

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL – CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, DECEMBER 16, 2015 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2015-May 2016	
		Present	Absent
Patrick McTigue, Chair	P	7	0
Leo Hansen, Vice Chair	A	5	2
Theron Clark	P	4	0
Stephanie Desir-Jean (arr. 8:00)	P	7	0
Steven Glassman	P	6	1
Rochelle Golub	P	6	1
Richard Heidelberger	P	4	3
Catherine Maus	P	6	1
James McCulla	P	6	1

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

Staff

Ella Parker, Urban Design and Planning Manager
D'Wayne Spence, Assistant City Attorney
Eric Engmann, Urban Design and Planning
Jim Hetzel, Urban Design and Planning
Randall Robinson, Urban Design and Planning
Alia Awwad, Professional Engineer (P.E.), Department of Transportation and Mobility
Anthony Fajardo, Chief Zoning Administrator
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

Chair McTigue called the meeting to order at 6:33 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members, and Urban Design and Planning Manager Ella Parker introduced the Staff members present. Assistant City Attorney D'Wayne Spence explained the quasi-judicial process used by the Board.

Chair McTigue advised that Applicants and their representatives are allowed 15 minutes of presentation time, representatives of associations and groups are allowed five minutes, and individual speakers have three minutes.

II. APPROVAL OF MINUTES

Mr. Glassman stated that he believed each recommendation from the Board members, as well as from associations and members of the public, regarding Case Number T15009, would be specifically cited in the November 18, 2015 minutes. He requested confirmation that there would be additional discussion of this Item before changes are made to the City's Comprehensive Plan.

Ms. Parker explained that Case Number T15009 will be advanced to the City Commission and noted that the recommendations made by the Council of Fort Lauderdale Civic Associations and the Board members are included in the Staff Report. She confirmed that testimony from the Council of Fort Lauderdale Civic Associations will be provided to the City Commission, as well as other topics raised by the Board and by members of the public. While the motion to approve the Item did not include all specific recommendations, Ms. Parker confirmed that these recommendations are included in the minutes and Staff Report.

Motion made by Mr. McCulla, seconded by Ms. Maus, to approve. In a voice vote, the **motion** passed unanimously.

III. AGENDA ITEMS

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<u>Case Number</u>	<u>Applicant</u>
1. R14046**	Sage Hospitality, LLC / Holiday Inn Express
2. V15004**	Bruce Paddock / Partial Vacation of SE 7 th Street
3. ID5001** *	TRR Bahia Mar LLC / Bahia Mar
4. T15005*	City of Fort Lauderdale / Amend Unified Land Development Regulations (ULDR)

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 noted that Staff has requested a 60-day deferral for Item 4, which would defer the Item until the February 17, 2016 meeting.

Motion made by Mr. McCulla, seconded by Ms. Golub, to defer. In a voice vote, the **motion** passed unanimously.

1. **Applicant/Project:** Sage Hospitality, LLC. / Holiday Inn Express

Request: **	Site Plan Level III Review: Parking Reduction / Addition of 70 Hotel Rooms to existing hotel.
Case Number:	R14046
General Location:	1500 SE 17 th Street
Legal Description:	Parcel "A", "Zimmerman", according to the plat thereof as recorded in plat book 158, page 42, Public Records of Broward County, Florida
Case Planner:	Randall Robinson
Commission District:	4

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

Manny Synalovski, representing the Applicant, advised that the Applicant agrees with the Staff Report and its conditions as noted. He thanked Staff for their assistance in preparing the Application.

Mr. Glassman asked if the project's retail component will be accessible to the public as well as to hotel guests. Mr. Synalovski replied that because the Applicant hopes to activate the street and improve the pedestrian experience, retail will be available to the general public. Pedestrian traffic is expected to have the greatest impact on the project's retail element: as the retail stores are not intended to be a destination, they are expected to have little impact on the parking requirements.

Mr. Heidelberger asked if the additional rooms planned for the hotel may be built by right, or if a variance is necessary. Mr. Synalovski stated that no waivers are being requested except for the parking reduction, as the parcel's zoning allows development.

Ms. Golub noted that the parcel's original plat included a limitation on square footage. Mr. Synalovski replied that he was not aware of this limitation. Ms. Golub also asked if the parking garage would be valet only or if individuals would be allowed to self-park. Mr. Synalovski stated that the Applicant's intention is to allow self-parking, with the exception of vehicles using the lift. The site will have 127 spaces, and Staff has asked the Applicant to include five lifts, which will be operated by valets. Staff also recommends that the Applicant be willing to add as many as seven additional lifts after the first year.

Randall Robinson, representing Urban Design and Planning, stated that the request is a Site Plan Level III request for a parking reduction. If approved, there will be a 30-day

City Commission call-up period for the Application, after which approval would become final. He reviewed the criteria for a parking reduction, which include:

- Adequacy requirements
- Use has characteristics which support a determination that the need for parking is less than required by the ULDR for similar uses, or there is a public parking facility within 700 ft.
- Two or more different users will share the same parking spaces at different hours, or there will be two or more different users sharing the same parking spaces at the same time because one use derives a portion of its customers as walk-in traffic from the other use; or restrictions will be placed on the use of the property or actions will be taken such as providing company vans or carpooling, consistent use of mass transit, or any combination of the above

Mr. Robinson advised that the Applicant's parking request falls under the second criterion, as a parking study of April 3, 2015 concluded that the proposed project will generate the need for 132 spaces to meet the demands of the facility. This is 16 spaces fewer than required by the ULDR, and is due to the unique guest population and the hotel provisions for shuttle service to and from the airport.

Ms. Golub asked why Staff has not added the condition of requiring a valet contract if the Applicant is required to provide lifts. Mr. Robinson replied that this condition could be added if the Board wished.

Ms. Golub also referred to p. 158 in the plat record, pointing out that the subject parcel's plat includes a note regarding a 7000 sq. ft. restriction on commercial space. Ms. Parker clarified that after Development Review Committee (DRC) review, the Applicant responded by stating that they had submitted and verified that the plat does not require an update.

Mr. Synalovski advised that the plat to which Ms. Golub referred was the original plat for the property, dated to 1993, when it was platted specifically for and limited to 7170 sq. ft. of commercial use. Subsequently, there have been plat note amendments for the property issued as written instruments. The amendments changed the original plat note restriction to allow hotel development with a certain number of rooms. He concluded that the 7170 sq. ft. did not refer to hotel use, and that the existing hotel on the property is actually larger than this size.

Ms. Golub advised that the record regarding any plat restrictions or amendments should be complete before the Application is approved. Mr. Synalovski stated that the Applicant can provide the necessary plat note amendment(s) validating the existing and planned hotel uses.

