

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, NOVEMBER 28, 2012 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2012-May 2013	
		Present	Absent
Patrick McTigue, Chair	P	5	1
Leo Hansen, Vice Chair	P	5	1
Brad Cohen	P	3	0
Stephanie Desir-Jean (6:36)	P	5	1
Michael Ferber	P	5	1
James McCulla	P	5	1
Michelle Tuggle	P	6	0
Tom Welch	P	5	1
Peter Witschen	P	5	1

It was noted that a quorum was present at the meeting.

Staff

Ella Parker, Acting Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Anthony Fajardo, Urban Design and Development
Tom Lodge, Urban Design and Development
Todd Okalichany, Urban Design and Development
Yvonne Redding, Urban Design and Development
Jay Sajadi, City Engineer
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

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	<u>Case Number</u>	<u>Applicant</u>
1.	53R12**	Grand Birch Condominiums
2.	62R12**	Grupo Alco International, LLC / 1110 Seminole Drive
3.	69R12*	Ocean Wine and Spirits
4.	13T12*	Gatlin Development Company, Inc. / Riverbend Marketplace
5.	81R12A**	L&A Beach Holdings, LLC / Tsukuro Restaurant

6. 83R12** Genesis Capital Partners / 110 Tower
7. Communication to the City Commission
8. For the Good of the City

Special Notes:

Local Planning Agency (LPA) items (*) – In these cases, the Planning and Zoning Board will act as the Local Planning Agency (LPA). Recommendation of approval will include a finding of consistency with the City's Comprehensive Plan and the criteria for rezoning (in the case of rezoning requests).

Quasi-Judicial items ()** – Board members disclose any communication or site visit they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on quasi-judicial matters will be sworn in and will be subject to cross-examination.

Chair McTigue called the meeting to order at 6:30 p.m. and all stood for the Pledge of Allegiance. The Chair introduced the Board members, and Acting Urban Design and Planning Manager Ella Parker introduced the Staff members present. Attorney Spence explained the quasi-judicial process used by the Board.

Chair McTigue advised that Applicants and the agents representing them may address the meeting for 15 minutes; representatives of associations and groups may speak for five minutes; and individuals may speak for three minutes.

Motion made by Ms. Tuggle, seconded by Mr. Welch, to approve the minutes of the October 17, 2012 meeting. In a voice vote, the **motion** passed unanimously.

Chair McTigue stated that the Applicant in Item 1 has formally requested an extension of time to 30 minutes to address the Board. The Board agreed to the extension by consensus. Chair McTigue also noted that representatives of the firm of Becker Poliakoff will represent a number of associations, and will compile the speaking times for these associations into a single presentation.

1. <u>Grand Birch Condominiums</u>	Thomas Lodge	53R12
Request: **	Site Plan Review / Development of Significant Impact	
Legal Description:	Lots 1,2,3 and 4 in Block 9 of LAUDER DEL MAR, according to the Plat thereof recorded in Plat Book 7, Page 30, of the Public Records of Broward County, Florida.	
General Location:	321 N. Birch Road	

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Ms. Desir-Jean arrived at 6:36 p.m.

Attorney Spence requested the names of the attorneys to whom the Board members had spoken as part of the disclosure process. The Board members advised that they had variously spoken with Heidi Davis, representative of the Applicant, as well as Keith Poliakoff of Becker Poliakoff, representative of different neighborhood associations.

Heidi Davis, representing the Applicant, stated that Grand Birch Condominiums would be a 22-unit luxury project overlooking the Intracoastal Waterway. She provided the Board members with letters of support for the project. She stated that the project has received a favorable Staff report, complies with the City's zoning requirements and land use provisions, satisfies neighborhood compatibility requirements, and accommodates the newly proposed Central Beach Master Plan, although this Plan has not yet been approved. No variances are requested for the property.

Ms. Davis explained that the property currently consists of two vacant lots within the Intracoastal Outlook Area zoning district. The Applicant has met with Staff, neighbors, and the surrounding community in developing the project. The site plan is designed to use a very small footprint, with open space and landscaped areas, large setbacks, and pedestrian-scale architectural features. Ms. Davis asserted that the project can exist harmoniously with its neighbors and in accordance with ULDR requirements. She noted that the Staff report does not identify any adverse effects associated with the project.

