



CITY OF FORT LAUDERDALE

**PLANNING AND ZONING BOARD  
CITY OF FORT LAUDERDALE  
CITY HALL – CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, OCTOBER 18, 2017 – 6:30 P.M.**

**Cumulative**

| <b>Board Members</b>             | <b>Attendance</b> | <b>June 2017-May 2018</b> |               |
|----------------------------------|-------------------|---------------------------|---------------|
|                                  |                   | <b>Present</b>            | <b>Absent</b> |
| Leo Hansen, Chair                | P                 | 5                         | 0             |
| Catherine Maus, Vice Chair       | P                 | 4                         | 1             |
| John Barranco                    | P                 | 5                         | 0             |
| Stephanie Desir-Jean (arr. 6:58) | P                 | 3                         | 2             |
| Howard Elfman                    | P                 | 5                         | 0             |
| Steven Glassman                  | P                 | 4                         | 1             |
| Rochelle Golub                   | P                 | 5                         | 0             |
| Richard Heidelbergberger         | P                 | 2                         | 3             |
| Alan Tinter                      | P                 | 5                         | 0             |

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

**Staff**

Ella Parker, Urban Design and Planning Manager  
Gus Ceballos, Assistant City Attorney  
Jim Hetzel, Urban Design and Planning  
Florentina Hutt, Urban Design and Planning  
Tyler Laforme, Urban Design and Planning  
Benjamin Restrepo, Department of Transportation and Mobility  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

Chair Hansen called the meeting to order at 6:30 p.m. and all recited the Pledge of Allegiance. The Chair introduced the Board members present, and Urban Design and Planning Manager Ella Parker introduced the Staff members present.

**II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM**

Mr. Tinter noted the following correction to p.4, paragraph 6 of the September 18, 2017 minutes: the statement referring to signs installed above the first floor should specify that this applies to multi-story buildings.

**Motion** made by Mr. Tinger, seconded by Ms. Golub, to approve as corrected. In a voice vote, the **motion** passed unanimously.

### III. PUBLIC SIGN-IN / SWEARING-IN

### IV. AGENDA ITEMS

#### Index

| <u>Case Number</u> | <u>Applicant</u>                    |
|--------------------|-------------------------------------|
| 1. ZR17005* **     | 840 SW 24 <sup>th</sup> Street, LLC |
| 2. R16045**        | 15 Isle of Venice, LLC              |
| 3. R17040**        | Rahn Bahia Mar, LLC                 |

#### **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.

It was noted that the Applicant for Item 2 had requested deferral to a later date.

**Motion** made by Mr. Glassman, seconded by Vice Chair Maus, to defer [to the November meeting]. In a voice vote, the **motion** passed unanimously.

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| <b>1. CASE:</b>                           | <b>ZR17005</b>   |
| <b>REQUEST: * **</b>                      | Rezoning from Single Family / Low Medium Density (RS-8) District to Community Business (CB) District with Allocation of .30 Acres of Commercial Flex for 6,637 Square Feet of Retail Use |
| <b>APPLICANT:</b>                         | 840 SW 24 <sup>th</sup> Street, LLC.   |
| <b>PROJECT NAME:</b>                      | Retail Building (840 State Road 84)  |
| <b>GENERAL LOCATION:</b>                  | 840 SW 24 <sup>th</sup> Street   |
| <b>ABBREVIATED<br/>LEGAL DESCRIPTION:</b> | A portion of lots 2, 3, 4, 5, 6 and 26 in Block 1 of "Lakeway", according to the Plat thereof recorded in Plat Book 11, Page 7 of the Public Records of Broward County, Florida          |



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|-----------------------------|--|
| <b>ZONING DISTRICT:</b>     | Boulevard business (B-1) and Residential Single Family / Low Medium Density (RS-8) |
| <b>PROPOSED ZONING:</b>     | Community Business (CB)  |
| <b>CURRENT LAND USE:</b>    | Commercial and Low Medium Density  |
| <b>COMMISSION DISTRICT:</b> | 4 – Romney Rogers  |
| <b>CASE PLANNER:</b>        | Florentina Hutt  |

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

Chair Hansen advised that individuals speaking on their own behalf would have three minutes' speaking time, while individuals representing groups or associations would be granted five minutes. Presenters of Applications are given 30 minutes.

Gus Carbonell, representing the Applicant, stated that the subject site is the former location of a Shell station, which has been demolished. A new retail building is proposed for the property, a portion of which is presently zoned RS-8. In order to redevelop the site, it is necessary to rezone the property to CB, which is the most restrictive commercial zoning category.

Mr. Carbonell recalled that several years ago, a Master Plan for the surrounding neighborhood was submitted to the City. It recommended that all lots located along this portion of State Road (SR) 84 be rezoned as commercial properties to attract better development. The proposed project has received approval from the Florida Department of Transportation (FDOT) and will provide only one ingress point from SR 84. While 28 parking spaces are required, 30 spaces will be provided.

Mr. Glassman commented that the Edgewood Civic Association, which participated in the public meeting(s) associated with the Application, has requested that the Development Review Committee's (DRC's) requirement for offsite parking along SW 25<sup>th</sup> Street not be met. Mr. Carbonell explained that the City's Department of Transportation and Mobility was in favor of on-street parking; however, all parking for the project is located on-site. The community expressed a preference for additional green space and buffer areas rather than on-street parking.

Mr. Glassman asked why the Applicant would advise neighborhood associations that no vote of support was necessary for the project. Mr. Carbonell replied that no participants in the public meetings provided negative feedback. The Applicant did not receive formal letters of support from representatives of the neighborhood associations.

Ms. Golub asked if the project is being built without a prospective tenant. Mr. Carbonell confirmed this, adding that Code requires the project's rezoning and Site Plan be

reviewed at the same time. Ms. Golub expressed concern with the Application, stating that constructing a building without knowing the tenant makes on-site parking susceptible to error. She asked if the project is expected to house more than one business.

