff, Vice Chair Maus opened the hearing to the public.

Diana Alarcon, Assistant Parking & Fleet Services Manager, stated that the City takes parking reductions very seriously, and took into consideration the growth opportunity in the Andrews Avenue area. She affirmed her Department's support for the proposed reduction.

Ms. Golub referred to a parking reduction proposal that had come before the Board some months ago at the request of a medical clinic. Though the Board unanimously approved of the reduction, she said, the City Commission rejected the request; this gave the impression that the City Commission was not generally in favor of parking reductions, and

she asked that Ms. Alarcon elaborate on why Parking and Fleet Services was in favor of the request currently before the Board.

Ms. Alarcon explained that all parking reduction requests for the area in question have been tracked by Parking and Fleet Services, pointing out that they look at the area as a whole, including additional developments as well as the history of reductions granted. She stated her Department would recommend this reduction to the City Commission.

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

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) A Parking Reduction Order must be executed and recorded in the public records of Broward County at the Applicant's expense.
- 2) Facility will not be subdivided into individual medical offices.

6. Giacobbe Plat / Raffio Giacobbe, Sr. Thomas Lodge 1-P-08

Request: **	Plat Approval / RML-25
Legal Description:	The South 75.22 ft. of Parcel "D", HARBOR BEACH EXTENSION, according to the plat thereof recorded in P.B. 31, P. 13, of the Public Records of Broward County, Florida, said 75.22 ft. being measured at right angles to the south line of said Parcel "D", said lands situate, lying and being in City of Fort Lauderdale, Broward County, Florida and containing 11,640 sq. ft. or 0.2672 acres more or less.
Address	1832 South Ocean Drive
General Location	East side of South Ocean Drive between Marion Drive and Grace Drive

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

Jerry McLaughlin of McLaughlin Engineering spoke on behalf of the Applicant, informing the Board that the plat, on the east side of South Ocean Drive and contains 0.288 acres. The plat is proposed for a five-unit development.

Anthony Fajardo, City Planner, on behalf of Thomas Lodge, stated the parcel to be platted is 11,640 sq. ft. and is zoned RML 25. A plat note restriction has been proposed restricting the property to five townhouse units.

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

Ms. Graham asked if the site plan was available in the event the plat was approved. Mr. Fajardo replied that it was not; as townhouses are permanent use, but the property would be subject to DRC process due to the number of units.

Mr. Glassman referred to an email sent by an individual with property adjacent to the site, and asked if Mr. Fajardo would respond to that individual's questions. Mr. Fajardo answered that he would, although the person was not present. He stated that the email referred to the density requirements for RML 25 zoning, which allowed for five units per acre; there were, however, other URDL requirements that may further restrict the property to the amount of units actually placed upon it.

Motion made by Mr. Stresau, seconded by Ms. Adams for Plat Approval. In a roll call vote the motion was approved unanimously (9-0) as presented.

**7. Temporary Fire Station # 49 / City of Fort Anthony Fajardo 53-R-08
Lauderdale**

Request: *

Site Plan Level IV / Public Purpose / ABA

Legal Description:

A parcel of land being a portion of lots 9, 10 and 11, block 2, a portion of the north 100 ft. of Block "B" and a portion of Sunset Boulevard, all as shown on that certain plat Las Olas By The Sea Plat, according to the reamended plat thereof, as recorded in P.B. 1, P. 16, of the Public Records of Broward County, Florida; and a portion of Parcel "B", International Swimming Hall of Fame Complex, according to the plat thereof recorded in P.B. 138, P. 19, of the Public Records of Broward County, Florida

Address

501 South Fort Lauderdale Beach Boulevard

General Location

SE corner of SE 5 Street and Seabreeze Boulevard

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

Norman Schwartz, Architect with the City of Fort Lauderdale, advised that the Applicant would like to develop a small section of a parking lot for a temporary Fire Station No. 49, to be located at the corner of SE Seabreeze Boulevard and SE 5 Street. Mr. Schwartz stated that item was previously approved by the Development Review Committee (DRC).

Anthony Fajardo, City Planner, explained that the Applicant, through the public purpose process, is requesting relief from:

- Section 47-12.5.B, the A1A Beachfront Area (ABA), which does not permit the use;
- Section 47-19.5.C.2, Fences, Walls and Hedges, for relief from the requirement for the hedge along the fence;
- Section 47-20.11, Parking and Loading Requirements, for the drive aisle; and
- Section 47-21.9, Landscape Requirements for Vehicular Use Area.

Mr. Fajardo further explained that Staff recommends conditions of approval, but is amending those conditions to remove the first two conditions in the Staff Report, to be replaced with the following:

All requests for relief from ULDR requirements for the Temporary Fire Station No. 49 facility are for a period not to exceed ninety (90) days from the issuance of Certificate of Occupancy (CO) for permanent Fire Station No. 49 facility located at 1015 Seabreeze Boulevard as approved under Ordinance C-07-76.

Mr. Fajardo stated that Condition no. 3 of the Staff Report, which recommends restoring the site to its previous condition, would remain as a recommended condition.

Upon questioning by Mr. Glassman, Mr. Fajardo stated that Staff had indicated that it would take 24 months to complete the facility and move into it. Previously, the Staff recommended as a condition of approval that limited extensions of time be authorized, however, when this was discussed with the Fire Department and Public Works Department, it was felt this newly written condition, stated above, was better. The condition was amended because the facility must remain functioning for the service requirements to the area.

Mr. Glassman asked if the temporary facility would be utilized for a time period of 2-1/2 to 3 years, and Mr. Fajardo responded that, according to the Applicant, this is correct.

Mr. Schwartz advised that the Applicant believed there would be 9 months to 1 year of construction, but were requesting additional time so that the Applicant does not have to go before the Board again in order to request for an extension.

Mr. Glassman expressed that while Staff always does a terrific job of making sure that neighborhoods are aware of what is going on and there has always been outreach to the neighborhood associations, this was not the case with this Item. He stated that a postcard was received by residents not too far in advance of the meeting that was called to propose this project. Typically, the neighborhood association would be contacted and would be able to place such matters on their agenda for neighborhood meetings, which are usually much more attended than was the meeting on this item. As such, Mr. Glassman indicated his disappointment with the outreach of this matter, especially because of the high visibility of where this temporary Fire Station will be located. Mr. Glassman felt this matter may have been rushed and not enough time provided for it to be discussed.

Ms. Graham asked the following questions of the Applicant:

1. Were any other sites considered for the location of this temporary station?
2. How long is the demolition of the existing station, once the permit is obtained?
3. How long is the expected construction window?
4. How long has it taken for the two stations to be completed that are about to be occupied: Stations 8853 and 47?

As to question no. 1, Albert Carbon, Director, Public Works Department, responded that Applicant looked at the Sebastian parking lot, at the north "Y." Upon consulting with the parking department on the two specific sites, they recommended the Swimming Hall of Fame parking lot.

As to questions no. 2 and 3, Mr. Carbon advised that Station 49 would be bid, and that construction crews would not move in until the construction contractor is ready to move into the temporary Station 49. The construction schedule for Station 49 is 12 months. The temporary site would not be occupied until the construction contract is ready to be mobilized. Ms. Graham questioned if this time period is 12 months for a 2-story station after the demolition is complete, and Mr. Carbon stated that this 1-year time period included the demolition.

As to question no. 4, from the time the permit was in hand until issuing the Certificate of Occupancy, how long was the construction on Station No. 8853, and likewise for Station No. 47, Mr. Carbon responded that the permit for Station 53 was issued in September, 2006 and it received its Certificate of Occupancy in May, 2008 (approximately 18 months). Mr. Carbon indicated that the permit for Station 47 was issued in November, 2006 and it received its Certificate of Occupancy in June, 2008 (approximately 16 months). Mr. Carbon did clarify that those stations were quite larger than Station 49.

