

FORT LAUDERDALE CITY COMMISSION REGULAR MEETING
JULY 10, 2007

Agenda

Item	Resolution/Ordinance	Page(s)
	<u>Presentations:</u>	
	1. National Public Parks Tennis Week – July 28 through August 3, 2007 as National Public Parks Tennis Week in the City of Fort Lauderdale	1
	2. Community Appearance Board – WOW Award - District IV	2
	3. Outstanding City Employees	2
	4. Expression of Sympathy	2
CA	Consent Agenda	2
M-1	Event Agreement – Family Fitness Weekend	2
M-2	Settlement Agreement – Florida Alliance For Retired Americans – Organization of American States	3
M-3	Event Agreement – Amendment 1 – Task Order 16 – Camp Dresser and McKee Inc. - \$16,367 – Group II Wastewater Pump Stations A-9, B-5, B-6, B-13 Rehabilitation	3
M-4	Amendment 1 To Task Order 26 – Camp Dresser and McKee Inc. – Harbor Beach Pump Station Rehabilitation – Credit (\$28,618)	3
M-5	Amendment 2 – Task Order 13 – Camp Dresser & McKee, Inc. – Credit \$64,604 – Group I Pump Stations A11, B8, D47, E5, D39 Rehabilitation	4
M-6	Continuing Contract – Kittelson & Associates, Inc. – Traffic And Transportation Engineering Consultant Services	4
M-7	Executive Airport Taxiway Alpha Relocation – Reject Bids And Re-Bid	4
M-8	Grant Application – Executive Airport Taxiway Alpha Relocation – Federal Aviation Administration – \$9,000,000	4
M-9	One-Year Contract Extension – Stoner & Associates, Inc. Surveying and Mapping Services	5
M-10	Change Order 1 – Danella Companies, Inc. - \$206,544.91 & Add 228 Days – Sanitary Sewer and Water Main Improvements – Area 4 Basin A	5, 13
M-11	Final Change Order 2 – Globetec Construction, LLC - Credit \$47,095.05 – Sewer and Water Main Improvements – Riverside Park Basin D	5
M-12	Change Order 3 – Foster Marine Contractors, Inc. – Credit \$29,178.45 – Lauderdale Manors Phase III – Basin C	6
M-13	Water Service – Portion of Broadview Park – Broward County	6
M-14	General Environmental Engineering Consultant Services Continuing Contract	6, 13
M-15	Task Order 11 – Chen and Associates Consulting Engineers Inc. – Roundabout Improvements – NE 15 Avenue At NE 18 Street - \$30,671	7
M-16	Task Order 8 – Post, Buckley, Schuh and Jernigan, Inc. - \$582,403.60 - Architectural, Engineering and Other Services – Hurricane Aftermath	7
M-17	Task Order 9 – Post, Buckley, Schuh and Jernigan, Inc. - \$59,891.50 – Architectural, Engineering & Other Services – Landings Entrance Wall	7