Chair Hansen asserted that most retail space is built without a specific tenant in mind. He also noted that most retail functions fall under the same category for their type of use, which require the same parking ratio.

Mr. Carbonell added that the planned building is approximately 7000 sq. ft. in size and includes a façade that may be able to accommodate multiple tenants. The site is not intended for restaurant use.

Ms. Golub continued that the Site Plan does not seem to reflect a commitment to green space in lieu of on-street parking. Mr. Carbonell showed a rendering including 12 ft. City swales from 9<sup>th</sup> Avenue to the subject property, as well as a 10 ft. landscape buffer on the property itself. The Applicant has complied with Staff's recommendation to place the sidewalk inside its property along 9<sup>th</sup> Avenue.

Mr. Tinter asked if the Board may include conditions when approving rezoning, such as prohibition of restaurants or other specific uses. Ms. Parker advised that the proposed use is retail: the Applicant is not requesting rezoning for restaurant use. Mr. Tinter asked if the Board may restrict additional uses that may be proposed within the building. Ms. Parker replied that the Board may not restrict uses that are permitted within the requested zoning category. If the Applicant decided, for example, to allow restaurant use in the future, he must come back before the Board with an amended Site Plan.

Mr. Tinter requested confirmation that the Applicant has received a pre-application approval letter from FDOT. Mr. Carbonell stated that the Applicant has met with FDOT multiple times in relation to the project. A traffic statement prepared for the Applicant shows that the project is expected to generate minor traffic. The City's Department of Transportation and Mobility has also signed off on this statement.

Florentina Hutt, representing Urban Design and Planning, advised that the request is for Site Plan Level IV review to rezone a property from Single-Family with low medium density to Community Business, with 0.35 acre of commercial flex use for a 6637 sq. ft. retail use. The project has been reviewed by the DRC and all comments have been addressed.

Staff reviewed the project according to various sections of Code, including Interdistrict Corridor requirements, as the project lies within the Interdistrict Corridor along SR 84. These requirements include 75% frontage and 35% building transparency. The proposed building includes a 20 ft. setback from the curb and 60% frontage. A reduction may be allowed for access into the site. The project provides 40% transparency and



displays architectural features required within the Interdistrict Corridor, including a 7 ft. sidewalk, improved streetscape design, and awnings above windows.

The allocation of commercial use on designated parcels is allowed if the allocation does not exceed 5% of the total land use area within the flex zone. There are presently 38.4 acres available within the flex zone, of which the proposed project will occupy 0.35 acre. Staff feels the project is compatible with the surrounding area due in part to its landscape buffer and sidewalk improvements. Ingress and egress are provided from both SR 84 and SW 9<sup>th</sup> Avenue. The Applicant has met public participation requirements. Staff recommends approval of the Application.

Mr. Glassman addressed the availability of water/wastewater capacity as cited in a letter dated May 1, 2017, noting that the DRC met prior to receipt of this letter. He asked if the flow calculations in this letter have been approved by the City's Public Works Department. Ms. Parker replied that the letter was part of the technical review required to determine adequacy, although she noted that she could not speak to the accuracy of the flow calculations.

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

**Motion** made by Mr. Elfman, seconded by Mr. Tinter, to approve. In a roll call vote, the **motion** passed 8-0.

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| <b>3. CASE:</b>                           | <b>R17040</b>   |
| <b>REQUEST: **</b>                        | Site Plan Level IV Review: Mixed Use Development with 651 Residential Units, 118,815 Square Feet Retail, 26,123 Square Feet Restaurant Use, 6,000 Square Feet Marina and 256-Room Hotel |
| <b>APPLICANT:</b>                         | Rahn Bahia Mar, LLC.  |
| <b>PROJECT NAME:</b>                      | Bahia Mar   |
| <b>GENERAL LOCATION:</b>                  | 801 Seabreeze Boulevard   |
| <b>ABBREVIATED<br/>LEGAL DESCRIPTION:</b> | Bahia Mar 35-39 B All Bahia Mar Lying W of Beabreeze Blvd r/w Less Parcel 1 & Less N 80 of Parcel 34, and Less Portion Lying Within r/w for S ST RD A1A Per Misc MB 8-149 & 8-185       |
| <b>ZONING DISTRICT:</b>                   | South Beach Marina and Hotel Area District (SBMHA)  |
| <b>CURRENT LAND USE:</b>                  | Central Beach Regional Activity Center (C-RAC)  |
| <b>COMMISSION DISTRICT:</b>               | 2 – Dean Trantalis  |
| <b>CASE PLANNER:</b>                      | Jim Hetzel  |

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Ms. Desir-Jean arrived at 6:58 p.m.

Disclosures were made at this time.

Chair Hansen stated that the Applicant has requested an additional 10 minutes for the presentation of the Item, as well as five minutes for rebuttal. The Board members agreed by consensus to allow the additional time.

Robert Lochrie, representing the Applicant, explained that the request is for Site Plan Level IV review of the proposed Bahia Mar project. He pointed out that the Application requests no variances, yard waivers, additional density or height, or conditional use approvals in relation to the project. The proposed plan would demolish the existing hotel building and construct new Code-compliant buildings. The property is currently zoned SBMHA, which allows a maximum density of 48 units per acre.

The subject site consists of 39 acres, 22.74 acres of which consist of a marina. The Application does not propose modification to this area; instead, improvements would be made to the upland portion of the property, including two sides located along A1A. All buildings' height would be below the limit of 120 ft. The maximum floor area ratio (FAR) allowed on the site is 5, while the project proposes a FAR of 2.8 for the upland portion and 1.17 for the entire site.

City Code does not require a specific amount of open space on the site; however, more than 50% of the site's upland area will consist of open space. The project has been designed to exceed Code requirements for a permeable landscape area. While Code requires 2034 parking spaces on the site, the proposed project would provide 2442 spaces.