Ms. Graham queried if Stations 53 and 47 involved demolition, and Mr. Carbon responded that No. 47 did include demolition.

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

Sadler James, resident, stated that this parking lot that is proposed is used extensively and regularly by all the locals. Mr. James handed out an exhibit to each of the Board members. Mr. James expressed that at the south end of the bridge, south of Las Olas, there are three parcels of property. He asked why this alternative site was not considered and he had been told it was the subject of a lawsuit and it cannot be touched. Mr. James questioned why the City paved the parcels and utilizing it as a parking lot if it cannot be touched.

Mr. James claimed that the notice of this agenda item was never posted, no mailings were done to the businesses next to the proposed site, and he felt that this item was pushed through without any public recognition. Mr. James stated that the item was merely reviewed administratively in the DRC process as the project was reduced from 3

stories and 3 bays to 2 stories and 2 bays. He further indicated that access would be better if it were to be placed at the site by the bridge, and that response times would be improved.

In addition, Mr. James stated that the fire boat would be not able to be kept at the proposed temporary location, but could be kept at the Las Olas location.

Mr. James expressed that residents at this end of the beach do not want the parking lot proposed for this temporary site to be removed.

Ms. Graham asked if the fire boat will not be available during the 2 years that the station will be at its temporary location. Mr. James felt the boat would still be available and that the fire boat would probably be docked by the Swimming Hall of Fame, requiring the fire fighters to go across the street and down with their gear, but if located by the Las Olas bridge, its would be readily available right there on both sides of the road.

Mr. Stresau asked Mr. James if he had said that the site was not posted. Mr. James said that he had not seen any posting for this site. Mr. Fajardo advised that according to Engineering Staff, the signs were posted, and that Planning Staff had received an Affidavit stating that the posting had been completed.

As to the fire boat, Chief Robert Bacic, Fire Rescue, advised that the dock space for the fire boat is located at current Fire Station No. 49. The crew that operates engine 49 is the same crew that operates the fire boat. If this temporary site were utilized, the crew would take their gear from the temporary site by way of fire truck over to the dock, load their gear on the boat and then respond to a fire boat call.

Ms. Graham asked Chief Bacic to state on the record if it is his opinion that all other sites considered that did not impact response time were not applicable. Chief Bacic confirmed that, going through the entire process to date, the proposed site is the one that is most feasible.

Mr. James stated that the Las Olas site was actually never considered for the temporary fire station. Ms. Freeman asked if this was, in fact, true. Ms. Miller confirmed that Mr. James was correct, as the Las Olas property is the subject of litigation and it was recommended that the status quo be maintained until that litigation is settled.

Shirley Smith, resident of the Venetian Condominium, stated that the proposed site is the perfect place to put the temporary fire station, and that the Las Olas site is the wrong place for the station.

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

Ms. Graham asked if there was a chance that the signs to be posted were placed in the wrong location. Mr. Brewton explained that when an Applicant comes in and asks for this

Board to review its application, signs are handed out, and a subsequent affidavit is provided by staff stating that the sign was up 15 days prior to the scheduled meeting. It is at the Board's discretion to determine if the information provided thus far is sufficient to move forward with this application. It is Staff's position that the sign was up 15 days prior to the meeting, which is sufficient to proceed with the application and, as such, recommends that the Board move forward based on this information. Mr. Stresau expressed that the Board should move ahead and consider this application. Mr. Brewton asked the Board to keep in mind that signs can be removed or blown down within the 15-day time frame. Mr. Brewton also stated that there was other notification provided besides the posting of the signs.

Motion made by Ms. Freeman, seconded by Ms. Adams, to approve Site Plan Level IV granted with the following Staff conditions:

1. All requests for relief from ULDR requirements for the Temporary Fire Station No. 49 facility are for a period not to exceed ninety (90) days from the issuance of Certificate of Occupancy (CO) for permanent Fire Station No. 49 facility located at 1015 Seabreeze Boulevard as approved under Ordinance C-07-76.
2. Upon vacation of the Temporary Fire Station No. 49 facility the subject site shall be restored to its prior condition as a public parking facility. Restoration of the site shall include, but shall not be limited to landscaping, paving, restriping and installation of a multi-space parking meter subject to approval by Parking and Fleet Services.

In a voice vote, the motion was approved 8-1 (Mr. Glassman dissenting).

8. Fairwinds on the Ocean / Fort Lauderdale Beach Associates, LLC Anthony Fajardo 9-P-08

Request:	Site Plan Level IV / Right-of-way Vacation / RMH-60
Legal Description:	A portion of North Atlantic Boulevard (Atlantic Avenue per Plat), 50.00 foot right-of-way as shown on, "Lauderdale Beach", according to the plat thereof as recorded in P.B. 4, P. 2 of the Public Records of Broward County, Florida.
Address	North Atlantic Boulevard
General Location	North Atlantic Boulevard between NE 22 nd Street and NE 23 rd Street

The Board agreed that it would hear Items 8 and 9 together, but vote upon each Item separately.

Disclosures were made by the Board, and anyone wishing to testify on the matter was sworn in. Ms. Adams advised she had a conflict and, as such, stepped down during Items 8 and 9.

Vice Chair Maus recounted that the Applicant is requesting an additional 30 minutes on each Item 8 and Item 9 for his presentation, for a total of 90 minutes. Robert Lochrie, on behalf of the Applicant clarified that he was only asking for one hour to hear both Items 8 and 9 together, but that he felt he would finish much sooner. The Board agreed to allow the extra 30 minutes, for a total of one hour for the Applicant to make his presentation.

Mr. Lochrie, on behalf of the Applicant, Fairwinds on the Ocean, advised that he was before this Board tonight on a right-of-way vacation for a portion of North Atlantic Boulevard, and the other matter is a Planned Unit Development (PUD) rezoning. He stated that also present was Jack Ireland, Kathy Mitchell, Andy Mitchell, and Eduardo de Fortana. Also in attendance were the professionals who prepared the numerous reports before the Board this evening, and whom would be available for questioning: Bruce Brosch and Rick Moore, Nicholas, Brosch, Architects; Paul Kissinger and Paul Weinberg, EDSA, Planners and Landscape Architects; Traci Scheppske, Keith & Associates, Engineers; Molly Hughes, Hughes, Hughes, Traffic Planners; and Kirk Lofgren, Ocean Consulting, Coastal Engineer. Letters were provided to the Board from each of these professionals, explaining their qualifications and confirming their review of the plans.

Mr. Lochrie explained that the Applicant was proposing to construct a resort development, with 164-unit hotel, 128 residential units, 3 restaurants consisting of 14,000 sq. ft., a spa consisting of 17,000 sq. ft., and retail use consisting of 2,000 sq. ft. This proposal includes a vacation of a portion of North Atlantic Boulevard that currently dead-ends at 22nd Street.

Mr. Lochrie referenced various aerial photographs (Exhibits "A" and "B"), and stated that every aspect of this proposed project existed or currently exists on the site to-wit: a hotel, 3 restaurants, and residential uses throughout the property. Mr. Lochrie showed the changes that have occurred to the plans for the site and how the site has evolved into what is before this Board currently. Mr. Lochrie advised that The Palms is located to the south of this property; Lauderdale Beach homeowners to the north; and Dolphin Isles homeowners to the west. Mr. Lochrie referenced Exhibit "C", which showed the initial design for the project which consisted of a parking podium with a pool area above that parking podium.

Mr. Lochrie then showed a rendering showing street level of the proposed site, marked as Exhibit "D," wherein the restaurant and spa have been brought to street level for viewing by passers-by, as well as a centralized valet area.