With regard to parking, Mr. Synalovski added that the Applicant has an agreement with the property's eastern neighbor, Resolve Marine, to arrange temporary parking during the hotel's construction phase. Ms. Golub suggested that this arrangement also be

noted as a Staff condition. Alia Awwad, P.E., Department of Transportation and Mobility, advised that Staff has confirmed that parking will be provided during construction by a neighboring parcel.

There being no other questions from the Board at this time, Chair McTigue opened the public hearing. As there were no individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Maus to approve with Staff conditions.

Ms. Golub offered the following **amendment** to the **motion**: to add to Staff conditions that they provide a valet contract for any lifts that the Applicant is required to use. Ms. Maus accepted the **amendment**.

Mr. Glassman **seconded** the **motion**. In a roll call vote, the **motion** passed 7-0.

2. **Applicant / Project:** Bruce Paddock / Partial Vacation of SE 7th Street

Request: **	Right-of-Way Vacation
Case Number:	V15004
General Location:	1837 SE 7 th Street (Ponce De Leon Drive)
Legal Description:	A portion of the SE 7 th Street (Ponce De Leon Drive) right-of-way, adjacent to a portion of Lots 43, 44 and 45, Blk 31, RIO VISTA ISLES, UNIT 4, PB 6, P 19, of Broward County, FL. containing 1,298 square feet or 0.0298 acres more or less (abbreviated).
Case Planner:	Eric Engmann
Commission District:	4

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

Nectaria Chakas, representing the Applicant, stated that the Applicant is constructing a single-family home on the subject property, which includes a nearly 90-degree angle with the property border along 7th Street and Ponce de Leon Drive. This area is considered to be right-of-way and includes an existing sidewalk. The area between the sidewalk and property line is approximately 1300 sq. ft. Because this is considered right-of-way, the Applicant would be required to maintain this area under City Code.

Ms. Chakas continued that the Applicant, Bruce Paddock, had considered whether or not he could incorporate the right-of-way into his property, as he would be expected to maintain it. She noted that other properties along Ponce de Leon Drive have 50 ft. rights-of-way, which placed the Applicant at a disadvantage because his property is located on the corner. The area to be vacated is 742 sq. ft. The sidewalk and travel lanes will remain with no changes. All utility companies have been contacted and have

no objection to the vacation request. The City and the Rio Vista Civic Association also did not object. The Applicant's narrative argues that there is no public need for the subject property.

Mr. Heidelberger asked if the property owner would pay the City for the land. Ms. Chakas replied that the City may not charge to vacate property; however, once vacated, the property will go back onto the tax rolls. Eric Engmann, representing Urban Design and Planning, also confirmed that the City is certain the subject area will not be needed in the future, as it was vetted by both the Public Works and Engineering Departments. Letters have been provided by these Departments.

Mr. Glassman observed that only one individual attended the public participation meeting with the Applicant. Ms. Chakas advised that she had communicated with the Rio Vista Civic Association Board in an attempt to bring more residents to this meeting; however, only one Association Board member attended, and reported back to his Board that there was no reason to object to the Application. The individual also sent an email from the Association confirming that there was no objection.

Mr. Engmann stated that the request would vacate a 742 sq. ft. portion of NE 7th Street, as it does not conform to the natural contours of the roadway. The vacation will not affect traffic and serves no public purpose. Public participation documentation has been provided by the Applicant. Staff recommends approval of the Application, subject to the three conditions found in the Staff Report.

Mr. Glassman asked if Staff encourages formal responses from civic or neighborhood associations as part of the public participation process. Mr. Engmann replied that when Staff meets with the Applicant, they provide a summary sheet listing the necessary steps of the process, which reflect that the Applicant's best response is to procure a letter of support from this association. Even if the association does not appear to take issue with a project, the Applicant must still hold a public meeting.

There being no other questions from the Board at this time, Chair McTigue opened the public hearing. As there were no individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. McCulla, seconded by Ms. Maus, to approve with Staff conditions. In a roll call vote, the **motion** passed 7-0.

3. **Applicant / Project:** TRR Bahia Mar LLC / Bahia Mar

Request: ** *	Innovative Development (ID) Zoning and Development Plan
Case Number:	ID15001
General Location:	801 Seabreeze Boulevard

Legal Description: All that part of Bahia Mar, Plat Book 35, Page 39, of public records of Broward County, Florida, Lying West of Seabreeze Blvd R/W Less Parcel 1 & Less N 80 of Parcel 34

Case Planner: Jim Hetzel

Commission District: 2

Chair McTigue noted that the Applicant had submitted a written request prior to the meeting for 45 minutes' presentation time. The Board consented to the request. It was also noted that a request was made on behalf of Jeff Katims, professional land planner representing the Idlewyld neighborhood, to allow 10 minutes' presentation time in addition to the President of the neighborhood association's speaking time. The Board consented to this request as well.

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

Attorney Spence advised that this will be the first time the Board hears an Application under the Innovative Development (ID) Zoning and Development Plan. He pointed out that this unique zoning district has an associated Site Plan that is approved as part of the zoning district itself. The voting requirement under Code states that the Board's recommendation of approval of an ID rezoning Application requires an affirmative vote from a majority plus one additional member present at the meeting.

Robert Lochrie, representing the Applicant, showed a PowerPoint presentation on the project, which requests Innovative Design (ID) rezoning and Site Plan approval for a 39 acre parcel, commonly known as Bahia Mar. The property consists of 23 existing marina acres and 16 upland acres. The Application applies to both submerged land and uplands. The site is owned by the City and has been leased for the past 66 years to a number of different groups for economic development purposes. The current lease on the property lasts until the year 2062.

For the past 18 months, the Applicant has conducted neighborhood outreach to members of the community as well as City Staff and elected officials. There are three main components of which neighbors were made aware through this outreach:

- Ensure that if the site will be rezoned/redeveloped, it will remain a permanent home for the Fort Lauderdale International Boat Show;
- Open the property to the general public;
- Incorporate uses within the public area to attract individuals to the site.

Mr. Lochrie noted that the Applicant also hopes to add a residential component to the property.

He continued that the Application asks the Board to look at a different set of criteria and guidelines for the subject property under ID zoning. Because the Site Plan is part of this zoning, it would require marina space, for example, to remain as such in the future. He

also noted the innovative character of the design, which led the Applicant to request additional height and building length. There is no request for greater residential density than the 48 units per acre allowed by current zoning: the project's proposed density is 39 units per acre. The overall building mass allowed by right on the parcel is a floor area ratio (FAR) of 5, while the proposal is for a FAR of 3.9 on the upland portion.