Don Hall, also representing the Applicant, distributed copies of the *curricula vitae* of two expert witnesses for the project, Cecelia Ward and George Fletcher, which were marked as Exhibits A and B respectively. Ms. Davis concluded by requesting time for rebuttal at the end of the presentations.

Ms. Ward stated that her testimony would be based on planning and zoning principles, including a review of the applicable land use and zoning regulations that apply to the site plan application. She said the proposed redevelopment was consistent with the Central Beach Revitalization Plan, which was established in 1988, as well as the City's Comprehensive Plan and the Central Beach Regional Activity Center (RAC) designation.

She pointed out that the Staff report states the Board must determine whether or not the Application is compatible with the Central Beach Revitalization Plan. This Plan establishes the framework on which all land use has been implemented for over 20 years, as well as the land use and zoning regulations adopted by the City within the same time frame. This Plan created the vision for the entire Central Beach area, as well as the foundation upon which the Central Beach Regional

Activity Center Future Land Use Designation was based. The RAC designation is part of the City's Comprehensive Plan, and states that the area is to be developed with a high-density and intense mixture of uses.

Both the Central Beach Revitalization Plan and the Central Beach RAC Land Use have been revisited many times, and have consistently been upheld as the appropriate visions and land use designation for the Central Beach area. The Central Beach Revitalization Plan also led to the implementation of zoning district regulations. One of these districts is the Intracoastal Overlook Area (IOA), where the subject property is located. This district was created to promote residential multi-family high-rise development, consistent with the regulations adopted by the City.

Ms. Ward emphasized the importance of the relationship of the Intracoastal Overlook Area with the other zoning districts in the Central Beach area. She showed a rendering of the area, noting that the district to the east is the ABA district, which allows development at a scale of 200 ft. in height. The intent was to allow large-scale high-rise development directly to the east of a similar high-rise multi-family residential district.

Some of the standards that must be met in the IOA include the permitted use of residential multi-family development, with a maximum height of 120 ft. The subject property's proposed height is 115 ft. While the maximum density in this district is 48 units per acre, the subject property proposes 22 dwelling units. Ms. Ward advised that the previous standards allowed buildings up to 150 ft. in height and a density of 60 units per acre; both were lowered in 2004 after input from the surrounding neighborhood, community, and the City. The length and width of the proposed structure lie within the permitted maximums, and the landscaped area complies with or exceeds the area's standards as well.

With regard to neighborhood compatibility, Ms. Ward noted that the mass of the proposed building is consistent with that of other structures in the area. This requirement is based on density rather than on floor area ratio (FAR), although some nearby districts, such as ABA, allow for much larger resort-style developments and therefore have a standard based on FAR.

Ms. Ward pointed out that several multi-family projects have been approved in the IOA, such as La Cascade and La Rieve, with a different architectural style called a "wedding cake stepback," which is no longer encouraged in the updated Central Beach Master Plan. Development is instead encouraged to enhance the views from the Intracoastal to Birch Road. The subject property follows this recommendation by including 30 ft. stepbacks to the north and south and not including a parking ramp or trash disposal services within the setback area.

She noted that Code allows an Applicant to request an alternative to providing the half height setback in order to encourage flexibility and design. This alternative makes it possible for the project to internalize the parking structure and disposal services; 70% of the façade at the ground level provides sufficient transparency to allow for views onto the Intracoastal Waterway. Ms. Ward clarified that this proposed alternative is not considered to be a variance.

The project complies with all parking requirements; while there is no loading zone requirement for a residential development, the Applicant provides a drop-off and pickup area for trash disposal.

Ms. Ward noted that a shadow study, which is one component of neighborhood compatibility, is provided as part of the Application. The Applicant has demonstrated that there are no adverse effects as a result of the minimal shadowing expected of the building. She concluded that the proposed development complies with all applicable land use and zoning regulations, and that the Application goes beyond Code to comply with the vision associated with the Central Beach.