M-18		Settlement of Workers Compensation Claims - \$74,750 WC-03-11586 and WC-05-12796	8
M-19		Document Recording Fees – Broward County - \$20,000	8
M-20		Grant Project Amendment – Urban Area Security Initiative – French Barricades - \$30,000	8
M-21		Operating Agreement Lease – Broward County Lot II Metered Parking – 80 SW 1 Avenue	9
M-22		City Property Insurance Policy – State Assessments - \$28,144 – Affiliated FM Insurance Company	9
CR-01	07-134	Grant Acceptance – NE 15 Avenue Beautification - \$250,000 Florida Department of Transportation	9
CR-02	07-135	Financing Procurement Application Software Upgrade - \$184,013.86 – SunTrust Master Lease Program	10, 13
CR-03	07-136	South Middle River Terrace Park – Open Space Site 146 - \$530,000 – Capital Improvement Plan – Interlocal Agreement – Broward County	10
Pur-1		Proprietary – Computer Docking Stations	11
Pur-2		Proprietary – Closed Circuit TV Replacement Camera System Parts	11
Pur-3		472-9753 – Knuckle Boom Crane	11
Pur-4		472-9790 – Water Distribution System Fittings	12
Pur-5		Proprietary – Procurement Application Software Upgrade	12, 14
M-23		City Commission Request For Review – Las Olas Beach Club – 101 South Fort Lauderdale Beach Boulevard – Case 51-R-01(A)	15
R-1	07-129	Lot Clearing and Cleaning Special Assessment Liens For Associated Costs	15
R-2	07-130	Yacht Haven Site Plan and Conditional Use Review - 2323 W. State Road 84 – Mixed Use – Allocation of 329 Residential Flexibility Units – Case 23-R-05	15
R-3	07-131	Site Plan Level IV – Aquatania – Case 136-R-06 – Two, Ten- Story Towers – Multi-Family – Premier Bayshore Developers, LLC	21
R-4	07-132	Library at Holiday park – 1300 East Sunrise Boulevard Special Collection Library by Stonewall Library And Archives, Inc.	28
PH-1	C-07-59	Amend Operating Budget – Grant Acceptance - \$11,600 Community Emergency Response Team	33
PH-2	C-07-60	Interfund Transfer - \$23,250 Horse Paddock Expansion - Holiday Park	33
PH-3	C-07-61	Interfund Transfer and Appropriation – South Beach Parking Lot	34
PH-4	C-07-56	Amend Operating Budget – Transfer \$95,000 – Parking Services Administration Building Parking Lot – 290 NE 3 Avenue	34
PH-5	07-133	Birch Park Beach Finger Streets – Residential Parking Permit District	35
PH-6	Deferred	Historic Designation – Americana Motor Inn 2150 SE 17 Street – Case 11-H-06	36
PH-7	C-07-58	Small Scale Land Use Map Amendment – Konover Site - 3.19 Acres – Case 10-T-06	36
PH-8	C-07-62	Rezoning to Community Business – 200 Corporate Drive Case 4-Z-07 – ACPRE RCC Realty, LLC c/o Archon Group	37
PH-9	C-07-63	Future Land Use Plan – Small Scale Map Amendment Fire Station 3 – Case 15-T-06	38
O-1	C-07-55	Vacate Right-of-Way – NE 18 Street Old Florida Corporation – Case 20-P-06	38
O-2	C-07-64	Police and Firefighters Retirement System – Cost of Living Adjustment One-Year Extension	39
O-3	C-07-65	Budget Amendment 5 – Fiscal Year 2006-2007 Police	40

MOTIONS

City Commission Request For Review – Las Olas Beach Club – 101 South Fort Lauderdale Beach Boulevard – Case 51-R-01(A) (MD-23)

No budgetary impact

Mayor Naugle said that he requested this matter be called up. The Applicant has answered his questions and he no longer wishes to call it up.

Commissioner Rodstrom called up this item. There was no second to the call-up.

RESOLUTIONS

Lot Clearing and Cleaning – Special Assessment Liens For Associated Cost (R-01)

No budgetary impact

Vice Mayor Moore introduced the following resolution:

RESOLUTION NO. 07-129

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, MADE PURSUANT TO CHAPTER 18 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ASSESSING AGAINST THE PROPERTIES DESCRIBED IN THE SCHEDULE ATTACHED HERETO THE COST AND EXPENSE OF LOT CLEARING AND IMPOSING A SPECIAL ASSESSMENT LIEN AGAINST EACH PROPERTY FOR THE ASSESSED AMOUNT, AND DIRECTING THE PROPER CITY OFFICIALS TO RECORD A NOTICE OF SPECIAL ASSESSMENT LIEN IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Moore, Commissioner Hutchinson, and Mayor Naugle. NAYS: None.

Yacht Haven Site Plan and Conditional Use Review - 2323 W. State Road – Mixed-Use – Allocation of 329 Residential Flexibility Units – Case 23-R-05 (R-02)

No budgetary impact

Applicant: Azurite Corp. Ltd.