Mr. Lochrie advised that the Application includes the following components:

- A public pedestrian connection bridge from the beach to the hotel;
- A "Fishing Village" area including retail, restaurants, office facilities, and fleet access;
- Two 39-story residential towers with parking structures;
- Three-layered garage space lined with residential units, which can be converted into Boat Show space;
- Two restaurants located directly on the water;
- Green space/park area in the center of the parcel;
- Boardwalk perimeter and roadways with multiple access points for the public.

Mr. Lochrie described the hotel structures, for which additional height and building length are requested. The six access points to the site will remain open most of the time in order to prevent queueing at the main entrance and improve circulation. Three trolley stops for the Downtown Fort Lauderdale Transit Management Association's (DFLTMA's) Sun Trolley will be incorporated into the site as a condition of approval. This will provide transit access for both residents and guests.

With regard to the Boat Show, some areas are designated specifically to this event when it is scheduled. The first floor of the south tower will become Boat Show space, with a new grand entrance into the garage, which will be converted for Boat Show use.

Because the project must be accomplished in phases due to the Boat Show, the hotel development is Phase 1A, with the first residential building as Phase 1B. All public amenities must be incorporated, completed, and open as part of Phase 1B. The second residential tower will be Phase 2, and the garage Phase 3. During this time, the Boat Show will continue to use the area where Phase 3 will be located.

Mr. Lochrie showed a rendering to illustrate both the private and public portions of the site, pointing out that the majority of upland space will be dedicated to public use. He noted the multiple uses of structures planned for the property, including a grocery store that will occupy part of the hotel and boat show garage space. The "big box" appearance of this building is required for its use by the Boat Show. The northern and southern restaurants on the property are 26 ft. and 35 ft. respectively, and no structures in these locations would be permitted to be taller.

Mr. Lochrie reviewed other renderings of the site in order to note their details, pointing out that the new hotel will include a restaurant, garage, and grocery store, which are intended to engage pedestrians and encourage street activity. The north tower will

include a ground-floor restaurant with a marina view, as well as a garage shielded by architectural features and landscaping. He also showed views of the public promenade, landscaped areas, and Fishing Village.

Scott Lamont of EDSA, also representing the Applicant, advised that the project satisfies the adequacy requirement listed in Section 47-25.2 and rezoning criteria listed in Section 47-24.4 of the ULDR, as well as the conditions required for ID rezoning as described in Section 47-37.A.3 and neighborhood compatibility criteria in Section 47-25.3. He addressed the unique nature of ID zoning, which is intended to encourage and provide for development incorporating innovative elements not otherwise permitted under current ULDR guidelines.

Mr. Lamont continued that the Applicant has encouraged neighborhood and community participation for many months, meeting with multiple individuals who wish to learn about the project. He concluded that the Applicant's team has worked closely with Staff to ensure that the project satisfies all necessary criteria. Planning techniques are site-specific and focus the most intense activity along the beachfront and front edge of the property. The development establishes a clear sense of place along the waterfront and a permanent home for the Boat Show.

Mr. Lamont addressed the Boat Show further, noting that the ID district allows for the expansion of buildings to create viable uses for the show, such as a skylight in the garage where the Boat Show will be housed. The Boat Show is also responsible for the longer length of the northern building, which includes a park with a marina view that leads participants into the exhibition space. He addressed the project's reduced density, pointing out that development is clustered to the east in order to preserve open space for both the Boat Show and public use. Buildings on the site feature ground floor uses, including residential uses, intended to promote pedestrian activity and connectivity.

He noted that the site connects to the public realm, including the beach, through the pedestrian network, which connects the Intracoastal Waterway to the oceanfront. Park and open space areas also serve as gateways to the property and will feature public art. There are over two miles of sidewalks on the site. Mr. Lamont advised that an educational component will be added to the promenade, providing history about the community's waterways.

Mr. Lamont concluded that the site will include multiple modes of transportation, including Water Taxi, Sun Trolley, and bus stops that connect to the promenade. Bicycle racks and charging stations are distributed throughout the site. The Fishing Village will serve as a transportation hub, and the hotel will sponsor both a ride-sharing and shuttle service. Parking will be screened within the site by residential units and other active uses.

With regard to landscaping, Mr. Lamont advised that shaded promenades are available throughout the property in a manner that coexists comfortably with the Boat Show. Over

four acres of green roof space are included on multiple structures, and the waterfront park on the western portion of the property is an activated space, including two restaurants.

Adrian Dabkowski of Kimley-Horn and Associates, also representing the Applicant, provided an overview of the site's transportation aspects. He participated in a methodology meeting with the City and its traffic consultant to discuss the parameters of the project's traffic and shared parking studies, after which a formal methodology was submitted to the City for review and further discussion. Data was collected during the month of May, and Florida Department of Transportation (FDOT) peak season correction factors were applied in order to adjust for traffic counts not collected while schools are in session.

Mr. Dabkowski continued that the Applicant also met with FDOT to discuss access on the site, after which time the traffic study was modified and submitted to the City and its traffic consultant. Once consensus was reached, the City signed off on the Applicant's traffic and shared parking studies. These studies focused on roadway segments and intersections throughout the site and how they would function under existing conditions, as well as future conditions with or without project construction. The traffic concurrency period, which is used by local agencies to determine whether or not a project meets local and FDOT requirements, was determined to be peak p.m. hours.

The project operates at the adopted level of service for both a.m. and p.m. weekday hours; however, on the weekends, a southbound segment of A1A fails under all applicable conditions. Improvements include over one-half mile of continuous pedestrian waterfront promenade, which links the Intracoastal Waterway, the beach, and all land uses within the site. The Applicant will also provide 10 ft. wide sidewalks along the site's A1A frontage, relocate an existing crosswalk at the northern end of the property, and include pedestrian countdown signalization and other crosswalk enhancements at the intersection of A1A and Harbor Drive. FDOT approval will be required for all of these improvements.

Ms. Desir-Jean arrived at 8 p.m.

Mr. Lochrie concluded that in addition to the City's Public Participation Ordinance, there is a separate public participation component required of all ID development. Both of these were followed by the Applicant, who provided notice to the Idlewyld, Riviera, and Harbor Beach civic organizations, as well as to the Central Beach Alliance (CBA). The Applicant also provided mail notice to 754 property owners and residents within one quarter-mile of the subject property. Over 200 individuals attended a public participation meeting at Bahia Mar. Separate meetings were held with the Marine Industries Association of South Florida (MIASF), the Idlewyld Improvement Association, the CBA, the Harbor Beach Property Owners Association, Fort Lauderdale Economic Development Council, Fort Lauderdale Development Review Committee, and others.

Letters to City Commissioners in support of the project were made part of the public record at this time.