Kobi Karp, also representing the Applicant, reviewed the project's architecture. Commercial spaces on the upland portion of the site are indoor/outdoor and cross-ventilated, allowing for pedestrian circulation. He showed images of the project, stating that it is intended to accommodate neighbors and the community for multiple uses. The intent is to provide pedestrian and vehicular access to the site on a 24-hour year-round basis. Multiple views are provided from Seabreeze Boulevard and A1A onto the property, and the design of the buildings allow for continued views through the site.

Mr. Karp continued that most parking on the site is below grade, which creates the opportunity to provide shade and shadow features throughout the site's pedestrian access. Ingress/egress points have been distributed throughout the site at multiple locations in order to maximize open space for the public. The marina will be visible from Seabreeze Boulevard.

Scott Lamont of EDSA, also representing the Applicant, advised that the Bahia Mar site is currently underused, with the majority of its area functioning as a parking lot. He emphasized the function of the site, which accommodates the Fort Lauderdale



International Boat Show as well as the marina and other uses. Over one half-mile of marina promenade is available to link the property's waterways, and another two miles of sidewalk are included within the site itself. A bridge that is currently private will be modified into a public bridge that allows the public to engage with active spaces.

Mr. Lamont reiterated that the existing hotel will be demolished and replaced with a new facility. Two residential buildings will be located to the north of the site, with parking below the buildings. Another residential building with ground-floor active uses will front onto Seabreeze Boulevard. Other uses on the site include a boutique grocery, a dockmaster building, and additional residential buildings with ground floor and restaurant uses. Roughly 79% of the site's parking will be moved below grade, resulting in greater activation of ground floor uses throughout the property.

Mr. Lamont addressed the phasing plan for the site, stating that Phase 1 includes the entire promenade, residential buildings to the north, and the marina village. Phase 2 will include a new hotel and restaurant buildings, while Phase 3 will complete frontage with residential buildings and the boutique grocery. Phases 4 and 5 will include the internal garage and residential buildings, concluding with the back half of the property.

Mr. Lamont reviewed the site's connectivity, pointing out that opportunities exist for Water Taxi access, potential trolley stops, and a multimodal hub. The marina village will offer transient dockage and connects directly to the beach. Long- and short-term parking are available, as well as bicycle racks.

The Applicant has worked closely with Show Management, the entity responsible for the Fort Lauderdale International Boat Show, for the last several months of the project. Mr. Lamont emphasized the importance of creating a sense of place for the event on the Bahia Mar property, stating that activation of central access to the property influenced the project's design. A two-story parking structure will house a large portion of exhibition space, and roadways throughout the site serve as exhibition areas and provide connectivity to the show's network.

Mr. Lamont concluded that providing a platform for the Boat Show also complements the marina located on the property. Once the development is underway, the marina will continue to function with even greater connectivity to roadways, which are designed to accommodate large fuel trucks and service vehicles. As the site is redeveloped, the marina's seawall will be raised to the maximum allowable elevation in order to further upgrade and protect the upland site.

Mr. Lochrie stated that the uses proposed for the site, which include hotel, residential, marina and marina support, restaurant, and commercial, are all permitted under the property's zoning designation. The property is owned by the City of Fort Lauderdale and is subject to a long-term lease on which approximately 45 years remain.



Mr. Heidelberger requested information on infrastructure improvements planned for the site, including roadway, sewer, water supply, and stormwater improvements. Mr. Lochrie reviewed the City's list of adequacy requirements, explaining that the City process used to determine whether or not sufficient sewer and water system capacity exists has recently undergone significant change. The project will fully renovate all water and sewer facilities on the site. In addition, the property will receive the significant benefits and additions of entirely new water and sewer systems, including a new pump station and drainage system.

Offsite, two analyses have been conducted and included in the Staff Report. Mr. Lochrie confirmed that the system's current water capacity is sufficient for both drinking water and life safety. Regarding sewer capacity, gravity sewers exist on-site and will connect to the planned pump station, where they will be part of a force main that collects with a waste plant on 17<sup>th</sup> Street. The City's study has identified that this sewage line also meets necessary standards. The developer plans to contribute \$1.2 million in water and sewer infrastructure capital improvement fees for further upgrades.

Mr. Lochrie continued that another important concern is hurricane evacuation, particularly in relation to traffic. A study was conducted by the Broward County Emergency Management Division, which submitted a letter stating that the project meets level of service standards. An interlocal agreement exists between Broward County and the City to establish the amount of development allowed on the Fort Lauderdale Beach. This agreement is tied to the City's Land Use Plan and is measured in terms of traffic rather than units. Analysis has found the project to be within the permitted threshold for development along the beach.

The Applicant has also conducted a site-specific traffic study, which was evaluated by the City as well as by an outside consultant. The Applicant's traffic consultant has recommended specific improvements to increase the efficiency of the traffic system, including:

- Extending a proposed deceleration lane southbound on A1A, which will allow the site to have its own turn lane
- Extending the north- to westbound turn lane on A1A to the south
- Rearrangement of the primary ingress/egress intersection to allow more stacking within the site
- Reconfiguration of traffic signal timing at this intersection, as well as at Seabreeze Boulevard and A1A, for greater efficiency

Mr. Lochrie advised that when FDOT made recent improvements to A1A, they removed an existing southbound bike path on the west side of the street. The Applicant proposes to reinstate this 5 ft. bike lane with the permission of FDOT and the City. The developer has hired a renowned archaeologist to oversee work on the property and identify any archaeological resources that may be on-site. Total impact fees related to the property come to roughly \$5.8 million.



Mr. Glassman observed that there have been multiple pipe breaks in the subject area in recent months. Mr. Lochrie replied that while it is not the Applicant's responsibility to alleviate City infrastructure issues, they are contributing toward a solution to these issues through impact fees. Mr. Glassman pointed out that impact fee contributions are not significant in comparison to existing need in the area.