Mr. Lochrie recounted that there were previous concerns from City Staff and neighbors as to the height of the structure. Therefore, Exhibit "E" shows where the building height was brought down to 240 ft. As shown in the current rendering, Exhibit "F," the north side of the structure was brought down to 35 ft., which is the same as allowed in the single-family neighborhood to the north. Also in the current plans, the parking is now entirely underground, with plant areas above the parking. Now referring to the site plan, Exhibit "G," Mr. Lochrie explained that the residential portion of the building is located at the

south end, with a central lobby in the middle, and the hotel on the north end of the building, with the height transitioning from 240 ft. to 35 ft.

Mr. Lochrie divulged that there will be a beachside bar and grille directly on 23rd and the ocean, on the northeast corner of the site. This location will have direct access to the public from 23rd, as well as to a north/south accessway. Heading west on 23rd, at the northwest corner of the site at the intersection of 23rd and A1A, there is a proposed signature restaurant which will be an accompaniment to the resort. The lobby area, including retail area, will be 30 ft. tall and will connect the residential building to the hotel building. To the south will be the spa area, as well as a completely enclosed service area. There will be a new 16-ft. wide pedestrian accessway from A1A directly to 22nd which will open up into a 50-ft. right-of-way, which will then connect to a north/south accessway that will be located on the Applicant's property.

Mr. Lochrie commented that the pool on the south side of the property will serve the residential area, and the large hotel located in the center of the property will serve the hotel. There will be a new windows restaurant that will overlook a green plaza area.

Mr. Lochrie then explained the various setbacks for the buildings on the property which vary from 41 ft. to 250 ft. from the property lines.

Mr. Lochrie displayed Exhibit "H," an aerial photograph, which depicted current access to the property. Currently, there is no access to the property along A1A, and there is no access from North Atlantic to the west to A1A. North Atlantic dead-ends at The Palms. Mr. Lochrie advised that the first portion of the Applicant's request is to vacate the portion of North Atlantic Boulevard. The Applicant believes that what will be provided will be superior to what currently exists.

Mr. Lochrie then referenced Exhibit "I," showing the current right-of-way. Through a photograph marked as Exhibit "J," Mr. Lochrie showed there are currently no sidewalks, curbs, drainage, etc. He displayed Exhibit "K," a rendering showing how the dynamics of the property are going to be changed. The Applicant will now provide a direct pedestrian access from the south between A1A and 22nd, so there will be public access from east to west. The Applicant will also provide public access during the daylight hours from north and south across the property.

Mr. Lochrie again referred to Exhibit "G," which showed the overall plan for the property. The proposals for 23rd involve removing the existing street, putting in new outdoor seating and landscape areas for the new restaurant, reconfiguring the intersection to remove one timing element of the existing signal. There will also be new landscaping, and 11 new parking spaces for which will City can assign parking meters.

Mr. Lochrie showed that coming down to the east, there is a round-about with a 30-ft. pedestrian area located between the round-about and the seawall. This pedestrian area was requested by many of the neighborhood groups, as well as some senior officials with

the City. Two shade structures have been installed at this location, with new bike racks and a shower for the public (Exhibit "L").

Mr. Lochrie showed the Board, via Exhibit "M," how the intersection at A1A and 23rd is not aligned, which causes the traffic heading east/west to wait through one additional turn movement as oncoming left turns cannot be made at the same time. The Applicant proposes to modify that intersection, with a change in signalization. Mr. Lochrie offered that it is believed that this will significantly enhance traffic issues on A1A at that corner.

Mr. Lochrie displayed Exhibit "N," a photograph looking down 23rd Street toward the beach showing existing conditions. There is currently no on-street parking, no landscaping. The Applicant proposes changing the character of the street, providing for new landscaping on the north side of the street on the existing right-of-way. The Applicant will install and maintain in perpetuity, through a developer's agreement, landscaping within the right-of-way on the north side of the street. There will still be two travel lanes for cars, and perpendicular parking will be added, which can be metered by the City.

Mr. Lochrie stated that to the south the Applicant will plant 5-ft. sea grape trees. There will be at least 10 ft. clear of sidewalk. Closer to A1A, there will be a much larger plaza area for sidewalk and outdoor dining, while still maintaining the landscaping (Exhibit "O").

Mr. Lochrie displayed a computer generated rendering of the site (Exhibit "P"), looking from the street toward the south and to the east. Mr. Lochrie then showed a drawing of the outdoor café (Exhibit "Q"), which is set back 40-ft. from the corner, depicting the trees, parking, and the lighting which will be done at Applicant's expense. Mr. Lochrie then showed a view down 23rd (Exhibit "R") and stated that the maintenance of that street will also be done at the Applicant's expense. In addition, all utility lines will be undergrounded.

At the end of the street will be a turn-around for cars (Exhibit "S"), Mr. Lochrie continued, as well as the two new shade structures, new bike racks, and shower, are the steps up to the beachfront bar and grille. He displayed a graphic of that area looking back toward the hotel building (Exhibit "T").

From A1A, the sidewalks will be at a minimum width of 10 ft (Exhibit "U"). Mr. Lochrie noted that staff had mentioned the need to coordinate A1A with the Broward County Greenways Plan; the Applicant's meeting with the Greenways Coordinator, he said, had influenced many of the landscaping decisions for the proposed site, including the wider sidewalk and a landscape buffer between the site and A1A. He also noted that Florida Department of Transportation (FDOT) is beginning a project to add bike lanes to A1A as part of the existing right-of-way, and the proposed site would take this into consideration when its bike lanes were added as well. He produced Exhibit "V" to show the A1A view.

Along 22nd Street, to the south, Mr. Lochrie showed where the new east-west connection for the public would be provided between the main building and the plaza area, which

would be turned into a greenway. He affirmed that all aspects of the project that are the result of consultations with Staff will be formalized in an agreement between the City and the developer, and the developer's agreement will be approved by the Mayor, the City Commission, and the client.

Mr. Lochrie moved on to a graphic showing the covering over the service area (Exhibit "W"), which is actually underground; its doors are raised when trucks approach, and they go beneath the building to be serviced. At the request of neighbors, he said, the doors had been covered. He also presented a display of the service area's side view (Exhibit "X"). Landscaping will be added to the service area's roof as part of the Green Roofs Project; all roofs at this level, he continued, would be landscaped green roofs. The pedestrian walk has an 8 ft. sidewalk and 4 ft. of landscaping.

He then displayed a cross-section of 22nd Street, and pointed out that it will be improved with landscaping, open areas, sidewalks, and a pedestrian path (Exhibit "Y"). A view of the existing site's west wall was then shown (Exhibit "Z").

Mr. Lochrie affirmed that the Applicant's intent was not only to bring the public into the hotel, but a north-south accessway was also proposed. He noted that this was not part of the original discussion of the project, but was the result of several groups asking for its inclusion. Staff also felt it was important to incorporate a new access point as part of the project. The proposal now includes a 6 ft. additional access point that runs from the South to the North along this area (Exhibit "BB"), running from 22nd Street to the walkway, which connects all the way across the property. The path also runs on the property's side of the seawall, so no beach area is affected. Mr. Lochrie added that there will be some access control here, as the residential pool is restricted to hotel guests. He reiterated that the Applicant actively wants the public to come to the on-site restaurant.

Mr. Lochrie then touched on a condition added for staff approval: staff has asked that the walkway be 8 ft. wide rather than 6 ft., and that it be open 24 hours. He expressed great concern regarding the latter condition, citing that the Applicant saw no reason for the public to be in that particular space at all times, particularly "in the middle of the night." Anyone using the restaurant, he noted, could use this walkway, as well as hotel guests and staff. He described the walkway as crushed stone (Exhibit "DD"), and added that while it had been suggested that bicycles be allowed to use it, the Applicant preferred that it remain a pedestrian walkway.

