

City of Fort Lauderdale

City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - APPROVED

Tuesday, April 16, 2013

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
HARRY A. STEWART, City Attorney

Meeting was called to order at 6:05 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose and Commissioner Romney Rogers

Also Present: City Manager, Lee R. Feldman; City Auditor, John Herbst; City Clerk, Jonda K. Joseph; City Attorney, Harry A. Stewart; Sergeant At Arms, Sergeant Cecil Stone and Sergeant Jose Gonzalez (after 10:00 p.m.)

Vote Roll Call Order for this Meeting

Vice Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler

OB

MOMENT OF SILENCE IN REMEMBRANCE OF BOSTON MARATHON BOMBING VICTIMS

Invocation

Reverend James C. Wills, First Christian Church of Fort Lauderdale

Pledge of Allegiance

Led by winners of the "What would you do to improve the world?" essay contest

Approval of MINUTES and Agenda

13-0530 APPROVAL OF MINUTES - March 5, 2013 Conference and Regular Meetings and March 14, 2013 Joint Workshop with Budget Advisory Board

Motion made by Vice Mayor Roberts and seconded by Commissioner Trantalis to approve the minutes of the March 5, 2013 Conference and Regular Meetings and the March 14, 2013 Joint Workshop with Budget Advisory Board.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUBLIC HEARINGS

PH-1 13-0517 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTIONS 47-19.3D AND E - construction and maintenance after the fact of two triple-pile clusters extending a maximum of 45 feet from property line - 3012 NE 20 Court (Request to defer to May 21, 2013)

Applicant: Giles Blondeau; Multimo, LLC

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to defer the item to June 4, 2013 (request of applicant).

DEFERRED TO JUN 4, 2013 AT REQUEST OF APPLICANT

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PRESENTATIONS

PRES-5 13-0616 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL 23, 2013 AS INTERNATIONAL CHILDREN'S DAY IN THE CITY OF FORT LAUDERDALE AND PRESENTATION OF CERTIFICATES TO WINNERS OF SISTER CITIES AND FLORIDA TURKISH AMERICAN ASSOCIATION'S 2013 ANNUAL ESSAY CONTEST FOR 5TH GRADERS - "What would you do to improve the world?"

Commissioner Trantalis presented a proclamation designating April 23, 2013, as International Children's Day in the City to Tony Marcelli, President of Fort Lauderdale Sister Cities International. He awarded certificates of recognition to the 5th grade winners for the Sister Cities' and Florida Turkish American Association's 2013 annual "What would you do to improve the world?" essay contest.

PRES-1 13-0604 RESOLUTION PROCLAIMING APRIL 17, 2013 AS MILITARY FAMILY AND COMMUNITY COVENANT DAY

Commissioner DuBose presented a resolution proclaiming April 17, 2013, as Military Family and Community Covenant Day in the City to Captain Heather Deters, Commander, United States Army Recruiting Company Fort Lauderdale, and Harvey Spigler, Public Affairs Officer, United States Army Recruiting Battalion Miami. Captain Deters thanked the Commission. Commissioner DuBose expressed gratitude to members of the United States Armed Forces. He noted an upcoming community service event at the Urban League of Broward County that focuses on our military.

See page 16

PRES-2 13-0443 THE MAYOR AND CITY COMMISSION WILL RECOGNIZE STUDENT VOLUNTEERS AND DILLARD CULINARY ARTS PROGRAM FOR WALK THROUGH HISTORY

Commissioner DuBose recognized student volunteers in the Dillard Culinary Arts Program for their participation in the "Walk through History" event.

PRES-3 13-0614 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL 16, 2013 AS ARBOR DAY IN THE CITY OF FORT LAUDERDALE

Commissioner Rogers presented a proclamation designating April 16, 2013, as Arbor Day in the City to Gene Dempsey, City Forester. Mr. Dempsey thanked the Commission. He invited the public to attend upcoming Arbor Day and Earth Day events in the city.

PRES-4 13-0615 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL, 2013 AS ARBOR DAY IN THE CITY OF FORT LAUDERDALE

Commissioner DuBose presented a proclamation designating April, 2013, as Fair Housing Month in the City to Alyssa Arnell, Vice President of Housing Opportunities Project for Excellence, Inc. (HOPE). Ms. Arnell thanked the Commission.

PRES-6 13-0617 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL 14-20, 2013 AS NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK IN THE CITY OF FORT LAUDERDALE

Vice Mayor Roberts presented a proclamation designating April 14-20, 2013, as National Public Safety Telecommunications Week in the City to William Findlan, Fire-Rescue Division Chief. Division Chief Findlan recognized Marisol DiBernardo, Fire-Rescue Communications Coordinator, and Sharon Andersen, Communications Project Manager, as well as all of the City's public safety telecommunicators for their daily efforts to ensure residents' safety. Ms. DiBernardo thanked the Commission. The City Manager acknowledged Scott Perrin of the Broward Sheriff's Office, for the telecommunications assistance his agency provides to the City. Mr. Perrin thanked the Commission and City residents.

PRES-7 13-0618 THE MAYOR AND CITY COMMISSION WILL ISSUE A PROCLAMATION DESIGNATING APRIL, 2013 AS FORT LAUDERDALE FIREFIGHTER APPRECIATION MONTH IN THE CITY OF FORT LAUDERDALE

Commissioner Rogers presented a proclamation designating April, 2013, as Fort Lauderdale Firefighter Appreciation Month in the City to Joanne Bowsman, Executive Director of the Muscular Dystrophy Association (MDA) Chapter in South Florida. Ms. Bowsman thanked the Commission as well as the City's firefighters and residents for their support. Fire-Rescue Division Chief William Findlan expressed desire to continue the fire-rescue department's long-standing relationship with MDA.

PRES-8 13-0571 RECOGNITION OF FORT LAUDERDALE COMMUNITY REDEVELOPMENT AGENCY - RECIPIENT OF SOUTHEAST FLORIDA EXCELLENCE AWARD FOR SMART GROWTH

On behalf of Gloria Katz, Former Commissioner and Founder of The Smart Growth Partnership, a Southeast Florida Initiative, Marianne Winfield, Executive Director of The Smart Growth Partnership, presented the Southeast Florida Excellence Award for the Sistrunk Boulevard Streetscape and Enhancement Project to Commissioner DuBose.

Consent Agenda

(CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Motion made by Vice Mayor Roberts and seconded by Commissioner Trantalis that Consent Agenda Items M-6, M-11, M-13, and M-15 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended.

CONSENT AGENDA

Approval of the Consent Agenda

Approve the Consent Agenda

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-1 13-0510 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: Earth Day; Fourth Annual Covenant House Florida 5K on A1A; Viva 500 Hispanic Festival; Saturday Nite Alive; American Diabetes Association's Step Out: Mega Walk to Stop Diabetes; Corporate Sports Fest; 1st Annual Cinco de Mayo Street Festival; Best Buddies Friendship Walk 2013.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-2 13-0244 CONTRACT RENEWALS - JULY, AUGUST AND SEPTEMBER 2013 - contingent upon respective vendor agreeing to extension

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-3 13-0502 AGREEMENT FOR SUMMER YOUTH EMPLOYMENT PROGRAM - Workforce One

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-4 13-0516 ADDITION OF NEW CLASS TO FEDERATION OF PUBLIC EMPLOYEES COLLECTIVE BARGAINING AGREEMENT (Professional) - GEOGRAPHIC INFORMATION SYSTEMS ANALYST

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-5 13-0550 USE OF NEGOTIATION METHOD TO OBTAIN INSURANCE PREMIUM QUOTES - CYBER AND POLICE LIABILITY APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-6 13-0566 RETURN SECURITY FUND TO COMCAST OF FLORIDA, LLC - \$217,136.59 - previous cable franchise agreement

Commissioner Rogers indicated that in District IV there are double utility poles where one is non-functional. Florida Power and Light (FPL) will remove the non-functional pole, but first the cable and telephone companies must disconnect their equipment. He wanted to establish a streamlined system. The City Manager indicated that, once provided the locations, staff will coordinate any such requests through the City's Office of Neighbor Support. He elaborated upon difficulties that have resulted since the legislature removed cities' ability to regulate the customer service part of franchises. Comcast and AT&T have always been responsive to the City's requests. Commissioner Rogers indicated that there are a couple of non-functional poles in Croissant Park.

Derek Cooper, Vice President of Government and Regulatory Affairs and Community Investment, Comcast of Florida, LLC, explained the coordination that takes place with FPL and agreed to provide Commissioner Rogers with his contact information so the pole locations could be emailed to him. He pointed out that this item pertains to an expired performance bond, originally in the amount of \$175,000, that accrues interest and has been outstanding for about two years. Commissioner Rogers asked if Comcast's obligation to remove their cable from the non-functional poles is contractual or statutory. Mr. Cooper explained that it is contractual with the pole owner and that obligation would continue, regardless of this performance bond. So Comcast would continue to work on the non-functional pole issue with their construction team and FPL. He explained to Mayor Seiler that most poles are owned by FPL, and some by AT&T, Bell South, or Comcast. The proposed item is unrelated to the utility pole issue. Commissioner Rogers thought while this item is pending, the City is well positioned to get this issue resolved.

Motion made by Commissioner Rogers and seconded by Vice Mayor Roberts to defer the item to May 21, 2013.

Mayor Seiler asked Mr. Cooper to meet with Commissioner Rogers in the interim to provide clarification as to whether there is any relationship between this performance bond and the utility pole issue. If the matters are unrelated, he thought the performance bond requirements should be honored.

DEFERRED TO MAY 21, 2013

Aye:5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-7 13-0602 HOME DESIGN AND REMODELING SHOW CO-SPONSORSHIP - BANNERS - May 15-28, 2013 and November 5-18, 2013 APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-8 13-0420 AMENDMENT 1 TO TASK ORDER 21 - TAXIWAY ECHO PAVEMENT REHABILITATION AT EXECUTIVE AIRPORT - \$32,177.50 - Kimley-Horn and Associates, Inc.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-9 13-0449 WORK ORDER 1 - CANAL DREDGING - SEVEN LOCATIONS - Annual Canal Dredging Contract with Cavache, Inc. - \$209,996 plus \$22,500 for engineering administration fees

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-10 13-0582 AMENDMENT TO AGREEMENT FOR SINGLE STREAM RECYCLING GRANT FUNDS - Broward County Resource Recovery Board - extending deadline beyond May 1, 2013 and authorizing City Manager to execute all necessary documents for time extension

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-11 13-0431 ACCEPTANCE OF THIRTY-SEVEN VACANT LOTS FROM NORTHWEST NEIGHBORHOOD IMPROVEMENT DISTRICT

Charles King, 105 N. Victoria Park Road, was concerned that the Community Redevelopment Agency is not concerned about property values. He contended that the City must reimburse about \$500,000 to the U.S Department of Housing and Urban Development (HUD) because of misspending and improper record keeping. But the City should not balance its budget at the expense of its poorest residents. The funds should instead be utilized to improve the northwest area. The properties should be listed on the MLS at their appraised value established by the Broward County Property Appraiser, rather than utilizing a process where purchases can be made below appraised value.

Motion made by Vice Mayor Roberts and seconded by Commissioner Rogers to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

Mayor Seiler noted that the total Broward County Property Appraiser assessed value for all 37 properties is about \$800,000. Vice Mayor Roberts also noted that the reimbursement to HUD is a result of practices that occurred from 1995 to 2008, prior to this Commission.

M-12 13-0442 ARTSERVES BRUNCH ON THE BEACH EVENT - Request of Beach Business Improvement District Advisory Committee for funding - \$10,000

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-13 13-0447 FLAVORS OF FORT LAUDERDALE EVENT - Request of Beach Business Improvement District Advisory Committee for funding - \$60,000

Commissioner Rogers highlighted information in the financial summary shown on page 22, Exhibit 1 of Community Redevelopment Agency Commission Agenda Memorandum 13-0446. He was concerned about continued future losses for this event, given the \$251,553.46 loss in 2012. He estimated that only 2,100 people attended, yet approximately \$157,000 went toward start-up costs alone. Mayor Seiler and Commissioner Trantalis agreed. Commissioner Trantalis thought this is a good concept, but a different approach is needed. This item should not be approved in its current form. Vice Mayor Roberts agreed. He recalled that funding provided to events like this is supposed to be seed money. This is a nice idea, but not worth the requested investment. Commissioner Rogers added that it is not essential to draw beach visitors in November like it is during the summer. Commissioner DuBose agreed. He also questioned items in the financial summary as to startup costs and whether the same level would continue going forward. Further he wanted to know the overall impact to the local economy.

Chuck Martinez of Adelfi Group, Inc., event partner, the Beach Business Improvement District Advisory Committee's (BID) desire to utilize this event to promote the city as a culinary destination and to stimulate tourism during the lull that follows the boat show in November. He contended that some hotels reported a minimal uptake last year. This outdoor event is not suitable for summer. The objective is to showcase the best of Fort Lauderdale, including the weather. He elaborated upon four similar events that Adelfi produces in New York. Although a profit is not generally shown the first year, this event's significant loss was unexpected. The three-year plan estimated losses of \$150,000 and \$50,000 in the first and second years, respectively, and a profit in the third year and going forward. Although seeking a partnership with the City, Adelfi is financially committed to this event. The Greater Fort Lauderdale Chamber of Commerce and the Greater Fort Lauderdale Convention and Visitors Bureau (GFLCVB) have expressed enthusiasm, and vendors, sponsors, participating restaurants, and attendees were pleased. He expected the exhibitor and sponsorship revenue streams to increase this year to about \$15,000 and \$200,000, respectively. In response to Mayor Seiler, he explained that the GFLCVB did not provide any sponsorship funds, only in-kind assistance. In-kind value is not reflected in the financial summary.

In further response to Mayor Seiler, Mr. Martinez indicated that about 900 tickets were sold, and approximately 300 tickets were given to sponsors and partners in return for in-kind assistance. Both the costs and sales were underestimated. People were hesitant last year to purchase tickets because of unfamiliarity with the event. But this year sponsors are coming onboard like Southern Wine and Spirits, Royal Caribbean Cruise Lines, JM Lexus, Ritz-Carlton, Westin, and the Pelican Grand Beach Resort. Adelfi is working with a local bank and Sysco for in-kind assistance that he believed will dramatically reduce expenses. Creative design expenses were mostly start-up costs. The public relations cost will be dramatically less this year in that the event can be promoted through the sponsors. Given the significant funding request from two agencies (\$60,000 from BID and \$40,000 from the Community Redevelopment Agency), Mayor Seiler stressed that the 2013 event budget not being provided is problematic. Funding cannot be committed without a budget. Commissioner Trantalis shared Mayor Seiler's concern about not being provided a budget. As for the ratio of sales agent fees to the sponsorship amount shown in the

financial summary, Mr. Martinez explained to Mayor Seiler and Commissioner Trantalis that there were both monetary and in-kind sponsorships in the amounts of \$64,000 and about \$45,000, respectively. He recalled agreeing to the BID's request that expenses would go to operational expenses, and Adelfi would present invoices. A budget would have been provided if requested. Commissioner Trantalis wanted Mr. Martinez to provide a budget for the May 7 meeting.

Motion made by Commissioner Trantalis and seconded by Vice Mayor Roberts to defer the item to May 7, 2013.

Vice Mayor Roberts also wanted in-kind sponsorships reflected in the budget. Mayor Seiler thought costs set forth in the current financial summary are unusually high. He asked Mr. Martinez to meet with the Commission individually prior to May 7 to review the 2013 budget, and to provide supporting documentation for the 2012 financial summary. Commissioner DuBose asked Mr. Martinez to bring forward quantifying information regarding local economic benefit, and the projection for next year.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, elaborated upon neighboring south Florida cities that have incorporated restaurants as attractions. He recalled the City's LARC (Leisure and Recreation Concepts, Inc.) study recommendation for an aquarium-like restaurant and food facilities. The City is losing revenue because little is offered on the Intracoastal in terms of restaurants and various attractions. He expressed support of the proposed event, as well as the recently held Tortuga Music Festival.

There was no one else wishing to speak.

DEFERRED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-14 13-0482 NO OBJECTION TO PLAT NOTE AMENDMENT - CROCKER TOWER PLAT - Case 9-P-00A

Applicant: Southeast Second Street, LLC - Camden Summit Partnership LP
 Location: North of SE 2 Street between SE 3 Avenue and SE 5 Avenue
 Zoning: Regional Activity Center - City Center RAC-CC
 Land Use: Downtown Regional Activity Center

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-15 13-0501 CODE ENFORCEMENT LIEN SETTLEMENT AGREEMENT - 744 NE 16 Avenue - Case CE11052402

Charles King, 105 North Victoria Park Road, noted his experience and credentials as a realtor and property owner in Victoria Park. He lives near the proposed abandoned property. It seems there is a pattern in Victoria Park as the City also recently provided a code enforcement lien settlement agreement for a similar property on 7th Place. Going forward, he wanted the City to require property owners with a

pending sale who are seeking a lien settlement to disclose the sale price in order to protect neighbors from below market deals. He elaborated upon some below market deals that occurred in Victoria Park, including the property on 7th Place.

In response to Commissioner Rogers, the City Manager explained that the City will be a party in the stipulated settlement at the time of closing. However this recommendation is based on the merits of the situation and not the transaction price. This will remedy a derelict house and recover the City's costs plus an additional \$14,000. Commissioner Trantalis stressed that this is not simply a handout. There are stipulations that must be met in addition to paying the settlement amount, or the balance of the fine will be imposed. Mayor Seiler emphasized that the proposed is beneficial for the City and the neighborhood.

Motion made by Commissioner Trantalis and seconded by Commissioner Rogers to approve the item as presented.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

M-16 12-2525 DOWNTOWN TRANSIT CIRCULATOR - WAVE STREETCAR PROJECT - DESIGN, CONSTRUCTION AND OPERATION - Interlocal Partnership Agreement with Downtown Development Authority, South Florida Regional Transportation Authority, Broward Metropolitan Planning Organization and Broward County

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CONSENT RESOLUTION

CR-1 13-0505 CITY CEMETERIES GENERAL PRICE LIST AND VETERANS SPECIAL PRICING LIST - effective June 1, 2013.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CR-2 13-0430 AMENDMENT TO LEASE AGREEMENTS - FORMER FLORIDA ATLANTIC UNIVERSITY'S COMMERCIAL BOULEVARD CAMPUS - early termination - State of Florida Board of Regents on behalf of Florida Atlantic University - Parcel 23 and 23A at Executive Airport

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

CR-3 13-0497 RAILROAD CROSSING IMPROVEMENTS AT SW 9 STREET - Reimbursement Agreement with Florida East Coast Railway, LLC and Florida Department of Transportation and authorizing City Manager to extend term upon mutual agreement

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PURCHASING AGENDA

PUR-1 13-0468 TWO-YEAR CONTRACT FOR PURCHASE OF SWIMMING POOL CHEMICALS in the amount of \$187,139.96 from Allied Universal Corp., Commercial Energy Specialists, Inc., Gomez Chemicals, Inc., Leslie's Poolmart, Inc. and Pro-Star Pool Supplies, Inc.

