

13-0438 Version:1

Type: RESOLUTION

Title: 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.

Mover: [Bruce G. Roberts](#) Secondder:

Result: Pass

Agenda note:

Minutes note: Conditions imposed as follows: Air conditioning units moved from side yard setbacks to the roof or within the building without impact to property to the south or to the visibility transparency element. 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 as depicted on Sheet 9 of the EDSA Fort Lauderdale Beach Streetscape Plan (2004 Edition). Developer 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 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. 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 representatives 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.

Action: ADOPTED AS AMENDED

Action text: ADOPTED AS AMENDED

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Person Name

[John P. "Jack" Seiler](#)

[Bruce G. Roberts](#)

[Dean J. Trantalis](#)

[Bobby B. DuBose](#)

[Romney Rogers](#)

Vote

Aye

Aye

Nay

Aye

Aye