George Fletcher, architect for the Applicant, stated that the original vision for the building was a Mediterranean-style development that sought to maximize the site. After numerous meetings with City Staff, this architectural concept was modified to ultimately reflect a contemporary marine/nautical influence. He noted that the building itself is 70% transparent, which presented some structural challenges, such as accommodation of the parking garage and ramps within the building's footprint. All services, including utilities, generator rooms, vertical transportation, and trash removal, are internalized within the building. This engages pedestrians, enhances the landscaping, and accommodates ingress and egress with two small drives and curb cuts on Birch Road.

Mr. Fletcher showed a photograph from the Intracoastal Waterway, pointing out that the ramp to the parking garage is not visible and the recesses on the base of the building promote a resort-style feeling. Planting areas expand to the property line and the base of the building. He concluded that the building was unlikely to become "dated" in the future, and met all the design criteria without requesting any variances.

Ms. Davis provided a copy of Ms. Ward's and Mr. Fletcher's testimony for the record (Exhibit C).

Tom Lodge, representing Urban Design and Planning, stated that the Application is for a project consisting of 22 multi-family residential units. The development would be an 11-storey, 115 ft. high structure with two levels of parking on the second and third floors, with the residential units located on the upper floors. The side and rear yard setback requirements are reduced from half the height of the

building to 30 ft. and 20 ft. respectively, as the structure is between 75 and 115 ft. in height and is considered to be a development of significant impact. The development is consistent with the City's Comprehensive Plan and approval is recommended by Staff if all applicable ULDR requirements are met.

Vice Chair Hansen asked if the ratio of parking in similar developments has ever created any problems. Mr. Lodge said he has seen no such issues in projects on which he has worked.

Mr. Witschen asked what changes with regard to elevations and setbacks were made from the project's original September 19, 2012 submittal. Ms. Davis said there have been no changes.

Mr. McCulla asked if the Board must use a set of specific criteria to determine whether or not an Application is for a development of significant impact. Attorney Spence clarified that the request for a reduction in setbacks makes the project subject to the requirements of ULDR Section 47-12.5.D.1; by the terms of the request, the project would be designated as a project of significant impact, which meant it would go through Site Plan Level 4 Review. There are not specific criteria that apply this designation to a project: the request sought by the Applicant triggers this review, as do the criteria for neighborhood compatibility and central beach development permit requirements set forth in Section 47-12.

Mr. McCulla asked to know the requirements for Site Plan Level 4. Attorney Spence replied that this review level was subject to the review of the City Commission. The criteria for review in the Central Beach area are subject to Section 47-12.2, which review design criteria and arbitration that differentiate a beach development permit from a regular Site Plan Level 4 development permit.

Mr. McCulla explained that he wished to know if projects must "[clear] a higher bar" for Site Plan Level 4 as compared to Site Plan Level 3. Attorney Spence said this was a distinction of who reviews and approves the project: Level 3 stops with the Board unless the City Commission elects to call up the Application, while Level 4 requires City Commission approval.

Mr. Witschen asked to know the height of the tallest buildings in the segment between the Granada and Terramar developments. Mr. Lodge said most of these properties are two to three stories in height.

Vice Chair Hansen observed that under Site Plan Level 3 review, the setback would have been an additional 1500 sq. ft. per lineal ft. of the building as compared to Site Plan Level 4. Mr. Lodge replied that this was reviewed for bulk and massing. Ms. Parker stated that the result would have been a lower and "stockier" building if the developer had elected to work with half the height.

Keith Poliakoff stated that he represented 10 different community associations, including homeowners' and business owners' groups. He distributed copies of a PowerPoint presentation (Exhibit D). For the purposes of tonight's meeting, these entities had formed Residents for Responsible Growth, which is comprised of individuals and businesses in the proposed development's area who would be affected by the Application. The list of associations included Birch Point Condominiums, Cormona Apartments, Alhambra Place Condominium Association, Lauderdale Surf Club Apartments, Seasons of Fort Lauderdale Condominium Association, Granada in Luxury Bed & Breakfast, 3000 Granada Inn, La Costa Del Mar, Coconut Cove Guest House, and Versailles Cooperative Association.