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-2 13-0507 CONTRACT FOR LAS OLAS BOULEVARD PEDESTRIAN RAILING IMPROVEMENTS in the amount of \$64,590 from Construct Group Corporation and authorize City Manager to execute on behalf of City

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-3 13-0508 ONE-YEAR CONTRACT FOR PURCHASE OF CHAIN LINK AND PICKET FENCES in estimated amount of \$100,000 from Tropic Fence, Inc. and authorize the City Manager to approve renewal options contingent upon approval and appropriation of funds

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-4 13-0509 CONTRACT TERMINATION WITH GLOBESPAN MEDICAL, INC. (d/b/a GLOBESPAN TRANSCRIPTION) AND APPROVE ONE-YEAR CONTRACT FOR LAW ENFORCEMENT TRANSCRIPT SERVICES to Net Transcripts, Inc. in the amount of \$175,000 and authorize City Manager to approve renewal options contingent upon approval and appropriation of funds

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-5 13-0533 PURCHASE OF CITY HALL LED LIGHT FIXTURE REPLACEMENT PACKAGES in the amount of \$231,346.98 from LED Are Us, LLC
APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-6 13-0556 ONE-YEAR CONTRACT FOR A MOBILE DATA TECHNICIAN in the amount of \$66,560 from Control Communications, Inc. and authorize City Manager to approve renewal options contingent upon approval and appropriation of funds

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-7 13-0563 PURCHASE OF SOLAR LIGHTING in the amount of \$233,837 from Hunter-Knepshield Company

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

PUR-8 13-0601 MONTH TO MONTH CONTRACT EXTENSION FOR SINGLE FAMILY RESIDENTIAL HOUSEHOLD GARBAGE, TRASH AND YARD WASTE COLLECTION from Choice Environmental Services of Broward, Inc. - up to ninety days commencing on May 1, 2013 - estimated amount of \$412,197.31

APPROVED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

RESOLUTIONS

R-1 13-0579 2035 VISION PLAN: *Fast Forward Fort Lauderdale*

Randall Vitale, chair of the Visioning Committee, indicated that the committee unanimously recommends the proposed plan.

Mayor Seiler opened the floor for public comment.

Dennis Ulmer, 1007 NW 11 Place, elaborated upon the information and planning that comprised the vision plan. He participated in the process as it was an open forum. He thanked staff and the Visioning Committee for their efforts. A scorecard is included in the plan to monitor progress and implementation. He urged the Commission to adopt the proposed plan.

Art Seitz, 1905 N. Atlantic Boulevard, remarked on the effort put forth to develop the proposed plan. He recalled a visioning process that took place in the city about 15 years ago where the top priority was pedestrian and bicycle enhancements. He elaborated upon the future A-1-A promenade. He expressed gratitude for the City utilizing walkability consultant and author, Jeff Speck, and encouraged the Commission to read his book.

There was no one else wishing to speak.

Mayor Seiler posed the concept perhaps of a blue ribbon committee to oversee the plan's implementation and provide citizen input. Mr. Vitale indicated that many aspects of the plan may fall under the City's current board/committee structure. The Visioning Committee saw the plan's implementation to be a fluid process. Personally, he felt confident in City staff's commitment to the plan. Mayor Seiler agreed that some aspects of the plan's implementation can be handled by existing boards/committees. But he was concerned about how to address elements that may not fall under one or those that apply to several. He wanted to assure ongoing involvement from citizens. Commissioner DuBose agreed that community involvement is needed over the life of the plan to ensure it remains on target. The only constant element of the plan is the residents. He raised an idea for the Committee meeting annually to review the plan and provide input. Commissioner Rogers referred to the vision scorecard set forth on page 76, Exhibit 1 of Commission Agenda Memorandum 13-0579. The key is accountability. Having the scorecard on the website as well as on the agenda monthly would be helpful. He questioned the feasibility of requesting the committee's involvement through 2035. Mr. Vitale indicated that the scorecard is a means for everyone to easily gauge the plan's outcomes. Vice Mayor Roberts felt all budget planning will relate to this long-range plan. Mayor Seiler wanted to find some role to ensure that this plan stays on track. He asked the City Manager to give this some thought in crafting some approach such as the chairs of all advisory boards taking part. Mr. Vitale asked the Commission to scrutinize every matter that comes forward in terms of whether it supports the City's vision.

The Commission thanked the committee for their service.

Commissioner Trantalis introduced the resolution which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

R-2 13-0399 ADOPTING 2013-2016 LOCAL HOUSING ASSISTANCE PLAN and authorizing proper City Officials to execute all documents for receipt and administration of State Housing Initiatives Partnership Program

The City Manager highlighted information set forth in Commission Agenda Report 13-0399.

Commissioner DuBose introduced the resolution which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

R-3 13-0558 DECLARING CITY'S INTENT TO LEASE TWO PROPERTIES TO BROWARD COUNTY MINORITY BUILDERS COALITION, INC. - RENTAL TO LOW TO MODERATE INCOME FAMILIES and set a public hearing to consider lease terms

Location: 1145 NW 5 Avenue and 1200 NW 3 Street

Mayor Seiler opened the floor for public comment.

Charles King, 105 North Victoria Park Road, indicated that he personally viewed the proposed duplex and triplex and elaborated upon his observations. He questioned the City's goal and purpose in owning these properties, utilizing general fund monies and entering into the proposed contract with the Broward County Minority Builders Coalition, Inc. (BCMBC). The City Manager advised that the City took ownership of these properties through Community Development Block Grant funds. The properties have been renovated. Under U.S. Department of Housing and Urban Development guidelines, the properties must be utilized for low to moderate-income families. As the City is not in the rental business, it sought this partnership with BCMBC. The City will lease the properties to BCMBC, and BCMBC will, in turn, rent the properties based on the HUD rental schedule as relates to affordable housing. Affordable housing is not limited to one area, rather the objective is to provide reasonable housing alternatives throughout the city. In further response, he explained that these homes could only be sold to a low to moderate-income housing provider, and the City would have to put any return back into similar projects as program income.

Commissioner Trantalis stressed that there is already plenty of low to moderate-income housing in South Middle River, and no more is needed. He did not feel it is beneficial for the City to own real estate. Although he supports low to moderate-income housing, he was uncertain whether it will benefit South Middle River. He did not want to continue purchasing properties for occupants that will not enhance the overall neighborhood. Commissioner DuBose noted that he lives near the proposed properties. He believes this definitely enhances the neighborhood. These federal programs are meeting their objective to enhance neighborhoods that have derelict properties. This is a benefit to the city, not a cost. Mr. King pointed out that these properties do not contribute to the property tax base which is a cost to the city and taxpayers. Commissioner DuBose reasoned that derelict properties can be more costly in terms of draining the City's resources due to crime-related issues, so he preferred the properties to be occupied. He noted that low-income residents can still be productive citizens.

At the City Manager's request, Jonathan Brown, Housing and Community Development Program Manager, explained that the City has owned the duplex at 1145 NW 5 Avenue since 2005 and the triplex at 1200 NW 3 Street since 1997. The properties were used to support the City's Substantial Rehabilitation – Replacement Housing Program by providing temporary housing for individuals undergoing a home rehabilitation. Upkeep of the properties became unsustainable. This approach is an alternative means to house eligible clients according to HUD guidelines. BCMBC completed a similar project in the Carter Park area, and has a good track record. In response to Mayor Seiler, he indicated that the duplex was acquired through lien foreclosure and the triplex was acquired via a quit claim deed. He confirmed that the City can sell properties acquired through lien foreclosure if no element of HUD funding is involved. Mayor Seiler agreed with Commissioner Trantalis that such properties should be sold.

The City Manager advised that these properties are the only two residential structures to which the City holds title, other than one recently escheated property that will be sold as surplus. The City is not seeking to acquire and rehabilitate homes. He confirmed for Commissioner Trantalis that grant funds were only acquired for rehabilitation, not for acquisition. Commissioner Trantalis asked whether only the rehabilitation grant funds would have to be paid back if the properties were sold. In response to his and

Mayor Seiler’s inquiries, Mr. Brown clarified that the sale proceeds would not have to be reimbursed to HUD, but rather would go back into other eligible programs but not be added to the City’s general revenue. The proposed properties were rented to low-income families because of HUD restrictions. He confirmed that the Commission’s goal to sell, rather than hold, any new property acquired through lien foreclosure, continues to be respected.

Commissioner DuBose introduced the resolution which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis, Commissioner DuBose and Commissioner Rogers

R-4 13-0521 APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

The City Clerk announced the appointees/re-appointees who were the subjects of this resolution:

Beach Business Improvement District Advisory Committee	Thomas Hastings (Consensus)
Board of Adjustment	Michael Madfis (Consensus) E. Birch Willey (Consensus/Alternate)
Budget Advisory Board	Bob Oelke (Commissioner Trantalis – effective 60-days from date of resignation from Budget Advisory Board) Chuck Black (Commissioner Rogers)
Cemetery System Board of Trustees	Myrna Pototsky (Commissioner Trantalis) Michael Ruddy (Commissioner Trantalis)
Charter Revision Board	Rochelle Golub (Vice Mayor Roberts)
Education Advisory Board	Shelby G. Smith, III (Commissioner Rogers)
Historic Preservation Board	Philip Morgan (Mayor Seiler)
Housing Authority, Board of Commissioners	Nicholas Tranakas (Mayor Seiler)
Northwest-Progresso-Flagler Heights Redevelopment Board	Alan Gabriel (Vice Mayor Roberts) Scott Strawbridge (Vice Mayor Roberts)
Planning and Zoning Board	Patrick McTigue (Mayor Seiler)
Sustainability Advisory Board	Barbara Walker (Commissioner Trantalis)

Commissioner Trantalis asked about appointments made by a previous commissioner. The City Attorney advised that the Planning and Zoning Board is quasi-judicial and, once appointed, members serve a term of office and can only be removed for cause. However, non-quasi-judicial appointees could be removed without having to show cause.

Vice Mayor Roberts introduced the resolution which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

PRES-1 13-0604 RESOLUTION PROCLAIMING APRIL 17, 2013 AS MILITARY FAMILY AND COMMUNITY COVENANT DAY

Commissioner DuBose introduced the resolution which was read by title only.

ADOPTED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

R-5 13-0438 QUASI-JUDICIAL - SITE PLAN LEVEL IV DEVELOPMENT PERMIT - GRAND BIRCH CONDOMINIUM - Case 53-R-12

Applicant: Grand Birch, LLC
Location: 321 North Birch Road
Zoning: Intracoastal Overlook Area IOA
Land Use: Central Beach Regional Activity Center C-RAC

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Keith Poliakoff of Becker & Poliakoff, P.A., representing Residents for Responsible Growth, LLC (RRG), advised that this is a group of ten neighboring condominium and co-op associations and hotels joined to oppose this project. RRG was recognized as a party intervenor by the Planning and Zoning Board (PZ) and given equal time. This request was also filed at the Commission level. In response to Mayor Seiler, the City Attorney advised that there is no party intervenor status.

Heidi Davis Knapik of Gunster, Yoakley & Stewart, P.A., representing the Applicant, presented slides concerning this matter. A copy of the slides is attached to these minutes. She submitted the following documents from the November 28, 2012 Planning and Zoning Board meeting record which were made part of the record. She also submitted 257 additional letters of support that were made part of the record. She noted that some letters of support were provided by residents of central beach area that are represented by Mr. Poliakoff. The property is .63 acre, and almost 50 percent will be open space and landscaping. The proposed would be the only building in the central beach area with 30 foot side yard setbacks to create view corridors from the street to the Intracoastal. Further, 70 percent of the first floor is transparent to allow for water views from Birch Road through the building. The design will activate the public realm. The Applicant chose to come before the Commission because it did not want to create a site plan level III "wedding cake" design. She went on to explain other features of such a design and why it was not chosen by the Applicant. She stressed that this item is not a variance; rather, a Development of Significant Impact Site Plan Level IV review is a mechanism set forth in the ULDR for buildings with significant features. Also, no parking reductions are being requested. The proposed project meets or

exceeds all applicable zoning and land use provisions, Central Beach Revitalization Plan and the vision of the beach. It received a favorable PZ staff report and was approved by the PZ by a vote of 7-2.

Ms. Knapik went on to define neighborhood compatibility as being consistent with the overall plan of development contemplated by the Central Beach Revitalization Plan. Staff has indicated that the surrounding buildings range from two to fifteen stories, and the proposed project is similar to the mass and scale of the surrounding vicinity. The IOA (Intracoastal Overlook Area) zoning district allows buildings to be up to 120 feet high, and the proposed is 115 feet. Further, the area across the street is zoned ABA (A-1-A Beachfront/Area District) which allows buildings to be up to 240 feet high. The entire neighborhood, central beach area and proposed redevelopment contained in the Revitalization Plan must be considered when discussing neighborhood compatibility. She contended that the proposed project is compatible, and complies with all parking requirements set forth in the ULDR. Further, a 20 foot landscape yard is not required because ULDR waterway use provisions do not apply to central beach area projects. The ULDR sets forth unique provisions for central beach area projects in Section 47-12 that differ from other ULDR stipulations; and if any provision in the ULDR is in conflict, the central beach area provisions prevail. The accessory uses section of the ULDR provides that multi-family pools are subject to zoning district's minimum yard requirements. She quoted the definitions of yard and setbacks in the IOA District. Staff has confirmed that pools are below ground level and not considered a structure, therefore not being subject to setback or yard requirements in the IOA District. PZ agreed with staff on this issue. She submitted a list of streetscape improvements proposed for the intersection of Granada Street and Birch Road. A copy of the list is attached to these minutes. The improvements are in accordance with the EDSA Master Streetscape Plan. They are not required by code, but being offered by the Applicant at its sole expense.

George Fletcher, president of Adache Group Architects, representing the Applicant, read a prepared statement and presented slides concerning this matter. Copies of the slides and prepared statement are attached to these minutes.

Cecelia Ward, president of JC Consulting Enterprises, Inc., representing the Applicant, noted her experience and credentials as a certified planner, reflected in her curriculum vitae. She highlighted points in a prepared statement which is attached to these minutes. A copy of her memorandum, dated March 21, 2013, containing her review of the project was also made a part of the record. She also referred to Ms. Knapik's comments concerning the pool and agreed that the pool and its location are compliant with the ULDR.

Molly Hughes, president of Hughes Hughes, Inc., representing the Applicant, noted her experience and credentials as a traffic consultant, reflected in her curriculum vitae which was submitted by the Applicant and made part of the record. She highlighted points in a prepared statement concerning parking related issues that have been raised by neighboring property owners. A copy of the statement is attached to these minutes. A copy of her letter, dated October 31, 2012, concerning these issues was also made a part of the record.

Ms. Knapik also submitted documents listed on the Applicant's Index of Record (attached) which were made part of the record.

Mayor Seiler opened the floor for public comment.

Art Seitz, 1905 North Atlantic Boulevard, opposed the item.

Charles King, 105 North Victoria Park Road, expressed a neutral position. This was approved by the PZ, and a property owner should be able to develop their property. He urged the Commission to consider the future, the economy, and the whole city when making this decision.

Lawrence E. Blacke, representing CCR Realty Investments, Inc. and Blue Skies Realty Investments Inc., owners of 3000, 3003, 3010, and 3011 Granada Street, opposed the item due to concern about its impact. His clients have endeavored to maintain consistency with the neighborhood's character in terms of smaller, quainter development.

Keith Poliakoff of Becker & Poliakoff, P.A., representing Residents for Responsible Growth, LLC (RRG), requested the November 28, 2012 Planning and Zoning Board meeting be made a part of the record. He submitted the following documents which were, either, attached to these minutes or made part of the record: 50 letters of opposition; Section 47-23.8 Waterway use of the ULDR and a letter from Mr. Poliakoff to Mayor Seiler, expressing the Residents for Responsible Growth's position, dated April 15, 2013, were made a part of the record; and an email response from City Zoning Administrator, Anthony Fajardo, sent April 16, 2013 is attached to these minutes. He also presented slides concerning this matter. A copy of the slides is attached to these minutes. Although the ULDR indicates that Section 47-23.8 does not apply to the central beach area, he noted Mr. Fajardo's email response to the contrary. He contended that City staff has not been analyzing this project according to the proper ULDR requirements which indicate that the pool cannot be placed at the present location. Hence, this project must be denied.

Michele Mellgren of Mellgren Planning Group, Inc., representing RRG, elaborated upon her experience and credentials as a certified planner and continued reviewing the slides introduced by Mr. Poliakoff. She pointed out that meaning cannot be imputed into a code requirement if the language is otherwise clear on the face of it. She believed the swimming pool at its proposed location does not meet ULDR requirements. As defined in Section 47-12.3, paragraph 23, a setback is measured from the property line to the structure above the grade. However, a yard is the distance between the boundary line of a lot and a structure measured at ground level. The ULDR defines a structure as anything built or constructed or erected, the use of which requires more or less permanent location on the land. So, according to the ULDR, the proposed pool is a structure and it is currently in violation as it should be set back 20 feet.

Mr. Poliakoff continued to review the slides beginning with neighborhood compatibility. He agreed with Ms. Knapik that Section 47-23.8.B is not applicable as the question is whether the proposed pool is a structure. However, City staff utilized Section 47-23.8.B as the standard to allow the pool in the proposed project. He pointed out that the pool of the adjacent building, Birch Pointe, complies with the ULDR's setback requirements, although the building was completed in 1996, and Section 47-23.8.B was adopted in 1997. The Applicant needs a variance to place a structure like the pool within the setback. Without a variance, the Applicant must redesign the building to meet ULDR requirements. Staff relied upon an inappropriate code provision to approve the project; he referred to the email previously submitted that proves this. The project must be denied.

Mike Kelly, resident of Birch Pointe Condominium, advised that Birch Pointe is eleven-stories, sixty units to the south of the proposed project. It is a level four development approved in 1994. He submitted a photograph of the building that previously existed on the Birch Pointe site. The photograph was made a part of the record. He thought Birch Pointe is too large. In a meeting with Birch Pointe last year, the Applicant claimed the project would be eleven stories, totally compliant with the ULDR, including a 60-foot side setback. He assumed the Applicant was conforming to a level III site plan. The Applicant subsequently told the Central Beach Alliance that Birch Pointe was in favor of the project. But, the Applicant later indicated that the 60-foot figure was the distance between the buildings, and they were not willing to make changes. He did not think the project is compatible with the neighborhood.

Ina Lee, 2200 South Ocean Lane, noted her experience and credentials as a 25-year beach area activist and resident. She expressed support of the proposed project which she believes is world-class, and symbolizes a transition out of the economic downturn.

Joe Hessman, former 50-year beach area resident, opposed the item. Placing a building like this at the proposed location will be problematic.

John Spear, 3309 NE 16 Court, supported the item. He thought the proposed building suits the variety of architecture found in the central beach area, and that it will stimulate the local economy.

Tim Goligoski, co-op owner at Cormona Apartments, located just north of the proposed project, noted his experience and credentials as, both, an urban planner and developer. He thought placing a massive building like the proposed on a small lot next to much smaller structures reflects poor planning. The Applicant should compromise with adjoining property owners and make reasonable concessions. He urged the Commission to advise the Applicant to redraft this project according to compromises with neighbors.

Walter Morgan, 1617 SE 11 Street, supported the item. He wanted to move forward with beach area redevelopment, and the proposed unique design is needed in the central beach area.

John Weaver, president of Central Beach Alliance, thought local real estate investor, Par Sanda, supports the proposed because he owns a similar lot nearby where two projects were not approved prior to his taking ownership. He believed references to wedding cake design associated with a level III site plan have made the assumption that is the only design possible. If that design had been proposed, it still would have been called up for review. He questioned testimony validity of experts of the Applicant. He believed their prior evaluations of other local projects were inaccurate. He went on to read a prepared statement. A copy of the prepared statement is attached to these minutes. He also noted that Alhambra Place Condominium and Versailles Co-op are also 60 feet apart, but Versailles is separated by a road which creates a natural setback. The proposed will not be separated by a road.

Kathy Koch, 2621 Castillo Isle, thought the proposed building design is well-suited for the location, and compatible with the surroundings. This is consistent with the beach area revitalization's objectives to draw tourists and new residents. She encouraged the Commission to approve this item.

Al Katz, president of Birch Pointe Condominium Association, agreed with Mr. Goligoski. He wanted to address this matter with the developer and reach a mutually acceptable resolution.

Randall Hudson, representing Harbor House East, Inc., supported the proposed project which he felt signifies a modern Fort Lauderdale.

Rian Thomas, 3015 Granada Street, noted that the proposed building would create a significant shadow impact for the entire street, including his pool area and pools at nearby hotels. Another issue would be inadequate parking. However, he felt a building of about five stories would be compatible.