Jim Hetzel, representing Urban Design and Planning, stated that the request would rezone property from South Beach Marina/Hotel Area (SBMHA) to Innovative Development (ID) zoning in conjunction with the requested Bahia Mar Site Plan. He reiterated the intent associated with ID zoning, which includes:

- Promotion of development that demonstrates recognizable public improvements
- Street design standards that encourage safety, sustainability, and multimodal connections
- Compact building form
- Standards that are flexible in design with a focus on the relationship between buildings and neighboring streets, properties, and public spaces
- Focus on ground-level activity
- Appropriate placement of pedestrian and vehicular movement to limit conflict

Mr. Hetzel noted that ULDR conditions for ID zoning include:

- Minimum size
- Consistency with City's Comprehensive Plan
- Configuration
- Unified control
- Use is permitted, proposed, or consistent with the Comprehensive Plan
- Pre-Application public outreach
- Application requirements, including performance standards for uses, specific ID criteria, and public improvements

Criteria for rezoning are found in ULDR Section 47-24.4 as well as in the ID requirements listed under ULDR Section 47-37.A.8. Both are summarized in the Staff Report. The Board is asked to approve the specific development standards for the project found in Table 1 of the Staff Report as well as the specific uses listed in Table 2. Staff recommends approval of the proposed Bahia Mar ID Zoning District and Site Plan, subject to the conditions listed in the Staff Report.

Mr. Hetzel acknowledged that Staff has received two emails, both of which are included in the project's file, which were in opposition to the Application.

Ms. Desir-Jean submitted her disclosures on the Item at this time.

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

Richard Finkelstein, private citizen, stated that he supported the project as presented, as it will benefit employment, the tax base, and the business climate. He also supported the steps taken toward opening the beach area to the public.

Dominic Miniaci, private citizen, said that he also supported the project, and spoke in favor of the pedestrian walkways and grocery store. He strongly supported the impact the project is expected to have on the Boat Show.

Brett Wood, private citizen, advised that he was concerned with the development's impact on traffic. He did not feel the City sufficiently addresses traffic issues throughout Fort Lauderdale, and noted that the project's proposed means of traffic mitigation already exist. He felt the City should take greater interest in managing traffic.

Christian [last name not provided], private citizen, stated that the two planned 39-story towers are incompatible with the Central Beach development philosophy. He felt the project was disproportionate to its surroundings and would block the view to the beach.

Douglas Fields, private citizen, said he supported the project and its development team.

Steven Hammer, private citizen, stated that he supported the project, which he felt would be an asset to the City and the Boat Show.

Art Greenfeder, private citizen, also spoke in favor of the project, as it would upgrade the Boat Show's facilities.

Jack Abdo, private citizen, spoke in favor of the project.

Al Fernandez, private citizen, spoke in support of the project, as well as its developer and Staff for contributing to its innovative design.

Terry Malarkey, private citizen, advised that he strongly supported the project.

Ina Lee, private citizen, felt the project would become a feature of the Fort Lauderdale Beach. She also noted the economic impact of the Boat Show and the public impact of the amenities provided on the site. She felt the planned traffic mitigation efforts would work for the site.

Marilyn Mammano, President of the Council of Fort Lauderdale Civic Associations, provided a copy of the Council's consensus statement to the City Commission regarding development and density. She noted the following specific recommendation: "We feel strongly that Fort Lauderdale should discourage unsustainable, inappropriately scaled development on the barrier island."

Ms. Mammano continued that tonight's meeting is the first opportunity for a formal public hearing on the project, and advised that the Council of Fort Lauderdale Civic Associations opposes the inappropriate nature of voting on a project that has not undergone public review. She concluded that the subject property's development

potential belongs to the public and not an individual developer, as they may affect not only the beach but traffic impacts and shadows in the area.

Ms. Mammano emphasized that she had not reviewed the project in detail, although she confirmed that she had seen the Applicant's presentation. Mr. Glassman requested that she more clearly define "unsustainable" as mentioned in the Council's consensus statement. Ms. Mammano replied that the professional definition of sustainability meant not taking action that would preclude opportunities for future generations to experience a similar quality of life; however, she felt it also applied to specific features such as rain gardens, Leadership in Energy Efficient Design (LEED) certification, and similar components of the proposed project. She added that the term may be applied to traffic conditions in the subject area as well.

Ms. Mammano further clarified that the term "inappropriately scaled development," also used in the Council's statement, can refer to the shadows that would be cast by certain buildings included in the project, such as the northern 39-story tower. She felt that the beach does not have the necessary transportation infrastructure to support large-scale density and development.

Frank Gernert, private citizen, advised that while he has expressed concern with development on the beach in the past, he felt the project's owners are committed to the neighborhood in which the project would be located. He shared many individuals' concerns regarding traffic, but felt they were offset by the positive impact the development would have on the Boat Show.

Jim Hilmer, private citizen, stated that while Bahia Mar is in need of redevelopment, tonight's presentation did not discuss the reason for 39-story towers as part of the project. He felt these towers were not compatible with the City's plans for the beach, for reasons both visual and traffic-related. He added that residents of the City are unlikely to use alternate modes of transportation such as bicycles or buses, and that traffic congestion compromised response to emergencies. Mr. Hilmer concluded that many other aspects of the proposed project are positive.

Ms. Desir-Jean asked what height Mr. Hilmer would find more reasonable than 39 stories. Mr. Hilmer replied that approximately 23 stories would be more appropriate for the beach.

Michael Fields, private citizen, stated that the project would complement the south end of the beach. He supported the project.

Ann Hilmer, private citizen, asserted that she did not support the project, as it does not take current conditions of the area into account, such as traffic congestion on nearby roadways, proposed building heights not found elsewhere on the beach, and insufficient public amenities. She also noted that the developers plan to close the site multiple times

each year for private events, and that the Applicant's presentation did not address noise abatement or pollution.

Shirley Smith, representing the Board of Governors of The Venetian condominium, advised that while she originally supported the project as presented at an earlier time, many aspects of the current Site Plan were not shown. She read a letter from the Board of Governors, which stated that they support improvements that would upgrade the Bahia Mar property and benefit all City residents; however, they do not support allowing a variance that would permit construction of tall towers on the beach, or development that would jeopardize the Boat Show or affect parking at the Bahia Mar site.

Ms. Maus asked if residents of The Venetian received a written executive summary explaining how the proposed development met the requirements of ID zoning. Ms. Smith replied that they did not receive this communication.

Mr. Glassman requested Ms. Smith's opinion of condominiums located on leased land. Ms. Smith replied that this situation would raise issues regarding maintenance costs.

Jack Newton, private citizen, provided a photograph for the record, which was taken from the December 15, 2015 *Sun-Sentinel*. He stated that the proposed towers on the property, which were approximately 400 ft. in height, would set a precedent for future development that would be difficult to deny. He also noted that the project's requested parking reduction would place additional pressure on public parking. He was not in favor of the ID zoning request, and felt the project did not meet neighborhood compatibility standards.