Mr. Poliakoff showed a rendering of the location of these associations with respect to the location of the proposed project, as well as the location of the associations that had provided letters of support. He noted that the buildings to the north of the Application were two to three stories in height. He recalled that in 2006, a similar project proposed for the same property had been rejected due to its height, insufficient parking, and insufficient setbacks, as well as a lack of community support. Mr. Poliakoff asserted that the developer had assured the nearby Birch Point and Birchcrest developments that the project would be subject to Site Plan Level 3 review rather than Site Plan Level 4 as a project of significant impact.

He continued that following the developer's presentation to the Central Beach Alliance (CBA) in September 2012, the CBA's membership voted 170-11 against the project, which constituted 94% in opposition.

Mr. Poliakoff stated that the developer must prove how the project is compatible with the surrounding area. He advised that the site is 0.63 acre, or 25,000 sq. ft., on which a 163,740 sq. ft. structure containing 22 units and 48 parking spots will be constructed, with only one parking space for a building employee. He added that when utility towers are included, the building is 129.2 ft. tall, or nearly 13 stories. Mr. Poliakoff asserted that there are only 30 ft. of separation between the proposed project's balconies and the balconies at Birch Point.

He noted that this project has overlooked key components of Code, including neighborhood compatibility, and has not taken sufficient steps to mitigate the negative effects of traffic, noise, shadow, odor, and scale on adjacent neighborhoods. He noted Section 47-25.3.A.3.E.4.E, which states that new building masses should maintain reasonable views to the waterway from existing structures. He did not feel the transparency of the building met this Code requirement.

Mr. Poliakoff continued that the residents who oppose the project are not against development of the site, but are instead seeking a compatible structure. The

CBA's goals, recommended to the City in 2008, state that future construction on undeveloped property in the IOA district should not exceed 70 ft. at its highest point in order to ensure this compatibility. He advised that adding more concrete structures to this section of the Central Beach area could only compound the existing problem of erosion. While there are no FAR requirements within the IOA district, Mr. Poliakoff advised that of all projects recently approved within the City, the Application represented the greatest density of any project in its area.

Mr. Poliakoff continued that with regard to the project's traffic and loading area, there is no bypass lane and no loading zone, with maximum stacking of only two to three vehicles. He asserted that this meant vehicles would stack into the roadway. He also noted that only three guest spots are included in the project's parking plan, and described most spaces in the garage as 8 ft. spaces, which cannot easily accommodate most large vehicles in a garage setting.

He concluded by showing an artist's rendering of the project as it was originally proposed, which featured a smaller building and a greater setback to Birch Point. Over time, subsequent artists' renderings reflected smaller and smaller setbacks in order to maximize the density of the site. Mr. Poliakoff asserted that the project violates Code due to incompatibility with neighboring developments.

Michelle Mellgren, also representing Residents for Responsible Growth, advised that she has more than 25 years' experience in planning, zoning, and land use, and has qualified as an expert witness in these fields. She referred the Board to ULDR Section 47-12.2.A.4, which states that the IOA district's purpose and intent is "to encourage the preservation of existing structures and uses that front on the Intracoastal Waterway." In her professional opinion, the proposed development was inconsistent with this intent, as it would represent an abrupt change in building scale within the district. The subject property does not provide transition to a two-storey building to the north and will create shadows on nearby businesses and lodgings that serve the tourism industry. Ms. Mellgren added that the height of the building would negatively affect the views of two nearby buildings.

She moved on to setbacks, stating that Section 47.19.BB.2 requires that swimming pools, hot tubs, or spas that are accessory to multi-family dwellings are subject to the minimum yard requirements of their zoning districts. If waivers are approved for the project, the pool deck would be only 7 ft. 10 in. from the property line.

Ms. Mellgren advised that Section 47-23.8.B.1 requires a 20 ft. landscape yard adjacent to the existing bulkhead on the west side of the site. The project's proposed yard features hardscaping rather than landscaping. She added that the Applicant's request for a waiver of the rear setback requirement as part of Site Plan Level 4 may permit a reduction of the minimum side setback to 10 ft.;

however, the pool and deck are at 7 ft. 10 in. as proposed, and are located in the rear yard rather than the side yard, which is not addressed by Code. This would require a variance rather than a waiver.