Howard Elfman, 1631 East Broward Boulevard, noted his experience and credentials as a 24-year resident of the city and real estate broker. He supported the item.

Eric Bona, 3016 Seville Street, indicated that he owns two small buildings on this street. He emphasized that inadequate parking is currently an issue in the neighborhood. The proposed project is beautiful, but

only two parking spaces per unit is not enough. The City must take measures to resolve inadequate beach area parking.

Midge Bachewicz, read a prepared statement from Eileen Helfer, president of Harbor Haven Inc. A copy of the prepared statement is attached to these minutes.

Dave Berlin, president of Cormona Apartments, Inc., noted his credentials as an engineer. He believed the historic Cormona buildings are in jeopardy, and these residents will be most affected by the proposed. He expressed support of responsible progress in the beach area. Cormona's south building is only eight feet from the proposed building's property line, and three large air conditioning units take out an additional ten feet. The small remaining space will be the only access for construction equipment on their north side, so equipment may be only about 12 feet from Cormona residents' windows. Hence, residents would not likely be able to live here during construction which could last up to two years. He believed there is a high risk of structural damage as the 70-year old Cormona is made of non-reinforced concrete blocks sitting on shallow footers. The 30-foot setback is inadequate. He called into question the Applicant's claim that the requirements for shadow effect were met as their own study showed a shadow on the Cormona and the next several buildings. The Applicant has indicated to him that there are no issues, but other matters like landscaping and wind studies need to be addressed. He questioned whether the Applicant can meet their objective using a modified level III site plan, or if the level IV can be restricted. He urged the Commission to advise the Applicant to redraft the project with consideration for neighbor concerns.

James Mathieu, 155 Isle of Venice, noted his experience and credentials as a local resident and real estate broker for 27 years. He expressed support of the proposed project which is desirable and signifies progress. This will contribute to the City's tax base. Traffic issues are simply a part of life in this area.

Jeff Snook, Cormona Apartments resident, read a prepared statement from him and his wife, Lee Anne Snook. A copy of the prepared statement is attached to these minutes.

Patricia Robinson, 309 Bontona Avenue, recently invested in eight beach area condominiums, and wanted to continue making investments in the area. She supported the item.

Fred Carlson, government liaison for Central Beach Alliance (CBA) and 20 year resident, thought consideration should be given to placement of buildings in the beach area in terms of whether there will be crowding or open space. Given the limited space of the beach in general, it is necessary to go upscale in terms of beauty and appeal, not size. He was concerned about the Applicant's refusal to discuss or negotiate. The proposed is not compatible with the neighborhood. He urged the Commission not to approve this item, so that perhaps this can be recrafted to a more suitable project.

Michelle Farber Ross, read a prepared statement submitted by Dan and Claire Marino, in favor of the proposed project. A copy of the prepared statement is attached to these minutes.

Karen Turner, member of Central Beach Alliance, referred to the Aquatania condominium which was not approved on the basis of neighborhood compatibility. She urged the Commission not to approve this item.

Maritza Adams, 1688 South Ocean Lane, noted her experience and credentials as a local real estate agent and 22-year resident of the city. She supported the item as it will enhance the beach area.

Abby Laughlin, president of Fort Lauderdale Surf Club, Inc., read a prepared statement, urging deferral so that a compromise could be reached. A copy of the prepared statement is attached to these minutes.

Carol Schmidt, 3233 NE 34 Street, noted her credentials as a residential manager at Residences at il Lugano, located next door to her personal residence at Coral Ridge Towers. Many residents opposed development of the il Lugano, but property values have not decreased since its completion five years ago. She supported the item as it will benefit the city.

Kathy Haines, 818 SE 4 Street, presented a district map of the city that reflected locations of individuals who submitted letters of support. A copy of the map was made part of the record. She noted that many letters of support were from beach area residents. She also read a prepared statement from Kristine L. and James C. Wilkes. A copy of the prepared statement is attached to these minutes.

Paul Engel, 77 South Birch Road, supported the item, but sympathized with those in opposition. He elaborated upon prior beach area developments that he actively opposed. Those set a precedent for large buildings. However, some high-rises have improved the beach area by drawing higher-level tourists, and property values have increased. The proposed project will add to the beach area's value.

Robert Saugstad, president of Rivercrest Apartments Inc., supported the item. The proposed project represents progress.

In response to Ms. Knapik, Mr. Weaver explained that the number of votes the CBA allows a condominium association is significantly less than the actual number of units in their building. For example, his condominium has 153 units, but only is allowed ten votes. CBA represents over 4,000 residents. Ms. Knapik referred to the 170 to 11 CBA vote opposing the proposed project, and asked if 170 people were at that meeting. Mr. Weaver indicated that 170 people were not in attendance, usually about 80 to 100 people attend CBA meetings. Ms. Knapik inquired whether a condominium association representative has to obtain approval from their association in order to cast a vote. Mr. Weaver explained that would be a decision of the condominium association. Associations furnish the CBA with a list of their representatives. Mayor Seiler inquired about the CBA voting procedure for a split vote by a condominium. Mr. Weaver did not believe a vote is taken by each condominium; rather, residents utilize their own method of communication to express their wishes to the representative. If the representative does something wrong, he hears about it. As for a breakdown of the 170 votes, he thought it was 14 block and 30 individual votes. The 11 votes in support were comprised of one block vote and one individual vote cast by the same person. At Mayor Seiler's request, Mike Kelly provided copies of the May 3, 2012 and September 6, 2012 CBA meeting minutes which were made part of the record.

Ms. Knapik believed the ULDR clearly states that a pool is not a structure because it is below ground, and therefore does not need to be within a setback. As for the Cormona Apartments, Mr. Berlin was contacted in September, and the site plan was provided to him. The Applicant is willing to move the three air conditioning units that are in the north setback. The proposed is 38 feet from the Cormona. The Carmona is not a designated historic building. She read a prepared statement submitted by Susan T. Rockelman, concerning occupancy of the Cormona as well as shadowing and in support of the item. A copy of the prepared statement is attached to these minutes. As for community outreach, she explained for Vice Mayor Roberts that the Applicant has been performing due diligence and meeting with surrounding property owners and the CBA since last April. As a result, this project has been revised three times. But the Applicant was told the only acceptable concession would be a reduction to seven stories because that is the CBA's policy. The Applicant analyzed all of the issues raised, including the shadow impact, FAR (Floor Area Ratio), setback, and parking; and confirmed with City staff that the analyses showed no adverse impacts, so no further concessions were made. The project meets neighborhood compatibility.

Michael Bedzow, Applicant, contended that he recently met with John Weaver who told him that a 70-foot (seven-story) building is the standard policy, but that he had no authority and did not know how this matter could be worked on. In response to Vice Mayor Roberts, Mr. Weaver clarified that his statement to Mr. Bedzow simply meant that he does not have authority to negotiate for the CBA. He confirmed that he told Mr. Bedzow that the rule is 70 feet, but added that he personally felt that would not stand a chance. In response to Mayor Seiler, he confirmed that the May 3, 2012 CBA meeting minutes were approved at their September 6, 2012 meeting.

In response to Mayor Seiler, Anthony Fajardo, Zoning Administrator, indicated that his email response to Mr. Poliakoff was taken out of context as Mr. Poliakoff's inquiry was about Section 47-23.8 of the ULDR and how a pool can be set into that yard requirement. If the proposed building were located anywhere else in the city, approval could be sought from the Planning and Zoning Board for modification of the landscape yard set forth in Section 47-23.8. But the central beach area is not subject to that section of the ULDR. He confirmed that Section 47-23.8 is irrelevant and does not apply to this project. In further response, he explained that there is no landscape buffer yard requirement for the central beach. The section of the ULDR that does apply is Section 47-19 which states that pools and spas must meet the yard requirements, and this is consistent with City staff's interpretation for the central beach area. The central beach zoning district, Section 47-12, has a different definition of setback and yard than other sections of the ULDR; it states that structures are measured at the ground level. Hence the pool is not a structure as defined in Section 47-35 of the ULDR. He confirmed that, if the pool were elevated, it would be a structure.

In response to questions raised by Vice Mayor Roberts and Commissioner Trantalis, the City Attorney concurred with staff's interpretation of the ULDR that the pool is not a structure. Historically, it has been the City's position that there is no setback requirement for a built-in pool in the central beach. In response to Mayor Seiler, Ella Parker, Urban Design and Development Manager, confirmed that the proposed project's height is 115 feet, so the side yard setback requirement is 30 feet and the rear yard setback requirement is 20 feet. Mr. Fajardo confirmed for Mayor Seiler that the proposed project's setbacks of 30 feet for the side yard and 20 feet for the rear yard are ULDR-compliant because the pool is not considered a structure. Further, he confirmed that no structure can exceed 120 feet in the IOA district.

In further response to Mayor Seiler, Mr. Fajardo reviewed the process for both site plan level III and IV and what would prompt a level IV. Hence, a site plan level IV review is prompted by the Applicant's request to seek approval for reduced requirements. In response to Commissioner Rogers, Mr. Fajardo explained that a development of significant impact is actually a site plan level IV review. In response to Mayor Seiler, he indicated that the height limitation for the proposed building would be 120 feet under a level III review, but the Applicant would have to provide half the height of the building for the setbacks, so the building height would depend upon the available width of the site. An analysis has not been done to determine the maximum height that could fit on the site. The site dimensions are 150 feet by 200 feet. He confirmed for Vice Mayor Roberts that, if the Applicant had created a wedding cake design under level III, it would have a more massive base and been closer to the property line. In response to Mayor Seiler, he believed that, if the proposed was a wedding cake design under level III, it could have had a 10 foot setback from each property line with a two-story base. He agreed with Commissioner Trantalis that a design under level III, the maximum height would be 75 feet with 37.5 foot setbacks on each side. Mr. Fajardo confirmed that, under a level III review, the Applicant would have to reduce the height if he wanted to reduce the setbacks. The City Manager explained that the site is not rectangular, but rather it is a trapezoid. Mr. Fajardo confirmed for Mayor Seiler that, with the site being 200 foot wide lot toward the street, a 180 foot wide building could be developed under level III with no review and only 10 foot sideyard setbacks that would block all Intracoastal views for the first two stories. Commissioner Trantalis pointed out there the site plan could be called up for review for considerations other than height and setback.

Some debate ensued between Mayor Seiler and Commissioner Trantalis as to the potential for a height of 120 feet under a wedding cake design.

In response to Commissioner Trantalis, Mr. Fajardo was not aware of any request made by the Applicant to reduce the landscape requirement. The City standard for a parking space is eight feet, eight inches wide by eighteen feet long. The Applicant has proposed a slightly wider dimension. Mayor Seiler referred information in Mr. Poliakoff's presentation indicating that the parking spaces are only eight feet wide. Mr. Fajardo explained that the engineering division's review determined that the project complies with dimensional requirements for parking spaces. Further, he has confirmed the height of 115 feet which is allowed under a level IV review. In further response to Mayor Seiler, Ms. Knapik was uncertain why the proposed design had incorporated the air conditioning units in the side yard. However, they will be removed and likely placed on the roof with screening.

In response to Mayor Seiler, Ms. Parker indicated that the development to the south, Birch Pointe, is 11 stories and approximately the same height as the proposed and the rear yard setback is a little greater (20 feet). Birch Pointe's swimming pool is at about the same distance as the proposed building's setback. In further response, Ms. Hughes explained that the project does not have any parking reserved specifically for residents, guests or service providers. There are 46 parking spaces and two disabled parking spaces. In response to Commissioner Trantalis, she indicated that there are 22, two and three bedroom units. The parking spaces are not assigned. Donald R. Hall of Gunster, Yoakley & Stewart, P.A., representing the Applicant, indicated that, to his knowledge, the condominium documents have not yet been drafted. He was uncertain whether a unit owner would receive an assigned parking space. Mr. Bedzow was also uncertain whether parking spaces will be allocated to unit owners. A valet system has been contemplated so parking would always be available. The project has about sixty bedrooms. He maintained that the project has more than enough parking according to the ULDR requirement and Ms. Hughes confirmed that 48 spaces will be sufficient for residents, guests and service providers.

In response to Commissioner Rogers, Ms. Parker confirmed that the project must meet the criteria in each of the following: Central Beach Revitalization Plan (Revitalization Plan); Fort Lauderdale Beach Community (Redevelopment) Plan; Central Beach RAC (Regional Activity Center); and the City's (ULDR) design criteria. The Revitalization Plan also references neighborhood compatibility and the Central Beach Master Plan (Master Plan). The proposed meets several intents of the Master Plan in terms of preserving waterway views. She further verified that the proposed building is located in the Central Beach RAC. As to whether the Central Beach RAC supports the proposed high-density intensive mixed-use, she noted that 48 units to an acre are permitted. So 34 units would be allowed on this .6 acre parcel, but the Applicant is only proposing 22 units. She confirmed that high-density mixed-use was an original goal of the Central Beach RAC as relates to revitalization. The compatibility issue crosses all four of the above referenced plans. Commissioner Rogers thought the proposed seems to have met all of the compatibility criteria, but inquired as to the best planning tool for transition in an area and compatibility. He specifically asked about height. Ms. Parker indicated that design elements would address Commissioner Rogers' question to some extent. Staff looked at a possible impact and determined whether the property deals with that impact.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

The Commission announced receipt of letters and emails pertaining to this matter, as well as with whom he had spoken with and/or site visits made concerning this matter.

Commissioner Trantalis remarked on the scarce amount of development in the beach area since 2005 due to the economic downturn. He wanted to return to investing in the barrier island. In the 1980's and 1990's rules were established with the objective to attract business and redevelopment, but many of those rules were regretted. Some oversized buildings are still unoccupied due to overdevelopment during the first decade of this century. He thought the CBA's Goals of the Central Beach Alliance of Fort Lauderdale created in 2008 is a contemplative reflection of beach area objectives. Since there is still significant blight and open space in the beach area, the City should position itself to welcome investors but be certain of compatibility. The components of design and placement for this project must be separated as the issue is related to placement, not design. He reiterated that a level IV site plan review charges the Commission to determine whether the proposed is a development of significant impact and whether it is compatible with the neighborhood. But determining neighborhood compatibility in the central beach area is difficult, given the mishmash of styles. Rather than the neighborhood's current state, trending should be examined as well as the desired progress. The goal is to obtain the ideal.

Commissioner Trantalis went on to emphasize the precedent setting nature of this matter which could have negative repercussions if not done correctly. He referred to a goal of the Central Beach Alliance that all future construction in this area should not exceed 70 feet. He questioned considering the 1988 Revitalization Plan because the mindset was different in that time. It seems there is a trend toward smaller. This is an opportunity to make certain the integrity of the central beach is not compromised. There are many low-rise, low-density buildings with larger setbacks like the Cormona in the central beach area that contribute to a pedestrian friendly environment which he believed is the most appropriate for this area. The proposed project is tastefully designed, but significant impact relates to how it interfaces with existing buildings. Based on the proposed setbacks, height and lack of mitigation in and around it, he believed the significant impact is inappropriate to the environment. He felt insulted by the Applicant's offer to only include crosswalks and some palm trees as a means to soften the building's impact. Those elements will not mitigate this building's size and intensity. He wanted the Applicant to bring back a scaled-down version that allows more interaction with the street.

Commissioner DuBose was unclear about whether the Applicant had sufficiently reached out to the community. But, based on the information presented tonight, he was comfortable with staff's recommendation as it appears the City's requirements have been met.

Commissioner Rogers reiterated the four different levels of review: Central Beach Revitalization Plan; Fort Lauderdale Beach Community (Redevelopment) Plan; Central Beach Regional Activity Center; and the City's review. He thought consideration should be given to where the central beach area is going, and the City's role. It was determined in 1988 that the area should be zoned for high-density, intensive mixed-use, and that has not been modified. But times have changed. He believed this neighborhood is in transition. He noted that the Applicant met with staff which resulted in a better design. He elaborated upon the chronology in the approval process. He believed the Applicant should have communicated more with area residents.

Vice Mayor Roberts agreed with Commissioners Rogers and DuBose. He noted positive changes like reduced crime in the beach area since the 1980's, and that such a trend should continue. It appears the Applicant has met all requirements set out in the plans already mentioned, although community outreach has been a bit of an issue. All of the development to the south of the proposed are about the same height as Grand Birch. Moving forward, he thought the beach will continue to be a mix in terms of height. He believed the Grand Birch height is compatible. Further, central beach area developer, Par Sanda, supports this project which could serve as an adjunct to spur his redevelopment of low-rise buildings in the area. He pointed out that the 2008 Central Beach Alliance's recommendations have not been formally adopted by the Commission. Although the Commission could advocate for those recommendations, he suggested they be brought forward for consideration. He believed the proposed is

compatible with the neighborhood and will spur further economic development in the area.

Mayor Seiler agreed with Vice Mayor Roberts that the project appears totally compatible with development to the south, but not to the north. This is a neighborhood in transition. He thought the Applicant should have met with residents sooner and more frequently. But it seems there is not a solution that will satisfy everyone. If residents cannot compromise, it creates a predicament. He was pleased with the clarification this evening that the ULDR section discussed is not applicable to the proposed project. He was most concerned with the ground-level aspect. This is a visually pleasing project at ground-level. Further, the Applicant has likely taken all possible measures to deal with ground-level impact. He expressed intent to approve this item, subject to the following conditions:

Air conditioning units are to be moved from side yard setbacks to the roof or within the building without impact to the property to the south or to the visibility transparency element. There is to be a seventy percent visibility transparency element at ground level and the remaining thirty percent a water element. Streetscape improvements to Granada Street at its intersection with Birch Road (previously submitted by Ms. Knapik) as depicted on Sheet 9 of the EDSA Fort Lauderdale Beach Streetscape Plan (2004 Edition). The developer is to construct improvements after approval of site plan is final and non-appealable and at its sole cost and expense: 1) Three stamped crosswalks and four ADA curb cuts as depicted on the EDSA Plan, which will require milling the underlying pavement and creation of ramps to create ADA compliant slopes. 2) Bulb Outs of Granada Street at its intersection with Birch Road. 3) Submit a conceptual off-site plan for construction of the improvements prior to final Development Review Committee site plan sign-off. 4) Substantially complete construction of the improvements prior to and as a condition of the issuance of a certificate of occupancy for the project.

Mr. Hall agreed to these noted conditions.

Mayor Seiler encouraged Commissioner Trantalis to bring forward the Central Beach Alliance's 70-foot height recommendation.

Vice Mayor Roberts introduced the resolution which was read by title only.

ADOPTED AS AMENDED

Aye: 4 - Mayor Seiler, Vice-Mayor Roberts, Commissioner DuBose and
Commissioner Rogers

Nay: 1 - Commissioner Trantalis

ORDINANCES

O-1 13-0611 FIRST READING OF ORDINANCE CONSENTING TO BE INCLUDED
IN A MUNICIPAL SERVICE TAXING UNIT FOR A CONSOLIDATED
REGIONAL E911 COMMUNICATIONS SYSTEM CREATED BY
BROWARD COUNTY ORDINANCE

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Vice Mayor Roberts to close the public hearing. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Mayor Seiler indicated that he does not support this Municipal Service Taxing Unit (MSTU) in its current form. He questioned whether it should be approved and moved to second reading as the City is currently

in negotiations with Broward County. Vice Mayor Roberts also did not support this item. He commented that the City Attorney felt first reading approval could have an impact on any future litigation. Commissioners DuBose and Trantalis agreed, as did Commissioner Rogers, though he did not want to sever any options. Mayor Seiler agreed with Commissioner Rogers and as such, asked whether this item could be brought back for reconsideration if it fails this evening and the County brings forward a different MSTU proposal. The City Attorney was uncomfortable with that course. The item would have to be readvertised if it is reconsidered and another first and second reading would be required. Hence, this could not be adopted in a timely fashion. The better course of action would be to simply defer it to the second reading without taking a vote on first reading.

In response to Vice Mayor Roberts, the City Attorney explained that in the City's dispute with Broward County, the City's position is that E911 is a County function. Adopting this ordinance would be making a legislative finding that it is a municipal function which would be providing an admission against interest in any future lawsuit.