Joe Maus, private citizen, advised that he opposed the project, as the scale of its condominium buildings would be disproportionate. He expressed concern for the precedent the project's height could set, as well as for the increased traffic the project would generate. He estimated that a height of 20 or fewer stories would be more appropriate for the beach.

Annette Ross, President of the Harbor Beach Property/Homeowners Association, noted that the Association has provided a letter in support of the project to the City Commission, which is part of the public record. She added that the developer added a grocery store to the site in response to the needs and wants of beach residents. Ms. Ross concluded that she did not feel the 39-story towers would have a significant visual impact on the neighborhood.

Bill Joyner, member of the Riviera Isles Homeowners Association, advised that a study was done to examine the project's sight lines and should be properly analyzed. He felt the project should be built to a smaller scale. He provided a copy of the shadow study to which he had referred.

Ms. Maus asked if Mr. Joyner had been able to examine the shadow studies included in the Application. Mr. Joyner replied that the study he had provided compares the findings of both studies and reflects more shadowing than the Applicant's study. He stated that the Applicant's study did not show the full extension of the shadows.

Jennifer Hamilton, private citizen, expressed concern for the traffic in the area, particularly coming into the barrier island, and concluded that she opposed the project.

Valerie Vines, private citizen, stated that she opposed the project and was not contacted by the Applicant as part of the public outreach process. She felt the project's impact on traffic, light, and noise would be negative. She concluded that delivery trucks accessing the site from A1A and Seabreeze Boulevard would contribute to safety issues.

Allyson Massey, private citizen, stated that traffic congestion in the Las Olas area is expected to ease once construction is complete on nearby bridges. She supported the project and expected it to be an attraction to the beach area. She concluded that the property was likely to increase local property values.

Bill Massey, private citizen, asserted that he also supported the project, which he felt would be an improvement over the current Bahia Mar property and would benefit the City's tax base.

Barbara Mallett-Overman, Governor on the Board of the Marine Tower Condominium, stated that the Board has passed a unanimous resolution in opposition to the Bahia Mar development as currently presented, but would support a development plan that is in line with what was ultimately approved during the 2010-11 time frame.

Jeff Katims of the Mellgren Planning Group, representing Mary Fertig of the Idlewyld Improvement Association, advised that he would provide expert testimony regarding specific aspects of the proposed rezoning and Site Plan. He explained that he would demonstrate how approval of the Application would violate the adopted Fort Lauderdale Beach Community Redevelopment Plan, the City's Comprehensive Plan, and the ULDR, and should therefore be denied.

Mr. Katims stated that in 1989, the City Commission adopted the Beach Community Redevelopment Plan after designating the Central Beach area as a Community Redevelopment Agency (CRA). The City is required to follow this Plan, or to follow a required process that would allow the Plan to be formally amended. The City is similarly required to follow the Comprehensive Plan or the formal amendment process. Upon reviewing these plans, as well as the ULDR and the proposed rezoning and Site Plan Application, Mr. Katims asserted that in his professional opinion, the requests violate the CRA Plan, Comprehensive Plan, and ULDR for the following reasons:

- The Central Beach zoning districts on the subject site are incorporated, specifically identified, and delineated in the Redevelopment Plan; therefore rezoning the property would violate the Redevelopment Plan.

- The proposed heights of two of the buildings planned for the project, both of which exceed 400 ft., violate the Redevelopment Plan, which allows building heights within the redevelopment area to be flexible as long as they do not exceed 300 ft. This places the proposed Site Plan in violation of the Redevelopment Plan.
- Future Land Use Objective 1.9 of the City's Comprehensive Plan requires that the City ensure that the development of the Central Beach Regional Activity Center (RAC), identified as a blighted area, will be consistent with the Community Redevelopment Plan established for the designated beach redevelopment area. The City must continue to implement the CRA Plan for the Central Beach and monitor and evaluate development within the Central Beach RAC zoning districts to ensure compliance with the goals and objectives of the Central Beach Revitalization Plan, of which the South Beach Marina/Hotel Area zoning designation is specifically a part.
- The Adopted Future Land Use Element of the Comprehensive Plan requires that all development shall be consistent with the Fort Lauderdale Beach CRA Redevelopment Plan. Violation of this Plan is considered a violation of the Comprehensive Plan provisions stated above. The property's current zoning was put in place to implement the Redevelopment Plan by realizing redevelopment at a size and scale intended to create an urban village.

Mr. Katims stated that the Applicant has requested rezoning for the property because the proposed development is inconsistent with the current zoning. He added that the appropriate process to follow would be a request for numerous variances; however, these could be denied due to lack of unnecessary hardship. He characterized the zoning request as a means to circumvent Code.

Mr. Katims also noted that Section 47-37.A.3 of the ULDR includes conditions for rezoning to Innovative Design (ID), including a criterion stating that an applicant must be the owner of the subject property with fee simple title, or must act as the owner's agent. Another criterion requires that for properties located within the City's Regional Activity Centers (RACs), proposed development must be consistent with the goals and objectives of the respective plans adopted for these areas.

Mr. Katims concluded that the Beach Redevelopment Plan, Comprehensive Plan, and ULDR each carry the weight of law and include provisions that would be violated by approval of the Application.

Mary Fertig, representing the Idlewyld Improvement Association, provided a handout including excerpts from Code that referred to South Beach Marina/Hotel Area (SBMHA) zoning and the Innovative Design (ID) Ordinance. She requested that the Application be denied on this basis, as well as the reasons previously stated by Mr. Katims. She also asked that the Board consider elements of the Site Plan not in accordance with SBMHA zoning, including greater requested heights and lengths of the buildings. She pointed out the comparatively small size of the area that will remain park or promenade space.

Ms. Fertig continued that the Idlewyld Improvement Association also questions the Applicant's traffic study in the context of its trips report. She provided copies of this report for the record, stating that the total number of trips expected to be generated by the project's condominium and retail uses greatly exceeds the number of trips anticipated by other, much larger condominium and retail uses. She noted that the grocery store, which is anticipated to be a significant traffic generator, received a 55% reduction according to the study.

Mr. Glassman recalled that Ms. Fertig had been a participant in the committee that assisted in changing what was formerly Planned Unit Development (PUD) zoning to ID zoning, and asked how the Application fitted this committee's intent. Ms. Fertig replied that some years ago, her neighborhood was among many that requested that the City implement a moratorium on PUD until Code could be made more specific. The City Commission then convened a committee to draft ID zoning. Because the subject Application is the first under the resulting ID zoning Ordinance, she emphasized the need to hold it to a high standard in order to maintain the intent of the ID concept.