Ms. Mellgren continued that Section 47.24.2.A.3 requires the City Commission to determine whether or not the proposed project meets all ULDR requirements. She asserted that not only does the Application fail to meet these requirements, it is in violation of the purpose and intent of the zoning district, the 20 ft. rear property line setback, the 20 ft. landscape buffer on the west side, and the variance requirement.

Mr. Poliakoff concluded that the Application violates the technical portions of Code cited above, and is not entitled to waivers, as it is incompatible with the surrounding area.

Chair McTigue asked to know the lengths of the setbacks at Birch Point. Mr. Poliakoff said these are 30 ft. from the north and 20 ft. from the east, west, and south property lines.

Vice Chair Hansen recalled that the 2008 goals of the CBA include a desire to reduce the height permitted in the IOA to 70 ft., and asked if these goals were presented to the City. Ms. Parker replied that no official action on these goals was taken at the City level, although the Master Plan effort in 2008 sought to accommodate different viewpoints from neighboring residents. The proposed design guidelines were not adopted, and no formal request was made during the last four years to enact them. She noted, however, that significant input has been provided from residents of the Central Beach during the development of the proposed Master Plan.

Ms. Tuggle asked if Ms. Mellgren's assertion that the project included technical Code violations was a matter of opinion or of fact. Ms. Parker said the intent statement of the district was not a requirement, and the subject property does not include any existing structures; she advised it would be up to the Board to make this determination.

Vice Chair Hansen asked if the Cormona Apartments were officially designated as historical structures. Mr. Poliakoff replied that this was a local designation by the Fort Lauderdale Historical Society; however, Anthony Fajardo of Urban Design and Planning asserted that this was not an official historical designation by the City Commission. Ms. Davis said a property is able to request a plaque from the Historical Society if a building is 50 or more years old; however, this does not denote an official historical designation.

Mr. Cohen requested more information regarding the fact that a swimming pool is not designated a structure. Mr. Fajardo stated that because a pool lies below

grade, it is not considered a structure with regard to setback requirements. Mr. Poliakoff asserted, however, that the Code states a swimming pool "shall be subject to the minimum yard requirements," which he did not feel was open to interpretation.

There being no further questions from the Board at this time, Chair McTigue opened the public hearing.

Dean Trantalis, private citizen, proposed that in the future, the process follow a four-point plan that would identify the area to be developed, determine "what...exactly we're looking for" for that area according to community standards, decide what incentives will be given to investors, and determine a manner by which to develop consensus. He felt the existing procedure was detrimental to the residents' quality of life, and asked that the Application be denied for this reason.

Jay Kaltman, private citizen, said the inability to build a structure subject to Site Plan Level 3 had never been discussed with neighboring residents, and asserted that the Applicant and his attorneys had never reached out to the surrounding community. Mr. Kaltman said Site Plan Level 4 review had never been discussed with neighboring residents until notice of tonight's meeting was posted on the property. He declared that the Applicant had stated at a May 3, 2012 meeting of the Central Beach Alliance Executive Board that he would not seek Site Plan Level 4 variance without initial support from the local residents, and submitted documentation for the record (Exhibit E).

Dave Berlin, President of Cormona Apartments, Inc., said his property would be the most affected by the Application, as the proposed building is very close. He advised that the distance between the two structures' walls would be 38 ft., which would place the Cormona building in the shadow of the larger building; in addition, the air conditioning units on the subject property would be offset on the side facing the Cormona building, which would reduce this distance even further and create noise. He stated that Code should serve to protect existing structures such as his building.

Paul Engel, resident of the Portofino condominium, said the issue was two different interpretations of Code. He recalled that there had been many disagreements over the years with regard to new development, and advised that it would be best to find a way to make the project acceptable.

Eileen Helfer, president of the Harbor Haven Condominiums, said she had worked with City Attorneys, developers, and residents several years ago to make changes to the Code, such as lowering the height restriction in the IOA from 150 ft. to 120 ft. She stated that all Harbor Haven permanent owners with whom she has spoken are in support of the Application, and advised that they were

provided with information about the development. They feel the building will be an asset to the neighborhood.