Motion made by Commissioner Rogers and seconded by Commissioner Trantalis to defer the item to May 7, 2013 for second reading.

In response to Commissioner Trantalis, the City Attorney advised that two votes are not required to adopt an ordinance; rather, two readings and one vote are required. So a vote could be taken at second reading on May 7 which would meet the County's May 10, 2013 deadline. Mayor Seiler elaborated on positions taken by other municipalities.

DEFERRED FOR SECOND READING ON MAY 7, 2013

Aye: 3 - Mayor Seiler, Commissioner Trantalis and Commissioner Rogers

Nay: 2 - Vice-Mayor Roberts and Commissioner DuBose

O-2 13-0128 FIRST READING OF ORDINANCE AMENDING UNIFIED LAND DEVELOPMENT REGULATIONS - PARKING CALCULATIONS FOR SPECIFIC USES AND SHARED PARKING, SECTION 47-20

There being no individuals wishing to speak on this matter, a **motion** was made by Commissioner Rogers and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Mayor Seiler recalled an email from advisory board member, Bob Oelke, on this matter with whom he somewhat agreed. Diana Alarcon, Transportation and Mobility Director, indicated that she responded to Mr. Oelke's email. She noted staff's recommendation will be to only move forward with the shared use analysis portion. Anthony Fajardo, Zoning Administrator, suggested the Commission vote only on the shared use option as recommended. Mayor Seiler wanted the other aspect to be addressed. Ms. Alarcon pointed out that staff intends to bring back the Parking and Loading Zone Requirements. However, it would require a comprehensive study including how the Wave Streetcar will impact.

In response to Commissioner Trantalis, the City Manager explained the shared parking concept using an example of a strip mall shopping center with stores that operate between 9:00 a.m. and 5:00 p.m. that share parking with more intense uses that operate from 5:00 p.m. to 10:00 p.m. Fort Lauderdale is one of the few cities that does not have a shared parking code provision. Commissioner Trantalis asked how it is regulated from tenant to tenant. The City Manager advised that it addressed as part of the business tax receipt application.

Vice Mayor Roberts introduced the ordinance which was read by title only.

PASSED FIRST READING AS AMENDED

Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

**O-3 13-0484 FIRST READING OF ORDINANCE ESTABLISHING PROCEDURES
AND STANDARDS FOR IMPOSITION OF ASSESSMENTS TO FUND
MASS TRANSPORTATION SYSTEMS**

There being no individuals wishing to speak on this matter, a **motion** was made by Vice Mayor Roberts and seconded by Commissioner Rogers to close the public hearing. Roll call showed: AYES: Vice Mayor Roberts, Commissioner Trantalis, Commissioner DuBose, Commissioner Rogers, and Mayor Seiler. NAYS: None.

Commissioner Rogers introduced the ordinance which was read by title only.

Commissioner Rogers thought 501(c)(3) not-for-profit organizations should be exempt from these assessments, and that this matter should be addressed by the Commission. He believed the related impact of about \$45,000 could be absorbed by the City. Mayor Seiler agreed it should be debated. However, he believed that a substantial part of the ridership will likely be because of those not-for-profits. He cautioned against creating a scenario where the downtown area is flooded with not-for-profits because of excessive exemptions. There must be a tax-paying base. In response to Commissioner Rogers, he and Commissioner Trantalis listed a number of not-for-profits in the area other than houses of worship.

Commissioner Trantalis pointed out that these assessments are based more on redevelopment opportunities than on ridership. However, if the standard is based on ridership, not-for-profits should be assessed, and the scope of the taxing area should be expanded because large nearby areas were omitted even though those residents may participate in the ridership. A standard for the assessments must be determined. The City Attorney advised that clarification is needed about whether government-owned property. There is an issue related to the fire assessment fee from which not-for-profits and government-owned property are exempt, but some of the government-owned property is used for private purposes, like office space. Commissioner Rogers indicated that he and the City Manager interpreted the ordinance language as merely being contemplative of assessing government property and not necessarily setting something in stone. The City Attorney referred to the hospital district and noted case law that states a special district cannot be specially assessed when it owns property used for district purposes. However, he thought the hospital district could be assessed for properties that are not used for district purposes. He and Mayor Seiler elaborated upon hospital property that is used for private enterprise. Mayor Seiler agreed that this point could be addressed at a future time. He did not believe that \$45,000 accurately reflects the impact of exempting downtown-area not-for-profits. Commissioner Trantalis agreed. Commissioner Rogers reasoned that a lot of information is needed to determine how broad the tax base should be. All options should be examined, and the matter be well-vetted.

PASSED FIRST READING

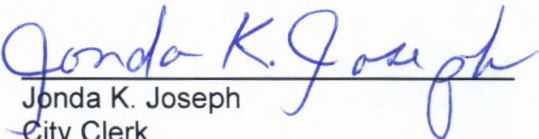
Aye: 5 - Mayor Seiler, Vice-Mayor Roberts, Commissioner Trantalis,
Commissioner DuBose and Commissioner Rogers

Note: The City Commission adjourned the regular meeting at 12:51 a.m. and returned to the conference meeting agenda, item BUS-3.



John P. "Jack" Seiler
Mayor

ATTEST:



Jonda K. Joseph
City Clerk

4-16-13 R-5
Presented by Heidi Knopik

Grand Birch Condominium
321 North Birch Road, Fort Lauderdale, FL 33304



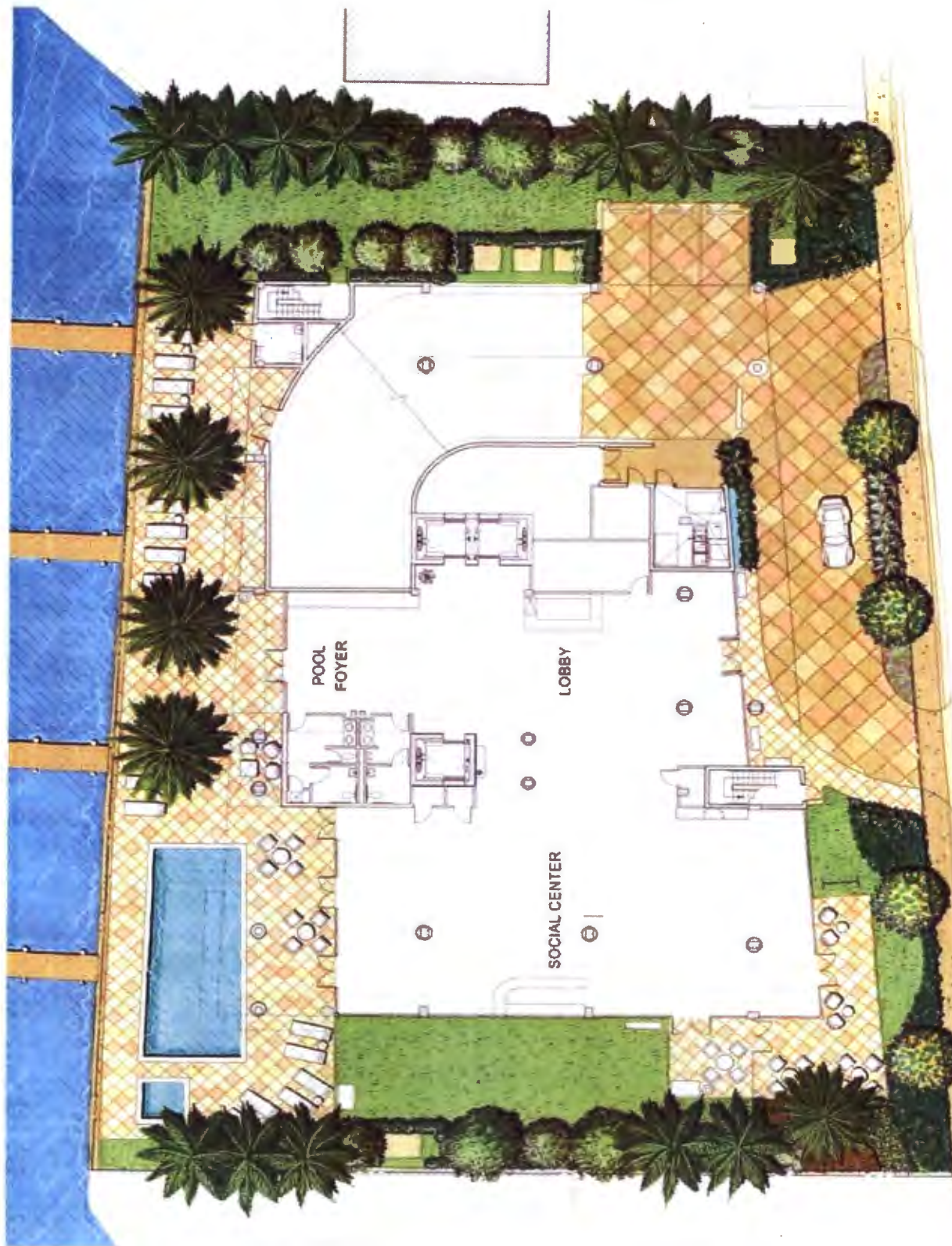
City Commission Hearing
April 16, 2013
Site Plan Approval
Case No. 53-R-12





Google Earth

Imagery Date: 3/26/2011 26°07'33.20" N 80°06'18.17" W elev 6 ft eye alt 975 ft







 Pictometry



 Pictometry







**Streetscape Improvements to the Intersection
of Granada Street and Birch Road**

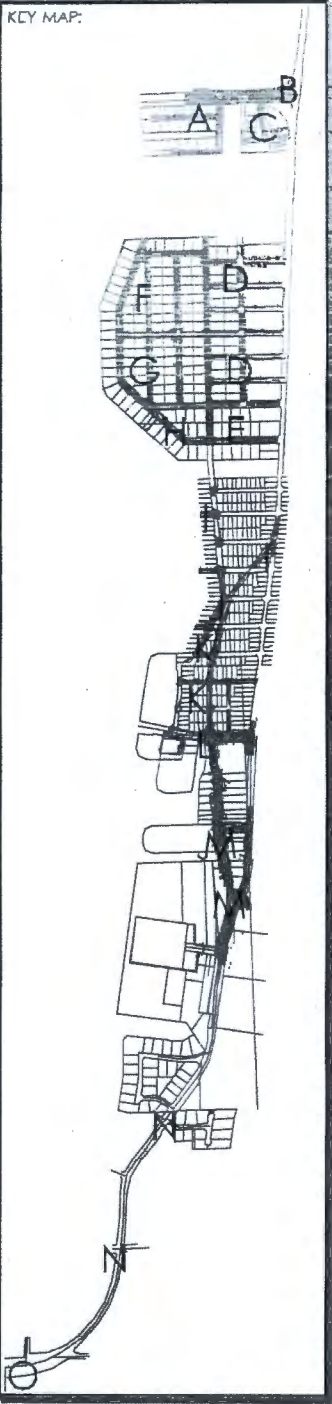
- Grand Birch, LLC ("GB") proposes to construct a 22 unit residential condominium building at 321 N. Birch Road (the "Project"), directly west of the intersection of Granada Street and Birch Road.
- The building was designed to implement the goals of the Central Beach Revitalization Plan and the criteria of the ULDR, one of which to create an enjoyable pedestrian experience on Birch Road.
- This was accomplished by providing 30' clear unobstructed side setbacks and a clear glass first level of the building which will provides views to the ICW from Birch Road.
- This evening we want to add to that by agreeing to construct streetscape improvements to Granada Street at its intersection with Birch Road as depicted on sheet 9 of the EDSA Fort Lauderdale Beach Streetscape Plan, 2004 edition, a copy of which is attached ("Improvements").
- Grand Birch agrees that it will construct the Improvements after the approval of the site plan is final and non-appealable, and will

construct the following Improvements at its sole cost and expense in accordance with the following conditions:

1. Three "stamped" crosswalks and four ADA curb cuts as depicted on the EDSA Plan. This will require milling the underlying pavement and the creation of "ramps" to create ADA compliant slopes, and
2. "Bulb outs" of Granada Street at its intersection with Birch Road.

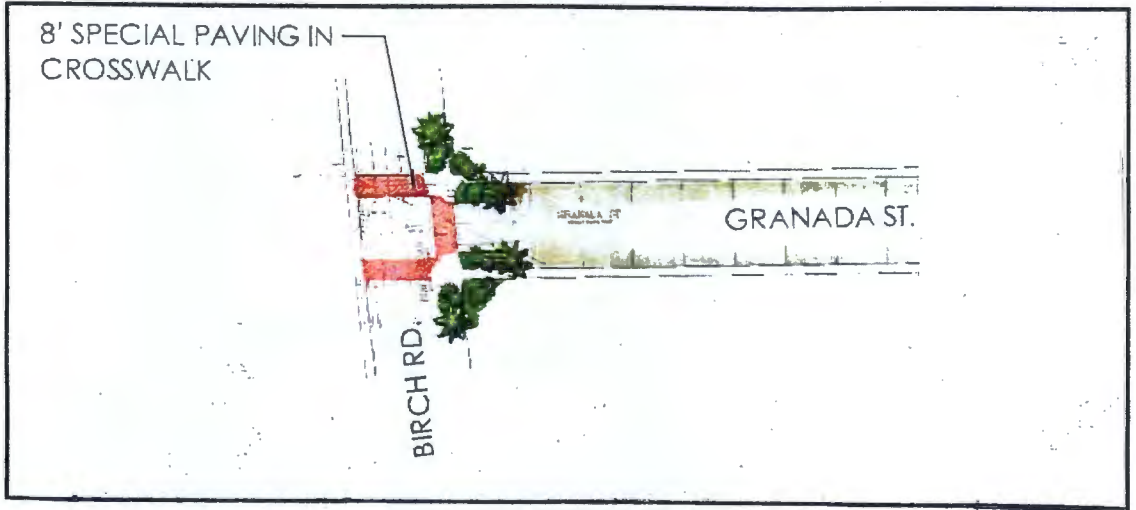
Taken together these improvements will add to the safe and enjoyable pedestrian experience which GB will create and the "bulb-out" reduction of the width of Birch Road will calm traffic and further enhance pedestrian safety.

3. Submit a conceptual off-site plan for the construction of the Improvements prior to final DRC site plan sign off.
4. Substantially complete construction of the Improvements prior to and as a condition of the issuance of a certificate of occupancy for the Project.



SCHEMATIC MASTER PLAN

**FORT LAUDERDALE
BEACH STREETSCAPE**
FORT LAUDERDALE, FLORIDA



EDSA
EDSA
 10000
 10000
 10000
 10000

KEITH and SCINARS, P.A.
 ENGINEERS, PLANNERS, SURVEYORS
10000
 10000
 10000
 10000

George Fletcher

Grand Birch Presentation

Introduction

Over the past 44 years we have been creating great places on a global level that enhance the quality of life where people live and play. We have been pioneers in exceeding architectural expectations

Slide #1

As you know, the rules which govern this site are

- Comprehensive plan
- Revitalization plan
- Community redevelopment plan
- Intracoastal overlook plan

Grand Birch meets and exceeds these goals and objectives

Grand Birch is compatible with the overall plan of development

Slide #2

In order to understand how we achieved the goals, objectives and satisfied the city's requirements I wanted to take a brief moment and illustrate where our design phase began. As with any project, architectural design is an evolutionary process and is very subjective. When we first began exploring the possibilities for the site and considering the architectural styles and philosophy, the initial direction from our client was a more traditional/Mediterranean style building.

4-16-13
R-5
Presented by
George Fletcher

As depicted in the image on the upper left hand corner you can see a heavier, darker, boxier building with columns, raised bands and arches typical with the Mediterranean style. The ground level/base of the building is not very transparent at all and there is a lack of movement and excitement in the façade.

When we initially presented this concept to the CBA and the City staff, both groups recommended we revisit the style of architecture and consider changing directions. As you can see, we ultimately transitioned into a lighter more contemporary style building as shown in the image on the upper right hand corner and we began to achieve a very transparent building which became more compatible with the neighborhood.

After numerous meetings with the City staff, who by the way were remarkable and extremely helpful, our team successfully blended the various comments into what ultimately is being presented this evening. As you can see the lower center image is a vast difference from its inception.

Slide #3

Let's begin with the site plan. This site plan illustrates the positioning of the building with 30' clear side setbacks. This provides for 60' from building to building on the south and 38' from building to building on the north. This is of paramount importance as it allows for the most effective view corridor from Birch Road to the Intracoastal. This

connectivity is crucial for the pedestrian experience and it engages the street scape with the water way.

In previous projects, setbacks were reduced at the ground level and were increased as the building grew in height, something that is commonly referred to as the wedding cake design. In fact, when we originally presented our concepts to the City we did have a wedding cake design which was a heavier, bulkier building especially at grade. Our original plans had an external ramp located at just 10' away from the property line.

As the city began to understand the restrictiveness of the view corridor's where it's most important (at grade) the philosophy began to evolve and now the increased setback at the pedestrian level is considered a better and more effective solution to achieve the desired view corridors.

We took on the challenge and our creative team was able to achieve an outstanding design by incorporating the ramp within the building footprint and we were able to achieve a significant building setback of 30'. This achieves a much slimmer building in appearance.

This significant setback allows for additional landscaping which softens the pedestrian experience and by keeping the landscape plant material along the perimeter of the site and the building perimeter it allows for an unobstructed view from the street to the Intracoastal. This concept embraces the pedestrian experience.

The internal ramp for access to the parking structure is completely hidden from view and it falls within the footprint of the building. The city has been trying to discourage external ramps since it does encroach into the setbacks.

Ingress and egress vehicular circulation is provided on site with a one-way circulation pattern with a double wide drop off area in the front of the building.

Contrary to what our team originally proposed, we were able to internalize trash disposal services and vertical circulation within the building footprint and completely screened from the street and pedestrian view.

We engaged the first floor by providing for an active pedestrian and social environment with outdoor seating areas which opens the view corridors even further.

These design solutions have never been accomplished before and that's what makes Grand Birch an exemplary example of what can be achieved and will definitely set a new standard for future developments. We feel this solution is evolutionary and sets a higher design standard to follow.

Slide #4

The architectural philosophy was inspired by marine influences with a contemporary flair incorporating modern curved balconies and geometric features along the façade. Without hard edges the building creates an illusion of movement with the shades and shadows due to the varying depths, widths and lengths of the balconies. The transparent white and

blue colors dramatically enhance and compliment the beach environment allowing the structure to blend naturally with the neighborhood. The creativeness of the architecture becomes timeless with very soft clean lines.

The street level is 70% transparent so the pedestrian movement along Birch Road will have direct views to the Intracoastal Waterway. Along the street scape the project includes outdoor seating areas to the southeast side and a decorative waterfall feature at the main front building entrance. This significantly embraces the pedestrians and achieving this transparency thru the building has never been accomplished before. This standard sets this project apart from any others.

We enhanced the street level fenestration with architectural details. The ground or street level windows and doors include special design and detailing, adding variety to the streetscape. Site furnishing for the seating areas on the street level have been designed as an integral component of the streetscape and designed accordingly to fit into the vernacular and style of the building.

Parking is completely internalized and screened from the exterior. Parking has been provided in accordance with the design regulations of the code. Structured parking is completely contained within the building envelope and screened from view from adjacent properties with architectural panels and tinted glass.

48 parking spaces are required and are provided. This is exceptional when you think that we could have expanded beyond the footprint of the building and brought the building much closer to the property lines which ultimately impacts the connectivity from street to water.

This dramatic difference is what makes this significantly different from any other building in the area. We believe this is a model for all future development.

Slide #5

This image demonstrates the difference between a reduced setback of only 10' and a setback having a clear 30' setback. As you can see, the existing building to the south has an external ramp which severely encroaches into the side yard setback inhibiting the open view to the intracoastal. The dramatic difference is what the city has been trying to achieve. We originally had an external ramp proposed only 10' away from the property line. However, the city requested we explore this further. As daunting and challenging as the task was, our team creatively was able to achieve the city's goals and this ultimately resulted in an award winning project.