Ms. Maus asked if Ms. Fertig had served on the advisory body that drafted the ID Ordinance. Ms. Fertig confirmed this, noting that she did not feel the proposed project meets the criteria of this Ordinance through use of innovative elements not otherwise permitted under the ULDR. She also did not believe the project's street design standards encouraged safety, pointing out the entrance and exit points for traffic on the site. She concluded that her neighborhood met with the developer, but did not have the opportunity to engage in dialogue about the project.

Ms. Maus observed that in order to meet the minimum area of an ID zoning district, the project must either set aside a benefit for residents of the proposed ID development, consisting of 20% of the lands for general public open space or an amenity with significant artistic, cultural, or environmental value. Ms. Fertig stated that during recent discussion of the proposed project, representatives of MIA SF and the Fort Lauderdale International Boat Show supported a deed restriction between the developer and the City Commission to restrict future development on eight acres of the subject property; however, this was negated when the lease plan did not go through. She noted the lack of bicycle connectivity in particular, pointing out that cyclists would have to walk rather than ride their bicycles on the public promenade.

Ms. Maus continued that ID regulations also require the Applicant to introduce the development concept, with a written executive summary, during the public participation phase. Ms. Fertig advised that the Idlewyld Improvement Association's Executive Committee had an initial meeting with the developer, at which it was stated that the developer would not strictly follow a previous Application. At a later meeting, the towers and large garage were presented as part of the Site Plan. She also characterized shadowing the beach, the Intracoastal Waterway, and neighborhood landmarks as a negative impact of the project.

Ms. Golub pointed out that the Bahia Mar site would be developed with both towers and residential uses, irrespective of the developer. Ms. Fertig replied that the greater issues are density and height, and noted that the City had the option of amending either Code or the Beach Master Plan at an earlier time to increase the height allowed in the area. She asserted that by not making these amendments, the City had expressed a preference to retain the SBMHA zoning district.

Ms. Golub continued that the subject property is not park space, but City-owned land intended for commercial development. Ms. Fertig stated that the Applicant had opened the door for discussion of the park issue during renegotiation of the lease, which allowed for public discussion on what the site's public benefits should include.

Gary Wendt, private citizen, advised that he did not feel that a 39-story building belongs on the site, and expressed concern regarding the project's impact on traffic.

Mike Herstik, private citizen, opposed the project in its current form, citing traffic concerns, particularly with regard to emergency response. While he was in favor of redevelopment of the site, he felt the scale of the project would have an irrevocable effect on the surrounding neighborhood.

Phil Purcell, Executive Director the Marine Industries Association of South Florida (MIASF), noted that the MIASF is the owner of the Fort Lauderdale International Boat Show. He reviewed the economic impact of the Boat Show and the marine industry, and stated that the MIASF is supportive of the project.

Ms. Maus asked if there are any written provisions between MIASF and Bahia Mar or Show Management, the entity that owns the Boat Show, which contractually obligate MIASF to support redevelopment at Bahia Mar. Mr. Purcell confirmed that there are such agreements. He clarified that MIASF entered into this agreement in approximately 2006 or 2007, and the contractual obligation precedes the current Site Plan.

Skip Zimbalist, President of Show Management, operator of the Boat Show, stated that his company has worked with the Applicant in recent months to ensure that the high standards of the Boat Show would not be compromised. He advised that it is important for the Boat Show to prosper through an improved facility that includes vegetation, waterway views, pedestrian access, restaurants, and other amenities.

Ms. Maus asked if Show Management was under the same contractual obligation as MIASF to support redevelopment at Bahia Mar. Mr. Zimbalist confirmed this.

Ms. Desir-Jean requested more information on the current contractual agreement between Show Management and Bahia Mar. Mr. Zimbalist replied that this contract expires in 2020, and they are negotiating a 30-year extension. He characterized these negotiations as "making progress."

Mr. Glassman asked if Show Management was comfortable with all aspects of the proposed garage layout. Mr. Zimbalist advised that the facility's ground floor is the most desirable location for exhibition space, while the second floor typically requires the addition of more amenities to attract visitors.

Ms. Golub asked if the proposed plan provides room for tents at the Boat Show. Mr. Zimbalist stated that while tents are not ideal, there is sufficient room for them on the waterfront and around the site's perimeter.

Jim Ellis, private citizen, commented that he had reviewed the project's plans and attended a public meeting with the developer, which included open dialogue. He felt the project meets the requirements of ID zoning and will benefit the community.

Dev Motwani, private citizen, advised that he also spoke on behalf of private citizen Ramola Motwani. Both strongly supported the project. He praised the Applicant's attention to detail, understanding of the site's history, and interest in the desires of the local community.

Ms. Desir-Jean requested Mr. Motwani's opinion regarding the project's height. Mr. Motwani replied that he would have been more concerned by greater density and did not share the concerns expressed by others regarding height.

Barry Somerstein, representing the Board of the Harbor Beach Homeowners Association, pointed out that the project will provide the surrounding community with amenities, including restaurants and a grocery store. He requested additional information on the approval process for ID zoning, offering to provide an expert opinion on the Application due to his experience as a real estate transactional attorney.

Mr. Somerstein also characterized the questions to Mr. Purcell and Mr. Zimbalist regarding contractual obligation were skewed, as they did not clarify whether or not the individuals believed the project was in the best interest of the Boat Show and participated in the project's design.

Mr. Clark asked if Mr. Somerstein was considered to be an expert in the field of real estate as an attorney. Mr. Somerstein confirmed this, and concluded that the project was good for the community and the individuals who reside in the subject area.

Abby Laughlin, member of the Central Beach Alliance (CBA) Board of Directors and the City's Beach Redevelopment Board, stated her support for the project. She recalled that the ID Ordinance resulted from a request made by 25 homeowners' associations to have the City reexamine the previous PUD Ordinance. She emphasized the importance of the Boat Show and the marine industry as economic engines for the City, and characterized the site as an anchor for the beach. She concluded by citing the developer's commitment to the public participation process.

Charles King, private citizen, stated that he opposed the lease between the City and the Applicant. He noted, however, that he did not object to the project itself.

Anthony Treglia, private citizen, advised that he is a Board member of the Idlewyld Improvement Association. He asserted that the Association was not designed to focus on issues other than the improvement of the Idlewyld area, and spoke in favor of the project, which he felt would provide economic growth and amenities.

John Weaver, President of the Central Beach Alliance, submitted a letter from the CBA into the record. The letter addresses the project, which was presented to the CBA membership on June 3, 2015, as it is presented at tonight's meeting. A motion to approve the project was passed by a vote of 184 to 1. The CBA requested additional improvements to the beach area in lieu of lowering the buildings' height, which have not yet been finalized. He reviewed the CBA's reasons for voting in support of the project, including the Boat Show, public parking, transit access, restaurants, and public amenities.

