



CITY OF FORT LAUDERDALE

**CITY COMMISSION
CITY OF FORT LAUDERDALE
City Commission Chambers
City Hall**

**100 N Andrews Avenue, Fort Lauderdale, FL 33301
Tuesday, July 10, 2018 - 6:00 P.M.**

File #: [180718](#) Version: 1

Type: PUBLIC HEARING

Title: Motion to Approve a Development Agreement Between the City of Fort Lauderdale, Tavistock Development Company, Pier 66 Parking LLC, Pier 66 Ventures, LLC, and Sails Ventures, LLC (Collectively Known as TS Entities) Pursuant to Chapter 163.3220-163.3243, Florida Statutes - Second Public Hearing

Mover: [Ben Sorensen](#)

Seconder: [Robert L. McKinzie](#)

Result: Pass

Agenda note:

Minutes note:

In response to Mayor Trantalis, Interim City Attorney Alain Boileau confirmed the process noted in the related Florida Statute. A vote can be taken tonight or have another Public Hearing.

In response to Mayor Trantalis, City Manager Feldman updated the Commission, giving a brief review of the updated Development Agreement (Agreement). City Manager Feldman confirmed the Commission's red-lined copy indicates the updates made to the original document dated June 19, 2018.

Interim City Attorney Boileau reviewed and explained substantive updates and related clarifications made to the revised Agreement. Interim City Attorney Boileau confirmed issues and details relating to site plan approval. Comments and discussions ensued on these points.

In response to Commissioner Glassman's question about references to the Community Development District (CDD) and landscape approval, Interim City Attorney Boileau explained how landscaping is currently calculated as open-air ground level. The applicant is requesting an amended text change to the ULDR that would include roof tops and parking landscaping. These areas would be added to the total calculation of landscaping subject to CDDs.

Interim City Attorney Boileau clarified that flex unit reservation payments in the amount of \$2,500 per unit are for the reservation of the requested 575 flex units. He explained that these flex units are subject to site plan approval. The flex units would not be

allocated until the site plan is approved and must be available in the pool at the time of approval.

Mayor Trantalis commented on the need for the Agreement to hold the City harmless. Interim City Attorney Boileau confirmed this language would be included. Comments and discussions ensued on future assignability. Interim City Attorney Boileau confirmed language relating to Commission policy on this topic could be included. Mayor Trantalis confirmed this would be addressed at a later time. Interim City Attorney Boileau commented on the developer's right to rebuild the iconic Pier 66 Tower portion "as is" should the property be destroyed by "an act of God".

In response to Mayor Trantalis' request, each City Commission member disclosed verbal and written communications, site visits and expert opinions.

Mayor Trantalis opened the public hearing.

Mayor Trantalis recognized Stephanie Toothaker, Esq, on behalf of the applicant, Tavistock Development Company (Tavistock). Ms. Toothaker announced those members of the Tavistock team present available to answer questions. She gave a presentation on the proposed project, commenting on the Smart Growth Tools in Florida Statutes and the need for community engagement.

A copy of Ms. Toothaker's presentation is attached to these minutes.

Ms. Toothaker expounded on the property's B-1 zoning, including permitted uses, mixed-use, marine use and neighborhood compatibility. She gave a brief historic review of a previously approved site plan that is valid by executive order of the Governor of Florida until 2022.

Ms. Toothaker discussed the site plan's approved number of trips. Broward County has approved the unified flex zones applicable to the project. Ms. Toothaker discussed the differences between this project and the Bahia Mar project, commenting on the reservation of flex units in this project which are dependent upon site plan approval and availability at that time. The modifications to the Agreement were primarily clarifications.

Ms. Toothaker reviewed the modifications made to the project based on neighbor requests, including:

Trip and square footage reductions;

Concerns regarding the term of the Agreement;

Creation of a Community Development District (CDD);

The area under 17th Street Causeway remaining open in perpetuity;

The development of the Marina Promenade as part of Phase One on each site;

Agreement to pay the non-refundable flex unit reservation fees with no vested right in the event of a developer default;

Reduction of the number of flex units requested; and

Time lines for key milestones.