With the increased setback at the ground level this achieves the most important separation and view corridors and it allows for pedestrians to feel connected with the waterway and allows additional light between buildings. We feel this is the responsible and correct way to design a building that embraces the surrounding neighborhood.

Slide #6

A close up perspective of the Birch Road experience illustrates the transparency of the ground level plan. You can also begin to see the movement of the façade with the curvilinear balconies of varying depths and lengths. The special attention to the design details and fenestrations is what makes this an architectural model for future development.

The main entrance is recessed further away from the street and projects into the building to provide additional setback relief along Birch Road and any access into the building is not restrictive to movement of vehicular or pedestrian traffic along Birch Road. There is ample room on site to accommodate any type of access.

Walkways are provided from the main entrance of the building to the sidewalk and from property line to property line.

Slide #7

As we move in closer to the main entrance you begin to realize the upscale resort lifestyle atmosphere Grand Birch is achieving. The heavy, lush landscaping is a great blend of indigenous mature plant material which will create a soft casual and elegant feeling to buffer the vehicular traffic. The exterior canopy is keeping with the theme and transparency of the structure and allows for any size vehicle to pass underneath. This image shows the double wide driveway to keep vehicles off Birch Road and allows for internal stacking of cars in the event there is an influx of activity in the building. The

exterior water wall adds excitement to the entry and front of the building and it also camouflages the only solid wall.

Slide #8

The resort lifestyle is enhanced with a spa like pool with cabanas and useable outdoor recreation spaces. The recessed design is meant to accommodate a covered lanai area along the Intracoastal Waterway and it breaks up the mass of the building on the ground level. This also enhances the experience from the Intracoastal Waterway and provides boaters with an exciting waterfront. Because we exceeded the setback requirements by not going the route of the wedding cake this sets a positive direction and allows the site features around the building to be enhanced with additional landscaping. Again you can see the connectivity and transparency from Birch Road to the Intracoastal Waterway which is an outstanding model moving forward.

This aerial view looking at the southwest corner of the site illustrates the soft open landscape setback and the undulating exterior façade enclosing the parking structure. The clean architectural lines of the building are timeless and the architectural elements of the lower floors of the building create dynamic patterns and keeps the parking garage completely screened from neighboring residents.

Slide #9

With the light colors, continuous wrap around balconies the buildings architecture begins to have movement. It has a playfulness signature award winning style. The architecture is engaging and light and not cumbersome.

We took great steps to ensure the rooftop mechanical equipment was designed to be an integral part of the building and an enhanced architecture signature feature.

Our firm considers this an award winning building since we went above and beyond what the minimum requirements called for. It will have a positive and significant impact on future developments because we have been able to achieve what no other firm has been able to achieve such as maximum pedestrian level setbacks and transparency thru the building at the ground level.

Eliminating the wedding cake style setbacks is a remarkable improvement to the architectural quality of the project.

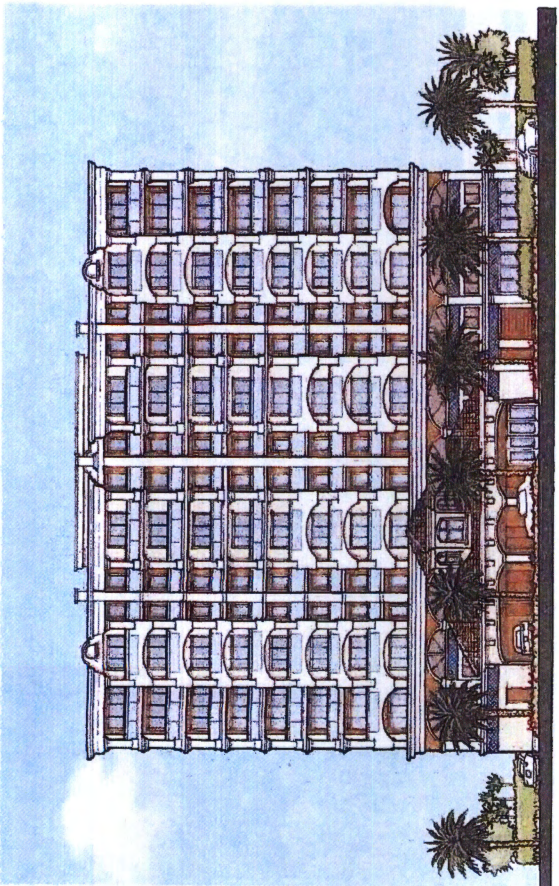
In closing I wanted to extend our appreciation and we applaud the City's staff since they have been very instrumental in the approval process. This project has been a true collaboration with the City. With their guidance and support we exceeded even our own expectations and are extremely proud as this project becomes a new benchmark for our firm. We thank you for your support and we look forward to your positive feedback and approval.

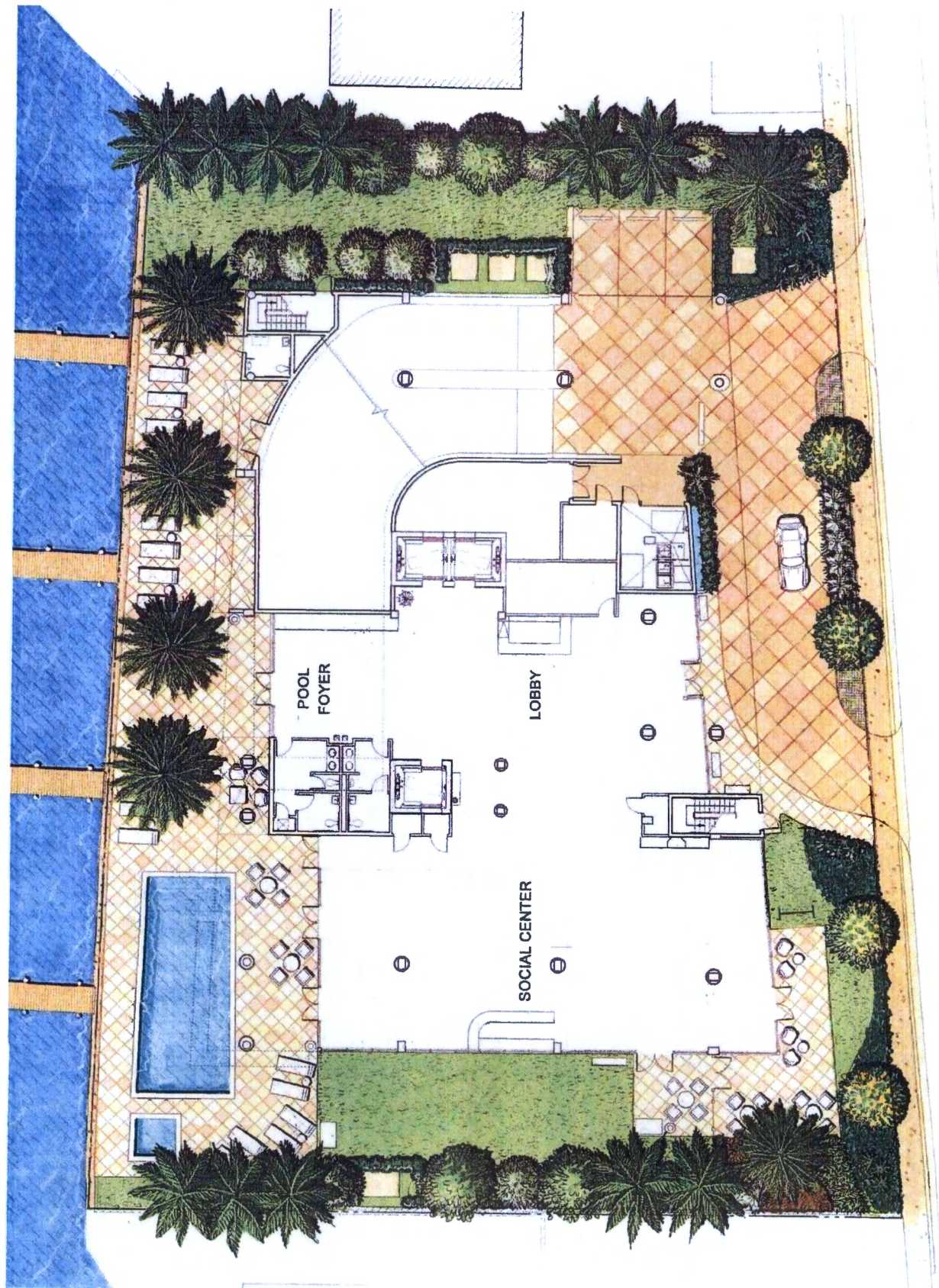
Grand Birch

Fort Lauderdale Beach

Rules which Govern

- City of Fort Lauderdale Comprehensive Plan
- Central Beach Revitalization Plan
- Central Beach Zoning Regulations

















4-16-13
R-5

Statement
Read By
Cecelia Ward

Cecelia Ward - Grand Birch Presentation Bullets:

CV INTRO

I am here this evening representing the applicant as their planning and zoning expert.

- I am the President of JC Consulting Inc, a Planning and Zoning Consulting Firm which I established in Florida in 2008 - located in Boca Raton, Fl.
- I am a Certified Planning Professional and a Member of the American Institute of Certified Planners for more than 20 years
- I have 30 Years of Planning, Zoning Experience - with experience in both the private and public sectors.
- In addition to my tenure with the City of Fort Lauderdale as the director of the City's Planning and Zoning and Building Department
- I have also worked for other government entities - including but not limited to the City of New York, the Town of North Hempstead in Long Island NY, the City of Lauderdale-by-the-Sea and the Community Redevelopment Agency of the City of Pompano Beach - reviewing, revising, preparing, and implementing vision plans, master plans, strategic plans, future land use plans and land development and zoning regulations.

INTRO OF RECORD

The record has been submitted by Ms. Davis, which includes.

- **My technical report which cites the specific land development and land use plan regulations that are applicable to this site plan applicable.**
- **This technical information serves as the basis for my professional findings and conclusions,**
- **which in summary is as follows:**

That the proposed Grand Birch development is:

- CONSISTENT WITH THE CITY OF FORT LAUDERDALE ADOPTED 1988 CENTRAL BEACH REVITALIZATION PLAN**

- CONSISTENT WITH THE CITY OF FORT LAUDERDALE ADOPTED COMPREHENSIVE PLAN - RECENTLY UPDATED IN 2008
- COMPLIES WITH ALL APPLICABLE CITY OF FORT LAUDERDALE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDRS) CHAPTER 47
- SPECIFICALLY COMPLIES WITH THE PROVISIONS OF SEC. 47-25.3 NEIGHBORHOOD COMPATIBILITY
- SPECIFICALLY COMPLIES WITH THE PROVISIONS OF SEC. 47-25.3 COMMUNITY COMPATIBILITY CRITERIA - AND
- ACCOMMODATES THE DESIGN GUIDELINES ENCOURAGED BY THE CITY AS PROVIDED IN THE 2009 CENTRAL BEACH MASTER PLAN UPDATE

In that my technical has been submitted by Ms. Davis into the record, and in that Mr. Fletcher has gone into great detail in describing all of the design elements of the proposed Grand Birch development, I will focus my presentation this evening on the following main points:

4-16-13
R-5
Presented
by
Molly Hughes

**Parking and Traffic
Grand Birch Condominium**

Molly Hughes, President, Hughes Hughes Inc., transportation consultant for the project
For the applicant, Grand Birch, LLC

Three parking-related issues have been raised by neighboring property owners:

Issue #1: Grand Birch Condo owners or their guests might use off-site parking spaces due to the narrowness of some of the proposed on-site parking spaces.

- A. As per Section 47-20.11 Geometric Standards of the City's Code, the City does not envision the need to require oversized parking spaces.
- B. Grand Birch drivers will be better served by parking within the building, and therefore lack motivation to do otherwise:
 - 1. 89% of the site's able-bodied parking spaces provide wider passenger entering and exiting room than required by Code:
 - 20 parking spaces (43%) exceed the Code's 8'8" requirement;
 - 21 (46%) of the remaining 26 parking spaces provide wider car door-area widths due to building support columns, walkways and other adjoining configurations.
 - Only 5 spaces do not exceed Code.
 - 2. The applicant's plan compares favorably with nearby residences and guest houses, as documented in the attached table. Comparing the accessible parking spaces at 10 nearby properties:
 - the average space width ranges between 7' 5" and 9' 6", while
 - the Grand Birch average is 10' 4".

Why the Concern? - Birch Point reduced 13 of its standard parking stalls to compact spaces (7 1/2' x 15'), which may "coloring" those residents' expectations.

Issue #2: Grand Birch Condo provides no on-site loading bay.

- A. As per Section 47-20.2 C., Table 1 of the City's Code, the City does not require a loading zone or area for multi-family projects. Why not?
 - 1. Almost all deliveries to multi-family buildings are brief.
 - 2. Almost all deliveries are made using single unit vehicles that can be accommodated in all vehicular areas on the site.
 - 3. Large-truck deliveries can be scheduled to occur during non-peak periods when extra space can be made available. (These off-peak periods also correspond to off-peak roadway conditions.)
 - 4. Loading zones are too unsightly to be justified for only very occasional use.
 - unattractive,
 - visual intrusion into the otherwise aesthetically balanced building design and landscape program.
 - 5. Loading zones are too environmentally unfriendly to be justified for only very occasional use.
 - addition to the impervious surface area generates additional drainage retention requirements, and
 - environmental heat generation.

- B. Move-in/move-outs can be handled without a loading zone.
 - 1. After initial occupancy, move-in/move-outs are:
 - Infrequent - Estimated 4 move-in or move-out events annually (once every 10 yrs. per unit x 22 units).
 - Brief - Each move-in or move-out is less than 4 hours' duration.
- C. It is recommend that the applicant agree to incorporate off-peak management parameters in its building operations commitments.

Why the Concern? - Birch Pointe's porte cochere awning provides a clearance of only 11', forcing many truck deliveries to be made by "standing" in a travel lane on Birch Road, which may "coloring" those residents' expectations.

- By contrast, a single panel truck's design standard is between 13 and 14 feet; the maximum height of any vehicle traveling on a Florida roadway is 14 feet.
- Grand Birch's porte cochere has a clearance of 20 feet and 3 inches, allowing all trucks to be served from the Grand Birch's driveway pull-through.

Issue #3: The amount of on-site parking provided by Grand Birch condominium is insufficient because no extra parking spaces are being provided for visitors.

- A. All parking rates are developed to provide for the parking needs of not only the individual unit, but also all visitors, guests, employees, and service providers.
 - When parking spaces are shared, no additional parking is required to support one of these sub-groups.
- B. To agree that Code parking rates do not address all associated parking needs requires the City to readdress the Code's parking rates for this and all other projects.
- C. Large parties parking demand can be handled by area facilities
 - 1. Hotel garages provide hundreds of valet spaces to the public.
 - Close to the project at The Weston Beach Resort and Spa (\$11/day), The W, Hilton, The Atlantic, Ritz Carlton and Beach Place.
 - Affordable, primarily ranging from \$11 to \$15/day, where meters are limited to 4-hour parking at a cost of \$5, and are subject to parking citations.
 - 2. The Sebastian lot is being expanded by 65 metered parking spaces to a total of 140 spaces.

Why the Concern? - City Staff have not received complaints related to public use of private parking. However, antidotal evidence suggests insufficient parking at some of the surrounding residential buildings, which may "coloring" some residents' expectations.

Proactive parking actions that concerned area property owners can undertake

- Improve the visibility of Tow Away signage.
- Utilize better enforcement of Tow Away Zones.
- Participate in the City's Residential Parking Permit Program.

Traffic

15 morning peak hour trips
 17 afternoon peak hour trips
 one trip every 4 minutes during the peak hour

**GRAND BIRCH, LLC / GRAND BIRCH – Case No. 53-R-12
APRIL 16, 2013 CITY COMMISSION MEETING**

R-5

INDEX OF RECORD

1. DRC Application for site plan approval filed July 6, 2012.
2. Hughes Hughes, Inc. Trip Generation Statement dated July 3, 2012.
3. November 28, 2012 Planning and Zoning Board Staff Report.
4. November 28, 2012 Planning and Zoning Board Record.
 - A. Planning & Zoning Board hearing presentation slides.
 - B. CV of George Fletcher, Adache Group Architects.
 - C. CV of Cecelia Ward, AICP, JC Consulting Enterprises.
 - D. Cecelia Ward Summary of Findings and Conclusions dated November 8, 2012.
 - E. Hughes Hughes, Inc. Parking Analysis dated October 31, 2012.
 - F. Meetings with Neighbors & City Staff.
 - G. Support Letters.
5. November 28, 2012 Planning and Zoning Board Transcript.
6. Revised Grand Birch Narrative for City Commission submittal dated February 28, 2013.
7. City Commission Agenda Memo dated April 16, 2013.
8. Grand Birch Power Point presentation to the City Commission.
9. George Fletcher, Adache Architects – Grand Birch Presentation and Power Point.
10. Cecelia Ward, AICP, JC Consulting, Inc.- Summary of Findings and Conclusions and Supporting Documentation dated March 21, 2013, and Presentation Bullets.
11. CV of Molly Hughes, AICP, PTP, AVS, Hughes Hughes, Inc.
12. Hughes Hughes, Inc. Parking Analysis dated October 31, 2012 with revised Attachment 1.
13. Molly Hughes, Hughes Hughes, Inc. – Parking and Traffic Presentation.
14. Letter to David Berlin, Cormona Apartments, dated September 5, 2012.
15. Updated Meetings with Neighbors & City Staff.
16. Support letters.

**BECKER &
POLIAKOFF**

Gerald Lake Corporate Park
1 Stirling Road
Fort Lauderdale, Florida 33312-6525
Phone: (954) 987-7550 Fax: (954) 985-4176

Mailing Address:
P.O. Box 9057
Ft. Lauderdale, FL 33310-9057

R-5

PROVIDED BY KEITH POLIAKOFF
APR 16, 2013

ADMINISTRATIVE OFFICE
3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
954.987.7550

April 15, 2013

Reply To:
Keith M. Poliakoff, Esq.
Direct dial: (954) 985-4183
KPoliakoff@becker-poliakoff.com

WWW.BECKER-POLIAKOFF.COM
BP@BECKER-POLIAKOFF.COM

SENT VIA EMAIL

Honorable John "Jack" Seiler
City Mayor
City of Fort Lauderdale
100 N. Andrews Avenue
Ft. Lauderdale, FL 33301

FT. LAUDERDALE
FT. MYERS
FT. WALTON BEACH
MIAMI
MIRAMAR
MORRISTOWN
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ORLANDO
PRAGUE
RED BANK
SARASOTA
STUART
TALLAHASSEE
TAMPA BAY
WASHINGTON, DC
WEST PALM BEACH

RE: Notice of Party Intervention by Residents for Responsible Growth, LLC, relating to the proposed Grand Birch Condominium project, 321 North Birch Road, Fort Lauderdale, Case Number 53R12.

Dear Mayor Seiler:

As you are aware, due to the very strong opposition to the Grand Birch Condominium ("Developer") project proposed at 321 North Birch Road, Fort Lauderdale, Case Number 53R12, the nearby residents and businesses formed Residents for Responsible Growth, LLC ("RRG") to serve as the unified voice for the following condominium associations and hotels in opposition to this project as *it is currently proposed*.

Residents for Responsible Growth, LLC is comprised of the following:

- Birch Pointe Condominium Association
- Cormona Cooperative
- The Seasons Condominium of Fort Lauderdale
- Alhambra Place Condominium Association
- Fort Lauderdale Surf Club Apartments
- Granada Inn
- 3000 Granada

Honorable John "Jack" Seiler
April 15, 2013
Page 2

- La Casa del Mar
- Coconut Cove Guesthouse

This letter serves as a reminder that RRG previously filed as a party intervener in this matter and has previously provided its expert witness list. As an affected party the RRG shall receive the same rights and privileges afforded to the applicant.