Mr. Weaver added that on a personal note, the CBA believes the Applicant will work through any infrastructural issues that may occur; in addition, the parking spaces must be additional spaces rather than replacement of spaces lost elsewhere. He concluded that condominiums do not contribute heavily to traffic.

Mr. Glassman recalled an earlier mention of the June 3, 2015 CBA meeting, at which the individual cited there were no specifics given regarding the project. Mr. Weaver replied that there was only brief discussion of building height. Mr. Glassman added that a previous City Commissioner had advocated for a moratorium on development on the beach, after which the City Commission reduced all beach building height by 20%. This resulted in a reduction from 30 stories to 24 stories. The CBA later voted on a series of goals, which have not been changed since 2009 but are not enforceable. These goals included height limitations for several areas of the beach. Mr. Weaver noted that the CBA is more concerned with view corridors than height.

Mike Seligsohn, private citizen, stated that he supported the project, which he felt would bring necessary amenities to the beach area. He suggested that beachgoers may be attracted to shadowed areas on the beachfront.

Beatriz Miniaci, private citizen, spoke in favor of the project, noting that the project will make the beach a modern, welcoming, and more desirable area.

Maria Miniaci, private citizen, said she supported the project, which she felt would help to increase tourism within the City for quality travelers, including families and millennials.

Kelly Overman, private citizen, stated that he was alarmed by the project's scale.

Tom Miller, private citizen, asserted that he was in favor of the project and expressed confidence in the development team.

Miranda Lopez, private citizen, felt the project was beautiful but not appropriate for the site. She expressed concern for its scale and the shadows the buildings would cast on the beach.

Helen Surovek, private citizen, referred to a memorandum from the City Manager that recommended the Mayor and City Commission approve the lease on the subject site. She found this process to be questionable. Ms. Surovek added that she was opposed to the towers' height.

Jim Morlock, private citizen, felt the approval process should not move so quickly, as this could engender legal issues that will further delay the project's construction. He felt tonight's meeting should have been postponed until January 2016. Mr. Morlock added that there has been no discussion of the marketability of the residential units in the towers, and noted that the traffic planner did not complete his presentation due to time constraints. He concluded that the proposal is incompatible with the original purpose of the Bahia Mar site as a marina.

Art Seitz, private citizen, did not feel the expense of renovating the Bahia Mar facility would be wise. He also expressed concern with the shadows cast by the project's 39-story towers, and did not feel the Central Beach Alliance should be considered a true neighborhood association. He felt the proposed promenade should be constructed as a wider multi-purpose pathway to accommodate cyclists as well as pedestrians.

Betty O'Connor, private citizen, read a letter she had sent to the City Commission on November 22, 2015. She expressed concern with the use of City-owned property to house condominiums, as the property was intended to benefit citizens rather than a lessee. She also felt the site should include additional retail and restaurants. She concluded by noting that the condominiums will exacerbate traffic issues.

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

At this time the Board took a brief recess from 11:05 p.m. to 11:13 p.m.

Ms. Fertig, representing the Idlewyld Improvement Association, was allowed additional time for rebuttal. She provided additional exhibits for the record, and stated that gridlock has increased on the beach in recent years and is expected to continue to do so. She also expressed concern that the Applicant can only commit to a three-star hotel on the site rather than a five-star facility. She concluded that the developer will be requesting CRA funds to dredge the marina, and that the project will take at least eight years of construction.

Ms. Desir-Jean requested that Staff address the legality of voting on the project at this time. Attorney Spence replied that the Board's responsibility is to consider the criteria listed in Code and determine whether or not the Applicant has addressed these criteria. They must also weigh the testimony given during the public hearing and determine how each speaker has made his or her case. He concluded that this did not constitute an illegal act.

Mr. McCulla asked if the Application, if approved, would violate the City's Comprehensive Plan and other plans cited during testimony. Attorney Spence replied that the Board must determine whether or not the Applicant has demonstrated compliance with the zoning criteria, or whether testimony alleging that the Application is not in compliance is correct. He concluded that the Board may wish to ask City Staff for their recommendation, as they have reviewed the applicability of various City and community plans.

Ms. Parker stated that it is Staff's opinion that the Ordinance adopting enacting zoning for the district was passed in 1997; the Applicant, however, is actually applying for an ID zoning district, which Staff believes meets the City's Comprehensive Plan. Staff also believes the proposed uses are consistent with the site's underlying land use.

Mr. Heidelberger requested additional information regarding the demands the project may place upon the City, pointing out that no City Engineer has listed these demands. He noted that there are other infrastructure elements, in addition to roadways, that will be affected but have not been addressed, such as the effect of storm winds. He concluded that it is difficult to vote on the Item without additional information on how properties outside the subject site will be affected.

Ms. Parker advised that adequacy plays a major role in the review process: each Application that is reviewed by the DRC includes technical expertise from planners, engineers, emergency service providers, and other experts. With respect to surrounding projects, she pointed out that only the merits of the specific project are before the Board. She concluded that the Applicant may be asked to provide additional information on infrastructure.

Mr. Hetzel added that the Application would not be before the Board if these questions had not been addressed during the DRC process. Mr. Lochrie stated that the questions are addressed in the Application package.

Mr. Glassman agreed that the Board should consider some items holistically rather than individually, particularly with regard to the beach. He requested clarification of the FAR listed in the Staff Report as 3.4, which was referred to by Mr. Lochrie as both 3.9 and 1.4. Mr. Hetzel replied that he had calculated the FAR according to figures from the Site Plan. He noted that the 3.4 FAR may have been rounded up to 3.5, and is based on the upland area.

Mr. Glassman addressed the requested parking reduction, asking where restaurant and grocery store customers would be expected to park. Mr. Hetzel referred this question to the Applicant's parking consultant. Mr. Lochrie noted that the grocery store tenant would not allow paid parking on that site.

Mr. Dabkowski of Kimley-Horn addressed the issue of trip generation, stating that hotels generate more trips than residential buildings, particularly high-rise condominiums. He added that the site's development program has changed from 486 to 200 hotel rooms.

Mr. Glassman asked why there was no independent traffic study by the City for a development of this size. Ms. Awwad replied that per City Code, developments are required to conduct a traffic study if they are expected to generate more than 1000 trips per day. Once this study is submitted, it is reviewed by the City's independent consultant, which provides the City with an opportunity to address any issues at that time.

Mr. Dabkowski advised that trip generation is studied during peak hours rather than on a daily basis. For the Application, the p.m. peak hour would generate 347 net new vehicle trips. New calculations would be required in order to determine the number of daily trips.