Location: 2323 West State Road 84
Zoning: General Business B-2

Mayor Naugle said this is a hearing set as a result of a Commission Request for Review from a decision of the Planning and Zoning Board approving an application for a Site Plan Level III development permit. The Commission adopted a motion at its March 20, 2007 meeting to set a date to conduct a de novo hearing to review the application for a development permit.

ALL INDIVIDUALS WISHING TO SPEAK ON THIS MATTER WERE SWORN IN

Jenni Morejon, Planning and Zoning, said the Applicant is requesting a conditional use permit to construct a mixed-use development, consisting of 329 residential units, 75,468 square feet office space, 4,266 square feet convenience store with a restaurant and 48 boat slips. She noted the current zoning and location. She noted the various reviews by the Development Review Committee, Marine Advisory Board and Planning and Zoning Board. She reviewed the prior Commission action on this matter. The item was deferred in order the Applicant to submit a revised traffic study which has been provided and reviewed by the City's Traffic Consultant. No significant concerns were found.

Ms. Morejon said that per Section 47-28.1 the City may allocate residential flexibility units on commercial land use parcels through the approval of a mixed-use development subject to meeting neighborhood compatibility requirements and obtaining a conditional use permit. This project requires allocation of 329 units from Flex Zone 56 or 41% of the 799 units currently available. Staff finds that the number of units requested is significant and that the number of available units will be reduced by almost half, thereby limiting potential for future mixed-use redevelopment throughout the remainder of this flex zone. Regarding neighborhood compatibility, the project varies significantly from existing development area patterns. It does not promote a gradual transition in building mass and scale. Based upon the criteria outlined for waterway use - Section 47-23.8, the proposal does not appear to harmonize with existing development patterns and creates a dramatic change in the area character along the New River.

Ms. Morejon noted should the Commission approve this item, conditions are recommended and included in the backup materials including an item from the last meeting that 15% of units be contributed to Broward County's definition of workforce housing.

Vice Mayor Moore left the chamber at approximately 6:32 p.m.

Gerry Knight, representing the Applicant, said this is a mixed-use development on approximately 20 acres located on the north side of State Road 84 west of Interstate 95. This development consists of 75,468 square feet office, 329 multi-family residential units, and a marina with a restaurant. The property is zoned B-2 and designated commercial on the City's Land Use Plan. People will be able to live, work and enjoy the amenities of boating. It will be well planned and each element is essential to the overall success. With approval, the 30-year old recreational vehicle park will be replaced with a new multi-use development, including a new marina and provide economic stimulus to redevelopment of the State Road 84 corridor. The property taxes would increase from over \$30,000 to over \$700,000 per year. This property together with other properties along State Road 84 was annexed in November, 1994 into the City. Before annexation,

it was zoned Broward County B-3 which would have allowed multi-story commercial development on the New River at this location. City officials met with the property owner before annexation and as a result of those meeting, the property owner understood that the proposed City zoning for the property would allow a development with buildings up to 150 feet in height, which is permitted in the City B-2 Zoning District, and a mix of uses. The property owner believed in good faith that a development essentially as is presented this evening would be acceptable. An application was submitted in December, 2004 and the Applicant has been going through the development approval process since then. He outlined the decisions of the Marine Advisory Board, Planning and Zoning Board and Development Review Committee. He noted the conditions of the Planning and Zoning Board: 10% workforce housing and that all permits for the marina be obtained before any other construction could occur. The owner has agreed to all conditions. At Vice Mayor Moore's request, the Applicant will offer 15% workforce housing. The proposed development is a permitted use at this site. The Applicant is not requesting any variances or waivers. The tallest building proposed is 34 feet below the maximum height permitted in this district. There are sufficient flexibility units in the flex zone to accommodate the development and they have been consistently available since the application was first submitted. At that time the development would have used 25% of the available flex units in this flex zone. Since that time 475 of the units have been assigned to the South Regional Activity Center. He was not aware of any other use of flex zones in the past two years or today.

Vice Mayor Moore returned to the dais at approximately 6:36 p.m.