Florida courts have uniformly held that "neighboring property owners affected by zoning changes have standing to challenge the changes." See Rinker Materials Corp. v. Metropolitan Dade County, 528 So.2d 904 (Fla. 3d DCA 1987). Courts have also held that affected parties must be given "a fair opportunity to be heard in accord with the basic requirements of due process, including the right to present evidence and to cross-examine adverse witnesses." Bd. of County Comm'n of Hillsborough County, 332 So.2d 651 (Fla. 2d DCA 1976) Lastly, in Lee County v. Sunbelt Equities, II, Ltd. Partner, 619 So.2d 996, 1002 (Fla. 2d DCA 1993), the Court ruled, "in quasi-judicial proceedings, the parties must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts."

We understand that the City Attorney's Office has taken the position that neither side will be able to cross-examine witnesses in this matter, and since we believe cross-examination is appropriate and warranted, we, once again, would like to note our objection on the record.

We readily understand the Commission's desire to move the meeting along and to be as efficient as possible. In that regard, we will do our best to persuade the large number of residents that will attend the hearing, to forego their opportunity to speak, as many of their points will be covered by our presentation and by our expert witness. I expect our presentation to last 20-30 minutes which will include expert testimony of Michele Mellgren from the Mellgren Planning Group, whose credentials are already on file with the City.

Thank you for your attention to this matter.

Very truly yours,



Keith M. Poliakoff

cc: City of Fort Lauderdale Commission
Harry Stewart, City Attorney
Lee Feldman, City Manager
Central Beach Alliance

PROVIDED BY KEITH POLIAKOFF
APR 16, 2013

R-5

From: Anthony Fajardo <AFajardo@fortlauderdale.gov>
Date: April 16, 2013, 9:27:16 AM EDT
To: "Poliakoff, Keith" <KPoliakoff@becker-poliakoff.com>
Cc: Jenni Morejon <JMorejon@fortlauderdale.gov>, Ella Parker <EParker@fortlauderdale.gov>, Thomas Lodge <TLodge@fortlauderdale.gov>, Greg Brewton <GBrewton@fortlauderdale.gov>, D'Wayne Spence <DSpence@fortlauderdale.gov>, Lee Feldman <LFeldman@fortlauderdale.gov>, Susanne Torriente <STorriente@fortlauderdale.gov>
Subject: RE: Fort Lauderdale Grand Birch

Keith,

A variance is not required. This can be done through a PZB approval for modification of the landscape yard in Section 47-23.8, Waterway use as was done, I'm told, on the property directly to the south also abutting the waterway.

Thank you,

Anthony Greg Fajardo | Zoning Administrator

Urban Design & Development Division**City of Fort Lauderdale | Department of Sustainable Development**

700 NW 19 Avenue, Fort Lauderdale FL 33311

P 954-828-5984 F 945-828-5858

afajardo@fortlauderdale.gov

Under Florida law, most e-mail messages to or from City of Fort Lauderdale employees or officials are public records and may be subject to public disclosure. Please consider the environment before printing.

**BECKER &
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Our clients' total satisfaction is our #1 priority. The Becker & Poliakoff **Client CARE Center** is available for questions, concerns and suggestions. Please contact us at 954.364.6090 or via email at CARE@becker-poliakoff.com.

From: Poliakoff, Keith [<mailto:KPoliakoff@becker-poliakoff.com>]**Sent:** Monday, April 15, 2013 1:34 PM**To:** Anthony Fajardo**Subject:** Re: Fort Lauderdale Grand Birch

Hi Anthony. I am preparing for tomorrow night's Grand Birch matter. Quick questions from the PZ Meeting that I need clarification on after meeting with the Commissioners. I contacted the City Attorney's Office and they advised that pursuant to the Code these questions need to be answered by you and not by them.

Grand Birch Condominium

Case Number: 53-R12

Fort Lauderdale Commission Meeting

April 16, 2013

Presentation by

Keith Poliakoff, Esq. , Michelle Klymko, Esq. and
Michele C. Mellgren

on behalf of

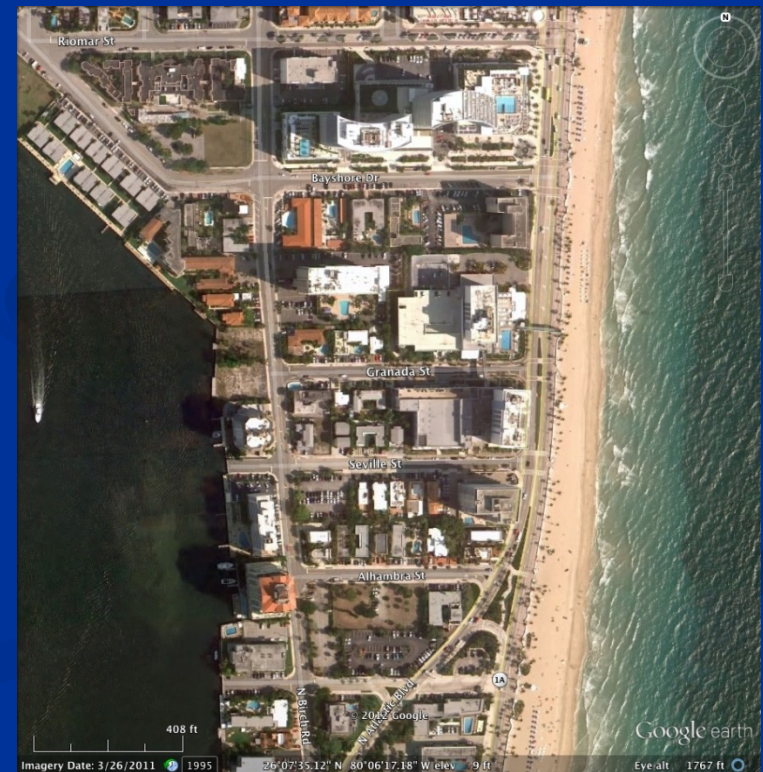
Residents for Responsible Growth, LLC

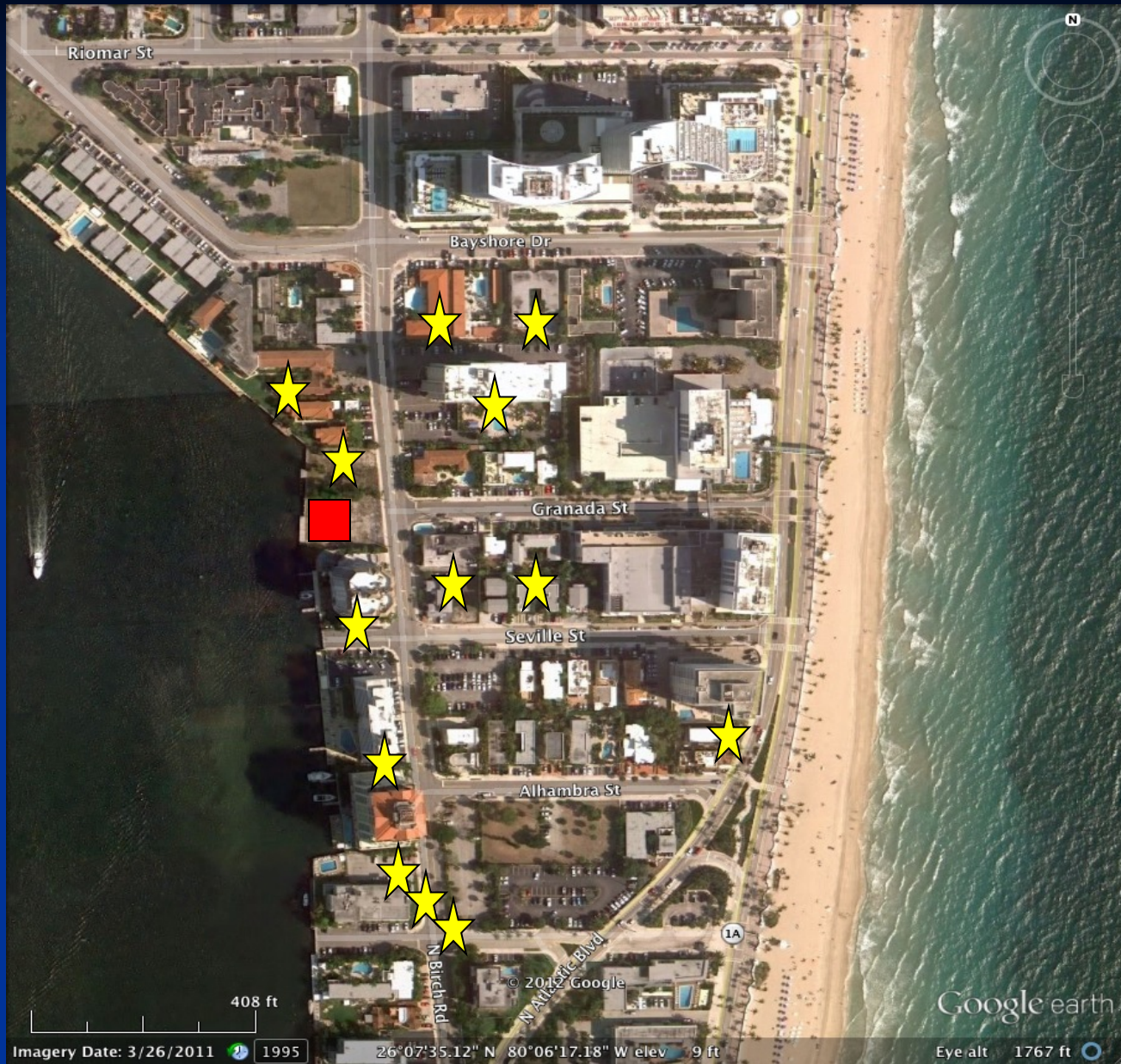
**BECKER &
POLIAKOFF**
Legal and Business Strategists

Residents for Responsible Growth (RRG)

The RRG is comprised of **hundreds of residents, tourists and businesses** that will be impacted by the Grand Birch Condo Project.

Birch Pointe Condominium Association
Cormona Apartments
Alhambra Place Condominium Association
Lauderdale Surf Club Apartments
The Seasons of Ft. Lauderdale Condominium Association
Granada Inn Luxury Bed & Breakfast
3000 Granada Inn
La Casa del Mar
Coconutcove Guest House
Versailles Cooperative Association





**RRG is NOT
Opposed to a
Development on
this Lot, Rather the
Residents want to
Work with the
Developer to
Develop a Project
that can be
Supported By
Everyone**

**Note: Developer's has provided letters
of support for this Project buy those
partners (red star) don't even appear on
this map.**



Area & Site History

- 2006 - Michael Shiff had option contract on subject property for \$11 million
- Shiff submitted plans to DRC – DRC said the proposed Shiff project was too high, set-backs of 30' too close and insufficient parking.
- 2006 - Central Beach Alliance (CBA) voted Shiff project down 120-5
- 2011 - Subject property sold for approximately \$8 million
- 2012 - Bank foreclosed on \$8 million loan
- May 2012 - Grand Birch, LLC purchased Subject Property for \$2.45 million
- May 2012 – Developer met with Birch Pointe and Birch Crest Boards only, and said project would only be a Level 3 review, and would have NO significant impact to area and no variations from City Code.
- September 13, 2012 – Developer presented before CBA and represented that there was no opposition to the project.
- September 13, 2012 – CBA voted against project 170-11 (this is 94% against!)
- November 28, 2012 – PZ recommended approval 7-2

Standard of Review

- Applicant is NOT entitled to a “Level 4” development as of right, otherwise it would not be before this Commission tonight.
- Code sets maximums allowed. These maximums can be adjusted by Commission to make this building “compatible” within this unique community that gives the Beach its character.
- Developer must prove by competent, substantial evidence, its project is **compatible** with the surrounding area.

Standard of Review

- The Applicant must prove by **competent and substantial evidence** that its site plan application is in conformity with the relevant plans and laws of the State of Florida, Broward County and City of Fort Lauderdale.

Developer, rather than city commission, has initial burden to show that its proposed site plan meets the statutory criteria for approval ...”

(Premier Developers III Associates v. City of Fort Lauderdale; 920 So.2d 852, 31)

The Applicant needs to prove that it is in full compliance with the City's Code

Evidence Will Show

That the City's Code is Not Being Followed:

- Swimming Pool is clearly within the rear set-back (7'10" proposed, required is 20')
- Applicant contends that PZ waived this requirement pursuant to Section 47-23.8
- Section 47-23.8 specifically does not apply to the Central Beach. Further, even if it did, the PZ did not specifically waive this requirement.
- If the Code was actually followed, the building's mass would need to be reduced to accommodate the pool.

Grand Birch Facts

- Site is only slightly more than a half-acre (.63 acre), totaling 25,510 square feet.
- Developer proposing to place 163,740 square feet on this site.
- Only 48 parking spots, most of which are only 8 feet wide. (2 spots per unit, 3 guest, 1 manager)
- Proposed building is 129.2 feet tall (nearly 13 stories)
- 22 large units – 82 bedrooms (Application states 3 bedrooms per unit, plus den)

Grand Birch Facts

- Total Building height of **129.2 feet**
- Only 60 feet of separation between Grand Birch and Birch Pointe.
- – Grand Birch and its AC Units Will Be 38 Feet From the 1947 Historic Cormona



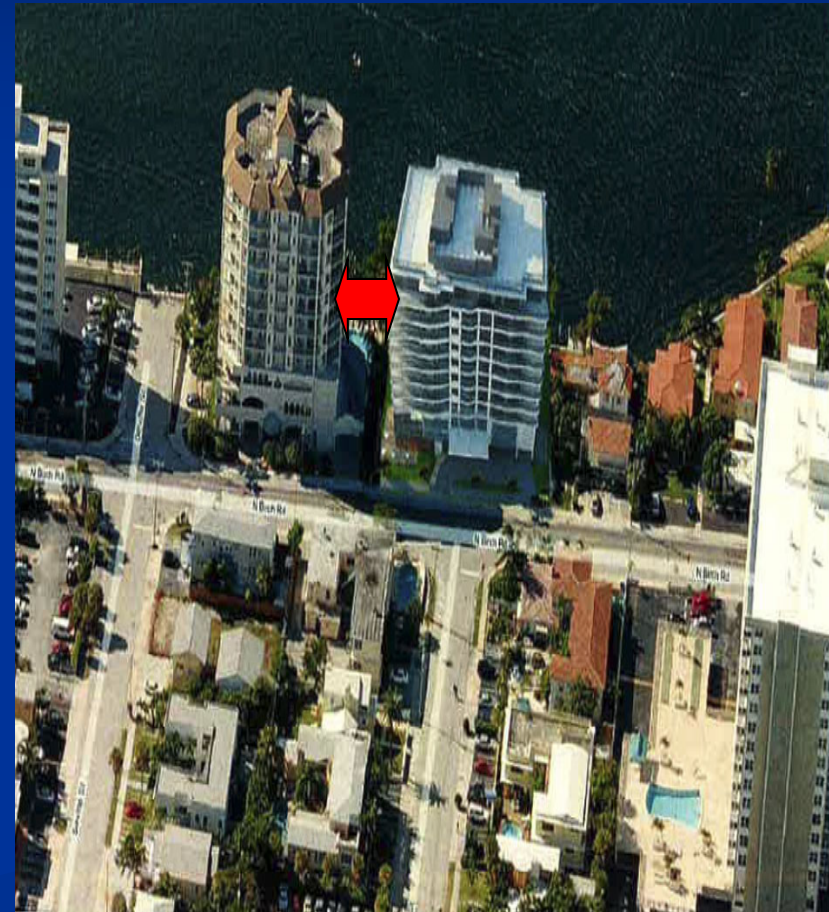
Current Separation between Birch Pointe and Versailles is 150 feet



Set-Backs and Spacing

Not in conformity with:

- Fort Lauderdale ULDR Sec. 47-25.3(A)(3)(e)(iv)(e): “*Building Separation: Buildings should allow adequate space between structural masses for the passage of natural breezes.*”
- *New building masses should be sited to the extent feasible so they maintain reasonable views to the ocean and Intracoastal Waterway from existing structures.”*