Mr. Glassman addressed the approval process, which he felt was rushed. He referred to a communication to the City Commission from the Marine Advisory Board (MAB), which requested that the project be brought before that advisory entity for review. He also pointed out that the Applicant's public participation meeting was held in August 2017 on the same night as a joint City Commission meeting with the Budget Advisory Committee. He concluded by asking if the Applicant has looked into the possibility that the project may create a wind tunnel due to the arrangement of its buildings. Mr. Lochrie responded that Mr. Karp has evaluated this possibility as part of the design process.

Mr. Glassman asked if the 651 residential units will be rentals or condominiums. Mr. Lochrie confirmed that they will be rental units. Mr. Glassman commented that the Application uses the term "resort" to refer to plans for the property, and noted that the ULDR states SBMHA zoning promotes "a high-quality resort destination." He requested additional clarification of how the 651 rental units fit into this description.

Mr. Lochrie explained that the SBMHA zoning district permits uses including hotels, suite hotels, multi-family dwellings and apartments, swimming pools, parking garages, restaurants, and commercial retail with Site Plan Level III review.

Mr. Glassman commented on the ULDR's requirement that transportation networks must have adequate capacity with safe and efficient traffic circulation to serve a development. He was not certain that the proposed project meets this requirement, adding that Broward County's roadway levels of service include several substandard ratings. He asked why no reports were provided for the area north of Las Olas Boulevard due to its congestion, noting that the Applicant's narrative also does not address the archaeological aspect of the site. Mr. Lochrie replied that DRC comments led to the retention of an archaeologist to investigate the site.

Mr. Glassman referred to the neighborhood compatibility narrative, which asserts that the project will be compatible with and preserve the character and integrity of adjacent neighborhoods. He asked if this narrative considers neighborhoods located across the Intracoastal Waterway to be adjacent to the subject site. Mr. Lochrie agreed that the Applicant feels the project is consistent with the pattern of development found across the waterway. Mr. Glassman observed that while the Intracoastal Waterway is relatively wide in the subject area, the barrier island is quite narrow at this location. Mr. Lochrie stated that the Applicant has made a case for compatibility in the narrative, particularly when the project is compared in density or height to neighboring developments.



Mr. Glassman continued that the Applicant's narrative appeared to have deleted all references to the boutique grocery store. Mr. Lochrie replied that plans are in place for this proposed 28,000 sq. ft. parcel. Mr. Glassman also referred to the continuous height of many of the proposed buildings, noting that this does not provide variation in massing. Mr. Lochrie advised that the Applicant feels there is significant variation within the heights of the buildings as well as the scale of the overall project.

Mr. Glassman asked why the Applicant's narrative does not cite waterway use as a required consideration within the Central Beach area, although the Staff Report refers to this use. Mr. Lochrie pointed out that this use is addressed within the Applicant's narrative, although Code states that there is no such requirement within the Central Beach district.

Mr. Glassman asked to know the months in which the Applicant's traffic study was conducted. Joaquin Vargas, also representing the Applicant, replied that traffic counts were done during the month of April. He added that State-recommended adjustment factors were used to adjust counts for the peak season.

Mr. Glassman continued that the projection of 460 net new peak hour evening trips generated by the project is similar to the net trips projected for a single building elsewhere in the City. He felt the number is significantly low. Mr. Vargas advised that the critical study area for the project lies between Las Olas Boulevard and the Intracoastal Waterway to the south, where there are four lanes. As the roadway moves south and west of the project, the number of lanes widens to six, providing greater capacity. Levels of service at intersections and their approaches were also taken into consideration.

Mr. Glassman commented that the Applicant's backup materials state there is no ridership information available for the Downtown Fort Lauderdale Transportation Management Association's (DFLTMA's) Sun Trolley system, which is being considered as a potential multimodal aspect of the site. He asserted that these figures are available to the Applicant. Mr. Vargas replied that the Applicant did not take advantage of any deductions related to this service as part of the analysis.

Mr. Glassman concluded that the levels of service described by the Applicant on many roadways do not match the levels of service described by Broward County. He noted that the Applicant's conclusions are more favorable, particularly on 17<sup>th</sup> Street and A1A. Mr. Vargas explained that the State publishes traffic counts and roadway capacities rather than level of service. He characterized Broward County's numbers as roadway segment levels of service, which are generic figures in comparison to the Applicant's more detailed and recent analysis.

Mr. Tinter referred to the Applicant's trip generation analysis for residential units, which was conducted using a condominium rate. Mr. Vargas replied that the Applicant felt this was the most accurate analysis to use for multi-story residential units, as the trip



generation rate for condominiums and high-rise units is the same. Mr. Tinter requested more information on the reductions taken by the Applicant using this analysis.

Mr. Vargas advised that the Applicant has an existing mixed-use development on the site for which counts have been taken. They applied the same deductions for future conditions as were used for existing conditions, including internal trips, passerby traffic, and non-automobile trips. The deductions for existing uses were compared to the Applicant's actual traffic counts, resulting in projections he felt would be higher than what would occur in reality.

Mr. Tinter asked if FDOT imposed any additional conditions during its pre-application meeting with the Applicant. Mr. Vargas stated that the site currently has six driveways, not all of which were successfully designed. FDOT has requested that the Applicant relocate one of these driveways. The Applicant plans to implement a southbound right turn lane at the primary signalized driveway on the site.

Mr. Tinter also asked if FDOT has approved a 10 ft. lane through A1A, pointing out that FDOT discontinued a previous bike lane on that roadway in order to maintain the 11 to 12 ft. width of the traffic lanes. Mr. Lamont stated that the easternmost through lane on the roadway is currently 10 ft. in width after the most recent re-striping. The current condition of the westernmost lane is 12 ft. Implementation of the proposed 5 ft. bike lane would result in two through lanes of 10 ft. in width. He confirmed that the site would be able to accommodate 11 ft. lanes on A1A if that is FDOT's preference, although FDOT was supportive of the proposed bike lane.