He then moved on to exhibits of some overall improvements suggested for the site, including many offsite changes that are subject to a developer's agreement. He stated the site will maintain responsibility for these improvements. He added that the site plans to dedicate additional rights of way for the turnaround, with specific widths to be provided at a later date (Exhibit "EE"). There will be an additional right of way at the parking stalls so the City can install public meters, another right of way along A1A, and another at the south end (Exhibit "FF").

Mr. Lochrie continued that the Applicant had looked outside the site to note the access points, sidewalks, and overall look of the area, extending as far as Willingham Park. The Applicant is offering, as part of the developer's agreement, to pay for all the undergrounding of power lines south of The Palms, planting landscaping along property owners' rights of way, and making significant landscape enhancements to Willingham Park. He noted that the Applicant would not maintain responsibility for these particular improvements in the future; they would be turned over to the City.

He moved on to discussion of the PUD, reiterating the Applicant's intent to include a restaurant, a spa, and a beachfront bar and grille with access to the street. Under the current RMH zoning category, Mr. Lochrie said, these uses are permitted on the site, but the restaurants are only permitted if they are interior to the hotel. He explained that the Applicant wanted to "do something different" at this location and make the restaurant more open to the public than are most restaurants which are part of hotel properties.

The spa use, he said, is different in that it will be installed under the residential building, and the Applicant wishes to make it open to the public. Another PUD issue is that the City's RMH-60 zoning code specifies that residential buildings have a maximum building length of 200 ft. He noted that non-residential buildings do not have a maximum building length. Rather than build two separate lobbies for these two uses, Mr. Lochrie said, the Applicant prefers one lobby. As a result, the two buildings are connected by a central lobby, which would be prohibited by the 200 ft. length limitation. He noted that the lobby area is only 30 ft. tall.

Another PUD issue cited was the landscape requirement. Mr. Lochrie pointed out that with all site parking underground, there is an enormous area for people to walk, including large sidewalks along A1A, a plaza area near the restaurant, 10 ft. minimum of landscaping along 23rd Street, outdoor dining, and the north-south accessway. He explained that these spaces were brought down to 3-4 ft. above street level as it exists today, which he described as a "gentle slope." The problem, Mr. Lochrie stated, is presented by the City's landscape stipulations, which specify that 35% of the site must be landscaping, which by code is not allowed to have a structure such as the parking garage beneath it. He reiterated that the Applicant has no quarrel with code, but for the design and intent of the property, it "just doesn't make sense." He reiterated that the plans as displayed showed a 6 ft. sidewalk; the Applicant has since agreed to an 8 ft. sidewalk, which removes 0.16% more landscaping (Exhibit "II").

Mr. Lochrie pointed out that there is no open space requirement in the zoning district. What the Applicant wishes to provide, he said, is over 50% open space on the site, not including the plaza area at 22nd Street, the rights of way along A1A and 23rd Street, or the landscaping areas above buildings at the 20 ft. level.

Another issue is the shadow aspect of the project. Along the southeast corner of the site is an existing 3-story building known as the 2200 Building (Exhibit "JJ"). He pointed out that this area of the beach, and this property, was included in the shadow calculations for The Palms site. By code, he noted, when yard modifications are requested, the beach

cannot be shadowed more than 50% at any time between 9:00 a.m. and 5:00 p.m. on March 21st (Exhibit "KK"). Staff had also precluded the inclusion of this area, as it had originally been included in calculations for The Palms building. As a result, elements of the project had been redesigned so this portion of the beach was not included in the shadow calculation. A shadow diagram was displayed (Exhibit "LL"), showing the beach area as it would appear at 3:00 p.m. on March 21st, with no shadow. He noted that the building is constructed and located in such a way that it shadows itself rather than the surrounding area. At 4:00 p.m. the actual beach would have some shadow (Exhibit "MM"), but this would only be 10% shadow for the overall site. At 5:00 p.m. the entire site's shadow was at 43%; in keeping with City staff's stipulation, however, is to remove the 2200 parcel of land from the equation, which causes the shadow calculation to go from 43% to 49%, which still meets the requirements of code.

Mr. Lochrie noted that a piece of the site would still be shadowed, so the Applicant will remove the 2200 Building, which currently shadows the beach. It will be replaced by a pool deck and patio area, creating less shadow than currently exists on the beach. He then displayed the site as it would appear from the south and the east (Exhibit "OO"), and then the restaurant on the corner (Exhibit "PP").

In conclusion, Mr. Lochrie affirmed that the property is intended to serve the public of Fort Lauderdale as well as the hotel's guests.

Mr. Fajardo, City Planner, noted that the right of way vacation [Item 9-P-08] is associated with Case No. 2Z-PUD-08. For this application, he said, the request is to vacate a portion of N. Atlantic Boulevard that lies north of NE 22nd Street and south of NE 23rd Street, just north of The Palms Condominiums, consisting of 24,152 sq. ft. The vacation would close the remainder of NE 22nd Street to vehicular traffic. He reiterated that the Applicant is proposing a greenway as part of the PUD application for the pedestrian traffic to and from the beach along A1A.

Mr. Fajardo asserted that the proposal went before the Property and Right of Way Committee on January 17, 2008, which requested conditions of approval, as cited in the staff report presented to the Board (Exhibit 1). Staff has seconded these conditions, he said. One such condition for the east-west access between A1A and NE 22nd Street is a 16 ft. width.

Jim Koeth, Planning and Zoning, wished to enter the case file for Case No. 2Z-PUD-08 into the record. The Applicant, he stated, is requesting a rezoning from RMH-60 to PUD with site plan approval to construct the following: 164 hotel units, 128 multi-family units, 14,610 sq. ft. of restaurants, 17,431 sq. ft. of spa, 2280 sq. ft. of retail, and 7215 sq. ft. of ballrooms and boardrooms. The proposal consists of two buildings, Building 1 to house the hotel, multi-family, spa, retail, ballroom, boardroom, and restaurant space; and Building 2 to be a restaurant only. The Applicant's response narrative stating how the proposal complies with rezoning criteria, adequacy, neighborhood compatibility, PUD and a general narrative has been included for the Board in the plan packet, he said.

As per the Applicant's rezoning request to PUD, Mr. Koeth said, the Applicant is requesting that the following requirements be modified as per the PUD:

1. ULDR Section 47-19.8, hotel accessory uses;
2. ULDR Section 47-5.38, table of dimensional requirements for RMH-60, specifically maximum structure length;
3. ULDR Section 47-5.38, table of dimensional requirements for RMH-60, specifically setbacks;
4. ULDR Section 47-21.10, landscape requirements for all zoned districts; requiring minimum
5. ULDR Section 47-21.9, landscape requirements for vehicular use areas;
6. ULDR Section 47-35.1, definitions, specifically development site.