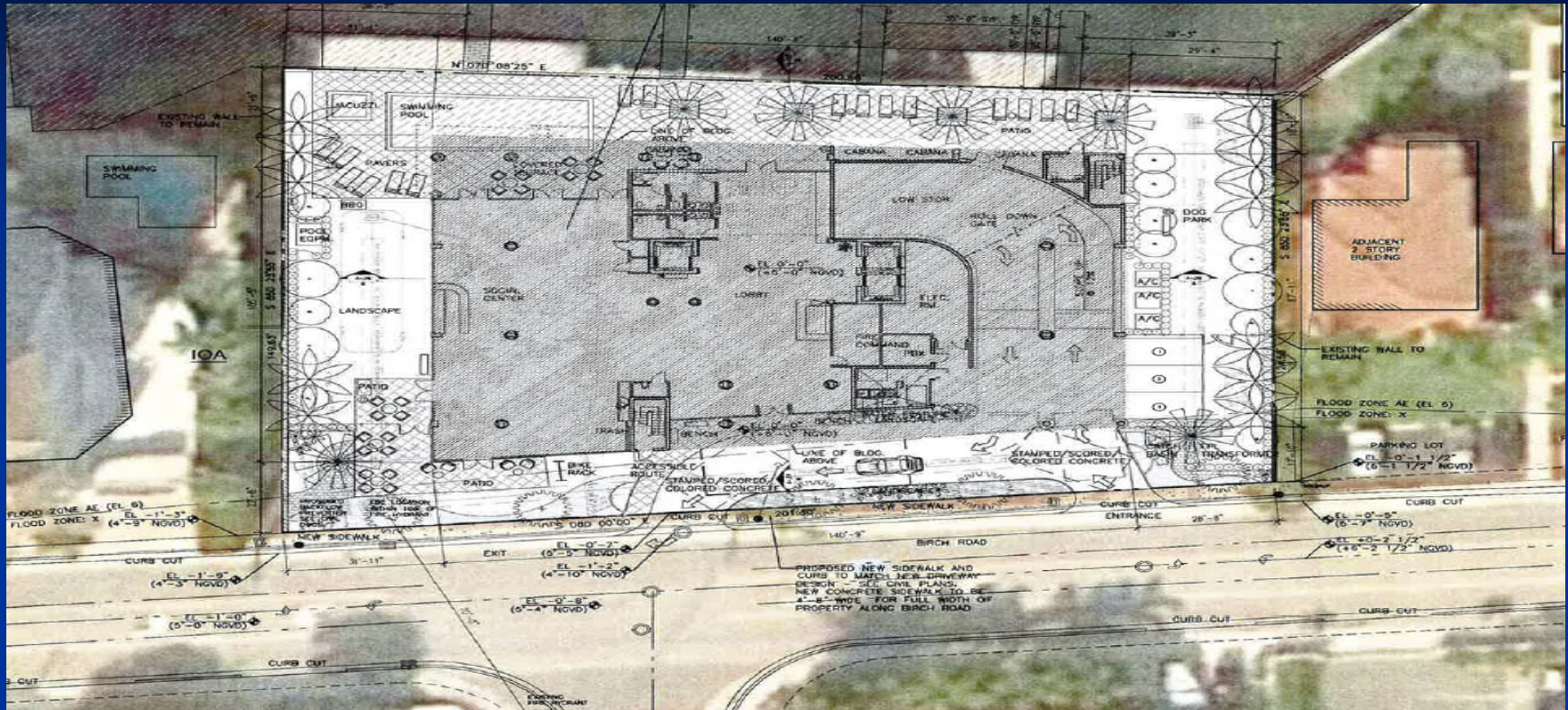


Traffic & Parking

Developer's Plan shows insufficient bypass lane for the ingress and egress



Traffic & Parking

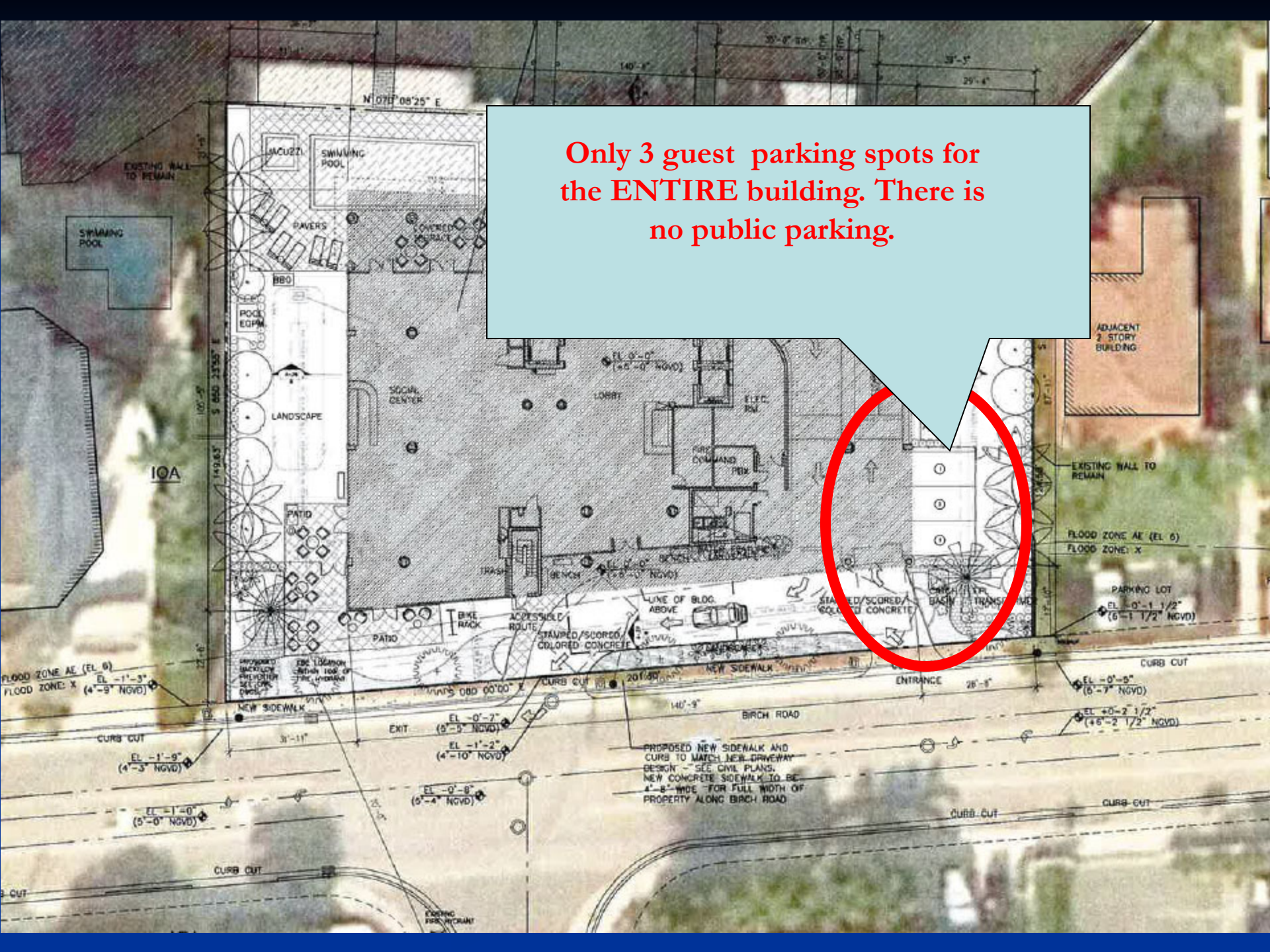


- Site plan only allows for 2 - 3 vehicles to stack on North Birch Road.
- No Loading Zone has been proposed.

Where do guests park? Where do delivery trucks park?

This plan will cause guests and delivery trucks to block Birch Road.

Only 3 guest parking spots for the ENTIRE building. There is no public parking.



Most Garage Parking Spots Are Only 8x8'. This may work in a surface lot, but too tight for a very compact garage. To avoid tight parking, residents will use the 3 Outdoor Guest Spots to run in, leaving no real guest spots.



PROJECT DESIGN TEAM:
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 ADECHE GROUP ARCHITECTS
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CIVIL ENGINEERS
 CECO ENGINEERING - CONSTRUCTION &
 ENGINEERING SERVICES
 3000 N. UNIVERSITY BLVD., SUITE 100
 FT. LAUDERDALE, FLORIDA 33309
 PHONE: (305) 489-1100

OWNER:
 GRAND BIRCH LLC
 3000 N. UNIVERSITY BLVD., SUITE 100
 FT. LAUDERDALE, FLORIDA 33309
 PHONE: (305) 489-1100

PROJECT:
GRAND BIRCH CONDOMINIUM
 301 NORTH BIRCH ROAD
 FORT LAUDERDALE, FL 33304

ISSUED FOR: PAZ SUBMISSION
 DATE: 9/13/12

REVISIONS:

No.	DATE	REMARKS

SHEET TITLE:
3RD FLOOR PLAN (UPPER PARKING FLOOR)

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DATE: 7/31/12
 SCALE: 1/8" = 1'-0"
 DRAWN BY: SW
 CHECKED BY: JB
 JOB NO.: 22.01A

SHEET NO.:
A-17

1 3RD FLOOR PLAN (PARKING)
 SCALE: 1/8" = 1'-0"



Planning Expert

Michele C. Mellgren, AICP

The Mellgren Planning Group

- Masters Degree in Urban and Regional Planning from The George Washington University
- Certified by the American Institute of Certified Planners
- More than 25 years of experience
- Qualified in Circuit Court as an Expert in Planning and Zoning matters
- Former City of Fort Lauderdale Development Program Manager Implementing Beach Redevelopment.

Evidence Will Show

Applicant does not comply
with the set-back requirements
under the Code.

Violation of Technical Requirements of the Code

Section 47.19.BB.2 states: “**a swimming pool**, hot tub or spa, **when accessory** to a hotel or **multifamily dwelling**, shall be subject to the **minimum yard requirements** of the zoning district in which it is located.”

The minimum required rear yard set-back **is 20 feet, per Code**. The proposed Application violates Sec. 47.19.BB.2 of the ULDR.

Violation of Technical Requirements of the Code

- Section 47-12.5.D.1.dii states the rear yard set-back in the IOA District is 20 feet.
- Section 47-12.5.D.1.e states that “the final reviewing authority may permit the minimum **“SIDE” set-back** to be reduced to ten (10) feet...” in the IOA District.
- The Applicant believes it has obtained a waiver of the **“REAR” set-back** requirement as part of a site plan level IV review. This is impossible under 47-12.5.D.1 of the ULDR since the Applicant can only receive a SIDE yard reduction and not a rear yard reduction. Further, they are seeking to be reduced to 7’10” and not to 10 feet.

Violation of Technical Requirements of the Code

- The Applicant's waiver argument further relies on **Section 47-23.8.B**. This Section states that it does not apply to the "Central Beach Area Districts."
- Since this Project is within the Central Beach Area, Section 47-23.8.B is **inapplicable**.
- As such, the location of the **pool violates the zoning regulations** and the Project **cannot be approved as presented**.

Violation of Technical Requirements of the Code

Section 47.24.2.A.3.d.vi
requires the City
Commission to determine
that the proposed
development meets the
requirements of the
ULDR.

As demonstrated, this site
plan does not meet the
requirements and it
must be denied.



Violation of Technical Requirements of the Code

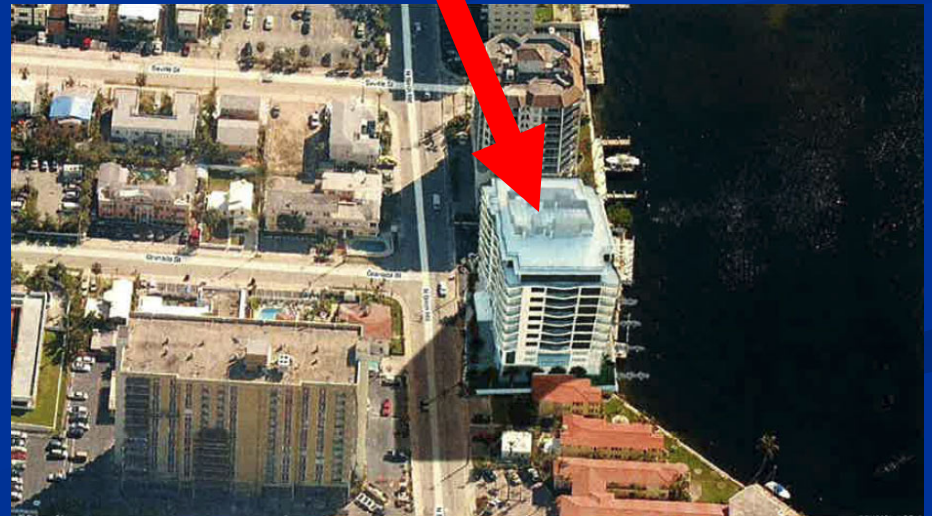
In summary, the proposed site plan violates the following sections of the ULDR:

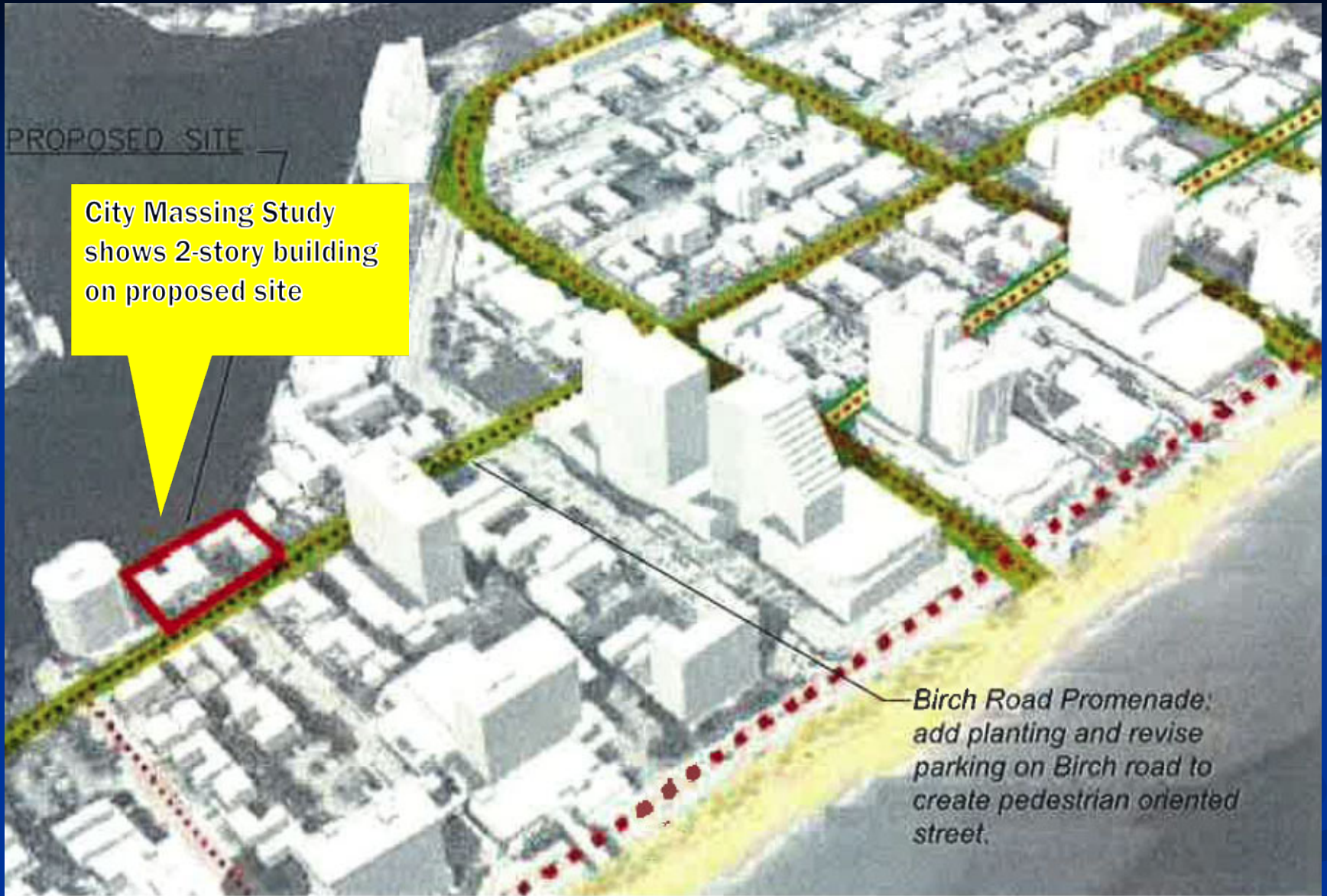
- 47.19.BB.2 (requires 20-foot set-back for Pool)
- 47-24.2.A.3.d.vi (Site Plan does not meet Code)

Neighborhood Compatibility

- Section 47-25.3.A.3.e.i.a. requires a development to be compatible with the **character and integrity of adjacent neighborhoods**, and shall mitigate adverse impacts such as **shadow and scale**.
- The proposed building , at a total height of almost 130 feet, **will result in significant shadow impact on the adjacent neighborhood**, and is of a **scale** that is **not compatible** with surrounding neighborhoods.

This Project **NOT** only violates the technical requirements of the Code, but is not compatible with the surrounding community as the impact is too significant.





MASSING STUDY

Neighborhood Compatibility

Not in conformity with:

- Fort Lauderdale ULDR Sec. 47-25.3 (A)(3)(e)(i)(a): *“Development will be compatible with, and preserve the character and integrity of adjacent neighborhoods, the development shall include improvements or modifications either on-site or within the public rights-of-way to mitigate adverse impacts, such as traffic, noise, odors, shadow, scale, visual nuisances, or other similar adverse effects to adjacent neighborhoods...”*

TABLE 1. DEVELOPMENT PERMITS AND PROCEDURES

TABLE INSET:

Permit	Department	Development Review Committee	Planning & Zoning Board (Local Planning Agency)	Historic Preservation Board	City Commission	Board of Adjustment	Criteria for Review
CENTRAL BEACH AREA DISTRICTS - see Section 47-12 and other regulations provided in this Table 1.	--	--	--	--	--	--	1. Adequacy Review Sec. 47-25.2 2. Neighborhood Compatibility Review Sec. 47-25.3
SITE PLAN--LEVEL I DEPARTMENT							

RRG Has Tried to Work with the Developer

- Greater Set-Backs which comply with Code Requirements
- A/C Units to be Mounted on Roof
- Sufficient Parking to Accommodate Guests
- Full Landscape Buffer
- Loading Zone and By-Pass Lane

**Despite multiple meetings developer's
counsel, the Developer has
not agreed to a single concession**

You May Ask...Isn't This Project Like Birch Pointe?

- Section 47-23.8.B, which is improperly relied upon by the Developer to claim that it can violate the setbacks, was approved by the Commission on June 18, 1997 pursuant to Ordinance C-97-19
- Birch Pointe was completed in 1996

**As such, Birch Pointe fell
under an alternate Code requirement.**

In Summary

- The Project violates the Code by failing to meet the required set-backs
- Section 47-23.8.B., which the applicant relies upon is inapplicable to the Central Beach
- The Project lacks neighborhood compatibility

*We Are Happy to
Answer Any Questions*

**BECKER &
POLIAKOFF**
Legal and Business Strategists

PROVIDED BY
JOHN WEAVER
APR 16, 2013

R-5

Well, Birch Point was built in 1996. This was a totally different time. In fact, Birch Point was approved prior to 1996, and neighborhood compatibility wasn't part of the code. That didn't happen until at least 1997. Therefore, that part of the code never applied to Birch Point. The Alhambra was built in 2001, but I would bet that the approval was well before that and it's very likely that the neighborhood compatibility component of the zoning code either wasn't implemented or wasn't enforced. It seems difficult to believe that either of these buildings could set a neighborhood compatibility precedent when the code didn't exist when they were approved.

While we're on the subject of precedent, I have one for you: Aquatania. Aquatania's setbacks were 40 to 89 feet on the south side, 40 feet on the north side, and 20 feet on the Intracoastal side. The building next to it (511 Bayshore) is a large building with much larger setbacks than the buildings that will be neighboring Grand Birch. Aquatania was rejected based on neighborhood compatibility and the rejection held up in court once the city was sued. This happened in 2004.

Aquatania came back as 545 Bayshore in 2008-2009. It was a building that I personally liked very much. Now, it not only had better setbacks and more view corridors than the original Aquatania, it also created a park on the south side. It was mentioned earlier as one of the 5 buildings that the CBA membership rejected. It was rejected base on neighborhood compatibility. It also was rejected by the City Commission.

These are actual neighborhood compatibility precedents that have already held up in court and/or been rejected by the City Commission.

So here's your defense for rejecting Grand Birch for not being compatible:

A Level IV is a request, not a right.

The buildings that Grand Birch refer to as precedent (Birch Point and Alhambra) were approved before neighborhood compatibility was part of the code.

There is nothing else in the surrounding neighborhood that is remotely compatible with the Grand Birch.

Similar, better buildings on the Intracoastal (Aquatania and 545 Bayshore) have already been rejected by the City Commission on neighborhood compatibility concerns.

The Aquatania rejection held up in court in 2004.
The 2004 ruling is the true precedent.

As stated before, the CBA and beach residents are not against development. We need good development in order to maintain and enhance the Ft. Lauderdale beach experience that we are lucky enough to have. All of the projects mentioned above that were approved by the CBA came after a lot of work and negotiation between the residents and the developers. It took more than 1 CBA meeting. It's a shame that didn't happen this time, because I believe something could be worked out. As it stands, Grand Birch gave ZERO concessions to the neighborhood. It took every inch it could take.

The developer has proposed the largest project that can possibly be built on this Intracoastal lot. In doing so, he triggered the 'significant impact' and 'neighborhood compatibility' portions of the code. Now, I can't tell you what 'significant impact' is, because no-one seems to know and it doesn't seem to be defined anywhere. I also don't know for sure if this project follows all of the Level IV guidelines and code requirements, but I'll trust that it does, because it's made it to the City Commission. That leaves you with the task of deciding if this project is neighborhood compatible. It also may leave the city open for a lawsuit.

Hopefully, we're not going to develop neighborhoods based on the fear of developers' lawsuits. I don't think we do, because I know other developers have sued. The Cortez Project and the development on 15th Ave and Las Olas are two that I know of (in addition to Aquatania) where the city's decision to reject a project was upheld.

So we're back to the decision you have to make. This is the decision we elected you to make. We are the residents who care about the beach that we live on. We believe you have the right to reject this project (for various reasons) and we are asking that you do so. Ask the developer, and all developers from this point forward, to work with the neighborhood to come up with something that works for the residents and the vision for the beach, not just the vision for his particular parcel. Developers have rights, but so do existing residents and businesses.

foot setback. The Grand Birch (which would be in the Versailles position), would be next to the Cormona apartments, not a street.

Now, if we built Birch Point or Alhambra throughout the beach, would that be a problem for the neighborhood? Better yet, what if we built the Alhambra/Versailles combination all up and down the Intracoastal? I feel fairly safe in saying 'Yes, that would be a problem'. That is because these buildings are not neighborhood compatible. Somewhere along the line, these two neighborhood incompatible buildings were approved.

I believe the developers are incorrect in asserting that Grand Birch is compatible because of the Alhambra and Birch Point. The Alhambra and Birch Point aren't compatible either. Remember, just because we approve projects that are incompatible, doesn't mean that we give up the right to reject incompatible projects in the future. And, just because something gets built badly doesn't mean that everything else can be built badly from that point forward.

If you want further proof, let me refer you to what I call "The biggest mistake": The Beach Place and Ritz Carlton were built 10 feet apart. Does that now define compatibility elsewhere on the beach? Of course not. Nobody in their right mind would attempt to build it, approve it, or uphold it in a court of law. It's obviously something we don't want to do again.