Mr. Knight said this matter was deferred at the last meeting, June 19, so that the traffic study update could be reviewed by staff. They have reviewed it and find it acceptable. There are sufficient parking spaces. The Marine Mile Association and the Marine Industry Association of South Florida support the project. On June 26, 2007 the Broward County Commission approved the boat facility siting plan and upon that plan taking effect, the Applicant may apply for a plan modification to include a dry stack facility. They expect to provide a minimum of 48 slips and possibly up to 120 slips depending on size. The Greater Flamingo Park Civic Association, which is the only association with views of the site, supports this project. No objections have been raised by the Oak River or River Landing homeowners associations. Andrew Deme, a homeowner on the north side of the river, expressed concerns which have been addressed. The Commission should have received an email today from him expressing support.

As to neighborhood compatibility, Mr. Knight said that today it is difficult to determine what would be compatible with the neighborhood on the south side of the New River. To the east is Marina Bay which is a multi-story rental residential project with a marina, the Ramada Inn and the Village Lodge buildings which are also zoned B-2 with a maximum height of 150 feet. To the west and south are primarily heavy industrial and commercial. To the north across the river are single-family homes. If this project is approved, it would introduce a residential component that would make the development more similar to the residential uses on the north side of the river. These residents current view a 30 year old RV park with Marina Bay to the east and the Interstate 95 bridge. The proposal would present a more aesthetically pleasing vista.

Bernard Zyscovich, Applicant's architect, said the project began with the idea to continue the marine business and create a new basin directed toward mega yachts. Along State

Road 84 there would be two office buildings, 75,000 square feet office space, that would support the river industry. There will be a continuation of the Marina Mile character with continuation of all available linear feet for boat docks. A higher quality of mooring will be available. New job opportunities will be created. Mega yachts come with their own crews and bring business to the City. He referred to visual aide provided in the backup materials depicting the various building heights. There are only two buildings that are as high as nine stories. There is almost 1,000 feet from the nine-story building to the house directly across the river (diagram displayed). The parking structures will not be exposed to view. A significant attempt has been made to step the building away from the residential uses and the river. There is a varied, gradual increase in height. There is a significant amount of open space, which allows for surface drainage and less water into the system for ultimate disposal into the sea. There will be a minimal traffic impact and by having parking in a structure, heat islands are eliminated. It is a high quality project which they believe is aesthetically pleasing and compatible with the neighborhood. The water to land ratio is significantly less than that of Marina Bay which skews the numbers in comparison with Marina Bay. When looking at available land area, this project is very similar in terms of density.

Sarah Stewart, Applicant's project manager, referred to the staff's comparative zoning and massing analysis and massing analysis included in the back-up materials. There are two ways of looking at things. This project has never been meant to be a single-family development; it is in a business district. Marina Bay lot size is 47% larger, but the land mass is only 21% larger. In looking at density, Marina Bay is 376 units and this project is 329 units. The difference is two units per acre when considering the land and not the water. Staff's computation of the floor area ratio is 2.68 including parking and without parking it is .53. The parking is enclosed so there is more green space. Staff used the project's largest building and one of Marina Bay's smallest buildings with respect to footprints. The project's biggest building on the New River is not the one used by staff. The maximum height is 150 feet; the project's tallest structure is 116 feet. The distance from the New River to the tallest building on the site is 50 feet. Staff asked that the three-story townhouses around the main building be separated. There is 50 feet setback to the tallest building nearest the river. The project's tallest structure is only two stories taller than Marina Bay's tallest structure. Staff shows Building C as one mass; however there are fifteen unconnected buildings in Building C. There are three-story buildings around a larger building in the middle that have no windows from the Yacht Haven side; they are blank walls some 11,500 square feet. In total they are 310,500 square feet instead of 264,000. The open space for Marina Bay is 56,400 square feet. Most of the open space for the project is accomplished within the waterways. The project's open space requirement is 49,350 square feet, but they have provided 540,000 square feet of open space.

Commissioner Hutchinson left the chamber at approximately 6:56 p.m.