Keith Blackburn, real estate broker, said he was excited about the design of the proposed building and felt the project should be approved. He felt the developer had worked closely with the City to arrive at a design that would be compatible with the surrounding area.

Walter Morgan, private citizen, noted that there had been no development on the beach since 2006. He stated that the proposed project was a quality development that should be encouraged and approved by the City, and could contribute to the revitalization of the area.

Mike Kelly, president of the Fort Lauderdale Surf Club, an 11-building cooperative within the IOA, said something should be developed on the subject property; from the perspective of the North Beach area, he also felt the property could serve as a transition from taller buildings down into the North Beach. He urged the Board to reject the Application and require the developer to provide a more transitional plan for the property.

Midge Clark Backowitz stated that she was present to read a letter from Ina Lee, private citizen. The letter stated that Ms. Lee is a member of the Beach Redevelopment Board, the Beach Council, the Florida Restaurant and Lodging Association, the Marketing Advisory Committee of the Convention Visitors' Bureau, and the Greater Fort Lauderdale Chamber of Commerce. Ms. Lee concluded that the development could serve to enhance the beach as "a world-class destination" and should be encouraged, particularly in the current economic climate. She provided a copy of the letter for the record (Exhibit F).

Michael Beamish, private citizen, stated he was in support of the project and felt it would enhance the City and the area.

Laura Rand, employee of the Greater Fort Lauderdale Chamber of Commerce, said the design of the building would fit into the surrounding community. She said she was in support of the project.

Abby Laughlin, private citizen, asserted that the intent of the Central Beach Master Plan, as well as the trust of the surrounding community, were in danger of being destroyed, as there are numerous sections of the Central Beach Master Plan that are contradicted or disregarded by the specifics of the Application. She quoted the Master Plan as stating that "future development should respect the existing fabric and scale by limiting large footprints and encouraging smaller footprints. View corridors, and public access to the Intracoastal Waterway should be maintained." She added that the term "[development of] significant impact" does not exist within the Master Plan, and the developer has not met with the

community in good faith. Ms. Robinson noted that the developer's land costs were very low when the parcel was purchased, which would allow for a great profit due to the density of the project. She concluded that the Board should deny the Application.

Patricia Robinson, private citizen, said she has been seeking new development in the area in order to downsize from a large modern home. She felt the project was new and exciting, and should be approved if it meets the necessary criteria.

Judy Scher, resident of Birch Crest Condominiums and member of the Beach Redevelopment Board, stated that she and other residents of her condominium were opposed to the project. She said while the project's attorneys and architects had presented the project, they were not willing to make any of the modifications requested by the residents. She pointed out that a recently constructed pool deck at Birch Crest would be in shadow for part of the time, and concluded that the proposed building would be a large structure on a very small lot.

Dan Teixeira, president of Harbor House East, stated that he agreed with the comments made earlier by Dean Trantalis. He read a letter approved by the Board of his residence, which stated that after reviewing the plans, setbacks, and overall design of the proposed building, they were glad to see a mid-sized contemporary building proposed for the area rather than a high-rise structure. The board had voted 4-0 to recommend approval of the project.

Mickie Leonard, private citizen, said she was a former resident of Harbor Ridge, which she characterized as being located in a similar neighborhood to the area for which the Grand Birch is proposed. She felt the area was not a safe environment when buildings and land remained vacant, and that a project would be beneficial to the City. She said she was in support of the project as a means to the continued revitalization of the Fort Lauderdale Beach, particularly by increasing the City's tax base and bringing in new residents.

Art Seitz, private citizen, showed the Board a photograph of the Ritz-Carlton, the Lauderdale Beach Club, and Beach Place, stating that these and other high-rise buildings on the beach created shadows by early afternoon. He encouraged the Board to reject the Application.

Fred Carlson, board member of the Central Beach Alliance, said while Staff has recommended approval of the Application, the presentation by Mr. Poliakoff showed that mistakes may have been made through this approval. He felt the density of projects on the beach is much more critical than in previous years, as the beach area is becoming built out. He stated that beach residents prefer open space to higher density, which is reflected by reductions to the height requirements of the Code. He urged the Board to vote against the Application.