The Ritz Carlton/Beach Place is probably "the worst we can do". The Alhambra/Versailles isn't far behind. Putting the Grand Birch next to the Birch Point is probably just as bad. I know the developers keep pointing to Birch Point and Alhambra, basically saying, "but they were allowed to build". I say, those were bad ideas, so why are we repeating them? It reminds me of when my daughter would come home with a "D" and point out that "other people got 'F's". Being a little bit better than the worst should not be what we are striving for.

In fact, the entire basis of Grand Birch's claim of neighborhood compatibility seems to be the fact that Birch Point exists. They claim that this sets the precedent.

It likely will be the catalyst for the streetscape/neighborhood enhancements.

VERY IMPORTANT: It is self contained on it's own parcel and is not directly jammed up against any other building. Since there are streets all around the parcel, setbacks are not an issue.

And, one more thing. It's incompatible with the North Beach Residential Area, where it resides. That's right, we approved an incompatible building. We did this because the trade off in benefits outweighed the compatibility issue. We did not, however, waive our right to reject any subsequent incompatible development. Neither does the city, should it approve this project down the road. Remember that, because it will be important later.

With that, let's attempt to clarify compatibility.

The Grand Birch crew will say that their building is compatible because of the 3 taller buildings that are standing to the south, particularly Birch Point. Residents are saying that the Grand Birch is incompatible because of everything else in the neighborhood, which are 2-3 stories tall. There are many more of these buildings than there are high rise buildings.

Now, let's look at a couple examples:

The Cormona apartments are the 1940's 2 story residence directly north of the Grand Birch. If we built Cormona apartment type buildings throughout the beach, would that be a problem for the neighborhood? No.

If we built them a couple of stories higher, would that be a problem? Probably not.

That is because these buildings are compatible with the neighborhood.

The Birch Point is the high rise residential building directly south of the Grand Birch. The Alhambra is across the street, wedged in just south of the Versailles. There is no other place on the Intracoastal that has the same type of setback/viewing corridors as the Alhambra and the Versailles. It is obviously a mistake we don't want to make again. If the Grand Birch is built next to Birch Point, we will have something very similar, possibly worse.

Remember, there is a street on the other side of Versailles that acts as a 150

Here are some of the reasons the CBA membership rejected the Grand Birch and the Vintro Hotel.

Both buildings are far too much mass for the lots they are on.

Both are by far the largest buildings that could possibly be built.

Both buildings are jammed way too close to other hi-rise buildings.

Both buildings are jammed way too close and are dwarfing small, 2 story buildings that greatly contribute to Ft. Lauderdale beach's history and charm.

Both buildings have parking issues.

We could not determine any way that these buildings would benefit the neighborhood.

Additionally, the Grand Birch is only 20 feet from the Intracoastal. Combine this with the fact that the Grand Birch lot extends out to what looks to be about 20 feet more than the Birch Point lot, and we have the Grand Birch extending 20 feet in front of Birch Point and 20 feet farther in front of Cormona than it should be. That's just too close to the Intracoastal and too intrusive to existing residence.

Read Compatibility

We can't jam large buildings next to each other, particularly if the existing building is a residence. We can't build large buildings almost up to the Intracoastal. And we can't build large buildings right on top of existing small buildings. That can't possibly fit with any neighborhood vision that we've been working on through the years. If all parcels are built to highest and best use, that would be far from highest and best use for the beach.

The problem with Grand Birch isn't that it's too tall, it's just too tall for the setbacks that are being proposed. It would be a wonderful building on a bigger lot so the setbacks would be bigger, or downtown, where larger buildings with small setbacks exist and are supposed to exist.

Now, here are some of the reasons the CBA membership approved the Escape Hotel/Tiffany house:

It benefits the neighborhood by refurbishing the existing historical hotel.

It is already approved as a PUD.

The developer worked with the residents to come up with something that works for the neighborhood. It is NOT the biggest project that could be built.

It benefits the neighborhood by anchoring the North Beach Village.

Although this is coming to you concerning the Grand Birch project, the actual concern is with the vision for the entire beach and the process by which that vision is achieved. When I first joined the CBA (in 2008), I was very impressed with a speaker at one of the membership meetings. He spoke of a grand vision for the beach and how we should use the downturn in development to plan for that vision. It made a lot of sense. That speaker was newly elected Mayor Jack Seiler.

Fast forward 5 years later, and I don't believe we ever got to that plan. There just wasn't enough time and/or organization (on everyone's' part, including the CBA), and so we're left with this process. Every development is a fight. There's quite a movement on the beach for more coherent and sensible zoning codes, but, since we can't do that right now, this is what we are left with. A fight over neighborhood compatibility.

I'm sure each of you has heard quite a bit about neighborhood compatibility on this (and every) project. It's a hard concept to define and a hard concept to defend. I believe I have the defense figured out, but first, I'd like to explain a bit about what the CBA believes is compatible and why the Grand Birch is not.

I'd like to start by pointing out that the CBA is NOT the anti-everything crowd. Since 2008, the CBA membership has approved 8 projects of different scopes and sizes: The Bahia Mar/Waldorf Astoria, The Orion 170 unit residence, The 20 story EL-AD project on Almond Ave, The Pelican Grand enhancements, The Hilton Hotel modifications, The 20 story Wave Hotel, and the North Beach Zoning changes (which the CBA was an integral part of). A 9th project, the old Escape Hotel/Tiffany House project was just approved at our January meeting.

Also, since 2008, I know of 5 projects that were not approved: The Las Olas parking garage (which, thankfully, never made it as far as a membership meeting), The Cortez project, 545 Bayshore, and, more recently, the Vintro Hotel, and this one, the Grand Birch.

The Grand Birch was rejected at the CBA membership meeting in September 2012 by a 170-11 vote. Grand Birch is flanked by Birch Point on the south and Cormona apartments on the north.

curious to how many of the 300 voters are from Beach





301
BIRCH SEVILLE
DAILY LINEN & TOWEL SERVICE
100% AIR-CONDITIONING
REFRESHING JUICES
WHEELCHAIR ACCESSIBLE
SWIMMING POOL
AIR-CONDITIONED

301

PROVIDED BY MIDGE BACHEWICZ

R-5

Orlando APR 16, 2013

From: Dan Teixeira <tex954@gmail.com>
Sent: Tuesday, April 16, 2013 4:33 PM
To: ORLANDO RODRIGUEZ
Subject: Fwd: Grand Birch Project to be discussed at the City Commission Meeting on April 16, 2013

My name is Eileen Helfer. I have lived at 95 N. Birch Road in Ft. Lauderdale for over 25 years. I have served on several advisory boards and was privileged to work several years ago with a group of city officials, attorneys, developers and residents to change the zoning laws. Eventually some were changed, for example, reducing heights of buildings in the IOA from 150 feet to 120 feet.

As president of Harbor Haven condo, I am speaking for the residents. I have personally spoken with all of our permanent owners and each one has stated they support the approval of the Grand Birch project. They are impressed with the wave wall effect of the structure and the fact that the first floor being all glass allows a great view of the intracoastal. We feel this building will be an asset to the neighborhood.

Our thoughts went back to the construction of the Ritz Carlton because we would lose our view of the ocean and felt the building was too large. We realized that no one is guaranteed a view and the building was meeting all of the cities requirements. The Ritz Carlton was built and we are happy to have them as our neighbor.

The residents near the Grand Birch are expressing the same concerns we experienced, but, as I stated, we are not guaranteed a view.

Harbor Haven supports the Grand Birch and asks for your approval of this project. Thank you.

YOU'VE HEARD FROM A LOT OF EXPENSIVE
HIGHERED GUNS

Dear Commissioners,

My name is Jeff Snook, a property owner at 329 N. Birch Rd. and am urging you to vote NO on this matter before you.

My wife and I are from the Midwest,
But have been visiting the beautiful city of Ft. Lauderdale for over 50 years.

First, we came as children with our parents for vacations,
Then we came as college students during spring breaks,
Then we visited friends whose family owned at the Cormona Apts.
~~Then we had another friend who renovated and let us use his Cormona Apt.~~
Finally in 2010 we bought our own little piece of paradise at Cormona.

When we started looking for a place to buy a second retirement home
we visited many other Florida locals,
But, we kept coming back to Ft. Lauderdale beach.

We enjoy the beaches,
the waterway,
the sunshine,
the night life,
the dining,
the resurgence of the North Beach Village area,
and we enjoy the "Old Florida" feel of this neighborhood.

There is something comforting about things from the past.
We currently own a 120-year-old Victorian home in Ohio,
and I am a car collector currently operating an Antique Car Museum.
History, preservation and restoration are important to us.

And that is why we bought at the Cormona Apts.
It was designed by a famous South Florida architect in 1941.
In 2004 it was beautifully restored close to its original condition.
It was our idea of what "Old Florida" is all about.

Recent efforts with the Ft. Lauderdale History Center
will soon lead to the Cormona Apts.
being designated an official historic Ft. Lauderdale property.
~~Followed by an application to be placed on the National Register,
like our home in Ohio.~~

We didn't go into this apartment purchase blind.
We knew there was a vacant lot adjacent to Cormona Apts.
We reviewed the zoning requirements for new projects in the IOA.
They called for preservation, maintenance and revitalization of the neighborhood.
They called for neighborhood compatibility.
We thought this historic building was safe from an adjacent massive high-rise.

PEOPLE
WHO
LIVE
HERE

R-5

PROVIDED
BY

JEFF SNOOK

APR 16, 2013

So why are we asking you to turn down this project as presented as a Level 4? Development?

U **First, the builder has no built-in rights to a level 4!**
It is something only the Commissioners can approve.

Second, it does not comply with the City's Zoning Requirements for the IOA district..... *"to encourage the preservation of existing structures that front on the Intracoastal!"*

It is jamming in a massive bldg on a very small lot.
It is the greatest density of any project recently approved in the city.
And, It will block views and shade existing properties.

Third, it does not comply with the Central Beach Master Plan!
"Future development should respect the existing fabric and scale by limiting large footprints and encouraging smaller footprints."
This developer is asking for the largest footprint available.

→ **Forth, it does not satisfy neighborhood compatibility requirements!**
Within a 3 block radius I counted 6 high-rises vs. 24 low-rise properties.
By my math that is not compatible by about 4:1

Fifth, it does not meet the Central Beach Alliance neighborhood goals!
These were presented to the City in 2008,
Asks ~~Asked~~ to reduce the height to 70 feet in the IOA.

and **Sixth, the minimum setbacks are inconsiderate to the immediate neighbors!**
We will have 3 large AC units blasting 24/7 only 20 feet from our bedrooms.
How would you like to have this as a close neighbor.

ITS JUST TOO BIG!!

In summary, Jeff & Lee Anne Snook urge you to vote **NO!**

4-16-13
R-5
Statement
Read By
Michelle Farber
Ross

April , 2013

Honorable Mayor and City Commissioners
700 NW 19th Avenue
Fort Lauderdale, Florida 33301

Dear Mayor and Commissioners:

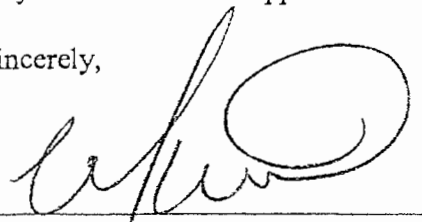
Having recently viewed the plans for the Grand Birch Condominium project that is being proposed for 321 Birch Road, I felt compelled to express my support for this project.

From researching the renewed development activities around Ft. Lauderdale, I believe the design of this project is exactly the kind of development that is needed to continue the revitalization of the Central Beach area.

As a high-end, low-rise building with only 22 units, I believe that the beach area will benefit from this development.

I am pleased to add my name to the many others supporting this project and hope that the City Commission will approve it.

Sincerely,



Name DAN MARINO

Address:

2430 Del Lago Drive
Fort Lauderdale FL

Building Name: _____

April , 2013

Honorable Mayor and City Commissioners
700 NW 19th Avenue
Fort Lauderdale, Florida 33301

Dear Mayor and Commissioners:

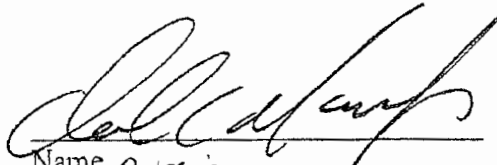
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As a high-end, low-rise building with only 22 units, I believe that the beach area will benefit from this development.

I am pleased to add my name to the many others supporting this project and hope that the City Commission will approve it.

Sincerely,



Name *CLAIRE MARINO*

Address:

2430 Del Lago Drive
Fort Lauderdale Florida

Building Name: _____

PROVIDED BY
ABBY LAUGHLIN
APR 16, 2013
April 16th, 2013

Surf Club
John Kelly Sign

ULDIR

R-5

Gentlemen:

Thank you for allowing me the opportunity to speak tonight.

We are here because

Why are we here tonight? Why are we talking about "The Grand Birch"? We're here because the laws and ordinances of this city say you have to listen. We are here because this is important and you are our elected officials. You are the ones elected by your individual communities. So, we are here, truly as your neighbors. You are the ones to determine what "neighborhood compatibility" means. You are the ones to figure out what "significant impact" really means. You are the ones who will decide whether we follow the ideals of sustainability, and our ~~City~~ Visioning Plan. You are the ones who need to figure out the priorities of economic development for this city. And finally, you are the ones who need to make it a priority to adopt a master plan for the beach. For better or worse, at least we will have a document to guide us.

2035

The Developer of Grand Birch has every right to build a level three building. But if he decides to build a building that exceeds the criteria of a "level three building" then what he has is the right to have you look at his plans. He has the right to have you listen to his ideas. And the neighborhood has the right to speak about it in a public setting. The developer's property rights do not include automatic approval of ~~his~~ level 4 building.

entitlement of a

So here we are, arguing about neighborhood compatibility. Here is the core of the issue: *The residents of the beach believe that the neighborhood and the Intercoastal should not have to adapt to a building project, we believe that the project should adapt to the existing neighborhoods and the Intercoastal waterway.* After all, we have to adapt to the Turtles..... We're told the turtles were here first and they are endangered. Well, the pre-existing neighborhoods around Grand Birch were here first and they certainly are endangered.

at the compatibility of

CODE

Why does this issue of neighborhood compatibility keep coming up again and again? Why are multi million dollar deals and the voice of a neighborhood always diametrically opposed? Because the zoning on the beach is broken. You cannot cobble together pieces of broken zoning from different documents and call it "Level four" or a "development of significant Impact". You cannot build a world-class city when you don't even have a clear definition of the semantics you are arguing about.

Beach

Because we have not adopted the Beach Master plan.

I would like to ask the commissioners to consider these questions as well. How does this building "support" the ideals of sustainable development? For instance, is this project even perusing the idea of becoming a LEED certified building? How does it contribute to the ideals of sustainable development contained within the Visioning

FT Lauderdale Comp plan.

Plan that was just presented here tonight? How does it contribute to the "Complete Streets" Initiative? How does this project support the ideals and mandates of "Preserving our Intercoastal Waterway Views" ~~with the setbacks it is requesting?~~

Page 23
page

We have a lot at stake here. Five or six major parcels on the beach have changed hands in the past few months. Every body is positioning. Me, I just want it done right.

I feel this project can be successful for everyone if you just defer any decision on the Grand Birch until the developers and the neighborhood and the city can try again to come to a meeting of the minds: ~~I know we can do it.~~ I just ask the commissioners to table any decision on this project until you address the fundamental issues that are at stake here. Thank you.

Abby Laughlin
President, Fort Lauderdale Surf Club
425 Bayshore Drive

The Developer has not made any concessions. I find this disappointing considering the financials.

From: Kris Wilkes <kristinewilkes@gmail.com>
Date: Tue, Apr 16, 2013 at 7:40 AM
Subject: Please Vote to Approve Construction of Grand Birch
To: DTrantalis@fortlauderdale.gov

4-16-13
R-5

Statement
Read By
Kathy Haines

Dear Commissioner Trantalis,

My husband and I are new permanent residents of Fort Lauderdale, District 2, after re-locating here from San Diego. We are a retired child psychologist and an appellate lawyer. **We write to urge you to support the construction of Grand Birch.** We want to make our new home here in that beautiful building. We also want to see Central Beach continue on the trajectory of improvement that is underway, so that it can realize its potential as a premier beach community.

Unfortunately, there appears to be a tiny, but vocal minority that is loudly protesting this project for their own self interest. This is selfish and hypocritical because they already live in similar, or much larger buildings in the immediate vicinity. They want to exclude others from the same enjoyment of the area. They are willing to stall all development to do so, even if it means retaining a blighted vacant lot.

Contrary to the CBA's hysterical outcries, the following reasons plainly support approval of this project:

1. It is a gorgeous, relatively small building, meticulously planned, and completely compatible with (indeed a grade above) the surrounding area.
2. It will be a vast improvement and upgrade of Birch Road and the entire community, which is now dotted with trash ridden, chain link fenced and decrepit vacant lots and decaying mid-century structures. These parcels blight and undermine the quality of the entire community.
3. It will substantially contribute to local revenues through property taxes and local spending.
4. There are only two comparable buildings in the area--aside from the ones next door. These are La Rive and La Cascade. These buildings and the neighboring buildings are either completely or almost fully sold out. We have looked in vain for months for a boutique condo on the Intracoastal in Central Beach. Providing access to housing for permanent residents anchors the community and increases stability to counter-balance the damaging impacts of seasonal visitors and vacationers.
5. The project does not adversely impact the neighboring buildings, but has been carefully tailored to minimize negative impacts, much more than the existing buildings did when they were constructed. With only 22 units and ample internal parking, the impact on traffic will be negligible.

In sum, please support the wave of beauty that is sweeping Central Beach with the redevelopment and new development of high quality buildings. This development attracts quality permanent residents committed to the community. Vote "yes" on Grand Birch.

Respectfully,

Kristine L. Wilkes, Esq. and James C. Wilkes, Ph.D

SUSAN T. ROCKELMAN

4-16-13
R-5
Statement
Recd By
Heidi Knopik

To Whom It May Concern:

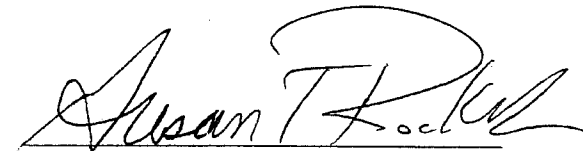
I have been a resident of Fort Lauderdale for 46 years. My husband and I owned and resided in Unit #4 at the Cormona Apartments for approximately 6 years, from 2002 to 2008. Prior to purchasing the unit, we rented it from 2000 to 2002. During those 8 plus years we lived there, we were the only full time owners / occupants at the Cormona. The other 6 unit owners were seasonal "snow birds", who lived in Michigan a majority of the year. In fact, for approximately 7 or 8 months out of the year, we were the only occupants in the complex. Typically, the other owners would come down around Christmas and leave right after Easter. Every once in a while, unit owners would come down for Thanksgiving or a weekend or two during the summer or fall.

The Cormona is a two building co-op, with a grassy courtyard in the middle of the 2 buildings which opens up to a grassy area along the Intracoastal. The grassy "courtyard" area was constantly shadowed by the southern Cormona building. Because our unit was in the northern building, we welcomed the shadow as it kept our utility bills lower.

The Cormona has no pool, so a shadow would not affect the residents' use of this type of amenity. Sometimes the unit owners and friends would have happy hour get togethers in the afternoons out by the beautiful waterway. I reviewed the Applicant's shade and shadow study, and it looks like the Grand Birch will only cast a shadow for a few hours in the early morning during a few months of the year. The shadow from Grand Birch will not impact the residents' use of the property or outdoor enjoyment of The Cormona. Again, we welcomed any shadow we could get when we lived there.

We hope you will approve the Grand Birch project, because we think it will be a great addition to this neighborhood.

Sincerely,



Susan T. Rockelman