Mr. Glassman noted that the criteria for ID zoning refer to "active ground floor uses... [and] a vibrant streetscape along Seabreeze Boulevard," pointing out that this refers to a very large building. Mr. Hetzel replied that the end component of this building includes active retail and restaurant uses. Other improvements on Seabreeze Boulevard include wider sidewalks and landscaping.

Mr. Glassman continued by noting that the rezoning criteria also refer to substantial changes in the character or development in or near the area, and requested clarification of these changes. Mr. Hetzel replied that the primary indicators of these changes are CRA projects, which are expected to change the character of the area. He added that the proposed zoning is compatible with surrounding districts and uses due to beautification efforts and investment in the area, as well as other recently approved developments.

Mr. Glassman pointed out that the Staff Report does not provide an opinion on the neighborhood compatibility criteria listed in ULDR Section 47-25.3, and read from these requirements. He observed that the project will shadow Fort Lauderdale Beach Park, which includes multiple recreational amenities. Mr. Hetzel replied that the Staff Report summarizes Staff's response.

With regard to the conditions of approval, Mr. Glassman requested clarification of two changes, one of which referred to hotel car service and one of which stated a time frame for the implementation of public improvements. Mr. Hetzel explained that the changes provided greater flexibility for the provision of car service, and the phasing plan

already schedules improvements during Phase 1 of the project, which made the condition redundant.

Mr. Glassman requested additional information regarding connectivity between the project and nearby public spaces, including the beach. Mr. Lochrie replied that the creation of Seabreeze Boulevard in 1988 provided a new roadway that served as a connector. A specific plan established the maximum capacity of the roadway, which has not yet been reached. The Applicant's plans addressed pedestrian connectivity in this area, including new pedestrian intersections, new lighting, and opening of a public pedestrian pathway, all of which go beyond the Applicant's property lines.

Mr. Lochrie continued that in 2011, approval for a different project on the subject site included an eight-year plan for implementation. The Applicant instead chose to remain within the standard seven-year Site Plan process in Code, although he noted that the entire project may take eight years to complete.

Mr. Glassman asked if the condominiums on the site would be able to amend their documents and make changes within the guidelines imposed upon the site, as they would if on private property. Mr. Lochrie replied that protections and contingencies will be included in all condominium documents and will be disclosed to the owners.

Mr. Glassman requested clarification of the Applicant's response to the adequacy narrative, which addresses historic and archaeological resources. Mr. Lochrie confirmed that a letter provided in that response from Broward County, dated 2009, predates archaeological discoveries made across the street from the subject site. He asserted that if the Applicant is required to procure a new archaeological report and letter, they will do so.

Mr. Glassman moved on to the Application's neighborhood compatibility narrative, stating that he did not feel the answers submitted in this section were sufficient to show this compatibility. Mr. Lochrie observed that the site is 40 acres in size and requests no setback or yard modifications. He characterized the site as different and unique within the area. He also noted that the Beach Shadow Ordinance does not apply to the subject property, but is only applicable further north, even though the City typically requests shadow studies for most projects involving significant height. The Applicant's shadow studies were calculated for the spring equinox and winter solstice and did not exceed requirements for the beach. The studies were included in the record.

Mr. Glassman addressed adequacy requirements for local streets, noting that the Applicant's response states the project will have no significant impact on local streets and will improve traffic flow in the area. Mr. Lochrie pointed out that no local streets are affected by the development, as most of its traffic will come from Seabreeze Boulevard, which is a County roadway. He added that while the grocery store included on the site will drive traffic, it is traffic that would be accessing another store away from the barrier island, which means the store's impact will decrease traffic on other roadways.

Mr. Glassman asked how the project's towers could be located close to A1A due to lighting restrictions in that area. Mr. Lochrie replied that there will be strict glass requirements on the buildings, and State approval will be necessary before they are constructed. Mr. Glassman concluded that he had difficulty reconciling the two 39-story towers, particularly the tower close to A1A, with the rest of the project.

Mr. Lochrie advised that he felt the Applicant had more than complied with the public participation process, reiterating that mail notices were sent to many nearby property owners, including condominium residents. A full list of these addresses was included in the backup materials.

Ms. Golub commented that the project must be able to bring an economic benefit to the City through means such as the sale of condominium units. She also expressed concern with the height of the project's towers. Mr. Lochrie asserted that a market analysis shows the condominium units as marketable, and confirmed that these will be taxable properties, benefiting the Beach CRA as well as the City.

Ms. Golub asked where large ships will refuel in the marina. Mr. Lochrie replied that traffic will be able to circulate throughout the site without encountering large trucks that assist vessels in fueling or loading. A fuel dock will also remain on the marina itself. Ms. Golub expressed concern that service trucks may create a backlog of traffic seeking to enter the parking garage. Mr. Lochrie stated that the scheduling of these trucks will be part of the hotel and marina operations.

Ms. Golub also noted that due to the size of the site, it would not be possible for approval of the project to establish a precedent for the construction of similarly large buildings.

Ms. Maus requested clarification of those parts of the proposed project that could not be constructed under the site's current zoning, other than the height and length of the buildings. Mr. Lochrie responded that the Boat Show garage, the park space, and the public open space could not occur under current zoning.

Motion made by Mr. McCulla, seconded by Ms. Desir-Jean, to approve with the amended emailed Staff conditions.

Mr. Glassman proposed the following **amendment**: to include a condition regarding the length of years in which all phases would be completed, and that the letter from 2009 referring to the archaeological issue near the site be updated.

Mr. Lochrie noted that the Application does not request any addition to the project's time frame as allowed under Code, although the Applicant would be able to seek extensions for the project if necessary. He agreed that an updated letter could be provided.

Mr. McCulla restated the **amendment** as follows: that the letter provided by the County, subject to an archaeological study, updated so that it is current, as opposed to the one provided that is dated 2009. Mr. McCulla and Ms. Desir-Jean accepted the **amendment**.

In a roll call vote, the **motion** passed 6-2 (Mr. Glassman and Ms. Maus dissenting).

IV. COMMUNICATION TO THE CITY COMMISSION

None.

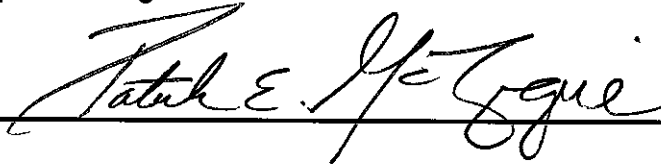
V. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

None.

There being no further business to come before the Board at this time, the meeting was adjourned at 12:19 a.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Chair



Prototype



[Minutes prepared by K. McGuire, Prototype, Inc.]