Mr. Tinter referred to the traffic impact statement, which states parking is either valet or self-parking in the site's garages; however, the tandem and stacked spaces in the garage suggest that all parking would be by valet. Mr. Vargas confirmed that lower-level stacked spaces are all valet parking; where non-stacked spaces exist, guests have the option of valet or self-parking.

Mr. Heidelberger asked if the greatest number of trips generated would occur during a.m. or p.m. peak hours. Mr. Vargas explained that the Applicant's analysis shows the highest trip generation would occur on a typical weekday morning; however, the worst peak performance would take place on Saturday due to the combination of existing traffic and the traffic expected to be generated by the project.

Mr. Heidelberger asked if any entity with which the Applicant has conferred has suggested modifying the schedule of opening and closing the Las Olas and 17<sup>th</sup> Street Causeway Bridges during peak hours. Mr. Vargas stated that he has not heard this suggestion, although he attempted similar modification for another project and found it to be unsuccessful. He noted that the regulations affecting bridge openings and closings cannot be overruled.

Vice Chair Maus addressed neighborhood compatibility, pointing out that eight buildings of similar height are concentrated on the subject property rather than ranging throughout the beach area. Mr. Lochrie replied that the similar buildings to which he had referred are located "block by block" throughout the beach. He compared other buildings to the proposed project, including Harborage Place, the Venetian, and Coconut Grove Residences, which are taller buildings with greater density than what would be found on the subject site.

Vice Chair Maus recalled the Applicant's commitment to open space as described during the presentation, and asked which elements of the project are considered to comprise open space. Mr. Lochrie explained that open space refers to the project's upland portion only, and consists of the green areas without its buildings or vehicular use areas.

Mr. Tinter asked if the Applicant has communicated with providers such as transit agencies and the Water Taxi regarding access to the site. Mr. Lochrie replied that discussions are ongoing with the Water Taxi, and the Applicant has been in contact with Broward County Transit (BCT).

Mr. Tinter asked if large trucks would be able to circulate around the site to assist residents who are moving into the buildings. Mr. Lamont reviewed the perimeter of the site, which can accommodate WB60 vehicles. Driveways have flared corners in order to provide turning radii for various sizes of trucks.

Mr. Tinter requested clarification of when the project's major garage would be constructed. Mr. Lamont responded that garages will be built in concert with other phases of the project. He characterized the asphalt parking lot as an advantage while garages are under construction.

Jim Hetzel, representing Urban Design and Planning, stated that the Applicant proposes a project consisting of a new 256-room hotel to replace the existing hotel, 815,000 sq. ft. of commercial retail space, 26,000 sq. ft. of restaurant space, and a 6000 sq. ft. marina village. The site will also include seven residential buildings with 651 units. The project will have a total of 15 buildings, which will be surrounded by a waterfront promenade. The overall site is roughly 15.96 acres of upland area and 38.65 acres of submerged land. Its underlying land use is Central Beach Regional Activity Center (Central Beach RAC) and the property is zoned South Beach Marina Hotel Area (SBMHA) district.

The project will be realized in phases, with the first phase including the waterfront promenade in its entirety, as well as the majority of the frontage along Seabreeze Boulevard. The Applicant has provided shadow studies and indicated the beach building construction line.

Criteria applicable to a project in the Central Beach district include:



- Applications must demonstrate compliance with applicable standards and design criteria for development, including uses, setbacks, height, and quality of design
- Design criteria for developments in the Central Beach area must be compatible with the overall plan and development contemplated for the revitalization of this area
- Architectural design of the proposed development must be compatible with the design guidelines provided by Code and must provide a framework for design review of the proposed development
- Design guidelines are not intended to be exclusive, and may include alternative architecture and design concepts, which the Applicant must show to be compatible with the character of the overall plan of the area as contemplated by its Revitalization Plan
- The proposed development should incorporate designs or architectural elements which mitigate the project's impact on existing uses in its immediate vicinity
- The Revitalization Plan is intended to facilitate development of the Central Beach area as a world-class destination resort, and foster redevelopment as contemplated by this Plan

Parking must be provided either underground or in structured parking areas, and a traffic study has identified the generation of 536 a.m. peak trips and 460 p.m. peak trips for the project. A credit was provided to existing uses on the site, and a multimodal factor was applied to the trip generation analysis.

The project's proposed use is consistent with the Central Beach RAC land use designation and meets the goals, objectives, and policies of the City's Comprehensive Plan. Per an interlocal agreement between Fort Lauderdale and Broward County, the City is required to monitor development within the Central Beach RAC. The 651 units proposed by the project will be deducted from the available unit counts allocation, leaving a balance of 798 residential units and 471 trips for other development within the RAC. The Applicant has complied with the City's public participation requirements by holding a meeting on August 29, 2017.

Conditions of approval found in the Staff Report include:

- Prior to final DRC approval, the Applicant shall provide an updated letter from the Federal Aviation Administration addressing proposed building height
- Prior to final DRC approval, the Applicant is required to contract with an archaeologist and provide a preliminary report to determine whether the site holds any significance; if monitoring is required, the Applicant must provide a letter of agreement with the archaeologist, stating that s/he will be present during any ground-disturbing activity
- The Applicant shall be responsible for coordination with the City's Public Works Department for the reconstruction of a pump station, which must have sufficient capacity to accept the estimated project flow contribution and capacity of water services addressing proposed project demand

- Prior to final DRC approval, the Applicant shall provide a management plan for the publicly accessible areas indicated on the Site Plan, including the waterfront promenade, marina park, retail plaza, gateway park, and Seabreeze promenade, addressing access, hours of operation, safety, and other components
- Prior to building permit submittal, the Applicant shall obtain City Commission consent and approval for public access, roadway, and wastewater easements to be dedicated as necessary to construct the development
- Prior to City Commission approval, the Applicant must coordinate and identify any improvements to the design and construction of the pedestrian bridge over Seabreeze Boulevard

Staff has received letters of both support and opposition to the project, which are on file with City Staff.