Mr. Koeth stated if the Board determines that the application meets the criteria for rezoning the Planned Unit Development (PUD), the recommendation shall be forwarded to the City Commission for consideration. If the Board determines that the criteria have not been met, the Board will deny the application, and the procedures for appeal to the City Commission as proposed in Sec. 47-26.B. shall apply. If approval is recommended, he said, the following conditions are proposed:

1. North-South accessway on the plan shall be a minimum 10 ft. clear width and will be recorded as a public pedestrian easement that can be accessed 24 hours a day, 7 days a week, and provide pedestrian and bicycle use;
2. Atrium lobby for Building 1 shall be transparent, clear glass construction;
3. The beach shower proposed at NE 23rd Street must be located closer to the proposed project than to the single-family residential home;
4. Proposed new sidewalk for the park will be located setback to provide sufficient area from the right of way to accommodate landscaping between the sidewalk and the streets;
5. Applicant is required to obtain all applicable environmental permits through all pertinent review agencies;
6. The portion of NE 22nd Street not vacated must be maintained by the Applicant; in addition, Applicant shall assume all liability for this portion of NE 22nd Street;
7. A portion of N. Atlantic Boulevard must be vacated, Case 9-P-08;
8. All conditions listed in the Planning and Zoning Report 9-P-08;
9. The restaurant, spa, retail, ballroom, and meeting rooms shall not receive a certificate of occupancy until after the hotel has received a certificate of occupancy, and will only remain in business so long as the hotel is operating, be restricted and controlled by a common hotel operational agreement, and conduct all loading, deliveries, service, parking, etc. through the same facilities as the hotel uses; and
10. Latest plans package submitted to the Board shall be reviewed by Planning and Zoning staff and other relevant staff members for compliance with ULDR.

Mr. Glassman asked Mr. Koeth if he could explain why the City feels the proposed north-south accessway should have 24-hour, 7-day open public access. Mr. Koeth responded that this would be in keeping with the 24/7 access currently provided by N. Atlantic

Boulevard, which is being proposed to be vacated. Mr. Glassman felt it was not a comparable issue, as the walkway is on the opposite side of the property from N. Atlantic Boulevard, which has already been “cut off” by The Palms; he also noted that safety issues, such as access to the pool, might warrant concern.

Mr. Koeth pointed out that staff’s position was, as N. Atlantic Boulevard moves in the north-south direction and intersects with 22nd Street, it is not a dead-end; furthermore, he added, the public could travel in a north/south direction to access the beach from the walkway, and continued north-south access was desired.

Ms. Graham expressed concern that the proposed crushed-shell walkway would not provide access under the specifications of the Americans with Disabilities Act, which requires an impervious concrete surface. She also asked if the lighting of a 24/7 walkway for proper security would interfere with the turtle lighting restrictions.

Deputy Director of Planning and Zoning Wayne Jessup addressed both Ms. Graham’s and Mr. Glassman’s questions, reiterating that the north-south accessway now provided between 22nd and 23rd Streets allowed the public to access the beach without traveling A1A. The walkway was the only way the project could mitigate the vacation of North Atlantic Blvd., he said; he also noted this would be another reason that staff had wanted bicycle as well as pedestrian access, which was also a reason staff had wanted the accessway to be 10 ft. across instead of 6 ft. He noted that the crushed-shell surface of the walkway would need to be replaced with a material more suited to bicycle traffic.

Regarding the turtle lighting, Mr. Jessup continued that of course the lighting would be modified to meet environmental requirements, if necessary.

Dennis Girisgen, Engineer, contributed a correction to the staff report: on page 5, paragraph 4, he pointed out that a reference to “554 daily trips” is based on an older version of this report. The final page of the staff report supplement includes a trip generation table with corrected information.

Mr. Girisgen also noted a supplementary condition by staff: the Engineering Division recommends that the Applicant maintain all improvements in the public right of way and the easement they are installing, with exception given to NE 23rd Street and A1A, where FDOT will maintain the signal improvements in that location, and excluding Willingham Park, as stated earlier.

Mr. Glassman asked if Mr. Lochrie and the Applicant had worked with Broward County on the A1A greenway. He said many of the emails he had received expressed concern about this area and felt that the needs of this green area would not be met. He wanted to know if Broward County Greenways had gone through, and signed off on every page of the site plan. He then stated FDOT had circulated an email regarding a shared path 12 ft. lane, but as FDOT had not specifically named the location of the lane, he was not sure if this was the proposed walkway/bike path or another lane entirely.

Mr. Lochrie ceded to Paul Kissinger of EDSA, who said he had spoken to Jeff Weidner of FDOT regarding some of the issues raised by emails. Regarding the width of the walkway cited in emails, Mr. Weidner responded that a "shared path," based on DOT's Plans & Preparation Manual, must be 12 ft. in order to be an accessway and a bike lane. Mr. Weidner then stated the north-south on the east side of the property accessway was not under DOT jurisdiction, but within the rights of the City to supervise. Mr. Kissinger said the Applicant had met with Broward County MPO Greenways coordinator Mark Horowitz and Molly Hughes from Hughes, Hughes, Inc. with respect to the DRC concern about the width of the walkway along A1A. Greenways, he said, require a minimum walkway width of 10 ft.

Vice Chair Maus, hearing no additional questions for Staff, opened the public hearing. Due to the size of the group wishing to speak on this Item, she requested that comments be kept to three minutes or less.

Dr. Robert George spoke in favor of the Fairwinds project, citing that the families of its owners had shown great attention to detail and been mindful of community concerns during the planning stage.

Brent Campbell read a letter on behalf of Ellen Feldman, who was unable to attend the meeting. Ms. Feldman's letter stated her support for the project and asked that the Board approve it.

Joe Miele, President of the Vue Condominiums, stated that all residents he had spoken to in his association were in favor of the project. He expressed concern that the north-south accessway would be open 24/7, stating that it would put an extra burden on hotel security.

Fred Singer spoke in support of the project and said he and his wife would utilize the proposed walkways. He reiterated Dr. George's praise of the Ireland and Mitchell families' attention to community concerns.

Michele Wegmann spoke in support of the project, saying she and her husband were "passionate" in their support of it.

Kevin Songer, President of Galt Towers, spoke in support of the project, particularly the wider sidewalks for pedestrians.

Vice Chair Maus recognized that Vice Mayor Charlotte Rodstrom was in attendance.

Sadler James spoke in support of the project.

Harold Malinsky spoke in support of the project, describing it as "outstanding."

Evan Sachs spoke in support of the project, calling it a "model [of] urban planning for the future." He felt it would serve the same community purpose as a village square would

have in the past. He expressed concern that the walkway was to be kept open at night, however, and felt that allowing bicycles on the path would be a safety hazard.

Mr. Stresau asked Mr. Sachs to speak further on restricting access to the walkway. Mr. Sachs stated he felt dawn to dusk was a more appropriate time to keep the walkway open, and that keeping it open late would be "inviting trouble."

Mr. Glassman asked Mr. Sachs, who is a resident of The Palms, if the boardwalk behind that location was open 24/7. Mr. Sachs said there had not been significant problems in this area, which he affirmed was open at all hours, but he mentioned the presence of security and cameras. He also noted that during the day, anyone can enter the boardwalk. Mr. Glassman pointed out that there was a break between The Palms boardwalk and the proposed accessway.

Bill Irwin spoke in support of the project, although he cited concerns about the 24/7 walkway access. He also felt the widened path along A1A would be sufficient for bicycle traffic.

Tom Noonan spoke in support of the project; although he felt a 24/7 walkway would be "unnecessary." He also felt bicycles should not share the same path as walkers and joggers, and that A1A did not present a significant obstacle to beach access.

Michael Buran spoke in support of the project and advocated that the habitat for the turtles should be strongly considered.

Ligia Jamieson spoke in support of the project, which she felt would become a community center. With regard to the 24/7 walkway access, she urged the Board to keep safety in mind.

Rose Lindsey spoke in support of the project, citing several aspects of the plan she felt were positive changes.

Mike Cherup spoke in support of the project and urged the Board to approve it.

Vice Chair Maus encouraged the audience to keep their comments brief, and urged them to address their comments, if possible, to issues that had not been raised multiple times already.

Ryan Campbell spoke in support of the project, and read a letter from Jean Goldstein in favor of it as well.