Ms. Toothaker commented on aspects of the Agreement being transferable, and the economic benefits and job creation of the project. She elaborated on the extent of community outreach and engagement. Ms. Toothaker submitted items for the record illustrating community outreach efforts. Ms. Toothaker requested Commission support.

In response to Vice Mayor Sorensen's inquiry about traffic impact, Ms. Toothaker commented that the previously approved site plan's trip allocations are vested. Any additional trips need to be mitigated and paid for by the applicant. Once a site plan is prepared, a full traffic study will be done and solutions determined.

Mayor Trantalis commented on the number of currently vested trips in the Sails portion of the project, the condominium units on the Pier 66 portion of the project and the number of trips the applicant is entitled to as of this date. Ms. Toothaker noted the need for a Traffic Study in order to discuss this topic, expounding on associated details.

Mayor Trantalis recessed the meeting for a short break at 8:51 p.m.

Mayor Trantalis reconvened the meeting at 9:03 p.m.

Mayor Trantalis recognized Walter Sea, Harbor Inlet. Mr. Sea commented on his unit in Harbor Inlet and his full support of this project, noting the potential is unlimited.

Mayor Trantalis recognized Richard Doherty, 1662 S. Ocean Lane. Mr. Doherty spoke in support of this item, commenting on the positive reputation of Tavistock and the project's benefit to the community. He urged the Commission to support and approve this item.

Mayor Trantalis recognized Gail Bulfin, 100 E. Las Olas Boulevard, and on behalf of the Greater Fort Lauderdale Alliance. Ms. Bulfin spoke in support of this item, commenting on Tavistock's qualifications, positive reputation and ability to enhance the City with Smart Technology and Sustainable Development.

Mayor Trantalis recognized Donald Bourke, 1920 S. Ocean Drive. Mr. Bourke commented on Pier 66 being a landmark, noting his support of the proposed project. He commented on the economic benefits of the project, including increased property values in the area.

Mayor Trantalis recognized Charles King, 105 N. Victoria Park Road. Mr. King commented on the process, urging the Commission defer this item and take time to review all details.

Mayor Trantalis recognized Patrick Kelley, 1948 Twin Dolphin Lane. Mr. Kelley commented on his concern that the two properties in the development are not contiguous, noting issues regarding transferring density to the Sails site, its impact on the Harbor Inlet neighborhood and current traffic conditions in the SE 17th corridor.

Mayor Trantalis recognized Jack Malcolm, 1900 Admirals Way. Mr. Malcolm commented on the portrayal of the details regarding flex unit allocation. He also commented on the requested amount of combined retail and office space and density transfers impacting existing traffic concerns.

Mayor Trantalis recognized Mary Fertig, 511 Poinciana Drive, and on behalf of Lauderdale Tomorrow. Ms. Fertig commented on the Agreement and the need to identify what is advantageous to the applicant and City. She expounded on Lauderdale Tomorrow's

work with the applicant, commenting on outstanding concerns. Ms. Fertig recommended all details be addressed prior to moving forward with the Agreement.

Mayor Trantalis recognized Nancy Thomas, 1924 SE 24th Avenue. Ms. Thomas spoke in opposition, commenting on her concerns about density allocation. She noted the need for the Commission and the public to address revised proposal details, urging the Commission take additional time for review.

Mayor Trantalis recognized Kristen Maus, 1778 Marietta Drive. Ms. Maus spoke in opposition, commenting on the developer's informational meetings. She urged the Commission to share the revised Agreement with the public and delay a vote on this item.

Mayor Trantalis recognized Bill Cole, 1942 SE 24th Avenue, and designated representative of Harbor Inlet. Mr. Cole spoke in opposition to this item, confirming his opposition to any further density in the area. He also discussed the need for a conceptual site plan to evaluate the project's impact on surrounding neighbors before making a decision. Mr. Cole also commented on the amount of information provided during community outreach efforts.