At this time the Board took a brief recess from 8:44 p.m. to 8:55 p.m.

Mr. Glassman addressed the Staff Report, asking if the lessee or the City would act as landlord of the proposed rental units. Assistant City Attorney Gus Ceballos clarified that the Applicant would act as landlord.

Mr. Glassman moved on to the consistency of the project with the City's Land Use designation, Comprehensive Plan and other documents, recalling that one section of the Comprehensive Plan deals with sustainability. He pointed out that some of the City's most valuable real estate is concentrated in its vulnerable coastal areas, which makes retreat an expensive proposition. He asked how the project can be consistent with the Comprehensive Plan in light of these concerns.

Mr. Hetzel replied that the Evaluation and Appraisal Report (EAR) cited by Mr. Glassman evaluates the Comprehensive Plan's existing form and identifies what should be changed for the future. The City is presently in the process of updating its Comprehensive Plan; an updated document has not yet been publicly vetted or adopted.

Mr. Glassman recalled that the Board has previously approved language recommending against concentration of real estate in vulnerable areas, and asked how this could be reconciled with the construction of 651 units on public land in a coastal area. Mr. Hetzel replied that the Board must consider the Comprehensive Plan in its current form, as its update process is not yet complete.

Mr. Glassman continued that the water and wastewater capacity availability letter included in the backup materials is dated October 11, 2017. He asked if Staff has reviewed the information in the letter to ensure the accuracy of its figures. Ms. Parker responded that the later date of the letter speaks to this accuracy, pointing out that systems can change over time and the figures are recent.



Mr. Glassman recalled that a Stormwater Master Plan is expected to be complete by December 2017, and asked if advisory entities should not see that plan before making a recommendation on the Application. Mr. Hetzel stated that this was not a concern, as the Application has been reviewed based upon the technical analysis presented. Ms. Parker added that a condition has been added listing the improvements the Applicant will be required to make in order to satisfy any concerns.

Mr. Glassman referred to waterway use, asking if Staff felt the Site Plan protects and enhances the scenic quality of the City's waterways as required by the ULDR. Mr. Hetzel confirmed that this was Staff's conclusion, citing the proposed waterfront promenade, which opens the pedestrian public realm experience in a way that does not currently exist. He also noted the view corridor through the center of the site and use of key points on the north and south sides of site to provide connections to the waterfront.

Mr. Elfman addressed the residential use on the site, asking what could have been built on the site in the location of its two northern buildings other than residential units. Mr. Hetzel replied that these parcels are also zoned SBMHA.

Ms. Golub expressed concern that the Applicant could consider both the submerged land and the upland property as a single parcel in order to calculate density. Mr. Hetzel stated that the Broward County Land Use Plan and the City's Comprehensive Plan consider density from the center lines of streets, calculating gross acreage to arrive at a density figure. He confirmed that the site's buildable land has a density of 40 units per acre, while the parcel's zoning allows for 48 units per acre, resulting in a project below the maximum density.

Mr. Tinter asked how the site's circulation and access will accommodate the 651 dwelling units during the Fort Lauderdale International Boat Show's active period, including setup. Mr. Lamont explained that one benefit of the site's reconfiguration is the simplification of its circulation for the Boat Show. He noted that the site's main entrance will remain open throughout Boat Show operations. This enhances circulation and provides an entrance into the main parking garage, where it is possible to navigate through all the site's garages below grade and below the Boat Show itself.

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

Ina Lee, private citizen, stated that she was supportive of the proposed project. She emphasized the importance of providing a permanent site for the Boat Show and its economic contributions to the City.

Marilyn Mammano, president of the Harbordale Civic Association, expressed concern that the site is a City-owned parcel of land for which the Applicant holds the lease agreement for 45 years. She asserted that the lease agreement does not contemplate

the proposed level of development, and that no additional financial benefit will come to the City or the public if the project is approved.

Ms. Mammano also stated her concern with water and sewer issues, noting that while there is general agreement that the project has the capacity to provide potable water and sewage treatment, the issue is with the distribution and collection system. She also expressed concern with the adequacy of the sewer system, particularly with the pipes in the beach area, where the age and condition of the infrastructure is not fully known.

Ms. Mammano asked why the operation of the proposed pump station, which would serve only the subject project, should be passed on to the City. She recommended that any issues dealing with public access should be addressed and resolved at tonight's meeting and not left for another time.

Mr. Glassman commented that he did not receive a copy of Ms. Mammano's written testimony in the backup materials. He referred to a whitepaper produced at an earlier time by the Council of Fort Lauderdale Civic Associations (CFLCA), which discouraged unsustainable and inappropriately scaled development on the barrier island, and requested Ms. Mammano's opinion of the Site Plan in light of this document.

Ms. Mammano replied that when the CFLCA reviewed the City's development potential, they felt it was important not to increase density on the barrier island, particularly through the allocation of flex units. She agreed, however, with Staff's use of the current Comprehensive Plan rather than the updated plan as a guiding document, and noted that the project is below the maximum permitted density for the beach.

Jack Malcolm, representing the Harbor Inlet Association, advised that he had sent a letter to the individual Board members regarding the project. The Board of Directors of the Harbor Inlet Association has unanimously voted to oppose the project due to concerns with its magnitude, the vulnerability of the barrier island, demands on existing infrastructure, and several questions regarding traffic, including its potential effect on evacuation in the event of a storm. He recommended that the project not be approved until these concerns have been addressed to the satisfaction of residents.

David Glassman, private citizen, stated that he is concerned with traffic service and access to emergency vehicles in the subject area. He felt parking for the project should be located off the barrier island and transportation for employees provided to the site.

Torry Watson, private citizen, advised that the Fort Lauderdale real estate market and community are directly tied to the marina and the Boat Show in particular. He emphasized the need for the City to continue to grow through development, and asked the Board to vote in favor of the Application.