Karen Turner, board member of Bayshore Embassy and secretary of the Central Beach Alliance, recalled that she and other neighbors had objected to the proposed Aquatania development some years ago. She felt a similar issue could result with regard to the Application, as it was also not compatible with the surrounding neighborhood. While she felt the building was beautifully designed, she did not believe it would fit on the property, and asked that the Board vote against the Application.

Helene Levitz, private citizen, stated she would like to defer her time to John Weaver, president of the Central Beach Alliance. Mr. Weaver reiterated that the CBA's board had voted 170-11 against the project. He advised that the structure was the largest possible building that could be built on the lot, as a taller building would have required larger setbacks. He added that nearby residents' property values would be affected if their views were compromised; a Site Plan Level 3 structure would have been a more reasonable development for the subject property than a Level 4, which he said would obstruct the view. He did not feel that the term "development of significant impact" had been sufficiently defined other than to state that this designation could be requested.

He noted that while view corridors are present on the beach, this is not the case on the Intracoastal Waterway, which was another reason Site Plan Level 4 structures should not be allowed in the IOA district. Mr. Weaver noted that allowing the Level 4 designation would set a precedent for future development, which would not represent the highest and best use of properties in the area. If buildings continue to be produced at the maximum proportions allowed by Code, the result would be a continued lack of neighborhood compatibility.

He concluded that the Central Beach Master Plan was unlikely to have anticipated that many Site Plan Level 4 structures would be developed in the area. He said the CBA would like to work with the developer and determine if a Level 3 structure might be possible on the subject property so appropriate and compatible buildings would be built on the beach.

Mr. Cohen asked if the CBA's voting structure allowed one vote per person. Mr. Weaver explained that one vote per person was allowed, as well as 10 votes for anyone who is the president of a building. He estimated that between 60 and 70 members had voted with regard to the project.

Carol Schmidt, condominium association manager at Il Lugano, recalled that when this 15-storey building was first proposed on the Intracoastal Waterway, there was great resistance to it. Although some views have been blocked, she reported that Il Lugano has enhanced both the neighborhood and the nearby property values.

Charlotte Rodstrom, City Commissioner from 2006 to the present, advised that the lack of development during the past six years is due in part to neighbors, residents, business community, and developers working to arrive at a common goal for how they would like to see the beach redeveloped. She noted that while the Central Beach Master Plan has not yet been approved by the City Commission, the Commission has approved the public realm portion of the Plan and hopes to address the zoning changes that may accompany the document's adoption. She pointed out that the Commission has waited for a long time to try to determine what kind of development they want to see on the barrier islands, and recommended that this time be extended in order to ensure that the next wave of developments in this location are "basically perfect," meeting all criteria of Code and being determined by input from both residents and developers.

Commissioner Rodstrom emphasized that she was not satisfied with the description of what criteria may determine a development of significant impact, and pointed out that these criteria exist in the 1997 ULDR, which was not provided to the Board as part of their backup materials. She stated if the members were not certain of these criteria, they should deny the Application in its current form and request revision of the project to reflect greater neighborhood compatibility.

As there were no other members of the public wishing to speak on this Item, Chair McTigue closed the public hearing and brought the discussion back to the Board.

Ms. Davis asserted that a development of significant impact is a Site Plan Level 4 project, which must be reviewed and approved by the City Commission. If an Applicant wishes the Planning and Zoning Board to be the final reviewing entity, the setback requirements remain half the height of the building at every level, which she recalled could result in the "wedding cake" effect. She pointed out that there are no standards or criteria that must be met by the Applicant other than the requirement that the building must be "[of] superior design," meet the standards of the Revitalization Plan, and meet Code.

She reiterated that the Application requests no variances and does not require waivers, noting that pools are not considered to be structures, as pointed out by Staff. The subject property is also not considered to be a waterway use, as these uses are excluded in the Central Beach area.

Ms. Davis stated that the building's height is measured to the highest slab of the roof, which for the proposed structure is 115 ft. Mechanical equipment, such as elevator shafts and air conditioning structures, are not considered to contribute to height. She noted that these structures are screened with architectural elements, which add to the varying roof lines required by the design criteria.