Jim White spoke in support of the project, stating he felt "deprived" in the northern part of the City without a first-class resort to visit.

Greg Moore spoke in support of the project, noting that when the Ireland family presented the plan to the Everglades Club, attendees were unanimously in favor of it.

Joe Panico of the Central Beach Alliance spoke in support of the project and said his organization had voted in its favor, 50-2.

Joe Holland spoke in support of the project, particularly the north-south accessway to the ocean. He presented a copy of the easement granted to The Palms boardwalk when it was constructed (Exhibit 5), which he said set a precedent to compensate for the loss of N. Atlantic Boulevard, and urged the City to maintain control of any easement granted for the project. He did not feel 24/7 access would be necessary on the accessway.

Marty Kurtz stated he did not feel the reason cited by staff for keeping the accessway open 24/7 was an adequate one. He added his support for the project.

Mari Mennel-Bell spoke in support of the project, particularly the walkway. She advocated, however, addressing the turtle lighting issues, and noted that the public needs greater access to the beach.

Miranda Lopez spoke regarding the right of way, which she felt "should never be a tool to put more cement on a site." She felt the public should have 24/7 access to the beach from the walkway. She also felt too much shadow would be cast on the beach by the buildings proposed by the site, particularly when placed alongside other buildings along the beach. She was concerned for the residential character of the neighborhood.

Francis Reynolds expressed strong support for the project and asked that the Board vote yes.

Arlene Everett spoke in support of the project, affirming that Ms. Reynolds' comments could have been her own.

Ina Lee spoke in support of the project, expressing interest in the restaurant and the spa as well as the hotel.

Tucker Gibbs spoke in support of the project on behalf of the owners of The Palms.

Pio Ieraci spoke in support of "every aspect of this project." He felt, however, that an accessway open 24/7 was a threat to security.

Brian Donaldson commented that he lived in the "blackout zone" with insufficient lighting near A1A and felt the 24/7 accessway was a great security risk. He spoke in favor of approval of the street vacation in particular and the project in general.

David Breitenbach stated that the road to be replaced by an accessway was not in use 24/7, as his windows faced that road. He said the benches along The Palms boardwalk had been removed because people were sleeping on them.

Joe Amorosino, President of Fort Lauderdale Beach Homeowners, spoke against 24/7 access in the project's neighborhood. He expressed great concern for single family homeowners in the area who do not have access to the same enhanced security that hotel guests and condominium residents would have, and urged that access be limited to shorter hours.

Ms. Golub said the beach can be accessed 24 hours a day with or without the accessway and asked Mr. Amorosino if he could explain why the north-south path in particular was of such concern. He responded that the security program in his neighborhood spent the majority of their time in the stretch approaching the beach area, although he stated he didn't know why this was the case.

Vice Mayor Rodstrom welcomed the new Board members. She addressed the public in attendance and advised them that if Item 8, the vacation of right-of-way on N. Atlantic Boulevard, is not approved, then Item 9, which is the actual planned unit development, cannot be requested. Item 9, she noted, is a rezoning to facilitate a larger-scale development than is allowed there today. She asked the public to keep these priorities in mind when making recommendations in their comments.

Ms. Graham asked Vice Mayor Rodstrom if, in her time as a Planning and Zoning Board member, there was a planned unit development project in the beach area. Ms. Graham observed that none of these have passed since she has been on the Board herself. Vice Mayor Rodstrom replied that none had passed in her time on the Board either, noting that she was "not a big fan" of these developments on the beach.

Vice Chair Maus, hearing no further comments from the public on this item, closed the public hearing and brought the discussion back to the Board.

Mr. Lochrie handed his letters of support to the Board, noting that among them were letters from the Dolphin Isles Homeowners' Association, Lauderdale Beach Homeowners' Association, Galt Ocean Mile Community Association, the Central Beach Alliance Committee, Golden Square Association, Everglades Club Condominium, View Condominium, and Greater Fort Lauderdale Chamber of Commerce, among others.

He addressed the issue of the north-south accessway, observing that the street being vacated runs from 23rd Street and dead-ends at The Palms. No public access exists directly from 22nd Street to A1A; the only way to access the beach along A1A is from 23rd Street. He advised the Board that the Applicant's proposal actually seeks to improve that condition by adding the access point from A1A. He pointed out that currently the ocean cannot be seen at all from N. Atlantic Boulevard, and the public accessway will correct this. Not only will the public be able to access the beach, they will be able to walk along the north-south seawall the Applicant has proposed to build.

He also noted that N. Atlantic Boulevard serves vehicular traffic to the islands and properties, which use goes away with this proposal, as it would be internalized. He reiterated that the City's Property & Right of Way Committee voted in a substantial

majority to vacate the street, stating it was no longer necessary that the street serve a public purpose when the project is developed. He said the minutes from this Committee meeting have been included in the information packet.

Mr. Lochrie said it is important to note that the Applicant is responsible for the actual proposal of a 6 ft. accessway. He reiterated that staff prefers 8 ft., which the Applicant is comfortable with; he observed that the 10 ft. walkway, which staff had advocated at this meeting, would frankly be considered too much space, although he said the Applicant would "live with [the] decision." He also pointed out that additional space taken for the walkway would mean a loss of landscaping.

Regarding the accessway's hours of operation, Mr. Lochrie stated the Applicant felt very strongly about this issue, agreeing with many members of the public who had spoken in favor of a closed accessway at this meeting. He felt beach access should be restricted to daylight hours. He also affirmed that the Applicant would like to be able to provide security along the walkway, including the right to escort people from it. He pointed out that this walkway would be very different from that of The Palms, which has a railing and gate along its Eastern side and a wall to separate residences from the walkway. Mr. Lochrie said the Applicant is not proposing such a wall, but would allow the public into "[its] own backyard," with viewing access to the project's swimming pool, deck, and café areas.

Mr. Lochrie said the Applicant also felt the crushed-shell pedestrian path was not an appropriate lane for bicycles. He reminded the Board that it runs for only two blocks before running into residential homes on one side and a hotel on the other, and that A1A and the 10 ft. shared path provided sufficient alternatives for cyclists.

Mr. Glassman addressed the right of way, noting that while the Property & Right of Way Committee was in support of the project, their minutes also pointed out that Planning and Zoning staff stated they did not generally promote right of way vacations. He pointed out that since N. Atlantic Boulevard is now a dead end at The Palms, the reasons for not supporting a right of way vacation, such as providing traffic flow, were moot. He added that more than half of this area will also be dedicated back to the City.

Mr. Glassman asked Mr. Lochrie to confirm some points from the minutes of the Central Beach Alliance Committee, stating he did not see certain verbiage included in the address to that group and would like to ensure that it was part of these negotiations: "improvements to the east side of A1A from NE 18th Street to NE 23rd Street, to coordinate with FDOT and the City to provide for wider, improved sidewalks with pavers, bike path, additional landscaping to the east." Mr. Glassman expressed concern that this did not appear in any of the materials Mr. Lochrie had provided the Board.

Mr. Glassman added that on June 4, 2008, FDOT conducted a meeting at which the widening of sidewalks on both the east and west sides of A1A were discussed; he said this was not part of tonight's narrative.

He also referred to discussion that FDOT, the City, and FPL would coordinate to provide decorative street lighting and tree canopy to the west of the sidewalk, and for FPL, Comcast, and AT&T to bury all lines adjacent to the east right of way as part of the improvements. He felt this was of particular importance and stated he would like to see them memorialized in the agreement.

Mr. Lochrie said the Applicant agreed with all these conditions, and referred to a terms sheet that should have accompanied the PUD that he said should deal with these items. He provided this sheet to Mr. Glassman at this time. He noted that the decorative street lighting and tree canopy were subject to the Applicant's obtaining easements from the property owners.