Mary Fertig, representing the Idlewyld Improvement Association, stated that the City and the beach area lack the necessary infrastructure capacity to support a development



of this size. She asserted that a letter dated October 11, 2017, which addresses water and wastewater capacity, includes significant errors, and questioned the amount of analysis that went into production of the document. She concluded that it would be irresponsible of the City to wait until an updated Comprehensive Plan is approved to address this and other problems, and suggested that the Board attach a list of conditions and/or questions to the Site Plan.

Chair Hansen requested that Ms. Fertig read a portion of a letter she had sent to the Board regarding the property's lease. Ms. Fertig advised that Article 19, Section 1 of the lease states that the leased premises are to be principally used as "a first-class hotel, marina, and resort complex," while ensuring that the Bahia Mar property maintain the character of a marina.

Shirley Smith, private citizen, felt the buildings located along Seabreeze Boulevard would contribute to traffic problems. She also expressed concern with infrastructure in the subject area, as well as with security of vessels docked near public spaces.

Mr. Glassman requested Ms. Smith's opinion as a real estate agent on the proposed 651 rental units. Ms. Smith replied that she felt these would be too many rental units.

Jim Morlock, representing the Bahia Vista Co-op, stated that he has seen no market surveys or trends provided by the developer of the proposed project. He noted that during the recovery from the recent recession, sales of condominium units on the beach have declined. He felt conditions in the area, including construction, traffic, and the possibility of weather events, would contribute to a lack of economic viability for the project.

Wendy Eichner, private citizen, stated she spoke for neighbors who have concerns with emergency response times on the beach, which they felt would be exacerbated by the traffic generated by the project. She added that her own primary concern was with underground parking garages in close proximity to the ocean and storm surge.

John Roth, private citizen, distributed a handout to the Board members. He observed that the existing commercial marina is a unique location that necessitates security for its clients and their boats, and expressed concern with the lack of a fire response plan for the project.

Abby Laughlin, private citizen, felt the project would renovate an outdated property and provide a new marina and residences that will be open to the public. She also pointed out that the proposed project makes no requests for exceptions to Code.

Phil Purcell, CEO of the Marine Industries Association of South Florida (MIASF), noted that this organization owns the Fort Lauderdale Boat Show. He characterized Bahia Mar as a hub of the marine industry and the home of the Boat Show, and emphasized the

Applicant's commitment to meet the needs of the marine industry and return Bahia Mar to iconic status.

Andrew Doole, representing Show Management, advised that the Boat Show has changed dramatically in the past several years, while Bahia Mar has not undergone similar changes. He stated that the Boat Show's future rests upon the availability of a new world-class facility.

Nancy Thomas, private citizen, stated that the City should reexamine how this land was originally meant to be used according to its lease. The current proposal, including residential units, is not public use of public land and does not meet the terms of the lease, which say the property should be used for "a first-class hotel/marina." She felt Bahia Mar should be redeveloped as it was originally intended.

Maxine Streeter, private citizen, declared that the project should not be approved because its schematics may not have been drawn properly and the Applicant has only recently retained an archaeological consultant. She concluded that too many unanswered questions remain.

Art Seitz, private citizen, addressed bicycle safety on the site, stating that FDOT's current standard width of bike lanes is 7 ft. rather than 5 ft. He noted the prevalence of cyclist deaths in Broward County and Fort Lauderdale in particular.

Miranda Lopez, private citizen, commented that the residential area of the South Beach district was established for the purpose of promoting quality destination/resort uses that enhance and reflect the character and quality of the Fort Lauderdale Beach. She asserted that the project does not comply with this goal because its primary use is residential.

Karen Turner, President of the Central Beach Alliance (CBA), advised that this organization held a membership meeting on September 29, 2017, at which the Applicant's developer presented the project. The CBA Board elected not to vote on the project on that date, as it was their first time to see it. Issues that concerned the CBA membership included density, infrastructure, and traffic. She concluded that the public, the City, and the Applicant should all work together to address these concerns and create a successful project.

Mr. Glassman asked if Ms. Turner was disappointed that the CBA did not have the opportunity for greater input on the project. Ms. Turner replied that she wished the CBA had had more input since the previous year, including a presentation before the project's design was effectively complete.

Lisa Namour, representing Hilton Hotels, explained that Hilton is the management company for Bahia Mar. She characterized the project's developers as caretakers of the



site. She also noted that the project may create a great many jobs and opportunities within the community.

Paul Chettle, private citizen, stated that he did not feel the Planning and Zoning Board meeting was an appropriate setting for the Applicant to provide new information about the project. He recalled that a grocery store would need at least 22,000 customers per week to be economically viable, most of whom are expected to drive to the business. He emphasized the impact this would have on traffic at the site. Mr. Chettle concluded that ridership on the DFLTMA's Sun Trolley is down 40% over the last three years.

Chair Hansen asked if Mr. Chettle felt there was sufficient time for him to review all the available information and form an opinion. Mr. Chettle replied that he filed a public records request shortly after the Applicant made its presentation to the CBA. He did not feel most people would have had enough time to review all available documentation.

Craig Fisher, private citizen, stated that the project is an opportunity to make Bahia Mar into an outstanding home for the Boat Show. He acknowledged that the City experiences problems with water and sewer infrastructure, but did not feel this should be attributed to the Applicant's team, which has worked to design an attractive and functional property.

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

Mr. Lochrie addressed some of the issues raised during public comment, advising that City Staff has worked to ensure all questions raised about the project have been answered, even if all responses are not readily available to the public. He noted that water and sewer capacity have been thoroughly analyzed, although documentation from the City does not answer questions about this capacity as fully as other reports. Water service to the Bahia Mar site for fire suppression has been reviewed by fire safety and emergency response professionals, and was deemed adequate.