Mayor Trantalis recognized Paul Flannery, 3500 Galt Ocean Mile, and on behalf of International Yacht Brokers. Mr. Flannery spoke in support, commenting on the iconic Pier 66 property and its importance to the Marine Industry. He discussed the importance of a site plan that can only be brought forth after the approval of a development agreement. Mr. Flannery urged the Commission to support the approval of this item.

Mayor Trantalis recognized Marilyn Mammano, 1819 SE 16th Street, and designated representative of Harbordale Civic Association. Ms. Mammano spoke in opposition to this item, commenting on issues relating to the project's public access, expounding on details. She suggested the Commission take their time and focus on these details to avoid unintended consequences.

Mayor Trantalis recognized Stan Eichelbaum, 411 N. New River Drive, and on behalf of the Downtown Civic Association. Mr. Eichelbaum commented about precluding structures with set times, such as movie theatres, due to traffic concerns. Mr.

Eichelbaum recommended taking the time necessary for a more detailed analysis of the Agreement.

Mayor Trantalis recognized Staley Weidman, 2019 SW 20th Street, CEO of the Catamaran Company, and Board Member of the Marine Industries of South Florida and International Yacht Brokers Association. Mr. Weidman spoke in support of this item, stating the project's importance for the yachting and marine industries. It will serve to expand marine facilities and The Boat Show during construction of Bahia Mar. He urged the Commission to support this item.

Mayor Trantalis recognized Carolann Bartholomey, 3000 Holiday Drive. Ms. Bartholomey said that the Agreement reviewed by Lauderdale Tomorrow is not the latest revised Agreement. She recommended delaying a decision to allow for adequate public review of the revised Agreement.

Mayor Trantalis recognized Sandra Polselli, Harbor Inlet resident. Ms. Polselli commented on the changes in this area, recommending no development on the south side and only expanding the marina to avoid traffic concerns. She also commented on the traffic implications of construction in the area.

Mayor Trantalis recognized Tricia Halliday, 50 Nurmi Drive. Ms. Halliday commended Tavistock on their work to date, noting the need for independent, outside counsel review of the Agreement due to the complexity of the project. She also spoke on the importance of public outreach during high season when an increased amount of residents are present.

Mayor Trantalis recognized Paul Chettle, 200 S. Birch Road. Mr. Chettle spoke about the importance of involving the Central Beach Alliance in public outreach. He commented on the process, recommending the Commission defer this item until the public has adequate time to review the revised Agreement.

Mayor Trantalis recognized Joyce Shaw, 104 NE 6th Street. Ms. Shaw commented on the need to bring minorities and working class residents to the table for a discussion about the economic benefits of the project.

Mayor Trantalis recognized Katia Lazard, 20820 NW 7th Avenue. Ms. Lazard commented on the need for this project to provide affordable housing. She recommended deferring this item until working people are involved in discussions.

Mayor Trantalis recognized Addison Ruff, 4206 N. Dixie Highway. Ms. Ruff commented on her support of this item and Tavistock's positive reputation.

Mayor Trantalis recognized Tim Elmes, 1922 S. Ocean Lane. Mr. Elmes spoke in support of this item, commenting on the positive reputation of Tavistock and the benefits of project. He urged the Commission to approve this item.

Mayor Trantalis recognized Dr. Warren Sturman, 520 SE 5th Avenue. Dr. Sturman thanked Tavistock for taking an interest in restoring the iconic Pier 66. He urged the Commission to be prudent and defer this item to allow for a careful review of the revised Agreement.

Mayor Trantalis recognized Derek Shemon, 2430 SE 17th Street. Mr. Shemon discussed the previous comments, confirming his trust in the process and elected officials. He urged the Commission go forward with the approval of the Agreement for the betterment of the City and Harbor Beach.