Mr. Glassman raised one further issue of concern, stating that lifeguard stations along the beach currently only run up to 18th Street. He felt it was very important that a lifeguard station be provided by the Applicant "somewhere in that vicinity," although manning and staffing the station would be the City's responsibility. He cited more enhanced public access and participation on the beach as good reasons for this.

Mr. Lochrie assured the Board that the Applicant would have no objection to providing a station, if the City staffed it.

Mr. Glassman concluded by thanking the Applicant and Mr. Lochrie for the respect they had shown to the residents near the area they proposed to develop and praised them for continually working with the community regarding the project.

Ms. Golub asked if the residential units were intended for whole-unit ownership. Mr. Lochrie affirmed that they were.

Ms. Golub referred to the conditions cited by staff, in particular the common management of the restaurant, residential units, and hotel, and asked how this might be guaranteed. Mr. Lochrie advised that the residential units would be managed "under the same flag" as the hotel, as is often done in hotel/condominiums. He pointed out, however, that the residential units proposed for the project are not condominiums, as previously stated. He added that the spa, restaurant, and hotel would all be subject to a single management unit for the property.

Ms. Golub asked if there would be more residential units or hotel units. Mr. Lochrie responded that there would be 128 residential units and 164 hotel units.

Ms. Golub expressed concern that there was no verbiage in the packet stating that the residential units would remain under whole-unit ownership in perpetuity. She asked if the Applicant was reserving the right to possibly change the property to hotel/condominiums at a later date, contingent upon economic conditions.

Mr. Lochrie pointed out that the City does not regulate condominiums, but does regulate residential units of the sort proposed. He said the residential units would most likely be leased to their residents.

Ms. Golub was also concerned about the large buildings obscuring the view of the ocean from the 22nd - 23rd Street block, citing so much "massing" of buildings in one area. She concluded by asking if the beach bar and grille would be open past dusk, and wondered if the north-south accessway path would be closed to those customers after dark. She felt picking and choosing who could be on the walkway after dark could be a potential problem.

Mr. Lochrie responded that there might be more favorable hours of operation than daylight only, and reiterated that the Applicant wants to maintain the ability to secure the property, possibly by asking pedestrians if they were coming to the restaurant or the hotel. He also noted that a friend or visitor from the neighborhood would be able to come and go on the accessway as well. He stated the Applicant plans to have a gate and a security guard. Ms. Golub noted that a gate is not included in any visuals or descriptions of the plan. Mr. Lochrie said it would be a 4 ft. gate attached to the walls on either side of the area.

Mr. Kissinger stated that the pool code necessitated a gate of a certain height, and the Applicant had attempted to meet this requirement with its landscaping, wall and smaller columns. The gate, he said, would be set between these columns.

Mr. Lochrie noted that an attendant would be with the gate at the pool area during the day. Ms. Golub felt the restaurant's hours of operation, and the plans detailing the gate, left some safety issues unresolved.

Ms. Graham expressed concern regarding the building's height, which was listed at 240 ft., although some of the elevations listed in the roof plans did not seem to "work" with this height.

Bruce Brosch, Architect, stated 240 ft. refers to the main roof at the tallest point of the project. He said elevators, machine room overrides, and cooling towers rise above this height in some places. The central "spine" of the building consists of the elevator cores, which have walls that extend to 268 ft.

Motion made by Ms. Freeman, seconded by Mr. Stresau to approve Site Plan Level IV/Vacation of right-of-way, with Staff conditions. In a roll call vote, the motion was approved (7-1) (Vice Chair Maus dissenting, Ms. Adams abstaining due to conflict) with the following Staff conditions:

1. The vacating ordinance shall be in full force and effect on the date a certificate executed by the City Engineer is recorded in the public records of Broward County. This certificate shall state that the existing facilities have been abandoned. A copy of the recorded certificate shall be submitted to the Planning and Zoning Department.

2. An eight (8) foot public access easement abutting the east property line of the subject site shall be provided from the NE 22nd Street right-of-way to the NE 23rd Street right-of-way. This easement shall remain open to the public at all times.
3. A sixteen (16) foot wide public access easement abutting the south property line of the subject site shall be provided from the A1A right-of-way to the NE 22nd right-of-way. This easement shall remain open to the public at all times.
4. The Applicant shall provide mitigation loss of all metered parking spaces located on NE 22nd Street in existence prior to the proposed vacation subject to approval by Parking and Fleet Services.
5. Relocation of the utilities are subject to acceptance by the Utility Bureau.
6. The Applicant shall be required to enter into an agreement that it will maintain all improvements (i.e., street furniture, lighting, pavers, walls, monuments, landscaping, irrigation, trees) in the public right-of-way and easements that they are installing, with the exception that the intersection of NE 23rd Street and A1A, where the intersection and traffic signal improvements will be done, will be a FDOT maintenance issue, and with the exception of Willingham Park.

9. **Fairwinds on the Ocean / Fort Lauderdale Beach** Jimmy Koeth 2-ZPUD-08
Associates, LLC

Request: ** *

Site Plan Level IV / Rezoning / Rezone RMH-60 to PUD

Legal Description:

Parcel 4: Lots 10, 11, 12, 27 and 28, Block 2, of Lauderdale Beach, according to the Plat thereof, as recorded in Plat Book 4, at Page 2, of the Public Records of Broward County, Florida, LESS the West 20 ft. of Lots 10, 11 and 12;

Parcel 5: Lots 1 and 2, Block 17, of Lauderdale Beach, according to the Plat thereof, as recorded in Plat Book 4, at Page 2, of the Public Records of Broward County, Florida;

Parcel 6: Lot 29, Block 2, of Lauderdale Beach, according to the Plat thereof, as recorded in Plat Book 4, at Page 2, of the Public Records of Broward County, Florida;

Parcel 7: Lots 21, 22, and 23, Block 2, of Lauderdale Beach, according to the Plat thereof, as recorded in Plat Book 4, at Page 2, of the Public Records of Broward County, Florida, LESS that portion of Lots 22 and 23;

Parcel 8: Part of Lot 22, in Block 2, of Lauderdale Beach, according to the Plat thereof, as recorded in Plat Book 4, at Page 2, of the Public Records of Broward County, Florida;

Parcel 9: Lots 16, 17, 18 and 19, Block 2, Lauderdale Beach, according to the Plat thereof, as recorded in Plat Book 4, at Page 2, of the Public Records of Broward County, Florida, TOGETHER WITH a portion of Lots 22 and 23, Block 2, Lauderdale Beach, according to the Plat thereof, as recorded in Plat Book 4, at Page 2, of the public records of Broward County, Florida.

Address 2220 North Atlantic Boulevard

General Location SE corner of SE 5 Street and Seabreeze Boulevard

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

Ms. Freeman stated she had safety issues with the walkway, as had many members of the public, and expressed concern that the Applicant and staff could come to an agreement regarding its hours of accessibility.

Mr. Brewton said staff was also sensitive to issues of safety versus 24/7 access. He said there might be no need to keep the walkway open 24/7, or there could be alternative

means of access offsite. He stated staff could continue to meet with the Applicant to discuss a change of access time, and that this could be resolved before the Applicant goes before the City Commission.

Ms. Freeman stated she would like to include this stipulation as part of her motion.

Mr. Glassman added that all conditions listed per the March 2008 CBA meeting minutes be included in addition to the condition(s) that the applicant provide a lifeguard station on the beach between NE 18 St. and NE 23 St.