Mr. Glassman requested that Mr. Lochrie respond to the comments regarding access to and security of the marina. Mr. Lochrie responded that Fort Lauderdale does not allow the public to enter its marine spaces, although this project would allow the public to walk along the proposed promenade. Security will be in place to prevent access to boats.

Mr. Elfman reiterated his concern with the number of proposed rental units, and asked for more information regarding the economic necessity of the residential buildings. Mr. Lochrie stated that each building includes roughly 100 multi-family residential rental units, although this may change according to the lease arrangement. He noted that the economics of rental units on the beach are likely to succeed, and that the proposed development can be absorbed by the market.

Chair Hansen commented that he also had reservations regarding the ability to rent the residential units. He expressed concern that the residential buildings may block views to the waterway and the marina and convert the overall project from a marina to a residential character.

Mr. Lochrie replied that the northernmost building will be set back 60 ft. from the property line; as a result, a significant vista into the arena is provided from A1A. He added that the two buildings will be separated by a minimum of 55 ft. as well as view corridors to the south. The ground floors of the residential units will also feature commercial applications.

Mr. Lochrie continued that the City Commission will address the property's lease; however, he noted that the lease addresses the types of uses permitted on the site, which specifically include apartments.

Mr. Barranco recalled concerns regarding sanitary infrastructure, including the proposed lift station, and requested additional information on this subject. Mr. Lochrie stated that the public lift station will be installed and paid for by the Applicant. Mr. Barranco also stated his concern with the possibility of storm surge, and noted that he would like to see a condition of approval requiring that the project's generator(s) be moved from the ground floor of buildings to a higher level, with emergency circuits connecting generators to pumps for the garage and the pump station. Mr. Lochrie agreed that the Applicant would be willing to meet these proposed conditions.

Mr. Barranco continued that the project's central view corridor could be improved by moving the garage and placing the bridge in the center. Mr. Lochrie pointed out that the garage serves an important function for the Boat Show, when it would be used as tent space. The rooftop also provides a visual connection through the site.

Mr. Elfman asked if the elimination of one to two buildings would jeopardize the economic viability of the entire project. Mr. Lochrie replied that buildings are included because they must be there in order to serve as an economic engine. He added that this is why the buildings would be constructed during Phase 1. He also noted that the underground garage is one of the more expensive elements of the project, which would be paid for using revenue generated by the first two phases.

Mr. Lochrie also addressed a comment that the City receives no economic benefit from the project, pointing out that the City's rent is based on the amount of revenue generated by the site.

Mr. Tinter commented that a study conducted in the 1980s set the maximum amount of traffic that could be allowed on the barrier island. This study has been revisited each time a project has been developed in the area. He advised that traffic will remain under this limit once the proposed project has been completed. He recommended attaching conditions of approval that would require the Applicant to make certain traffic and



multimodal improvements, but concluded that City experts have found the area's infrastructure to be sufficient to support the project.

Mr. Glassman advised that it is possible the traffic study cited by Mr. Tinter may not have been able to accurately predict conditions over the next several years. Mr. Tinter replied that this study established the rule the City must follow.

Mr. Glassman pointed out that the site is public land, and the Board is asked to determine if the proposed project is the best use of this land for the City. He reiterated his concern that the project did not go before the Marine Advisory Board for review, leaving out an important component of the approval process. He concluded that he felt the project would be inadequate with regard to the needs of the Boat Show.

Ms. Golub recalled that the owners of the Boat Show have stated they worked with the Applicant's team to create the proposed plan.

Mr. Barranco observed that he had concerns with asking a single developer to address the water and sewer issues, perceived lack of fire safety, and traffic problems for an entire area of the City. While the development has met the letter of the law with respect to Code, he felt the Board should advocate for further discussions to arrive at solutions.

Ms. Golub stated that the developer of the project has dealt with the public for some time now, and the project has been discussed at length by the community. She noted that it is Staff's job to answer these questions, and that members of the community may read the Applicant's backup materials, as well as the lease, if they have further concerns.

**Motion** made by Ms. Golub, seconded by Mr. Elfman, to approve with Staff conditions and [Mr. Barranco's] additional condition.

Chair Hansen requested that the condition recommended by Mr. Barranco be restated for clarity. Mr. Barranco clarified that the condition would move emergency generators to elevated floors, provide automated flood controls for the subterranean garage, and provide emergency power for the lift station and garage pumps.

Mr. Tinter recommended the following additional conditions to the **motion**:

- That the developer be required to construct the roadway improvements that are identified on pp.6-7 of the Executive Summary of the traffic impact study
- That the developer commit to pursuing the multimodal improvements identified on p.7 of the Executive Summary of the traffic impact study, including additional turn lanes, moving of transit stations, and provision of bike racks

Ms. Golub and Mr. Elfman accepted the conditions proposed by Mr. Tinter as part of their **motion** and **second**.

In a roll call vote, the **motion** passed 6-3 (Chair Hansen, Vice Chair Maus, and Mr. Glassman dissenting).

#### **V. COMMUNICATION TO THE CITY COMMISSION**

Mr. Tinter suggested that at the next scheduled meeting, the Board discuss the overall impact of developments within the Downtown RAC, which may not be individually significant in terms of traffic impact but have a collective effect. He recommended further analysis by the City to consider the total impacts of this traffic.

Ms. Desir-Jean suggested that a workshop could address this issue in greater detail. Chair Hansen requested that Mr. Tinter submit this suggestion in writing to Ms. Parker, who could distribute it to the Board prior to discussion at a future meeting.

#### **VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

Ms. Parker advised that there are two prospective meeting dates on the 2018 calendar that the Board may wish to change: September 19, 2018, which falls on Yom Kippur, and November 21, 2018, which is the day before Thanksgiving. She suggested the alternate dates of September 17, 2018 and November 14, 2018. The Board agreed with these proposed changes by unanimous consensus.

There being no further business to come before the Board at this time, the meeting was adjourned at 11:06 p.m.

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



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Chair



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Prototype

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