Margaret Croxton, Marina Mile Association, said developers have the right to develop their property. Government's responsibility is to make sure that happens with attention to the traffic, public safety and neighborhood compatibility. The Association is composed of 30,000 employees, 70 corporations. There is no one else but Marina Bay and Secret Woods Park in the neighborhood. Secret Woods is part of the Association. The Association unanimously supports this project. The marina will be maintained. It will be an improvement over the RV park. This will be workforce housing. Old properties on marina mile are being improved and this is one.

John Stephens, 409 Coconut Isle, said he is Vice President of Lewis Marine Supply which employs one hundred individuals. They are southeast of the project. Affordable housing for mid-level managers is important. It is difficult to recruit from other parts of the country because of housing costs. He felt this project will be helpful.

Charles Slater, 2350 SW 26 Avenue, said his family resides directly across the waterway from the project; seven acres with another three acres across Riverland Road. His goal is to offer the property to the City for a future park. His preference is to minimize structures like the proposed project, although he realized that housing is important. The most beautiful places in the world have maximized their natural things. This project goes quickly in the direction of Galt Ocean Mile. He distributed unacceptable issues concerning the project that is attached to these minutes.

Keith Bender, 2000 SW 23 Avenue, did not feel the project is compatible with the area.

Gypsy Miller, 1425 SW 22 Avenue, President of Flamingo Park Civic Association, said Flamingo Park is a 300 home residential area of which half are waterfront. In November, 2006, this project was presented to the Association. The Association supports it.

Stephen Stella, 2170 Tanbark Lane, said he owns property on New River across from this project. He commented that they were not informed of the project. The posted P&Z sign was turned so that only those in Yacht Haven could see it. He talked with several people in Flamingo Park and they had no idea it was going to be nine stories. He talked about the heights and expressed the opinion that it is excessive. In the twelve years he has lived on Tanbark Lane Yacht Haven has not performed as they should and their property has gone down hill. He felt it is about getting as many units as possible to make money. He presented photographs of low flying aircraft over the project. Aircraft are allowed to go to 380 feet. A building of 116 feet is very close especially during storms. He opposed the project.

There being no one else wishing to speak, Mayor Naugle closed the public hearing.

Commissioner Hutchinson said her neighborhood sits in the cross-wind runway flight pattern and four blocks from the north runway. The project is not the maximum height. She realized redevelopment that needs to occur along State Road 84 and the hard work done by businesses to improve the area. Marina Bay went through extensive redevelopment. It was highly contested. It is a showcase for State Road 84. She fully supported the project.

Mayor Naugle was concerned about the project. Fort Lauderdale is known as a yachting capital; the marine industry is important. This is twenty acres of business zoned land. The Commission is being asked to apply flex or residential units to business zoned land on the waterway. This would be a great boating facility. This is clearly discretionary as to whether residential units should be assigned to commercially zoned property. There are so many units available in the southwest and southeast part of the city and where flex units can be applied. This is where the hospital sits and there has been discussion about mixed use projects so that people could walk to work. About 40% of available flex units would be applied to one project, business zoned and sitting under a runway. He received phone calls from the Las Olas Beach Club about music from the entertainment district. There is an entertainment district, outdoor dining and music. People should not

move into an entertainment district if they are concerned about music. If this is approved, he knew he would get calls from residents about airplanes. It is foolish to apply residential units to business zoned property under a runway. There will be complaints about noise from the boatyards. He has talked with many members of the Marina Mile Association who do not favor it. The Applicant is a dues paying member of that association. It is hard for the City to say no to a developer wanting to build condominiums in a residential area. For a developer who wants to rezone from commercial to residential, there is clearly the ability to say no, considering accommodating more people and water supply for example. The property owner conceived the idea two years ago when the condominium market was hotter than it is today. If he would return with a more marine-oriented facility the City would probably be doing him a favor. Evidence received from a former member of the Aviation Advisory Board and a pilot was good. He also referred to Mr. Slater. The Commission has heard from most of the property owners directly across from the project who oppose it.