With regard to parking spaces, Ms. Davis said the project meets all Code parking requirements, and advised that only five of the 48 spaces are 8 ft. 8 in. in size, in compliance with current Code. All other parking spaces are either larger than this size or accompanied by structural poles that will increase the size of the spaces to over 10 ft. She advised that a parking assessment was done for the entire area with regard to guest parking, and the Alhambra lot, which is being expanded by 60 spaces, is one option. Public spaces are also available at the Westin Hotel at a cost of \$10.

She moved on to address setbacks, stating that this has been addressed through meetings with Staff, the CBA Board, and neighbors of the property since April 2012. After meeting with Mr. Poliakoff on three occasions, and discussing the issue with Mr. Weaver of the CBA on two occasions, she declared that all issues with regard to height, shadows, parking, FAR, and other concerns were researched and reconfirmed with Staff. Ms. Davis advised that the proposed building would be the only structure in the IOA with 30 ft. clear setbacks from the ground floor all the way up, with no impediments to the views from Birch Road to the Intracoastal Waterway. She noted as well that the Cormona building is 8 ft. from their property line, which provides 38 ft. of total space.

Ms. Davis concluded that Birch Point shadows the Cormona building and the pools on the east side of the project, while Birch Crest also casts shadows on surrounding pools at different hours. She stated that every building casts a shadow, and Grand Birch would not be significantly different in this regard. She added that while there is no right to property values, views are protected due to the octagonal shape of Birch Point and the location of the Cormona building.

Mr. Cohen asked to know what level of scrutiny was applied to the buildings represented by Mr. Poliakoff. Ms. Davis replied that these buildings, which included Alhambra Place, La Rieve, and La Cascade, are located in the ABA district adjacent to the IOA and were subject to Site Plan Level 4 as developments of significant impact.

Mr. Ferber asked if the Application would have been considered incompatible with the goals of the existing beach redevelopment plan if the Applicant had instead designed, for example, 22 garden-style apartment units in a two-storey structure. He explained that he hoped to more fully understand what constituted neighborhood compatibility. Ms. Parker said this type of structure would not be subject to the same level of review as a development of significant impact.

Mr. Ferber recalled that the CBA had voted 170-11 against approval of the project, and asked if this type of information is intended to override other objective criteria that might be used to determine this compatibility. Ms. Parker said the criteria for neighborhood compatibility include standards such as preserving the character or integrity of adjacent neighborhoods, including

improvements or modifications made on-site or in public rights-of-way to mitigate any adverse effects to adjacent properties.

Mr. Ferber requested clarification regarding the swimming pool, noting that the existence of a pool within a 20 ft. waterway setback has been considered an encroachment in the past. He asked if this would require a modification or is permitted by Code. Mr. Fajardo explained that this would depend upon whether or not the pool is located above grade: if it is at or below grade, a pool would not be considered a structure and would not have to meet the same setback requirements.

Vice Chair Hansen recalled that while low-rise developments in this area have contributed to the character of the Central Beach in the past, this appears to have changed since the 1990s. He noted that the buildings to the south of the subject property do not appear to require transition from greater to smaller height, as there are 11-storey buildings located directly alongside two-storey buildings in this area. He concluded that if the IOA permits a certain height, there is always the potential for a very tall building to be developed or redeveloped next to a smaller one.

Mr. Witschen stated he would like to clarify his vote: while he felt he had heard a great deal of civic activism, and perhaps "bullyism," he did not feel he had heard a great many facts. He concluded that while he agreed with Vice Chair Hansen that the property would eventually be developed, he could not vote in favor of the Application.

Motion made by Mr. McCulla, seconded by Ms. Tuggle, for approval. In a roll call vote, the **motion** passed 7-2 (Mr. Cohen and Mr. Witschen dissenting).

The Board took a brief recess from 9:17 p.m. to 9:31 p.m.

2. Grupo Alco International, LLC. / 1110 Seminole Drive Yvonne Redding 62R12
- Request: ** Site Plan approval / Use on a waterway
- Legal Description: CORAL RIDGE SOUTH ADD 24-41, Lot 1 & 2, Block 4, together with a portion of Coral Bay Described as Beg SE Corner of Lot 1
- General Location: 1110 Seminole Drive
- District: 1

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.