There being no one else wishing to speak on this item, Commissioner McKinzie made a motion to close the public hearing, which was seconded by Commissioner Moraitis. Roll call showed: AYES: Vice Mayor Sorensen, Commissioner Moraitis, Commissioner Glassman, Commissioner McKinzie and Mayor Trantalis. NAYS: None.

Mayor Trantalis recognized Jim Zboril, 1850 Tavistock Lakes Boulevard, and on behalf of Tavistock. Mr. Zboril reviewed how the process has worked and the resulting Agreement modifications. He noted the need for confirmation of existing entitlements to be applied to both properties and acknowledged the forthcoming Development Review Committee (DRC) process. Discussions ensued on beginning the process to renovate the Tower, reserving residential flex units and plans moving forward. Mr. Zboril confirmed the developer expects public parking to remain under the SE 17th Street Bridge.

Ms. Toothaker discussed the current status of the Tower, confirming it is completely damaged, expounding on what is necessary to begin renovations. Tower renovations would be done in conjunction with the City's Historic Preservation Officer and Staff.

In response to Commissioner Moraitis' question, Interim City Attorney Boileau commented on statutory language regarding notice for the recently revised Agreement. Further discussions ensued on this topic. City Clerk Modarelli confirmed the revised Agreement was posted on-line last night at approximately 7:00 p.m. Discussions continued on notice requirements.

In response to Vice Mayor Sorensen, Anthony Fajardo, Director of Department of Sustainable Development, confirmed the version of the Agreement he had reviewed. Mr. Fajardo confirmed the benefits from a zoning perspective include the establishment and clarification of what can occur on the site, expounding on residential and commercial uses impacting traffic. From a zoning perspective, he noted few negative impacts, commenting on the transition of residential units between both properties. The developer will need to meet all Unified Land Development Regulations (ULDR) and follow the normal process. The Agreement does not circumvent these requirements. Further comments ensued on this topic.

In response to Vice Mayor Sorensen, Assistant City Attorney Robert Dunckel reviewed his legal land use experience and qualifications. Mr. Dunckel commented on the Agreement's vested rights that would allow approvals to expire under the ULDR. He expounded on this topic, noting examples. He confirmed the existing process will protect the City, noting this is a Commission policy decision.

Commissioner McKinzie commented on the most recent version of the Agreement, concurring that the forthcoming process will determine whether the project will move forward. Mr. Dunckel confirmed that the Agreement falls within the acceptable range of discretion for a Commission policy decision.

In response to Vice Mayor Sorensen, Ms. Toothaker confirmed retail space enunciated in the Agreement had been removed, expounding on this point. It is open for discussion through the Development Review Committee (DRC) process. Comments and discussion ensued on the Agreement allowing additional development on the Sails site. Ms. Toothaker confirmed additional residential units could be added to the Sails site. She confirmed the Agreement is not an allocation, but a reservation for residential units that would go through a public process including community engagement and additional approvals.

Commissioner Glassman noted his perspective on growth in the City, commenting on the need for the development team to work closely with neighbors and other stakeholders in the Central Beach area due to traffic concerns. He commented on the work and efforts of Lauderdale Tomorrow and Tavistock. Commissioner Glassman noted his concern with existing site plan approvals on both sites.

Commissioner Moraitis commented on her support and desire to move forward with this item, expounding on aspects of the development, Smart Growth and the work of Tavistock.

Commissioner McKinzie reiterated his comments on the process moving forward leading to Smart Growth. He recommended moving forward with this item.

Vice Mayor Sorensen commented on all stakeholders working together on this item, the process, modifications to the number of units and the duration of the Agreement. He expounded on his expectations from the applicant moving forward, thanking all stakeholders for their efforts.

Vice Mayor Sorensen made a motion to approve this item and was seconded by Commissioner McKinzie.

Action: APPROVED
Action text: APPROVED

- votes (4:1)
- 5 records
- Group
- Export

<u>Person Name</u>	<u>Vote</u>
Ben Sorensen	Yea
Heather Moraitis	Yea
Steven Glassman	Yea
Robert L. McKinzie	Yea
Dean J. Trantalis	Nay