Commissioner Rodstrom supported this project. She believed this part of State Road 84 is ripe for redevelopment. She was pleased about the 15% affordable housing. She also believed that the marine industry is important. She referred to the mixed-use and thought whoever buys there will know exactly what they are buying.

Vice Mayor Moore thought the City should be more aggressive with respect to acquiring an adequate number of units for this city. He referred to this city having waterways, downtown and governmental centers and the need for additional housing units. Critical mass is key. The City should look at mixed use development along transportation corridors. In this case there is a dry and wet corridor. The uniqueness of this property gives someone with vision the opportunity to propose a use change. This is a logical place for mixed use development and to continue the marine industry. He complimented the architect for the green space and other aspects including building separation, the parking garage and shielding the visual impact. He applauded the 15% attainable housing units. Workforce housing is essential. He commented that employees for Key West are bussed in. He supported the project.

Vice Mayor Moore left the dais at approximately 7:24 p.m.

Commissioner Teel asked if there are any valuable trees on the site, excluding palm trees. Fred Stresau, Applicant's Landscape Architect, said there are approximately 660 trees on the site; about 40% are considered junk trees. He does not know the species names of 30 trees and the balance are palm trees: Coconuts, Washingtonians and Sables and of those, they would save at least 50% to 60%. The Washingtonians would be utilized around the marina complex and along the driveways. During permitting, he expected there would be a second look at the trees to see if there are any valuable ones and they will be moved.

Commissioner Teel was impressed with the green space and tree canopy on the plan. She strongly agreed with Vice Mayor Moore. This is a good example of placing people near their workplace. The people living there may be working there because the price points will make it possible. She commended the developer for placing the parking in protected areas. She asked if the documents would disclose that the residential units are close to the airport. Ms. Stewart said yes, an affidavit will be filed in the public records. Commissioner Teel wanted the print size to be large.

Vice Mayor Moore returned to the dais at approximately 7:28 p.m.

Mr. Knight said there will be a disclosure in the condominium documents and sales contract.

Vice Mayor Moore asked with the present zoning, what is the maximum height. Marc LaFerrier, Director of Planning and Zoning, said 150 feet, but there are FAA restrictions and business on a waterway requiring neighborhood compatibility analysis. In order to reach this level in the process, the Applicant already had to obtain a sign-off from FAA as to permissible height.

Mayor Naugle asked if these flex units would be taken away from the hospital area. Mr. LaFerrier said no, the hospital area is in the south regional activity center. The units could be used around the hospital with a local plan amendment to move the units. Mayor Naugle concluded and Mr. LaFerrier confirmed if these units are moved, they could never be moved to the hospital area if the units are depleted.

Vice Mayor Moore said that would be the case if the units are depleted. There are other methods to provide units in a regional activity area.

In response to Commissioner Hutchinson, Mr. LaFerrier confirmed there was a recent local plan amendment, adding 473 units to the south regional activity center.

Commissioner Hutchinson introduced the following resolution:

RESOLUTION NO. 07-130

A RESOLUTOIN OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, APPROVING A DEVELOPMENT PLAN TO CONSTRUCT A MIXED-USE DEVELOPMENT INCLUDING MULTI-FAMILY RESIDENTIAL, OFFICE, RETAIL AND RESTAURANT, STRUCTURED PARKING AND BOAT SLIPS ON A WAERWAY, LOCATED AT 2323 WEST STATE ROAD 84, FORT LAUDERDALE, FLORIDA IN A B-2 ZONING DISTRICT.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Teel and Rodstrom, Vice Mayor Moore, and Commissioner Hutchinson. NAYS: Mayor Naugle.

Site Plan Level IV – Aquatania – Case 136-R-06
Two, Ten-Story Towers – Multi-Family – Premier
Bayshore Developers, LLC

(R-03)

Applicant: Premier Bayshore Developers, LLC
Location: East Side of Bayshore Drive, South of Terramar Street
Zoning: Intracoastal Overlook Area IOA

Vice Mayor Moore left the chamber at approximately 7:32 p.m.