Motion made by Ms. Freeman, seconded by Mr. Stresau to approve Site Plan Level IV Rezoning with Staff conditions. In a roll call vote the motion was approved (6-2) (Vice Chair Maus and Ms. Golub dissenting, Ms. Adams abstaining due to conflict) with the following Staff conditions:

1. Pathway labeled North/South Accessway on the plans shall be a minimum of 10 ft. in clear width. In addition, it will be recorded as a public pedestrian easement that can be accessed ___ hours a day (to be agreed upon by Applicant and staff prior to going before the City Commission), 7 days a week, similar to a public right-of-way. The easement shall permit pedestrians and bicyclists.
2. Atrium lobby for Building 1 shall be transparent, clear glass construction.
3. The beach shower proposed at the NE 23rd Street-end must be located closer to the proposed project than to the single-family residence to the north.
4. Proposed new sidewalk along right-of-way included in the Applicant's proposed improvement plan for Willingham park will be located set back from the ROW to provide sufficient area from the right-of-way to accommodate landscaping between the sidewalk and the street(s).
5. Applicant is required to obtain all applicable environmental permits through all pertinent review agencies.
6. Portion of NE 22nd Street not vacated must be maintained by the Applicant. In addition, Applicant shall assume all liability for this portion of NE 22nd Street.
7. A portion of North Atlantic Boulevard must be vacated (Case 9 P 08).
8. All conditions listed in Planning and Zoning Staff Report 9-P-08.
9. The restaurants, spa, retail, ballroom and meeting rooms: shall not receive a certificate of occupancy until after the hotel has received a certificate of occupancy; only stay in business so long as the hotel is operating; be restricted and controlled by a common hotel operational agreement; and conduct all loading, deliveries, service, parking, etc. through the same facilities that the hotel uses (same loading docks, services areas, valets, etc.).
10. Latest plans package (including binder narratives, etc.) submitted to the Planning and Zoning Board shall be reviewed by Planning and Zoning staff and other relevant staff members for compliance with the ULDR.

11. The Applicant must fund and construct the following improvements (subject to obtaining regulatory approval from the reviewing agencies and subject to obtaining agreements, approvals and, where necessary, easements from any property owner adjacent to such improvements):
 - A. One lifeguard station (same as those lifeguard stations along the Fort Lauderdale public beach).
 - B. Improvements to the east side of A1A from NE 18th Street to NE 23rd Street as follows:
 - Coordinate with Florida Department of Transportation and the City to provide for wider and improved sidewalks with pavers, bike path, and additional landscaping to the east.
 - Coordinate with Florida Department of Transportation, the City and Florida Power and Light to install decorative street lighting; and tree canopy to the west of the sidewalk.
 - Coordinate with Florida Power and Light, Comcast and AT&T to bury all lines adjacent to the east right-of-way as part of the above sidewalk, landscaping and lighting improvements and to remove all structural poles.
 - C. Coordinate with the City of Fort Lauderdale to make landscaping and hardscape improvements to Willingham Park, pursuant to a plan to be detailed by EDSA (to include water/fountain feature and seating).
 - D. Reconstruct 23rd Avenue from A1A to the sandy beach with enhanced sidewalks, landscaping, new beach shower, bicycle racks and on-street automotive parking spaces. Provide "turn-around at new terminus of 23rd Avenue with pavers and shade structures to be located east of vehicular access between the turn-around and sandy beach.
 - E. Provide a 16' pedestrian connection (with 8' of paver and 8' of landscaping) and necessary easements to the City for the public's benefit between 22nd Avenue and A1A on the Fairwinds property.
 - F. Provide permanent covered structure over the delivery access area to the north of the enclosed loading area on the south side of the property (adjacent to The Palms).

All improvements listed above are subject to obtaining regulatory approval from the reviewing agencies and subject to obtaining agreements, approvals and (where necessary) easements from any property owner adjacent to such improvements.

**10. Council of Fort Lauderdale Civic Associations – Adrienne Ehle
Ad Hoc Committee Requests**

Request:	Review Ad Hoc Committee's requests for expedited ULDR changes
Description:	Fast-Track changes to Unified Land Development Regulations Recommended by the Council of Fort Lauderdale Civic Associations

Mr. Brewton recalled that the Ad Hoc Committee had come before the Board to seek ULDR changes relating to single- and multi-family uses. The commitment had been made at Board and City Commission level to fast-track certain items. Mr. Brewton said a revised list of fast-track items was now before the Board. He felt that some of the changes listed could be open to interpretation, and stated the purpose of tonight's presentation was to state that the Committee would come before the Board the following month with a more formal agenda, and to allow members of the Committee to express their concerns. He felt it should not be voted upon at this time due to a lack of sufficiently specific language in the ordinance form. Mr. Brewton also stated that some items on the list would be handled by the Committee's consultant.

Mr. Glassman asked Mr. Brewton why changes to beach code did not seem to be included in the proposal. He said the Central Beach Alliance (CBA) had a list of goals, many of which addressed zoning, which the consultant could perhaps consider. The CBA list of goals was then entered into the record. Mr. Glassman felt that if \$300,000 of taxpayer money was to be spent on a consultant, issues throughout the City should be addressed.

Mr. Brewton replied that the issue at hand was specific to residential communities and not the beach areas. He pointed out that as these were public hearings, anyone who had issues they thought were consistent with the project could offer those for inclusion. At the moment, he said, the group of services being studied was very specific and did not necessarily include the Central Beach Alliance's goals.

Richard Mancuso, chair of the Ad Hoc Committee, stated the Committee had not held any discussions with staff and were waiting for appropriately specific language. He said their intent had never been to exclude any part of the community, and welcomed all input.

Ms. Golub asked for clarification regarding the difference between documents presented by the Ad Hoc Committee.

Mr. Brewton explained that only a limited number of the items listed in the documents will be finally considered as fast track items. He also commended the Ad Hoc Committee for their patience.

Mr. Stresau said the Board should have received the packet on this issue sooner, as he was a new member and only had a few days to go over it. Mr. Brewton assured him that there would be sufficient time before the July meeting.

Mr. Mancuso added that he hoped members of the Ad Hoc Committee would also have time to address concerns and questions to staff before the item goes before the Board.

Mr. Welch noted that he was pleased to see this listed as an agenda item rather than an addition to "For the Good of the City," but added that he wished the Board would see such items earlier in the evening as well.

Mr. Brewton advised that this item will be brought back before the Planning and Zoning Board at the July 16, 2008 Meeting, when it will be presented in a more formal manner, with the language in ordinance form.

11. RS-8B

Adrienne Ehle

Request:

Recommend Ordinance RS-8B

Description:

An ordinance amending the Unified Land Development Regulations, Sections 47-5.2, 47-5.11 and 47-5.31 to create a new RS-8B zoning district.

Mr. Brewton advised that this item will likewise be brought back before the Planning and Zoning Board at the July 16, 2008 Meeting, when it will be presented in a more formal manner, with the language in ordinance form.

12. For the Good of the City

- Election of Chair and Vice Chair

Motion made by Ms. Graham, seconded by Mr. Welch to nominate Catherine Maus for Chair of the Planning and Zoning Board. In a voice vote, the motion was carried unanimously (9-0).

Motion made by Mr. Glassman, seconded by Ms. Freeman to nominate Pamela Adams for Vice Chair of the Planning and Zoning Board. In a voice vote, the motion was carried unanimously (9-0).

- Department Master Plans Workshop

Jenni Morejon, City Planner, advised that a workshop will be held to present various master planning efforts that the Department has been doing. She described it as a "brief, concise overview" of all the plans, and added board members would be provided with hard copies of these for future reference.

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Master Plans Workshop will be planned for August, 2008, beginning at 5:30 p.m.

There being no further business to come before the Board, the meeting was adjourned at 12:09 p.m.

Chair:

Attest:

Brigitte Chiappetta, Recording Secretary